

1 IN THE CIRCUIT COURT OF THE FIFTH
2 JUDICIAL CIRCUIT, IN AND FOR LAKE
3 COUNTY, FLORIDA
4 CASE NO. 2021-CA-1778

5
6 TRACY HORTON,
7 PLAINTIFF,

8
9 VS.

10
11 MARGARET E. TAINTOR,
12 DEFENDANT.

13 _____/

14 VIDEO DEPOSITION OF TRACY HORTON VIA VIDEOCONFERENCE

15 DATE: DECEMBER 14, 2022

16 REPORTER: GRETCHEN M. DYE

17 PLACE: ALL PARTIES APPEARED VIA VIDEOCONFERENCE

18

19

20

21

22

23

24

25

1 APPEARANCES

2

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13

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23

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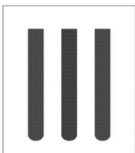
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1	INDEX	
2		Page
3	PROCEEDINGS	5
4	DIRECT EXAMINATION BY MR. KUHN	6
5	CROSS EXAMINATION BY MR. PANAGAKIS	78
6	REDIRECT EXAMINATION BY MR. KUHN	92
7		
8	EXHIBITS	
9	Exhibit	Page
10	Defendant's	
11	1 - Narrative Summary	23
12	Plaintiff's	
13	1 - Vehicle Photographs	79
14	2 - Hand Photographs	89
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		



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STIPULATION

The video deposition of Tracy Horton taken via
videoconference on Wednesday the 14th day of December
2022 at approximately 2:06 p.m.; said deposition was
taken pursuant to the Florida Rules of Civil Procedure.
It is agreed that Gretchen M. Dye, being a Notary Public
and Court Reporter for the State of Florida, may swear
the witness and that the reading and signing of the
completed transcript by the witness is not waived.



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1 PROCEEDINGS

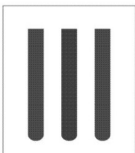
2 VIDEOGRAPHER: All right, we are now on the
3 record. My name is Rosa. I'm the online video
4 technician and Gretchen is the court reporter today.
5 We're representing Milestone Reporting located at
6 315 East Robinson Street, Suite 510, Orlando,
7 Florida 32801. Today is 14th day of December 2022.
8 Time is approximately 2:06 p.m. We are convened by
9 videoconference to take the deposition of Tracy
10 Horton in the matter of Tracy Horton v. Margaret E.
11 Taintor, pending in the Circuit Court of Lake
12 County, Florida. Case number 2021-CA-1778. Will all
13 parties but the witness, please state your
14 appearance, how you're attending, and location
15 you're attending from starting with Plaintiff's
16 Counsel?

17 MR. PANAGAKIS: Nick Panagakis on behalf of
18 Tracy Horton. And I'm -- we're here at my office.
19 20 North Orange.

20 MR. KUHN: And my name's David -- my name's
21 David Kuhn. I'm in my office in downtown Orlando,
22 and I represent Ms. Taintor.

23 VIDEOGRAPHER: All right, Ms. Horton, please
24 state your full name for the record.

25 THE WITNESS: My name is Tracy Horton.

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1 VIDEOGRAPHER: All right. And then please
2 raise your hand to be sworn by the court reporter.

3 COURT REPORTER: Do you solemnly swear or
4 affirm that the testimony you're about to give will
5 be the truth, the whole truth, and nothing but the
6 truth?

7 THE WITNESS: Yes, I do.

8 COURT REPORTER: You may begin.

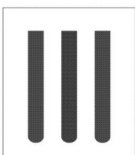
9 DIRECT EXAMINATION

10 BY MR. KUHN:

11 Q Good afternoon, ma'am. Would you please state
12 your name?

13 A Tracy Beatrice Horton.

14 Q Ms. Horton, we met briefly before these -- we
15 got started. I'm David Kuhn, I'm a lawyer in Orlando.
16 And I represent Ms. Taintor concerning a lawsuit
17 regarding a motor vehicle accident that I understand
18 happened back in February of 2021. This afternoon I'm
19 going to be asking you questions and there's just some
20 ground rules that we have to abide by. Please wait
21 until I'm done asking a question before you would
22 answer. Also, I could see if you would shrug your
23 shoulders or nod your head, but all of your answers have
24 to be verbal. If you need to take a break at any time,
25 please let me know and I'll accommodate you. Also,



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1 although -- are you at your attorney's office? Is that
2 where you're physically located?

3 A Yes.

4 Q Okay. And I'm at my office, so we are not in
5 the same room with one another. What I do not want you
6 to do is to seek any outside help in answering a
7 question. In other words, I don't want you to log onto
8 a computer, or text anybody, or seek any outside
9 information. All of your answers have to be what you
10 remember. Fair enough?

11 A Yes.

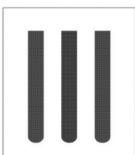
12 Q Okay.

13 MR. PANAGAKIS: Well -- well with -- I mean
14 with the exception I -- -- I told you before we got
15 -- we went on the record, she does have her
16 interrogatories in that medical summary that I --
17 I'll attach if you don't want to, that I'm having
18 sent to you, David. I -- I just -

19 BY MR. KUHN:

20 Q No, fine. You know what, I'm trying, I just
21 don't want you, Ma'am, to -- to text somebody, or to
22 look up something on the internet that -- and I don't
23 suggest that you would ever do that, but I just give
24 those --

25 MR. PANAGAKIS: She -- yeah. She -- she --



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1 she's not going to. She shouldn't even have a -- a
2 cell phone, David, so don't worry.

3 BY MR. KUHN:

4 Q No, I'm not worried about it, but -- ma'am,
5 what is your date of birth?

6 A January 2, 1967.

7 Q So that would be -- you will be 50. Give me
8 how old you are going to be. I'm not going to tell you
9 how old you're going to be, because I'll be wrong and
10 that'll start us off on a bad foot.

11 A 56. I will be in January.

12 Q Okay. Have you been known by any other name
13 other than Tracy Horton?

14 A Yes.

15 Q Tell me what other names you've been known by.

16 A I'll start from the beginning. My maiden
17 name. Tracy Beatrice Farrell. F-A-R-R-E-L-L.

18 Q F-A-R-R-E-L-L?

19 A L-L. Yes.

20 Q Yes?

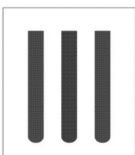
21 A Smith. Tracy Beatrice Smith, S-M-I-T-H.

22 Q Okay. Got it.

23 A Tracy Beatrice White, W-H-I-T-E.

24 Q Okay.

25 A And Tsanadis. But that was Tracy Farrell



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1 Tsanadis.

2 MR. KUHN: Spell that last, Tsanadis, please?

3 A Yeah. T-S-A-N-A-D-I-S.

4 Q And you are now Tracy Horton?

5 A Yes.

6 Q Okay, let's just -- are you currently married?

7 A No.

8 Q Tell me the names of your husbands, starting
9 with your first.

10 A My first husband was Mark.

11 Q And what was his last name?

12 A Smith.

13 Q Okay. Mark Smith. Where does Mr. Smith
14 currently live?

15 A I don't know. We don't keep in contact
16 anymore.

17 Q Okay.

18 A I was married to him for 18 months in '85 --
19 '86.

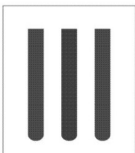
20 Q Okay.

21 A So --

22 Q Was your next husband Mr. White?

23 A Yes.

24 Q And what was Mister -- what is Mr. White's
25 first name?



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1 A His name is Phillip Senior.

2 Q Any idea of the whereabouts of Mr. White?

3 A Yes, he's -- he's -- lives in Maryland. I
4 don't know exactly where. We don't really keep in
5 touch. But he's in Maryland. His -- my two sons are
6 his -- you know, we have sons together, so they know
7 where he lives, but I don't. He's remarried.

8 Q Okay.

9 A Has been for several years.

10 Q Okay. When did that divorce -- when was that
11 marriage ended with Mr. White?

12 A In the 90s. '99, maybe.

13 Q Okay.

14 A We were married for 10 years, so I think we
15 got married in 1990, maybe. And divorced in '99.

16 Q Okay. And who was your next husband?

17 A Thomas Tsanadis.

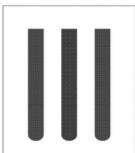
18 Q And where is Mr. Tsanadis?

19 A He lives in Orlando. He lives in Orlando,
20 Sand Lake Commons.

21 Q And when did that marriage end in a divorce?

22 A 2008. We were married in 2006 and divorced in
23 2008.

24 Q And then at one time you were married to a Mr.
25 Horton?



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1 A Yes.

2 Q And what was his name?

3 A I was -- I got married to Lance Horton. His
4 name is Lance Horton. I got married to Lance, April
5 18th of '18, and divorced January 14th of '21.

6 Q Okay. I had taken the deposition of Ms. Cohen
7 the other day, and she mentioned that -- if -- if I
8 understood correctly that Lance Horton was living at her
9 house for a time?

10 A That was -- that's true. That's how I met
11 Angie. Lance was living there probably several months
12 before the -- the incident occurred.

13 Q Okay.

14 A We were separated before we got divorced. We
15 were separated and he was looking for a place to stay,
16 and he was staying with her for some time.

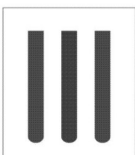
17 Q Okay. And then there came a point in time
18 when you were living with Ms. Cohen; is that correct?

19 A No, I didn't -- I never lived with her.

20 Q Oh.

21 A We became friends and I would visit her. That
22 particular day in February, I was visiting with her and
23 I ended up spending the night.

24 Q Okay. But before February 20, 2021, am I
25 hearing you that you were never a -- a roommate at Ms.



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1 Cohen's?

2 A No, I live -- I have an address in Wildwood
3 where I lived.

4 Q Okay. And what is that address?

5 A I don't remember the exact address. I lived
6 there six months, but it's 31st Terrace, Wildwood,
7 Florida. I don't remember the street number. I mean, I
8 can get that to you, but I don't have a way of getting
9 it right this second because I don't remember that
10 address.

11 MR. KUHN: Okay.

12 A And it's not on any paperwork that is here in
13 the office. 31st Terrace. I just don't remember the
14 number of the house. Was that 31st -- 31st Terrace in
15 Wildwood, Florida.

16 Q What is your current address?

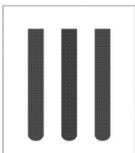
17 A My current address is 916 Beechwood, B-E-E-C-
18 H- W-O-O-D, Avenue, Lady Lake.

19 Q Okay. And the ZIP Code there?

20 A 32159.

21 Q Where does Lance Horton currently live? Do
22 you know?

23 A He lives in Bellevue, I think. I'm not 100
24 percent certain because we haven't had contact since we
25 -- I have a restraining order against Lance. So I



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1 haven't spoke to him in -- we've been divorced for two
2 years.

3 Q Are you on --

4 A Almost.

5 Q I'm sorry?

6 A Almost. I said almost two years we've been
7 divorced. Shy of a -- a month.

8 Q Are you on any medications today?

9 A No.

10 Q You had mentioned that you have some children.
11 Tell me the names and ages of your children.

12 A Amanda Smith.

13 Q Amanda?

14 A Amanda.

15 Q Okay. How old is Amanda?

16 A She was born in 1986. So I think she's 36.
17 36 or 37 somewhere thereabouts.

18 Q And where does Amanda live?

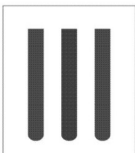
19 A She lives in North Carolina.

20 Q What does she do for a living?

21 A She is a mother of three, and she works in a
22 daycare where she takes her baby twins with her.

23 Q The names of your other children?

24 A I have, my middle son was born in '92. And he
25 is Phillip White Junior.



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1 Q And where is Phillip now?

2 A Phillip lives in Texas.

3 Q Okay. What's he do for a living?

4 A He's a mechanic.

5 Q Okay. And do you have a third child?

6 A I have a third child. And his name is Tyler
7 White. And he was born in '92.

8 MR. PANAGAKIS: David, that -- that narrative
9 summary was e-mailed to you.

10 Q Thank you. I'm sorry, you said Tyler was born
11 in '92?

12 A Yes.

13 Q And was Phillip also born in '92?

14 A '97.

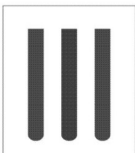
15 Q Oh, '97. I'm sorry.

16 A Oh wait a minute. I'm sorry. You're right.
17 I said -- the middle one's '92 and Tyler was '97. I did
18 say '92 twice. Sorry.

19 Q And what does Tyler do for a living?

20 A Tyler works in a factory, and he lives in
21 Tennessee. So I have to go back for a second. Amanda
22 lives in Tennessee and so does Tyler. And Phillip lives
23 in Texas. Amanda's father lives in North Carolina
24 somewhere.

25 Q Do the kids, other than what they've heard



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1 from you, know anything about this lawsuit?

2 A They don't know anything at all. I have not
3 -- I really don't -- we're not that close.

4 Q Okay. You have a valid Florida driver's
5 license?

6 A Yes.

7 Q Are there any restrictions on it?

8 A No.

9 Q Have you ever served in the military?

10 A No.

11 Q I can't tell if you wear glasses.

12 A I don't wear glasses, but I have cheap reader
13 glasses to read the print on the paper if I need to.

14 Q I hear you. That's what usually --

15 A Which I am -- I force myself not to put them
16 on sometimes and strain. But I --

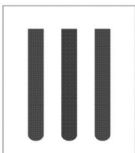
17 Q Well I need to. So tell me, how far did you
18 get in school?

19 A I graduated high school in 1985. And then I
20 went to -- it was Indian River Community College when I
21 went, but now it's State College. But I didn't get my
22 degree.

23 Q Where'd you graduate high School?

24 A Jupiter High School.

25 Q Jupiter?



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1 A Uh-huh.

2 Q So you grew up down that way?

3 A Yes, I'm from New York originally. My parents
4 still live in the same house that -- that we moved in
5 when I was 13.

6 Q So what year was that?

7 A I moved to Florida when I was 13. So in '78
8 or '79, I don't even know. You'd have to do the math.

9 Q Looks like maybe in 1980.

10 A Sounds about right. I was in sixth grade. I
11 know that.

12 Q Okay. Are you currently employed?

13 A I just recently got a job in June. Yes, to
14 answer that question.

15 MR. PANAGAKIS: And -- and David, she's not
16 making any wage claims, past or future.

17 MR. KUHN: Right. That's why I'm saying.

18 A But yes, I am working currently.

19 Q And where is that?

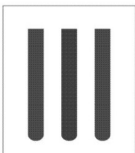
20 A It's called Belk, B-E-L-K. Department store.

21 Q Okay. And what do you do there?

22 A I'm the sales manager.

23 Q Have you ever had at Belk any kind of injury,
24 while you were working there?

25 A No.



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1 Q I saw your interrogatories indicated one time
2 you were working at Victoria's Secrets.

3 A Yes. That -- that's where I worked before.

4 Q And what years were you working at Victoria's
5 Secrets?

6 A Okay, so I worked for that company, I started
7 in 1989. And I -- I transferred divisions twice. So
8 the first time from '89 until, geez, for 10 years, I
9 guess. I worked for Lerner when it was part of L
10 Brands. Then I transferred to Bath and Body Works in
11 2000 to 2006. And then I transferred to Victoria's
12 Secret. So I started Victoria's Secret in Orlando at
13 Mall at Millennia from 2006 to 2020. I was a general
14 manager at the Mall at Millennia Store, Victoria's
15 Secret.

16 Q While you were employed at any Victoria's
17 Secret or -- did you sustain any work related injuries?

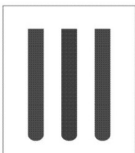
18 A In 1989, I worked for Lerner, which was part
19 of our company at that time. Well, that company. In
20 '92, I broke my ankle at work.

21 Q How did you manage to do that?

22 A I just -- I was walking and I slipped off my
23 shoe and like, broke my ankle.

24 Q Did you file a workers' compensation claim?

25 A I think I did. Just because I couldn't work



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1 for like a few weeks. They make you. If you, you hurt
2 yourself, you have to fill out a incident report. And
3 so they filed the paperwork, the -- the district manager
4 does. And I also remember like, either it was around
5 like, the time Phillip was born. So I don't know if I
6 was on maternity leave after it happened, or -- but it
7 was around that time. Because I remember him being a
8 baby and I was in a cast.

9 Q And where would you have sought treatment? Do
10 you remember the names of any of the doctors?

11 A Oh gosh, that's 30 years ago. The only
12 hospital that was around then when I lived in Port Saint
13 Lucie, I -- I think I worked at the Jensen Beach store
14 at that time. So it might have been like Martin
15 Memorial.

16 Q Okay.

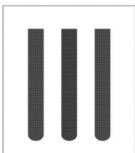
17 A Possibly.

18 Q Did you have any residual problems with your
19 ankle after it healed?

20 A Well, I twisted it because I was a runner. Up
21 until the accident, I was a runner. And I twisted it
22 one time running, but that was it.

23 Q Okay. What I might --

24 A I might have went -- I might have went to the
25 doctor's when I twisted it and got it wrapped or



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1 something. But as a runner, you sometimes -- you're --
2 if you injured your ankle it could possibly hurt just
3 like you know, your knees or anything else. But --

4 Q Where did you work before Victoria's Secret?

5 A I was in high school in 1985 and I started
6 there in '89. I worked at, what do you call it? A
7 drugstore called SuperX Drugstore. I was a pharmacy
8 tech.

9 Q Your job at Belk department, is that full
10 time?

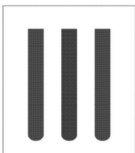
11 A Yeah, I'm a sales manager. I'm an executive
12 manager there.

13 Q And what does that entail?

14 A Do you mean what do I do every day I work?

15 Q When -- yeah, when you go off to work, you --

16 A Okay. I manage -- I manage the sales
17 associates, the whole entire store. Every associate in
18 the building. So I coach, develop, I take care of
19 customers. I have all of the areas in the store except
20 for women's, and home, and kids. But every other
21 department in the store is my department. So I make
22 sure that we're making sales, that we have the
23 merchandise presented in a fashionable way, I guess you
24 could say. Any customer incidents or complaints or
25 anything that has to do with the customer, I take care



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1 of those.

2 Q Okay. And where is located?

3 A It is in Spanish Springs in Lady Lake. It's
4 directly across the street where I now live.

5 Q Okay. You said you were a runner at -- before
6 this accident.

7 A Uh-huh.

8 Q Would -- tell me, would you compete in --.

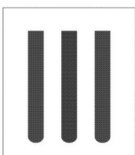
9 A Well, no, no, no, no, no. Like I -- I didn't
10 do like any marathons or anything like that. But I
11 would run like, in the morning, in the evening.
12 Sometimes before work, a lot of times after work. I
13 really got into it during COVID. When we were closed
14 down, I couldn't go to the gym because I also would
15 regularly work out and lift weights prior to the
16 accident.

17 Q Are you -- are you currently a member of any
18 health club or gym?

19 A I am a member, but I haven't worked out at the
20 gym. I would go -- I go periodically there just to use
21 a tanning bed, but that's it.

22 Q And what's the -- what gym is that?

23 A It's Planet Fitness. And the one that I am a
24 member to is the only one that's around where I live is
25 in Leesburg. And it's kind of a joke because they're



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1 like, "You just use a tanning bed here." I go, "Well,
2 it's the cheapest tanning bed around."

3 Q So you -- by the way, how tall are you and
4 what do you weigh?

5 A Well, when the accident occurred, I was -- I'm
6 a little bit over 5'7". Which obviously I'm still the
7 same height, but I weighed 135 then and I weighed 145
8 now.

9 Q Yeah, you had mentioned you enjoyed running,
10 looks like working out. What other activities did you
11 enjoy doing before our February 2021 accident?

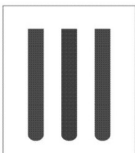
12 A Well, really that's was my main, like, things
13 I would do activity-wise to like, keep in shape.
14 Because I'm very healthy and active. So that's what I
15 would do. I mean, I'm not -- I don't have a boat or any
16 -- I'm not a skier. I'm not that coordinated for those
17 kind of things. So really, that's really what I would
18 do. I mean, I worked prior to the accident up until
19 August 8, 2020. I was taking time off because I was
20 still getting paid. So --

21 Q What was significant about August 8, 2020?

22 A Well, that's when I left Victoria's Secret.

23 Q Okay, I see.

24 A I like the beach. I love going to the beach.
25 But I don't have a boat or a Jet ski or anything like



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1 that. So --

2 Q Let me -- let's take a few minute break. Mr.
3 Panagakis had sent me the -- it looks like a synopsis of
4 your prior medical records.

5 A Okay.

6 Q I'm going to print those out and then I'd like
7 to ask you questions about those. So let's take --

8 A Okay.

9 Q Let's take about a five-minute break.

10 THE WITNESS: Okay. All right.

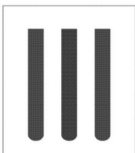
11 VIDEOGRAPHER: Off the video record at 3:22:30
12 p.m.

13 (OFF THE RECORD)

14 VIDEOGRAPHER: All right, we're back on the
15 record for deposition of Tracy Horton being
16 conducted by video conference. Today is 14th day of
17 December 2022. Time is approximately 2:40 p.m. You
18 may continue.

19 BY MR. KUHN:

20 Q Welcome back, Ms. Horton. Your attorney was
21 kind enough to send me what is called a narrative
22 summary, which is a 18-page document that looks like
23 tracks your medical history going back to 2007 up until,
24 looks like just a couple months ago, back September
25 2022. I take it you've had a chance to see this what's



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1 called narrative summary?

2 A Yes.

3 Q Okay. And why don't we have this marked as
4 Exhibit 1?

5 (DEFENDANT'S EXHIBIT 1 MARKED FOR
6 IDENTIFICATION)

7 MR. PANAGAKIS: You want me to send it to the
8 court reporter, David? Or --

9 MR. KUHN: Oh, I take it the court reporter is
10 not with you. That's right. Yeah, if you don't
11 mind.

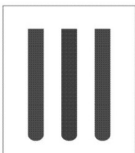
12 MR. PANAGAKIS: Okay. If you can -- I just
13 need to get her e-mail before we disconnect or put
14 it in the chat.

15 COURT REPORTER: Yes, I will put that in the
16 chat, gentlemen.

17 BY MR. KUHN:

18 Q Okay, thank you. Okay. Ms. Horton, I don't
19 want you to divulge any information that you have
20 gleaned or with Mr. Panagakis or anybody in his office,
21 but what role did you have in putting together this
22 narrative summary?

23 A Well, I researched all of that -- all the
24 doctors that I have gone to past and present; back so
25 many years since the 2007. I mean, it took me quite



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1 some time. I went through my medical bills that I had
2 kept, I got copies from United Healthcare, the
3 explanations of benefits. I went through my -- like my
4 doctors like, I had business cards to jog my memory. It
5 wasn't something that I came up with really fast because
6 I had to do a lot of research, but I put it together.

7 Q And how about the language itself? Is that
8 your language or is that a combination of your attorney
9 and you working on this together?

10 A Well, I put this together. But some of the
11 language I would imagine came from the records from my
12 doctors.

13 Q Okay. I -- I -- I must comment. It's
14 extremely thorough. I -- it's quite a nice summary.

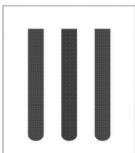
15 A I'm pretty thorough.

16 Q I like that. Do you have any -- do you have
17 any medical training of your own?

18 A Other than the fact that I got the hand-me-
19 down medical books from my mother who is an RN. When I
20 was a kid, that's what I liked to do. She was the head
21 nurse and manager of JFK and Saint Mary's, and she also
22 I think worked at Good Samaritan.

23 Q Oh, okay. Nice.

24 A But I don't have any medical training per se.
25 School-wise, I did take a phlebotomy class, but that's



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1 it. And one of my good friends when I lived down south
2 is a OB-GYN nurse practitioner. So I learned some stuff
3 from her. But other than that, no.

4 Q Why don't we do this? I'd like to talk with
5 you about prior motor vehicle accidents.

6 A Okay.

7 Q And treatment that you received as a result of
8 those accidents. And that might be able to be gleaned
9 from the narrative summary as well. So in your answers
10 to interrogatories, in response to Interrogatory Number
11 24, you identify a motor vehicle accident on August 25,
12 2007, okay? Should be page 13 of this.

13 A Yeah. Let me look this far up. Okay.

14 Q And then on page 1 of the narrative summary,
15 you also have that motor vehicle of August 25, 2007
16 identified, okay?

17 A Uh-huh.

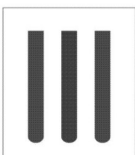
18 MR. KUHN: Following me?

19 MR. PANAGAKIS: You just need to say yes.

20 A Yes. Sorry, I was looking at the question.

21 Q And I -- I'll be able to read the -- the
22 entries about the post August 25, 2007 treatment. But
23 in a nutshell, tell me what body parts you injured, and
24 what treatment was received for what body part.

25 A The August 27th accident you're asking about,



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1 in 2007?

2 Q Yeah. Yeah, August 25, 2007. Yeah.

3 A Okay. That was a treatment on my neck. And
4 that's the -- what doctor? I forgot what his name is.

5 Q It says Grossman here, I'm thinking.

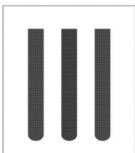
6 A Yeah, Gross at Kirkman Chiropractor. That's
7 where I went for that injury. I didn't go immediately
8 after the accident. I think it was probably -- I'm sure
9 on here it says, I just can't remember back to 2007. It
10 was like probably a week or so later I went, because I
11 was still feeling stiff and having some aches and pains
12 around my neck.

13 Q After the August 25, 2007 accident, did you
14 receive any treatment other than chiropractic treatment
15 for that?

16 A Well, I'm here at states and I remember and
17 recall that I had gone to the chiropractor several times
18 for treatment and maybe like, massage. And then the
19 final treatment I believe was, I had some epidural
20 injections in my neck.

21 Q What doctor did the epidurals, do you
22 remember?

23 A Well, it's listed here. Off the top of my
24 head, I don't remember, but I'm sure it's on here
25 because --



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1 Q Well, can you direct me to where the epidurals
2 were following the August 25 --

3 A Yes.

4 Q -- 2007?

5 MR. PANAGAKIS: I -- I can probably help you
6 too, Dave, because I've got it in front of me, but
7 in her interrogatories, I know in number 19 she
8 mentions Dr. Richard Smith. I believe that's who it
9 was.

10 MR. KUHN: Thank you. That would make sense.

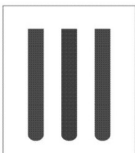
11 MR. PANAGAKIS: Yeah, it's page 11 of her
12 interrogatory. It's question 19.

13 BY MR. KUHN:

14 Q And I see in the narrative summary, you talk
15 about a December 10, 2007 consultation with Dr. Smith.
16 And Ms. Horton, you believe Dr. Smith gave you an
17 epidural in the cervical spine as a result of the August
18 2007 accident?

19 A Well, I don't want to tell you that for sure
20 if that's not the doctor, but I definitely had
21 injections in my neck, and I'm trying to see on the
22 paper what doctor it was. It was in 2007, so I don't
23 remember off the top of my head the exact doctor.

24 MR. PANAGAKIS: And -- and -- and David, just
25 for completeness too, in the interrogatories number



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1 17, she's got a list of her doctors that she put
2 there, post-accident interrogatories 17 pages 8 and
3 9.

4 BY MR. KUHN:

5 Q Yeah.

6 A Okay. Sorry.

7 MR. PANAGAKIS: I'm just -- I -- I -- I'm just
8 trying to jump in with letting you answer just to
9 kind of direct David so he can --

10 THE WITNESS: Well, I want to be accurate and
11 tell the right doctor for the right issue.

12 MR. PANAGAKIS: It's page 9 of the
13 interrogatory.

14 THE WITNESS: I was just looking at the list of
15 the doctors here.

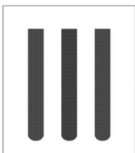
16 BY MR. KUHN:

17 Q Well, let's move on here. After -- it looks
18 like, according to the narrative summary, there was some
19 treatment with the chiropractor in 2008, and then
20 there's a four-year hiatus, if you go to page 3, when
21 you had a consultation with a Dr. Tall at Jewett
22 Orthopedic. Do you see that?

23 A What page are you on, sir?

24 Q Page 3.

25 A Three, okay.



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1 Q At the top.

2 A Uh-huh, on February 6th --

3 Q But the question is, was there a four-year
4 hiatus between 2008 and 2012 where you weren't seeing
5 anybody for any neck or back problems?

6 A Yes.

7 Q Okay.

8 A That seems to be the --

9 Q What happened in a February time frame that --
10 you caused -- it went to Jewett, and I think I answered
11 my question, it looks like some storage bins fell and
12 landed on your chest?

13 A Uh-huh.

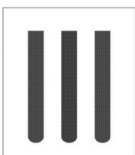
14 Q Tell me about -- tell me about that.

15 A I was packing up some things in the closet and
16 I -- I remember this, because I was reaching, and when I
17 reached they had fallen and hit my chest. Now I was
18 having pain like in my -- in my chest and I really
19 didn't know what was wrong. So that says I went there
20 February 6th of 2012.

21 Q And let's see, looks like you were put on a
22 prednisone taper. Were you given any injections as a
23 result of the --

24 A No.

25 Q Okay.



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1 A The only injections that I ever had, because I
2 know this because I am like deathly afraid of needles,
3 was the injections that I had in 2007 slash eight,
4 whatever exact date that was. I'm -- after the 2007
5 injury, I had the injections in my neck, and those, they
6 put me to sleep to do that.

7 Q Okay. I --

8 A And most recently.

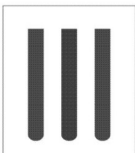
9 Q Okay, I'm going to move forward to February of
10 2014. That's on page 3.

11 A Okay. Uh-huh.

12 Q You have a follow-up with a doctor at Jewett,
13 a Dr. Meinhardt, M-E-I-N-H-A-R-D-T. What prompted you
14 to go to Jewett in February of 2014? Was there any
15 accident or injury or what prompted that, if you
16 remember?

17 A There was no accident or injury, I must have
18 just had some pain. I mean, I -- my job that I had, I
19 could have -- I mean, it could have been multiple
20 things. I could have slept on my neck wrong, I could
21 have maybe pulled a muscle. I mean, for some reason it
22 was just bothering me then. But there was no accident
23 related to the reason that I went in February 12th of
24 2014.

25 Q Let's see, and what sort of modality of



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1 treatment was provided at -- at Jewett for that neck
2 situation?

3 A They gave me -- they had me do some therapy,
4 which would be some exercises for the neck, and some,
5 like, cream that you get from the chiropractor or the
6 Jewett -- I forgot what it was called. Some ice cream
7 -- you know, like -- like Bengay or something. It's not
8 Bengay, but something to that nature that you put on the
9 muscles. And then there was some sort of medication
10 which I can't even pronounce what it's called. D-I-C-L-
11 O-F-E-N-A-C.

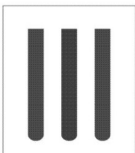
12 Q Okay --

13 A That's probably an anti-inflammatory or
14 something.

15 Q Also, in 2014, you also had some situation
16 with your right ankle that you went to Jewett. Do you
17 remember what prompted the right ankle situation?

18 A It probably just started bothering me and I
19 just had it checked out. Like I said, you know, I was
20 very active then, and since I broke it and sprained it
21 after I broke it, it might have just been bothering me.
22 Like I stand on my feet at work all day and back then in
23 2014, you couldn't catch me without wearing high heels.
24 I don't anymore, but --

25 Q Okay. It looks like there's been some



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1 treatment, you've had some thyroid issues in the past?

2 A Uh-huh, yes, I do.

3 Q Is -- are you still on any thyroid medication?

4 Or tell me briefly about that health aspect.

5 A I haven't been to the endocrinologist since
6 it's -- I'm sure it's dated on these medical records,
7 because I know I looked up his name and number and wrote
8 it down also. And I stopped taking the thyroid
9 medication probably a year ago.

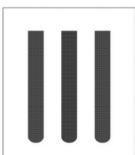
10 Q And then you --

11 A I didn't have medical insurance, so I was -- I
12 didn't make an appointment to go to the endocrinologist,
13 and I didn't get the medication. When I left the
14 Victoria's Secret, I didn't pick up the COBRA because it
15 was way too expensive, but I kept the dental insurance.
16 So that's the reason that I didn't go to the
17 endocrinologist.

18 Q And then you've identified some female related
19 issues. We don't need to get into those. Go to look --
20 look at page 7 of your narrative summary.

21 A Okay.

22 Q Back in November of 2017, you have an initial
23 evaluation with a Robin Pace, a chiropractor at Kirkman
24 Chiropractic. Do you remember what brought that
25 situation on?



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1 MR. PANAGAKIS: I've got it over here. Are --
2 are you looking at the November 13, 2017 one, David?
3 Is that what you're looking at?

4 MR. KUHN: Yes.

5 THE WITNESS: Oh, I see Robin. Okay, November
6 13th.

7 BY MR. KUHN:

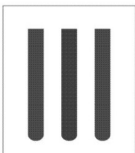
8 Q Yeah, if you recall if there was an accident?

9 A Well, I'm just trying to -- I'm reading what I
10 wrote here, and it -- it says here that I slipped in the
11 bathtub, but I don't even remember. I don't remember
12 that at all. But I remember, you know, like --
13 obviously I went, so it was aggravating me, and I
14 already had been there before, so that would be where I
15 would go. But I mean, every now and then, it -- it
16 looks -- I mean, obviously it's here, so there was some
17 sort of aches or pains or whatever it was bothering me
18 at that time. But -- it says at the end it has -- tells
19 me what to do for it and what they did, but I don't
20 remember.

21 Q Okay, fair enough. Flip over to page 8.
22 Looks like in April of 2019 you had a situation with
23 your right elbow?

24 A What page are you on?

25 Q Bottom of page 8.



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1 A Okay. I do remember my right elbow. I had
2 like -- it looked like -- it just was like a knot on my
3 elbow, on the side of the elbow, and it ended up getting
4 pretty large.

5 Q By the way, are you right or left -- are you
6 right or left-hand dominant?

7 A I'm right-handed. I must have -- I must have
8 hit my elbow on something, but I think it ended up being
9 like -- being -- they took some liquid out of my elbow.
10 I remember that.

11 Q Okay. Then back in June of 2019, I see
12 there's a issue with your left elbow. Go down to August
13 -- on page 9, August 9, 2019, you had a left hand
14 situation?

15 A I guess I'm waiting for you to ask me actually
16 a question, because I see all of this here, but -- so
17 did you have a question about the left elbow --

18 Q No. No, I --

19 A -- or now we want to go back to the bottom?

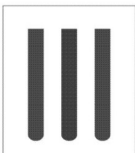
20 Q No, I -- I -- I've moved past that.

21 A Okay. So I'm --

22 Q I -- I would like to ask about a August 9,
23 2019 emergency room presentation.

24 A Okay.

25 Q That's -- that's discussed on the bottom of



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1 page 9.

2 A That's a little more recent and I actually do
3 remember that.

4 Q Okay. It -- it references that your son
5 squeezed your hand while she -- while you were going
6 into brain injury. What does that mean?

7 A Okay. So my son almost died, the -- the
8 middle son, he was in an accident, and I'm -- you
9 probably, if you're from Orlando, saw or heard about it.
10 Over in the historical area, he ran through the brick
11 wall while driving his car, racing another car,
12 apparently, two other cars, and just missed that yellow
13 house. But he ran through the -- the brick wall and was
14 unconscious and nearly died and was in the Orlando
15 Hospital right here downtown. And -- and he was
16 incoherent and was going into surgery and grabbed a hold
17 of my hand.

18 Q Okay.

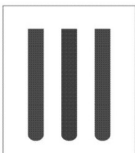
19 A And that's how that happened.

20 Q So that actually is squeezing the hand while
21 your son was going in for --

22 A Yes.

23 Q -- surgery? Okay.

24 A He -- he had brain surgery. He had -- they
25 opened his head from ear to ear and did brain surgery.



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1 COURT REPORTER: Excuse me, I hate to
2 interrupt, but I -- I know in normal conversation it
3 happens a lot, but can you try to not like
4 anticipate the question and speak over each other?
5 It gets very difficult --

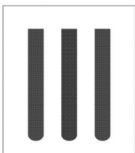
6 THE WITNESS: Oh, okay.

7 COURT REPORTER: -- to keep a clean record.
8 Thank you.

9 BY MR. KUHN:

10 Q Let's go to page 10. You identify a motor
11 vehicle collision on October 31, 2019. Tell me what
12 happened with that accident.

13 A I was in Bushnell driving a rental car, and I
14 was on the state road getting ready to go onto I-75. I
15 had stopped at a red light, that light turned green, and
16 then I was coming up to turn left onto I-75, and as I
17 was going out, like turning, I never saw that there was
18 a truck. Well, the truck, I never saw the truck until I
19 got into the intersection. And so to avoid the truck,
20 which probably did more damage to the car than the
21 actual hit, I drove up over the curb to get out of his
22 way, because he like obviously never even saw me. He
23 kept on going and ended up hitting the car. But I had
24 broke the axles off both the tires. The car was
25 totaled, although it didn't look like it was totaled,



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1 but it was from the damage of what I did, and the
2 airbags opened up in the car, so --

3 Q And --

4 A And the image -- pardon me?

5 Q I was going to ask you the body parts that you
6 injured?

7 A Was my knee, it was my left knee. I had a
8 hematoma of the left knee, and I was having some
9 soreness in my ribs. So it was -- I think it was on
10 literally two days later, I ended up going to the
11 emergency room in Ocoee, where -- where I was living.

12 Q Would this narrative summary identify any MRI
13 studies that were done before our February 2021
14 accident?

15 A Yes.

16 Q Okay. I don't need to go through them right
17 now, but I just want to make sure that if there are
18 prior studies, those would be identified in this
19 narrative summary.

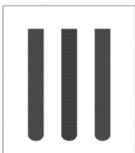
20 A They are, yes.

21 Q Since our February 20, 2021 accident, have you
22 been involved in any other accidents?

23 A Motor vehicle accidents?

24 Q Well, let's start with that, yeah. Any --

25 A No.



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1 Q Any motor vehicle accidents since February of
2 2021?

3 A No.

4 Q How about any other types of accidents?

5 A No other accidents that I can think of.

6 Q Have you sustained any type of injury since
7 our February 20, 2021 accident?

8 A No injuries other than like, you know, maybe a
9 scrape or a scratch because I have a dog, but no
10 medically necessary injuries.

11 Q Have you had any hospitalizations since
12 February of 2021 for any issue that is not related to
13 that accident?

14 A Well, I -- I -- nothing that's not related to
15 the accident.

16 Q Okay.

17 A Because the accident was in February of '21,
18 so like, I've seen doctors and things that are related
19 to the accident, but nothing --

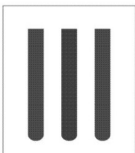
20 Q Okay. Nothing not related to the accident?

21 A Correct.

22 MR. PANAGAKIS: Hold --

23 A Unless, I mean --

24 MR. PANAGAKIS: Hold on a second, sorry. I
25 thought the question, David, was --



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1 THE WITNESS: I'm getting confused.

2 MR. PANAGAKIS: -- has -- does she have any
3 hospitalizations since --

4 THE WITNESS: It was.

5 MR. PANAGAKIS: The 02-2021 accident unrelated
6 to the accident. Are you asking her if she's seen
7 any other doctors unrelated to the accident
8 altogether?

9 BY MR. KUHN:

10 Q Well, let's first break that down, have you
11 had any hospitalizations since February of 2021 or
12 anything unrelated to our accident?

13 A I haven't been hospitalized, no.

14 Q I -- you -- have you seen doctors since
15 February of 2021 for issues unrelated to our accident?

16 A I went to -- I went to the doctor's for a
17 checkup.

18 Q That's okay.

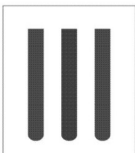
19 A Just a normal routine checkup. That's it.

20 Q And who is your primary care doctor?

21 A It's the first one on the list in Orlando. Is
22 it -- pretty sure it's the first one. Lakeview? I'm
23 trying to see. It's Lakeview Medical Center.

24 Q What list are you looking at?

25 A Well, the paper -- what is that called? The



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1 paper that Nick just sent you has all the lists of my
2 doctors and I did list that on there.

3 MR. PANAGAKIS: Now, was it this one? Lake
4 County Family Medical?

5 THE WITNESS: Lake -- Lake County Family
6 Doctor.

7 MR. PANAGAKIS: It's -- it's in her
8 interrogatory number 19.

9 BY MR. KUHN:

10 Q Right, I see it. So Ms. Horton, your primary
11 care group is Lake County Family Medical Center located
12 at 5058 South Conway Road?

13 A Yes.

14 Q Well, let's switch gears and talk about this
15 accident. Is -- am I correct that February 20, 2021,
16 was that a Saturday?

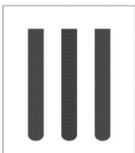
17 A Was it the 20th or the 21st? It was the 21st.
18 But it was a Saturday, yes.

19 Q Okay. And tell me, what had you been doing
20 during the day?

21 A Oh, let's see. Well, it was later in the day
22 that I went to Angie's house.

23 Q That's -- that's Angie Cohen?

24 A Yes. It was later in the late afternoon. I
25 don't know exactly what time it was, but it was



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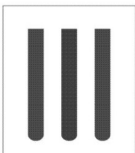
1 daylight, and it was in the afternoon. I lived in
2 Wildwood, and I have a -- a dog, a puppy, at the time it
3 was a puppy, she's a dog now. But I would've been at
4 home doing whatever. Whatever it is. I mean, I don't
5 remember exactly what I was doing prior to going to
6 Angie's house. Cleaning, laundry. I was at home before
7 that.

8 Q Okay. And then you brought your dog over to
9 Angie's for what? For dinner? For -- what -- what
10 brought you to --

11 A I just went over to visit her. She -- we talk
12 occasionally, and she -- I wasn't doing anything, and
13 she asked if I wanted to go over. I don't really have
14 any -- I really don't have any friends. All I did was
15 work, and then I moved to this area and know nobody. I
16 only met her, it was a fluke because I was bringing
17 papers for her to give to Lance. He wasn't there at the
18 time. This was many months before. And so she just
19 said, "Hey, I'm not doing anything. Why don't you come
20 over and keep me company?" She doesn't drive. So I
21 went over.

22 Q What brought you to the Lady Lake area? Why
23 did you relocate there?

24 A Well, when I was with my ex-husband, that's
25 where he wanted to live, so that's how I wound up in



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1 Wildwood.

2 Q Okay. Were you living in Wildwood with Lance
3 at some time?

4 A Yeah, at the -- at the beginning when we first
5 -- you know, when we first moved. But then shortly
6 after that, like I said, I was only in that place for
7 six months. Shortly after that, he moved, I filed for
8 divorce.

9 Q Okay. So let's fast forward to February 20,
10 2021.

11 A Well, I was just hanging out with Angie. We
12 always sit on the patio outside, and she had a -- a
13 neighbor friend, he was 85 years old, and he would drive
14 his golf cart down. He's since passed away.

15 Q And what was that person's name?

16 A Pardon me?

17 Q What was that guy's name?

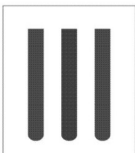
18 A His name was Charlie, but I don't know his
19 last name. But he's dead.

20 Q Ms. Cohen lived on Dustin Drive; is that
21 right?

22 A 1002 Dustin Drive.

23 Q You said you would've brought your dog with
24 the visit? The dog --

25 A He was a puppy. Yeah. Was a puppy.



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1 Q What kind of dog?

2 A It's a bull dog.

3 Q Do you still have the dog?

4 A Yes. Uh-huh.

5 Q What's its name?

6 A She is Laney, L-A-N-E-Y.

7 Q No disrespect.

8 A Everybody always says -- calls the bulldogs
9 he. They look like boy dogs. They look so masculine.

10 Q How old was Laney in February of 2021?

11 A She was born in October. November, December,
12 January. So she was only like four months old, five
13 months old.

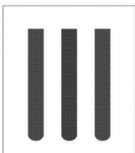
14 Q How -- how big was Laney in February of 2021?
15 Maybe like the size of a football, the size of a
16 basketball? I don't --

17 A I could carry her around, so she was -- I mean
18 she -- gosh, it's been a long time. I mean -- she was a
19 five-month-old puppy. Maybe like, I don't know, size of
20 a baby? Ten pounds or so? Maybe more than that. I
21 don't know.

22 Q So you arrive at Ms. Cohen's house on Dustin
23 Drive sometime in the late afternoon?

24 A Yeah. Yeah.

25 Q And you arrived and it's daylight out?



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1 A Yes, it was daylight out. Her golf cart and
2 Charlie's golf cart were parked in the driveway behind
3 one another.

4 Q So -- and you were driving a BMW, right?

5 A Yes.

6 Q By the way, do you still have that car?

7 A I sold that car in June.

8 Q Do you know who you sold it to?

9 A Not off the top of my head, I mean, but I have
10 a copy of the title somewhere where the person --

11 Q Okay.

12 A -- put his name on it and everything.

13 Q And give me the lay of the land here.

14 A Okay.

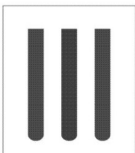
15 Q You're parked on the street in front of Ms.
16 Cohen's house?

17 A I was parked like behind her driveway. So
18 partly on the property, partly on the street.

19 Q Okay. Which side is the -- the curb on? On
20 your -- are you parked on the left, or is the curb on
21 the --

22 A I was -- I was legally parked on the right-
23 hand side. You can't park the other way. You have to
24 park that way so that the curb is on your right.

25 Q Okay, so -- so the curb is on the right. When



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1 you exit the driver's side, you exit onto the street?

2 A Yes.

3 Q I got you. And during the -- this accident
4 happened, what time, do you remember?

5 A Well, I did look at the police report and it
6 says they got there at 9:21. It was dusk when it
7 happened. It wasn't quite dark dark yet. I thought it
8 was around 8:00 or 8:30, but based on what the police
9 wrote, it -- it was probably more like 8:30 that it
10 happened, because I would say it took them a little bit
11 to get there.

12 Q Well, let's back up. So -- so you and Charlie
13 and Ms. Cohen are sitting on the front porch of her
14 house?

15 A Throughout the day.

16 Q Okay.

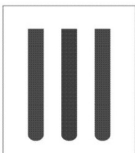
17 A I was going to move my car because he left and
18 we were going in for the night.

19 Q So you were moving your car off of Dustin
20 Street into Ms. Cohen's driveway? Was that the idea?

21 A I was going to, yes.

22 Q Right. That -- I mean -- that's why I --

23 A That -- that's why I got into the car. And I
24 brought my dog in the car because it was -- it's an
25 active puppy and -- and I -- I know you probably didn't



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1 see Angie in person, but she doesn't even weigh a
2 hundred pounds, and she has CPOD and she can -- she's on
3 breathing oxygen and all that, and my dog is -- was wild
4 at that time. She still is a little bit. And so I just
5 put her in the car just to move the car.

6 Q Okay. And -- and when you're in the (audio
7 cuts out) your car to move it, where is Angie? Do you
8 know where she is?

9 A Yeah, she was sitting on the porch.

10 Q And how far is the porch where Angie is
11 sitting from where your car was and the point where it
12 gets hit?

13 A You can see everything from that porch. Like
14 it faces right there in the street. You can see across
15 the street, you can see everything.

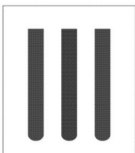
16 Q Okay.

17 A I mean I've -- I've sat there many times, just
18 that's -- that's what -- that's what she likes to do.
19 She like -- because she smokes. I don't smoke. So she
20 sits outside and smokes and then goes inside on her
21 oxygen machine.

22 Q Okay. So walk me through -- and walk me
23 through what you get into your car --

24 A Uh-huh.

25 Q -- with your dog. Is Laney -- you put Laney



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1 in the front seat?

2 A Well, I basically just tossed her in the seat,
3 yeah.

4 Q Okay, in the front --

5 A Not like literally, but yeah, she's in the
6 front seat.

7 Q Okay. And your plan is to move your car just
8 around the corner or wherever into Ms. Cohen's driveway?

9 A Basically, I just had to turn into the
10 driveway, because I was right there.

11 Q Okay.

12 A Yeah. But that was exactly what I was going
13 to do.

14 Q And when my client, Ms. Taintor, hits your
15 car, had -- had you started your car yet or was it
16 still --

17 A No, I just got my seatbelt on.

18 Q So you -- you had not yet started the
19 ignition?

20 A No, not yet.

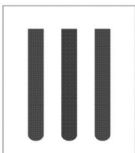
21 Q Okay. Had you turned any lights on?

22 A The lights automatically go on in the car.

23 Q The interior --

24 A When you start the car.

25 Q Okay, but you had not -- had you turned the



1 ignition on or not?

2 A I didn't get the car started.

3 Q Okay. So were there any -- were there any
4 lights illuminated in the back of your car?

5 A Well, to start the car, you would have your
6 foot on the brake, so my foot would've been on the
7 brake.

8 Q Okay.

9 A So the back lights would've been lit. Not to
10 mention I was under the light. Angie's whole porch was
11 lit up, and she has a light right out front, and so do
12 the neighbors across the street. I mean, it is -- it
13 was getting dark, or it was dark, but there are lights,
14 and we were still up and out, so it was lit up outside.

15 Q Okay. Are streetlights outside of Ms. Cohen's
16 house on the --

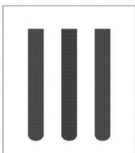
17 A There's a -- there's a house light. Every
18 house on that street has a house light. I don't know
19 for sure about street lights, but everyone has a house
20 light, and that light, I was near the -- the house
21 light, and she had her porch light on.

22 Q When you say a house light, like a lamppost?

23 A Yes.

24 Q Okay.

25 A A lamppost.



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1 Q And it's your practice, when you start your
2 car, you would put your foot on the -- the brake?

3 A You have to, it's a push start.

4 Q Okay.

5 A You can't start it without putting your foot
6 on the brake.

7 Q So you're in the process of starting your
8 vehicle and it -- is it at that, excuse me, at that
9 point that the collision occurs?

10 A Yes. It felt like it just came out of
11 nowhere.

12 Q Did you see any headlights approaching
13 immediately before impact?

14 A I didn't see her at all. It -- I wasn't -- I
15 mean, I wasn't expecting anyone behind me. It was
16 totally out of nowhere.

17 Q Okay. I'm just asking what you remember --

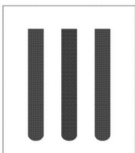
18 A I didn't -- I didn't see anything from behind
19 me.

20 Q Okay. Did you hear any screeching brakes?

21 A There was no brakes at all. She did not hit
22 the brakes, I can tell you that.

23 Q Okay. Did you hear any horn honking?

24 A There was no horn honking. There was no noise
25 until the impact.



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1 Q And when the -- what happened when the impact
2 occurred? What -- what did you hit in --

3 A Well, exactly when the impact occurred, the
4 first thing that happened was my head slammed into the
5 steering wheel and I felt like there was blood dripping
6 from my head and my dog hit the dashboard. So of
7 course, not only that, I felt like in my lower back,
8 like I -- I felt and heard like this noise, at least
9 that's what I thought it was. And then right away I had
10 this like feeling of a rip. Have you ever turned your
11 head so hard like you've got this like sharp pain in
12 your head? Well, that's what I felt. And I was like
13 going on my head because I felt like I was bleeding on
14 my head for some reason. And then I was looking at my
15 dog and then I was like, "What the heck -- heck
16 happened?" So I was waiting for like something, like
17 for her to get out of her car and be like, "Are you
18 okay? What's going on?" Or something.

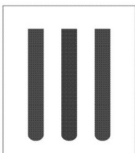
19 Q Let -- let's slow down a little. Did any
20 airbag deploy within your BMW?

21 A No.

22 Q You believe you hit your forehead on your
23 steering wheel?

24 A Yes.

25 Q Okay. Did your -- any other body part hit any



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1 part of the inside of the vehicle?

2 A Well, after I hit my head, then my neck hit
3 the back of the headrest.

4 Q What part of your rear end was struck by Ms.
5 Taintor's vehicle? Do you know where the point of
6 impact was?

7 A The whole back end was hit. Now when they
8 took the pictures of the back of my car, the one light,
9 the one little reflector light thing was off, but it
10 wasn't like she just hit one corner of the back of my
11 car, like she plowed into the back of the whole back
12 side of my car.

13 Q Okay. And we'll -- I'll show you some
14 photographs that I have. Where did Ms. Taintor's
15 vehicle end up after making contact with your vehicle?

16 A She never put the brakes on. She never turned
17 the car off. It was still running in the back end of my
18 car.

19 Q So it was --

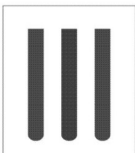
20 A And she had -- sorry, go ahead.

21 Q After the impact, I take it you -- because you
22 weren't -- well, did you have on your seat belt?

23 A Yes.

24 Q Okay. You did have on your seat belt?

25 A Yes.



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1 Q Okay. After the impact, did you get out of
2 your vehicle to go to the back of your car to see Ms.
3 Taintor's vehicle?

4 A Well, it took me a minute because like I said,
5 I felt my head because I thought I was bleeding. I
6 checked my dog and at that point when I realized it was
7 a car that had hit me, I -- I thought like, "Oh my God,
8 what's wrong with this person?" So I unbelted my seat
9 belt so it took me a minute because I was a little in
10 shock. I wasn't expecting that. Then I got out and she
11 was just like not responsive, so I was knocking on her
12 window.

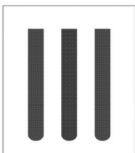
13 Q And where -- where was -- where was her car at
14 that point? Was it --

15 A It was still on the back end, still running on
16 the back end of my car, but she wasn't on the street.
17 She had two of her wheels were in the ditch thing, the
18 drainage thing like where I was parked, like -- it's not
19 a drainage, but it's like a round part in the street.
20 She had two of her wheels in there and --

21 Q On the -- if -- if your -- so her car -- when
22 you got out of your car, Ms. Taintor's vehicle was --
23 her bumper was still against the rear of your bumper?

24 A Yes.

25 Q And her car was running?



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1 A Yes.

2 Q Okay. How -- did you turn her ignition off or
3 how did that --

4 A I didn't touch anything in her car. I barely
5 got her to roll the window down. And I said, "Are you
6 okay? Did you call the police?" I said, "Did you not
7 see me there?" And she just was like first of all --
8 like when she rolled the window down, all I could smell
9 was alcohol, number one. Number two, she couldn't even
10 talk to me so I knew she had been drinking because I
11 smelt it, but I didn't go there first. I was more
12 concerned like, "Is something wrong? Did she have a
13 stroke?" Like, "Did she have a heart attack because she
14 didn't like, she hit me." Like I was more concerned
15 about that first. And I said, "Did you call somebody?"
16 Well, when I realized she couldn't even understand what
17 just happened, I called the police.

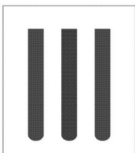
18 Q Okay. At some point does someone move her
19 vehicle off of the -- your back bumper?

20 A The police.

21 Q Okay. The police did.

22 A I was in shock myself, so I didn't realize
23 until the police got there that her car was still
24 running.

25 MR. KUHN: Okay. Let me see if I can screen



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1 share something here. Let me -- hold on here. You
2 guys there?

3 THE WITNESS: Yeah.

4 MR. PANAGAKIS: Yeah.

5 MR. KUHN: I -- are you -- do you see anything?

6 MR. PANAGAKIS: No.

7 MR. KUHN: Okay. I -- let me -- I may get
8 disconnected here a sec. Hold on. If so, I will
9 Zoom back in.

10 MR. PANAGAKIS: Okay.

11 MR. KUHN: Oh, that says leave meeting.
12 That's --

13 COURT REPORTER: Sir, do you have a green
14 button --

15 MR. KUHN: Oh, there we go.

16 COURT REPORTER: -- in the center bottom?

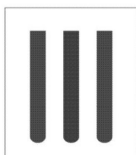
17 MR. KUHN: There we go. Well, I have -- can
18 you hear me okay?

19 COURT REPORTER: Yes.

20 THE WITNESS: Yes.

21 MR. PANAGAKIS: We're here.

22 MR. KUHN: Yeah. Yeah. This doesn't need to
23 be on the record. What I -- I need to sort of close
24 out some things I think in my computer before we
25 screen share so.



1 COURT REPORTER: Do you -- do you want us to go
2 off the record, sir?

3 MR. KUHN: Yeah, let me do that. Let me get
4 somebody in here to give me a hand and then --

5 VIDEOGRAPHER: All right. Off the record at
6 3:27 p.m.

7 (OFF THE RECORD)

8 VIDEOGRAPHER: All right, we're back on the
9 record for the deposition of Tracy Horton being
10 conducted by video conference. Today's the 14th
11 December 2022, time is approximately 3:34 p.m. You
12 may continue.

13 BY MR. KUHN:

14 Q Okay. Ms. Horton, what I want to do is look
15 at some photographs of your vehicle. I -- on the screen
16 here is a white BMW Ford. Is that your car?

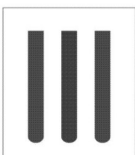
17 A Yes.

18 Q Do you know when these photographs were taken?

19 A I don't know exactly when they were taken, but
20 apparently they were taken while the car was at the
21 collision place to be fixed.

22 Q That was -- that was my next question is, were
23 they taken at an auto body shop?

24 A I think so. That looks like to be the place,
25 yes. See --



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1 Q Okay, I see.

2 A -- right there.

3 Q I see in the background it says AutoNation.

4 A AutoNation. Yeah.

5 Q It's -- okay. What -- this is the --

6 A That's the back end of my car. I can see
7 that.

8 Q Yeah. Can you see my cursor?

9 A Yes.

10 Q Okay. You were talking about one of your
11 reflectors on the bumper getting knocked off. On the
12 right-hand side of your bumper -- or excuse me, left-
13 hand side of your bumper. There's no reflector. You
14 see that? It -- was the reflector knocked off as a
15 result of the impact with Ms. Taintor?

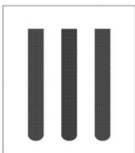
16 A Yes. So you can see here in this photo where
17 there's damage to the right-hand side and to the left-
18 hand side. And that's what I'm trying to explain to you
19 that she hit me head on.

20 Q Okay. So --

21 A I mean, not head on, but she hit me -- the --
22 her whole car hit the whole back end of my --

23 MR. KUHN: Okay. What I'll do -- let's --
24 let's have this marked as Exhibit, are we at 2?

25 MR. PANAGAKIS: I think that's correct.



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1 MR. KUHN: Okay. And I'll get you a copy.

2 BY MR. KUHN:

3 Q So that's from page -- okay. Let's go -- what
4 we're looking at now, is what I believe is on the right
5 side of your bumper, okay?

6 A Uh-huh.

7 Q Agreed?

8 A Yes.

9 Q And it looks like there's some scraping shown
10 on the photograph. Was -- was what is shown a result of
11 the impact with Ms. Taintor's vehicle?

12 A All of the damage to the rear end of my car
13 was from the accident.

14 MR. KUHN: Okay. And I'll have that this
15 marked as Exhibit -- well these will all be
16 Composite Exhibit 2.

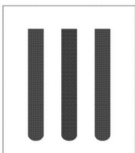
17 (DEFENDANT'S EXHIBIT 2 MARKED FOR
18 IDENTIFICATION)

19 MR. PANAGAKIS: Okay.

20 BY MR. KUHN:

21 Q And what we're looking at now is the rear
22 left-hand side, which shows the missing reflector,
23 right?

24 A Yes. There's also some other damage there,
25 too.



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1 Q Where else was any damage?

2 A Well, below the reflector. The reason the
3 reflector is not there is because this was -- there was
4 impact in that area. Her car -- see these -- the -- it
5 even hit the metal things and pushed this part in, too.

6 Q What metal? Are you talking about --

7 A The exhaust. The exhaust.

8 Q You believe those -- the exhaust pipes were
9 pushed in as a result of the impact?

10 A Well, they were hit and above there was also
11 damaged and where the reflector was, was also damaged
12 from her car.

13 Q Are there any photographs of Ms. Taintor's
14 vehicle up against your back bumper?

15 A If you're asking me, I -- I'm not sure if
16 there are.

17 Q Okay.

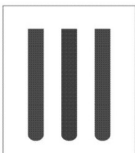
18 A I -- I -- I think the -- the police might have
19 taken a photograph.

20 Q Did you take any?

21 A I don't think I did.

22 Q Okay. Did you take any photographs of any
23 vehicle at the scene?

24 A I don't think I would've thought to take any
25 pictures. I -- I was more concerned about the people



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1 like I didn't think -- I don't -- I didn't take any
2 pictures. I do not believe I took pictures, no.

3 MR. PANAGAKIS: You -- you're attaching all
4 these photos, correct, David? Is it Composite
5 Exhibit 2 that you've been showing?

6 MR. KUHN: Yeah, the three, there's three of
7 them. Yep.

8 MR. PANAGAKIS: Well, why don't you -- well
9 you've shown more than three, so I -- I can't -- I
10 -- can you just attach everything that you've shown
11 because there -- there's been more than three that
12 you've shown just for completeness.

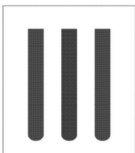
13 MR. KUHN: Well, I've buzzed through them. I've
14 -- I've only talked about three of them, but if you
15 want me to attach all photographs, I'll do that.

16 MR. PANAGAKIS: Yeah, if you don't mind, just
17 because you've shown more than -- than three. I --
18 I know you've talked about three predominantly but
19 you've shown out of --

20 BY MR. KUHN:

21 Q Okay. What repairs were made to your vehicle,
22 Ms. Horton?

23 A Well, the back end of my car was fixed.
24 Exactly in detail, I don't have in front of me what
25 repairs they did, but I'm sure that -- that we can get,



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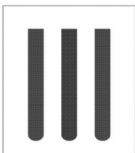
1 I mean, State Farm paid for it, so they probably have a
2 copy of it.

3 Q Your vehicle was drivable though, correct? Or
4 is that true? Does it -- was your vehicle drivable?

5 A Yeah my -- yeah, my -- my vehicle was
6 drivable, yes.

7 Q Let's stop sharing, okay. There we go, okay.
8 Tell me what -- you started talking about interactions
9 you've had with Ms. Taintor, said you got out of your
10 vehicle, you went to her car. Tell me all you remember
11 about interactions with her.

12 A After she had hit my parked car, I knocked --
13 when I got out of the car, realized I felt like I was
14 bleeding, but I wasn't bleeding and my dog was still
15 breathing, I went over and knocked on her window. She
16 was not responsive. Finally, she put the window down
17 and like I said, I smelled the alcohol on her breath so
18 I -- I -- I -- like I knew she had been drinking, but I
19 didn't put two and two together. I just figured
20 something was seriously wrong with her that she wasn't
21 responding to me. And I said, "Did you call the
22 police?" And she wasn't answering and I said, "Did you
23 not see the car?" And she was kind of like -- like
24 hunched over and just not responding so I just called
25 the police at that -- that time when she didn't really



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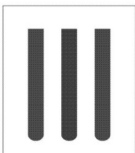
1 say anything that made any sense. So then the police
2 had gotten to the scene. They -- they asked her to turn
3 her car off, but she couldn't, she wasn't functioning so
4 I -- I just figured something else was wrong with her.
5 So she -- they turned her car off. They moved her car.
6 Then there was interaction with the officers and her --

7 Q Where are you at this time? Are you on the --

8 A I'm like standing right there. I can hear --
9 like hear them like I -- like I'm sort of on the side of
10 the street and the officer and her -- she said she was
11 coming from the Orange Blossom Country Club. That's why
12 she was coming in that direction and that her husband
13 just died and she had lost her house and so she's
14 telling this to the cops, I guess. And then the cops,
15 both of them came to me to the side and they said, "You
16 know, she's clearly been drinking, she's intoxicated.
17 She admitted to that. She's having to -- her husband
18 had passed away, she's lost her house. So we're going
19 to drive her home and just have the tow truck take her
20 car and we" --

21 Q And where are you -- are you in the street?
22 Are you in the front yard? Are you on the patio?

23 A We're -- like I'm not at her car, but we're
24 like near both vehicles, not in the middle of the
25 street, but to the side, on the side where the cars are.



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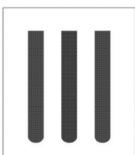
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1 And so they -- that's what they had said to me. And
2 then I remember they -- they were trying to get her into
3 the police -- oh prior to that, prior to them trying to
4 get her into the car, she had peed in her car and the
5 lady officer saw that I had a dog because apparently one
6 of Laney's puppy pads fell in the street and she said,
7 "Do you have any more of those puppy pads?" And I said,
8 "Okay." So I gave her some more of the puppy pads
9 because she put them in Margaret Taintor's vehicle
10 because she had wet -- she had peed in there. So now
11 they're trying to get her out of the car. And I -- I'm
12 pretty sure they got her into the police car, but then
13 for some reason she got out and was laying in the
14 street. That's when it kind of scared me and I thought
15 maybe she was having like -- she needed food or water or
16 something so I had asked Angie to get some crackers or
17 water and so I brought it over and she -- but she
18 couldn't -- she couldn't eat or drink anything. And
19 she --

20 Q So your -- the sequence you remember at one
21 point Ms. Taintor is in the police car and then there is
22 a point afterwards where she's lying on the ground?

23 A I don't know what happened first if she got
24 into the car or she was lying on the ground first.

25 Q Okay.



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1 A But the conclusion was she couldn't tell them
2 her address and she wasn't getting in or staying into
3 the police car so that's how the ambulance came into
4 play because she --

5 Q Did the ambulance personnel ask you how you
6 were feeling?

7 A Somebody asked me how I was feeling, if I
8 wanted to go into the ambulance and --

9 Q And what'd you tell them?

10 A I wasn't feeling good, but I didn't want to go
11 in the ambulance. I was just going to stay there at
12 Angie's house.

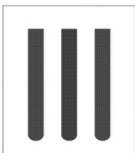
13 Q Okay. So --

14 A But --

15 Q What time did the police leave the scene?

16 A I don't know. It seemed like they'd been
17 there for a while. I didn't -- I mean I didn't even
18 have my phone on me. I -- all I had was my wallet
19 because I left it in the car with my license in there.
20 All my other stuff was in the house, so I didn't have a
21 phone. I don't know what time it was. I didn't look
22 what time it was. It seemed like it was late by the
23 time I ended up going to bed. But --

24 Q And had you planned to stay at Ms. Cohen's
25 house that evening?



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1 A I had planned to stay there that night, that's
2 why I was moving my car after Charlie left.

3 Q Okay. How did you feel immediately after the
4 accident and up until the time you went to bed?

5 A Well, when I hit -- when I hit my head it felt
6 like I was bleeding like I said, like it felt -- my head
7 felt weird. I later on got a really bad headache and
8 then I was throwing up the whole night.

9 Q And where -- was your forehead --

10 A I wasn't bleeding, no. I just had this like
11 tingling feeling in my head, but it felt like something
12 was dripping down on my head immediately when it
13 happened so I had thought that I was bleeding, but later
14 on that night my head started hurting. I got a really
15 bad headache that started up the back of my neck into my
16 head and I had such a bad migraine that I was sick. I
17 literally was sick for two or three days throwing up. I
18 couldn't even eat anything and I stayed in bed.

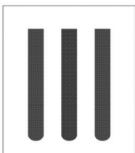
19 Q So let's -- this -- this accident happened on
20 a Saturday evening?

21 A Yeah.

22 Q You spent the night at Ms. Cohen's. What did
23 you do on Sunday?

24 A I stayed in bed Sunday, I stayed there, too.

25 Q Okay, so you stayed in Ms. Cohen's all day



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1 Sunday?

2 A Yep. And then --

3 Q And then the 22nd, February 22nd would've been
4 Monday.

5 A I called -- I looked up on -- because I -- I
6 was new in the area but I had knew there -- I'd known
7 that there was a chiropractor's office in Wildwood
8 because I would pass it on my way going to -- into town.
9 So I called that place and the soonest they could get me
10 into the office was Wednesday.

11 Q And that was the office of David Kuhn?

12 A Yes.

13 Q Okay. The esteemed chiropractor David Kuhn?

14 A Yes.

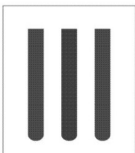
15 Q Did you ever think to go to an emergency room
16 before going to Dr. Kuhn's office?

17 A I thought about going that night because I
18 wasn't feeling good, but I also didn't have medical
19 insurance and I also had my dog and I could -- didn't
20 have anyone to leave the dog with because Angie couldn't
21 take care of the dog and my sister who lives all the way
22 in Palm Beach. So like I was kind of tied.

23 Q Okay.

24 A When I went to --

25 Q When did you go back from Angie's -- or Ms.



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1 Cohen's house, when did you return to your house?

2 A On I left on Monday or Tuesday.

3 Q Okay. And were you working at the time or
4 were you between jobs?

5 A No, I was not working.

6 Q Okay.

7 A I had just literally -- my severance from --
8 from Limited Brand Victoria's Secret ended the second
9 week in January. But I also was on -- on unemployment,
10 so I wasn't working at the time. I was trying to find
11 something, but the accident kind of slowed that down,
12 but.

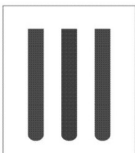
13 Q So you -- and tell me, what complaints were
14 you having when you first went to Dr. Kuhn's office on
15 February 24th? What was bothering you?

16 A What was bothering me was I had a really
17 tremendous headache, like non-stop migraine and it
18 was --

19 Q Whereabouts? In the front --

20 A It started in the back of my head, like in my
21 neck and went all the way up into my head to the point
22 where the only thing that felt good was dark and it was
23 making me nauseous so that was obviously a concern.

24 Q Had you ever had migraines before February of
25 2021?



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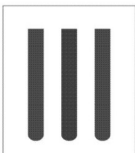
1 A I've had headaches in the past, but not like
2 this. It was a different kind of a headache. Then I
3 was feeling kind of in my lower back, I felt like in my
4 lower back down to my like right side felt like it was
5 not right. Something felt painful in my -- in the
6 middle of my back and I kept having like numbness in my
7 fingers and -- and hands and it literally felt like a
8 knife in my shoulder. Now -- and it was kind of a -- a
9 pain that I have never felt before. And I -- and then
10 what was really concerning is how it was radiating down
11 in my neck, into my arm and up into my head. And so I
12 put two and two together and I thought like maybe I did
13 hit my head harder than what I thought because I still
14 was having headaches and still sick.

15 Q There came a point in May of 2021 when you
16 came under the care of spine and brain neurosurgery, a
17 Dr. Razack?

18 A Yes, he's --

19 Q Did -- did Dr. Kuhn refer you to Dr. Razack?

20 A Yes. He basically told me that he did all
21 that he could do and that I needed to see a neurosurgeon
22 and that's who he recommended. And I mean, I -- I was
23 pretty concerned myself and I'm -- I lived most of my
24 time in Florida, in Orlando, so I also did some research
25 on Razack myself.



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1 Q Okay. Looks like there came a point where you
2 -- Dr. Razack started with some cervical epidural
3 injections?

4 A Yes, he did. In my neck and lower back.

5 Q Did those provide you relief?

6 A In my lower back it provided relief and -- but
7 it wasn't helping the -- my neck or my arm.

8 Q Okay.

9 A I mean I started dropping things, I would be
10 holding coffee and it would just -- it would drop out of
11 my hand and that was a little concerning.

12 Q Which hand? Right hand or left hand?

13 A My right hand.

14 Q There came a point where you had an MRI of
15 your brain done in (audio cuts out) 2021 --

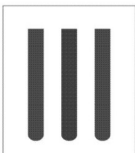
16 A Yes.

17 Q Have you been told that you sustained a brain
18 injury?

19 A I had a concussion.

20 Q Okay. And what doctor diagnosed you with a
21 concussion?

22 A I had the MRI done in two different places,
23 but I was seeing Dr. Razack and that's really who the
24 doctor has been after Dr. Kuhn for my injuries from the
25 accident.



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1 Q What -- has -- has any doctor told you that
2 you sustained a concussion?

3 A Dr. Razack.

4 Q Have you seen any neurologist since the
5 accident?

6 A Dr. Razack is a neurologist. It's a
7 neurology, spine and brain surgery center -- neuro --
8 can't even say the word, neurosurgeon.

9 Q Okay. Have you seen any specialist who
10 specializes just in neurology?

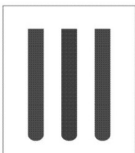
11 A I've seen Dr. Razack.

12 Q Okay. Are you aware that there are
13 specialists that are neurologists that do not do surgery
14 and then there's neurosurgeons like Dr. Razack who do
15 surgery? My question is, have you seen a neurology
16 specialist other than Doctor -- well strike that. Have
17 you seen a neurology specialist?

18 A Well, like I said, Dr. Razack's office is a
19 spine and brain neurology center, so I saw Dr. Razack
20 and there are other doctors in that center, I don't know
21 their names, but I've seen other doctors in that
22 facility. I don't know if they were just a neurologist.

23 Q Has anybody -- any doctor told you that you've
24 sustained a closed head injury?

25 A A closed head injury? I have not heard that



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1 terminology used on me.

2 Q How about -- how about a traumatic brain
3 injury?

4 A Well, the word traumatic brain injury I
5 believe was used when describing the concussion that I
6 had --

7 Q Okay.

8 A -- sustained from hitting my head on the
9 steering wheel.

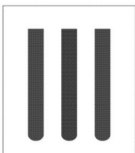
10 Q Do you have any idea how fast Ms. Taintor's
11 vehicle was going at time of impact?

12 A I wouldn't know how fast she was going because
13 I wasn't looking at her driving the car. I can tell you
14 this, the speed limit on that road is 25 miles an hour.
15 And when I was getting into my car, most people look
16 around to make sure you're safe and I do that, I never
17 seen any lights or anything coming down the street and I
18 would've seen lights, which to me means she was going
19 faster than 25 if by the time I got in my car, fastened
20 my seat belt, got my dog situated and had my foot on the
21 brake and she already hit me, she was going pretty fast.

22 Q Okay.

23 A But I don't know the speed limit that she was
24 going because I wouldn't know that.

25 Q Okay. There came a point in time when Dr.



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1 Razack performed a surgery on you, right?

2 A Yes.

3 Q That was back in October of 2021, a cervical
4 fusion-type surgery?

5 A Yes.

6 Q Okay. Has he suggested any future surgeries
7 for you?

8 A Not at this time.

9 Q I -- I see that according to your narrative
10 summary, you underwent an epidural injection in the
11 lumbar spine back in September of 2022?

12 A No, that injury is from the -- this accident
13 and that was the last injection I had because that keeps
14 flaring up.

15 Q So you did have a lumbar epidural steroid
16 injection in September of 2022; is that correct?

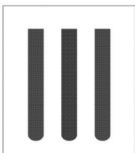
17 A Yes. Related to this accident.

18 Q Correct.

19 A Yes.

20 Q Well, let's talk about how is your neck doing
21 now?

22 A My neck is a lot better than it was prior to
23 the surgery. I don't have numbness all the time in my
24 hand and arm like I do -- like I did before the surgery.
25 When I do things repetitiously, like if I'm writing a



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1 lot, my hand goes numb. Like this is a lot of detail,
2 but when I'm shaving in the morning, my hand still goes
3 numb, but then it comes back. I can't sleep on the
4 right side because if I lay on that side it still goes
5 numb. The pain is not all the time, but like sitting
6 here for however long we've been sitting right now, I'm
7 getting very like uncomfortable in my lower back and my
8 neck.

9 Q Okay. Is it a -- a constant problem in your
10 neck? Does it ebb and flow? Tell me.

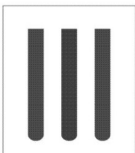
11 A It's a constant like nagging uncomfortable
12 pain.

13 Q And how about in your neck? How about in your
14 low back?

15 A Yeah, it's uncomfortable.

16 Q Which causes you more discomfort? Your low
17 back or your neck?

18 A Well, the neck is worse because I can't -- I
19 don't -- let's see, how do I put this? So you're
20 limited. Like, I'm limited. Like if I -- let's say for
21 example, on my way here driving, you know, yes, you have
22 mirrors in your car for example, but do you always
23 believe what you see in the mirror? No. You have to
24 turn. So to turn to look, I actually have to turn my
25 whole body because I'm stiff. If I -- if I try to like



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1 turn all the way like I used to, it causes discomfort.
2 Can I do it? Yes, I can do it. Not to the extent that
3 I used to be able to, but it's uncomfortable. I can
4 stand and walk for periods of time. I can move things,
5 I can walk my dog. I don't run anymore because I tried
6 one time and I got such a massive headache that, you
7 know, I was sick for two days. So I don't do that. I
8 haven't tried to lift weights since I've had this
9 surgery because I'm afraid to, because I don't want to
10 get a headache. But --

11 Q Is anybody -- are you -- you taking any
12 medications for your headaches?

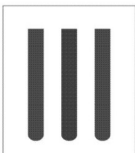
13 A I have. I actually took a picture of what
14 it's called and I forgot my phone. Butal or Butane or
15 something like that for migraines I get.

16 Q Who prescribes that?

17 A I got it at Dr. Razack's office. I mean, he
18 prescribed it for me. I don't have to take that pill
19 every day. I only take it when I get a really bad
20 migraine. And then I take hydrocodone. Hydrocodone --
21 hydrocodone, the pain pill. Hydrocodone I think it's
22 called. And --

23 Q Does Dr. Razack prescribe the hydrocodone?

24 A Yes, but I have to see a pain management now.
25 But the rate that I was taking the pills at were -- were



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1 -- I wasn't taking a lot. Like I could get 30 pills and
2 they would last me probably like three months because
3 I'm not in that much pain every single day. Last night,
4 I had a bad night. I couldn't sleep, I couldn't get
5 comfortable. My neck was killing me. I probably stood
6 on my feet too long that day, but -- so I had to take a
7 pill, but I hadn't taken a pill in two weeks.

8 Q Who prescribes the pain medication?

9 A Dr. Razack's office. But when I got the last
10 prescription filled, he said that he would have to
11 recommend me to a pain management.

12 Q Is that -- have you made --

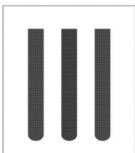
13 A I have to -- I have to call him and get a
14 follow up because I actually just took my last pill
15 yesterday.

16 Q Do you know who the pain management doctor is
17 that Dr. Razack has suggested?

18 A I looked up a couple that are in my area, so I
19 don't know yet which one I'm going to go to, because I
20 have to get a referral from him and you just can't walk
21 into a place and say, hi, this is what I need.

22 Q Do you have any appointments for another
23 lumbar injection?

24 A I have to wait he said three months, and
25 usually that's what's been -- it's been helping me so I



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1 don't want to have to keep getting them every three
2 months. But it does help for about that time.

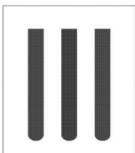
3 Q Okay. Now, you had mentioned that you don't
4 run as much anymore or if at all?

5 A I don't run because when I did try I -- my
6 head hurt. Like, it was just too much. I ended up
7 missing like two days from work.

8 Q Okay. What other activities that you
9 participate in before the accident that you're either
10 not able to do it all or, if you can do them, they cause
11 you discomfort?

12 A Well, the running is a big thing. I don't do
13 that. I probably could try, you know, maybe walking on
14 a treadmill fast, but I haven't done any of that. I had
15 -- I took a break, you know, I didn't work after I had
16 the surgery and I had enough money saved up, plus I was
17 getting unemployment that I didn't have to go back and I
18 could actually heal. My sister took my dog after the
19 surgery for three months so I didn't have to deal with
20 her because she is a bulldog and she's 70 pounds. So I
21 don't -- I mean, I could, but I don't take her to dog
22 park because I don't want to have to worry about chasing
23 after her.

24 Q How about, have you taken -- since the
25 accident, have you taken any vacations?



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1 A I went to see my in-laws, even though Lance
2 and I haven't spoke in year -- in two years, and there's
3 a restraining order, I'm very close to his parents and
4 so I went to visit them with my dog.

5 Q Where do they live?

6 A They live in Missouri. Well, after I had my
7 surgery in October, I -- my sister had my dog for three
8 months. I drove the dog to Palm Beach and left the dog
9 there until I was able to go get the dog. I was, you
10 know, it and I flew to Missouri and my in-laws took care
11 of me. I stayed there for I think two weeks after I had
12 the surgery. After I was healed enough to actually fly,
13 I -- I flew there. Now, in October, I drove with my dog
14 to Missouri.

15 Q Okay. You have any plans over the holidays
16 for vacation?

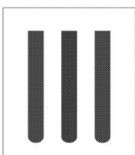
17 A You don't get any in retail. No, I wish.

18 Q How about after then?

19 A I don't have any plans, but if I -- when I do
20 get a vacation, I probably will go there because it's a
21 relaxing vacation.

22 Q Okay.

23 A It's just, I have to get up enough desire to
24 drive because it's uncomfortable to sit for so long and
25 where I could drive the way before I have to stop all



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1 the time and I end up staying overnight.

2 Q Well, you said -- sort of touched on
3 activities. What you -- obviously, you enjoy your dog.
4 Well, what other activities do you enjoy doing?

5 A Well, I like going to the beach. I like
6 working out. I haven't done any of those. I can go to
7 the beach. I just don't have time off. That has
8 nothing to do with the accident. Now, I -- I -- I could
9 probably start working out doing little things, but now
10 I have the job and I'm working nine hours a day.

11 Q Okay. And did I hear you that you don't have
12 a close relationship with your children? Did I hear
13 that?

14 A No, I don't.

15 Q Okay. And I -- then, same with your
16 grandchildren? You don't have a relationship with them?

17 A Well, they're one. They're twins. And my
18 other grandson, no, not really.

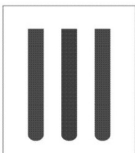
19 Q Okay. Let's take a break. I'm going to go
20 over my notes and we may be just about done.

21 A Okay.

22 MR. PANAGAKIS: Okay.

23 VIDEOGRAPHER: All right. Off the video record
24 at 4:07 p.m.

25 (OFF THE RECORD)



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1 VIDEOGRAPHER: All right. We are back on the
2 record for deposition of Tracy Horton being
3 conducted by video conference. Today's 14th
4 December 2022. Time's approximately 4:16 p.m. You
5 may continue.

6 BY MR. KUHN:

7 Q Okay, Ms. Horton. Just a couple of questions
8 then we're going to be done for the day.

9 A Okay.

10 Q When you went out after the impact and saw Ms.
11 Taintor's vehicle up against your back bumper, were her
12 headlights on? Do you remember?

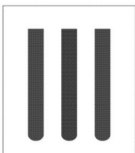
13 A I don't remember if she had them on. I -- I
14 mean, I wasn't even paying attention to -- if I would've
15 thought of it and noticed that the car was still
16 running, I would've probably reached in and shut it off
17 or asked her to. I was honestly not paying attention,
18 so I really don't know if they were on or not. I was
19 more worried about her not responding.

20 MR. KUHN: Okay. Fair enough. Those are all
21 the questions I have for you. I don't know if Mr.
22 Panagakis has anything but --

23 CROSS EXAMINATION

24 BY MR. PANAGAKIS:

25 Q Yeah, just relatively briefly and -- and let



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1 -- Tracy, let's start with -- Mr. Kuhn was finished off.
2 David, I -- I can't share my screen on this because I --
3 I didn't download anything, but I will attach these as
4 Plaintiff's 1. These are the photos that the police
5 took from the -- the night of, David, that I said I was
6 going to send you.

7 MR. KUHN: Okay.

8 Q So this will be Plaintiff's Composite 1. It's
9 three pages. Ms. Horton. Let -- let me just go ahead
10 and look at those two yourself first please.

11 (PLAINTIFF'S EXHIBIT 1 MARKED FOR
12 IDENTIFICATION)

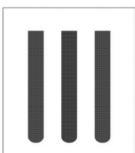
13 MR. KUHN: And then can you have them shown to
14 the videographer? Or is the videographer with you
15 or not?

16 MR. PANAGAKIS: No, the videographer is by
17 Zoom, too. But I can -- I can maybe try to hold it
18 up on my camera here.

19 BY MR. PANAGAKIS:

20 Q But go -- go ahead and look at them first,
21 Tracy, and then let me know when you're done just here.

22 COURT REPORTER: Gentlemen, I will say that if
23 you're going to hold them up to the camera, Ms.
24 Horton would be the better one to do that because
25 the videographer and I are both -- most likely have



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1 her pinned as -- as the head (audio cuts out) to
2 show, just so you know.

3 MR. PANAGAKIS: Okay. Okay. So David, do you
4 see them?

5 MR. KUHN: She's got them up. I -- I can see
6 them. Something is just -- hold on, let me see
7 what's -- yeah, it's -- it's filling up her screen.
8 I can see, but I've got something on my screen.
9 Okay.

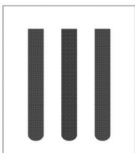
10 COURT REPORTER: Yeah, I have it captured here,
11 so --

12 MR. KUHN: I've got a picture of her vehicle on
13 my screen now. Hold on.

14 MR. PANAGAKIS: Well, there's -- there's --
15 there's actually -- there's --

16 MR. KUHN: Yeah, I've got them.

17 MR. PANAGAKIS: There's three photos. One is
18 Miss -- are Ms. Horton's car on the left, top and
19 bottom. And then one is Ms. Taintor's on the bottom
20 right. All right. And then Tracy, if you can put
21 the other two (audio cuts out)? All right. And
22 then if you can put -- all right, you can put that
23 down. All right. So Tracy, I want to ask you about
24 those and we're going to attach those. I like --
25 actually, let me get them back because I'm going to



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1 -- I'm going to put a little flaggy on there. This
2 will be Plaintiff's Composite 1. We're going to do
3 1A, 1B and 1C.

4 BY MR. PANAGAKIS:

5 Q All right. So let -- let me show you if
6 you'll hold up 1A, just look at it for yourself. So
7 Tracy, you were asked a question if Ms. Taintor's
8 headlights were on. These were taken by the police. Do
9 you see that her headlights were actually on?

10 A Yes, I did notice that. I was going to bring
11 that up.

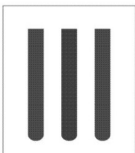
12 Q Okay. One of the other things you see in this
13 photograph is Ms. Taintor is physically in her car and
14 the police -- at the top right of 1A and then top left
15 of 1A, the police is over by Ms. Taintor's car. Do you
16 see that? You may have to turn it so you can --

17 A Yeah, I saw that.

18 Q Okay. And is that consistent, Tracy, with --
19 you're saying that the police went to Ms. Taintor's car
20 to try to get her out of the car?

21 A Yes.

22 Q Okay. One of the other things, or one of the
23 other photos that I want to show you is -- and if you
24 could hold this up, this is 1B. And I know you were
25 asked a question if, at the time of the crash, if your



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1 headlights or specifically your rear taillights were on.

2 Do you see that they're on in this photograph?

3 A Yes.

4 Q Okay. All right. And then if you'll hold up
5 this last one, this one is 1C. That was 1B before. This
6 is 1C. And you see you've got your front light on
7 there, on the side there, top -- top left?

8 A Yeah.

9 Q Okay. You can put that down. So let, --
10 let's talk about immediately after. All right? Let's
11 talk about the -- the impact first itself. Did the
12 impact feel like a hard impact to you?

13 A It felt tremendously hard. The impact, yes.

14 Q And I know you had your seat belt on, but did
15 you feel your head violently go forward and hit I guess
16 your head and eye area hit the steering wheel and then
17 slam back into your headrest?

18 A Yes, that's exactly how I explained it.

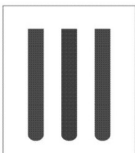
19 Q Okay. What about -- what -- and I know your
20 dog's gotten bigger. What -- what about your dog?

21 A Well, the dog was in the -- in the front seat,
22 obviously not seat belted in the -- the car.

23 Q Sure.

24 A And so she flew against the dashboard.

25 Q Okay.



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1 A And then hit the floor.

2 Q Okay. So you said you had to kind of get
3 yourself together and then, because nobody came to you
4 or did anything, you actually went over to Ms. Taintor?

5 A Yes, I went over to her window and knocked on
6 the window. Tried to get her to respond in some way.

7 Q Right. And when you went to Ms. Taintor, was
8 she responsive?

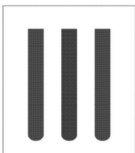
9 A Ms. Taintor was incoherent. She didn't even
10 -- I don't even know that she realized she was in the
11 car, but I asked, I said, did -- did you -- I said, did
12 you not see the car? And I was like, did you call the
13 police or anyone? And she -- I thought she said yes or
14 something to that -- you know, but apparently she
15 didn't, so I called the police.

16 Q And you mentioned that you could smell a
17 strong odor of alcohol coming from her?

18 A Well, when she rolled the window down, that
19 was the first -- the first thing I could smell was the
20 alcohol.

21 Q Okay. Was it -- was it like an overwhelmingly
22 strong smell?

23 A It was -- it was strong. You could tell that
24 she had been drinking, because, I mean, there was no
25 denying that. You could smell it.



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1 Q All right. So you then called 911 and the
2 police came?

3 A Yep. I called 911 and the police came, and
4 the first thing they did was they looked at the
5 situation, went over to her car and asked her to shut
6 the car and move the car.

7 Q Okay. And did she follow their commands?

8 A Well, the car got moved. I just don't know if
9 she backed it up or they moved it back.

10 Q Okay. There -- in the photograph we look at
11 it 1A, top left --

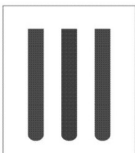
12 A She was still sitting in there, in the car.

13 Q Right. And -- and so my question is, 1A, the
14 top left that -- that I'll provide to the court reporter
15 and we showed earlier in the video, there's a police
16 officer there speaking to Ms. Taintor. And then also 1A
17 top right, she's still sitting in her car.

18 A Yeah.

19 Q Did the police have to ask her several times
20 even to get out of her car?

21 A Well, they asked her, I could hear like --
22 because he was pretty loud, like, because the car still
23 was running, to turn the car off and move the car back.
24 But then she -- I guess she must have moved the car
25 because she was still sitting in the car when it came



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1 off of the back end of my car and he was still trying to
2 get her out of the vehicle at the time.

3 Q But it took quite some time for her to even
4 answer her car even though the police asked her to,
5 right?

6 A It took quite a -- quite a long time.

7 Q And then when she got out of her car --

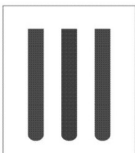
8 A I -- after she got out of the car, they were
9 trying to help her out of the car. That's when she peed
10 in the car and they used the puppy pads to wipe up the
11 urine in the car.

12 Q And the puppy pads, they asked you for puppy
13 pads because they saw you had them?

14 A Yeah, they saw that there was one by my car
15 because it must have fallen out when I grabbed Laney out
16 of the car.

17 Q Is that when Ms. Taintor then laid on the
18 pavement?

19 A It must have been before they actually tried
20 to get her in the police car. She laid on the -- on the
21 ground but like she laid in the middle of the street and
22 that sort of freaked me out. And I think at that point,
23 I went over by her to see if she was like okay before
24 the paramedics came. And that's when I got the crackers
25 and the water from Angie to try and give -- give her



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1 something because she just was -- she was acting really
2 strange. I thought there was something wrong. Like,
3 her sugar level was wrong or something like that, so I
4 tried to give her something. And then I remember I
5 said, you know, they're trying to get you into the car
6 to drive you home and she just was slurring her words
7 and she really didn't know what was happening.

8 Q And you could still smell the alcohol, too?

9 A You could -- everyone could smell the alcohol.

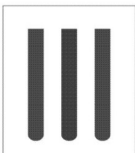
10 Q Okay. When the ambulance came, did they have
11 to physically lift Ms. Taintor off of the pavement and
12 stick her on a stretcher her in the ambulance?

13 A They did.

14 Q Okay. Before they did that, you mentioned,
15 and I want to ask you something that -- I think you
16 mentioned it in something additional. You mentioned
17 that there was -- Ms. Taintor had indicated she'd come
18 from the Orange Blossom Country Club?

19 A Well, she had told the two officers that she
20 was coming from the Orange Blossom Country Club, and in
21 the direction that she was coming, it makes sense
22 because the direction that she hit me, it would be
23 around the bend from the Country Club coming that way.

24 Q All right. And did -- did she say that she
25 had been drinking there?



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1 A She said she had a bottle of wine. I thought
2 I heard her say with her friends. She was out with her
3 friends at the Country Club and she said she had wine, a
4 bottle of wine.

5 Q All right. So you heard her say that?

6 A Yeah. Yeah.

7 Q Now, in Ms. Taintor's deposition she talked
8 about having gone to a restaurant. I believe it was
9 called Sakura, S-A-K-U-R-A. Are you familiar with that
10 restaurant?

11 A Yes. It's near where I work, right next door.

12 Q And Ms. Taintor further testified that she
13 came -- or after leaving Sakura, she went directly to
14 where the crash actually happened. Are you familiar
15 with that route?

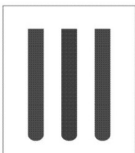
16 A Yes.

17 Q Now, based on how the crash happened, does
18 that make any sense?

19 A Well, now that I realize that she had said
20 that she went to the Japanese restaurant --

21 Q Sakura.

22 A -- Sakura, and the way that she hit me and the
23 direction she was coming, if she actually had come
24 directly from that restaurant, she would've hit the
25 front end of my car, not the back end of my car.



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1 Q So she would've hit you head on, meaning the
2 front of her car with the front of your car?

3 A Yes.

4 Q As opposed to what actually happened here,
5 which is rear ending your car or your stopped parked car
6 with the front of her car?

7 A Exactly.

8 Q And the way the crash happened would be
9 consistent with the path of travel from the Orange
10 Blossom Country Club but not from Sakura as Ms. Taintor
11 testified in her deposition?

12 A Exactly.

13 Q Okay. And I believe you mentioned, too, that
14 Ms. Cohen does not drive, correct?

15 A She's disabled. She doesn't drive. She
16 doesn't even have a driver's license.

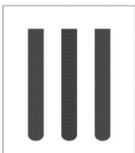
17 Q Okay. That being said, you were in immediate
18 pain after this crash; is that fair?

19 A Yeah, I -- I mentioned that, and that was the
20 reason that I didn't go to the hospital.

21 Q All right. Well, and Ms. Cohen could not
22 drive you?

23 A No, she couldn't drive me.

24 Q And although you were planning on staying the
25 night, you actually stayed a couple nights because you



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1 remained in pain and nauseous.

2 A Right.

3 Q Okay. You stayed there till I think you said
4 about Tuesday, and then the following day, that
5 Wednesday, is when you saw Dr. (audio cuts out) --

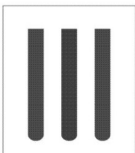
6 A That's correct.

7 Q And I mean, fair to say you've not had a
8 single pain-free day since this crash occurred in your
9 neck, your back, your headaches, the numbness, the
10 swelling, all the above, fair?

11 A That's true.

12 Q And -- and -- and I -- I mentioned the
13 swelling. We provided some photographs to Mr. Kuhn as
14 part of the discovery of this case. And I will --
15 David, I'll attach these. These were in response to the
16 RTP and I'll have Tracy show these, and then we will
17 send them to the court reporter. But these will be 2A,
18 2B. Let's see and let me hand you these. And do those
19 photographs, 2A, 2B and 2C, do they fairly and
20 accurately -- that's 2A we're showing right now. Do
21 these photographs, 2A, 2B and 2C, fairly and accurately
22 show the swelling that you get as a result of your
23 injuries to your right hand?

24 (PLAINTIFF'S EXHIBIT 2 MARKED FOR
25 IDENTIFICATION)



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1 A Yes.

2 Q All right. So I just showed 2B. And then
3 finally 2C. And you've shown all of these photographs,
4 2A, 2B and 2C. What brings on the swelling? How does
5 it occur? What kind of pain or symptoms does it cause?

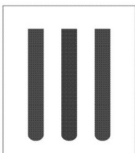
6 A The swelling is brought on by when the hand
7 goes numb, and the hand goes numb when I get the
8 piercing pain in my neck and down my back. And it's
9 caused by like a repetitious motion like I had mentioned
10 in the deposition. Writing for a long period of time,
11 shaving, anything that you do that you do, like blow
12 drying my hair with the hairbrush. If I do it for a
13 long time. You know, I used to flip my head over and
14 dry my hair, which sounds like, you know, something
15 that's not relevant but I can't even do that anymore
16 because of my neck. I don't do it because I would get a
17 headache. Sleeping on this side, on my right side,
18 causes the numbness in my hand.

19 Q And -- and Dr. Razack has told you that, even
20 in spite of the surgery, that numbness is permanent?

21 A Right. And it's -- it's not all the time but
22 it comes on from repetitious behaviors or exercise.

23 Q And before the surgery, you were even losing
24 feeling and dropping things and temperature change?

25 A Yeah, and it actually was both sides that were



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1 doing that. I don't have that problem so much with the
2 left side, it's just sometimes the right side.

3 Q But even sitting during the deposition today,
4 and I don't want to put words in your mouth, I mean, you
5 get uncomfortable just sitting? Like, your neck causes
6 you pain, and back, just sitting?

7 A Yes, just sitting. I had mentioned that.

8 Q And then as far as going forward in the
9 future, you're in the process of setting an appointment
10 Dr. Razack, for him to refer you to a pain management
11 doctor?

12 A Yes.

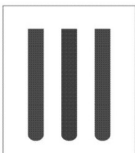
13 Q Last thing, and this is in the medical
14 narrative that David attached, and you can feel free to
15 look as well. But if -- if you look at page 13 of the
16 medical narrative, and this is after one of your
17 appointments with Dr. Razack, it stated on May 25, 2021
18 that Dr. Razack stated that you had a mild traumatic
19 head injury; is that right?

20 A Yes.

21 Q And that he's actually the one that referred
22 you for the MRI of June 15, 2021?

23 A Yes.

24 Q And then once you went back to his office, you
25 reviewed those findings with Dr. Razack and the other



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1 doctors and providers in his office?

2 A Yes.

3 Q And is your plan to continue treating with Dr.
4 Razack, pain management, getting the injections, and
5 taking the medications?

6 A Yes.

7 MR. PANAGAKIS: Okay. I think that's all I've
8 got, David.

9 REDIRECT EXAMINATION

10 BY MR. KUHN:

11 Q Okay. Ms. Horton, would you hold up the
12 photographs that the police took of the rear of your
13 car? Okay, what I'm looking at is the bottom left.

14 A Reflector?

15 Q Yeah, it's the one -- it shows your -- looks
16 like a lights on, on the left-hand side. And that's the
17 photograph -- or that's the area where I had had a
18 photograph where the -- the red light was not on in the
19 photograph that I had. You remember seeing those?

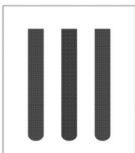
20 A You mean that it's gone?

21 Q Right.

22 A Yeah, it fell off right after this. Like, it
23 was loose there. It literally fell to the ground.

24 Q Okay. But it wasn't -- was it cracked?

25 A There -- the -- where the impact was on the



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1 back end of the car, it made the hole where that goes
2 bigger and it just fell right out.

3 Q Okay.

4 A And I tried to stick it back in there because
5 I didn't want the car to look so, so terrible because it
6 still was drivable but it wouldn't go.

7 Q Okay.

8 A I mean, it literally made the hole bigger.

9 MR. KUHN: Okay. That's all I have for you.
10 Thanks.

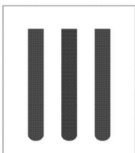
11 MR. PANAGAKIS: All right. I've got nothing
12 else. We'll read.

13 MR. KUHN: I'm going to hold off -- yeah, I'm
14 going to hold off ordering for now. Yeah.

15 MR. PANAGAKIS: All I was going to say is we'll
16 do a read and sign through my office, and then if it
17 is ordered, we'll take a copy. And then Gretchen,
18 I'll e-mail you those two composite exhibits -- e-
19 mail that to you.

20 COURT REPORTER: Okay. Thank you very much.

21 (DEPOSITION CONCLUDED AT 4:37 P.M.)
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23
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25



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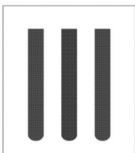
1 CERTIFICATE OF OATH

2
3 STATE OF FLORIDA4 COUNTY OF ORANGE
56 I, the undersigned, certify that the witness in the
7 foregoing transcript personally appeared before me and
8 was duly sworn.
910 Identification: Produced Identification
1112 
13
1415 _____
16 GRETCHEN DYE

17 Court Reporter, Notary Public

18 State of Florida

19 Commission Expires: 09/18/2026

20 Commission Number: HH 313066
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C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF ORANGE)

I, GRETCHEN DYE, Court Reporter and Notary Public
for the State of Florida at Large, do hereby certify
that I was authorized to and did report the foregoing
proceeding, and that said transcript is a true record of
the said proceeding.

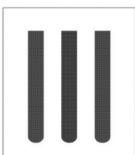
I FURTHER CERTIFY that I am not of counsel for,
related to, or employed by any of the parties or
attorneys involved herein, nor am I financially
interested in said action.

Submitted on: January 2, 2023.



GRETCHEN DYE

Court Reporter, Notary Public



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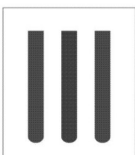
ERRATA

PAGE	LINE	CHANGE	REASON
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I have read the entire transcript of my deposition taken in the captioned matter or the same has been read to me. I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and authorize you to attach the changes to the original transcript.

Date

NAME



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January 02, 2023

Nicholas Panagakis, Esquire
Morgan & Morgan
20 North Orange Avenue
Suite 1600
Orlando, FL 32801

RE: Deposition of **Tracy Horton** taken on **12/14/2022**
TRACY HORTON vs. MARGARET E. TAINTOR

Dear Mr. **Panagakis**,

IMPORTANT NOTICE FOR DEPOSITION TRANSCRIPT READ AND SIGN

It is suggested that the review of this transcript be completed within 30 days of your receipt of this letter,
as considered reasonable under Federal Rules*.

 x **Attorney - Copy of Transcript Enclosed:** Signature of the Deponent is required. Please have the deponent make any corrections/changes necessary on the Errata Sheet ONLY, sign name on the form where indicated. Please return ONLY the original signed Errata Sheet to our offices within 30 days from the date of this memorandum. If you have any questions, please call our offices.

 Attorney - No Copy Ordered: Since you did not request a copy of the transcript, it will be necessary for the Deponent to call our offices to arrange for an appointment to read and sign the transcript of the Deposition within 30 days of this memorandum.

 Deponent: At the time of your deposition, you did not waive your right to read and sign the transcript of your testimony, therefore, attached please find a copy of the transcript and Errata Sheet. Please read the transcript, make any corrections necessary on the Errata Sheet ONLY, sign the bottom of the Errata Sheet, and return it within 30 days from the date of this memorandum. Please call our offices if you have any questions.

 Deponent: At the time of your deposition, you did not waive your right to read and sign the transcript of your testimony, therefore, it is necessary for you to come to our offices to read and sign same. Please call Milestone Reporting Company to arrange for an appointment at your earliest convenience.

 The attached executed copies of the Errata Sheet(s) are sent to you for your files. If you have any questions, please call our offices.

Thank you for your attention to this matter.

No. 243709

cc:

Waiver:

I, Tracy Horton, hereby waive the reading and signing of my deposition transcript.

Deponent Signature

Date

*Federal Civil Procedure Rule 30 (e) / Florida Civil Procedure Rule 1.310 (e)