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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

DENISE M. OLIVER AND)	
ELIZABETH ANN MOODY,)	
)	
Plaintiffs,)	CASE NO. CV 81-1224
)	
VS.)	
)	
WILLIAM FOUNDATION HOSPITALS,)	
C.Z. TORT, F.W. WINSTON,)	
)	
Defendants.)	
)	

TRANSCRIPT OF PROCEEDINGS - VOLUME III
BEFORE THE HONORABLE ROBERT JUSTICE
TUESDAY, AUGUST 28, 2013; 9:00 A.M.
ST. LOUIS, MISSOURI

FOR THE PLAINTIFF:

Guest, Jones & Law
By: Joseph Law, Esq.
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FOR THE DEFENDANTS:

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Proceedings recorded by mechanical stenography, transcript
produced by computer.

MARY JONES, CSR 0000, CRR
FEDERAL OFFICIAL COURT REPORTER
308 SOUTHCREST BOULEVARD
ST. LOUIS, MISSOURI 90012

I N D E X

AUGUST 28, 2013; VOLUME III

Defendant's

Witnesses:

Direct

Cross

Redirect

Ann D. Hannan

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Mary Ramirez

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1 MR. JONES: That is all I have for this witness.

2 THE COURT: All right. Suppose we recess for a
3 short period now, say 15 minutes.

4 (Recess at 10:30 A.M. until 10:45 A.M.)

5 MR. JONES: If it please the court, Your Honor, the
6 defendant is ready to proceed. I would like to call
7 Ann Hannan.

8 ANN D. HANNAN, DEFENDANT'S WITNESS, SWORN

9 DIRECT EXAMINATION

10 BY MR. JONES:

11 Q Would you give your full name, Ann?

12 A Ann D. Hannan.

13 Q And where do you live?

14 A At 425 Rockway Place, Lake Summit.

15 Q And how have -- I mean, how long have you lived there?

16 A For about 20 years.

17 Q And what do you do for a living?

18 A I work as a checker at Green Grocery on
19 Long Street.

20 Q How long have you worked there, Ms. Hannan?

21 A I was hired by Clem Staples, I mean, the deceased --

22 MR. PLASKY: I object. Your Honor, I would like the
23 witness' answer stricken from the record as nonresponsive.

24 (Off the record discussion at sidebar.)

25 THE COURT: Objection sustained. Will you proceed.

1 Q BY MR. JONES: Miss Hannan, how many years did you work as
2 a checker at Green Grocery Store?

3 A For ten years and maybe three, four months.

4 Q Did you work all that time?

5 A (Inaudible response.)

6 Q Was that a yes, Miss Hannan?

7 A Yeah.

8 Q Were you ever laid off for any reason?

9 A No, never, 'cause Mr. Staples seen where I was livin' and
10 he knew I needed the money.

11 Q Why did you --

12 THE COURT: Pardon me, Counsel, for interrupting
13 you; but I would like to ask the witness one question.

14 I don't understand what you mean by that statement.
15 Please explain what your living conditions were, Miss Hannan.

16 THE WITNESS: They were awful, Judge. The house had
17 no electricity. We only got a water pump two years ago.

18 THE COURT: Thank you.

19 You may proceed, Counsel.

20 MR. JONES: Your Honor, at this time I would like to
21 call the court's attention to the case of State vs. Tilden
22 which states:

23 "On June 20, 1969, the defendant was on his way
24 home and was struck by an automobile which was
25 traveling at an excessive rate of speed, and

1 defendant sustained severe injuries and died an
2 hour later."

3 THE COURT: I am familiar with that case. I had
4 forgotten all about it. That was a surprise ruling by the
5 state Supreme Court. Based upon that case, it appears that I
6 might dismiss the charges against the defendant in this case.

7 MR. PLASKY: I strongly object. I do not believe
8 the circumstances in this case fit the circumstances in that
9 case at all. Now, I have some questions of this witness,
10 Your Honor.

11 CROSS-EXAMINATION

12 BY MR. PLASKY:

13 | Q Did you force the plaintiff to drive into the country?

14 | A No.

15 Q Did you ever see these car keys before? I will show you
16 Government's Exhibit 3.

17 | A That's it. See. Here (indicating) is the dented key.

18 MR. PLASKY: Let the record reflect the witness has
19 identified the dent on the key.

20 I have nothing further, Your Honor.

21 THE COURT: Mr. Jones, do you have anything else?

22 REDIRECT EXAMINATION

23 | BY MR. JONES:

24	Q	Did you at any time ever mark another set of keys?
----	---	--

25 | A No, I didn't.

1 MR. JONES: That's all I have.

2 THE COURT: Are you sure that there is no more
3 testimony for the record?

4 MR. PLASKY: Nothing further.

5 THE COURT: You may step down. I am going to call a
6 short recess.

7 (Recess from 3:35 P.M. until 4:05 p.m.; all parties
8 present.)

9 THE COURT: You may proceed, Mr. Jones.

10 MR. JONES: May it please the court. I have a
11 witness, Mary Ramirez, and she only speaks Spanish. I have
12 brought Jorge Lopez, a Spanish teacher who has been officially
13 certified by the U.S. Courts, to act as an interpreter.

14 THE COURT: Yes, Mr. Lopez has acted as an
15 interpreter in this court before.

16 MR. PLASKY: I know Mr. Lopez and agree that he be
17 the interpreter.

18 THE COURT: I will have the deputy clerk administer
19 the oath to Mr. Lopez and then to Mrs. Ramirez.

20 (Interpreter sworn.)

21 MARY RAMIREZ, DEFENDANT'S WITNESS, SWORN

22 DIRECT EXAMINATION

23 BY MR. JONES:

24 Q What is your name?

25 A Mary Ramirez.

1 Q Where do you live?

2 A Now I live at 245 Davis Road in Summerville, but I just
3 moved there three months ago. I am living with my mother and
4 father in their home.

5 Q Do you remember the afternoon of July 14, 1979?

6 THE INTERPRETER: I am sorry. I didn't hear the
7 date. Did you say July 14?

8 MR. JONES: Yes.

9 THE INTERPRETER: She said, "yes."

10 Q BY MR. JONES: And where were you on July 14 at about
11 4:00 p.m.?

12 A Shopping at SAVE-A-LOT.

13 Q What time did you get to the store?

14 A 1:00.

15 MR. PLASKY: Your Honor, may we go off the record?

16 THE COURT: Yes.

17 (Bench conference off the record.)

18 THE COURT: You may proceed, Mr. Jones.

19 MR. JONES: May we have the last question and answer
20 read back?

21 (The last question and answer were read.)

22 Q BY MR. JONES: At about 4:00 p.m. did you see anything
23 unusual?

24 A I saw that woman over there (indicating) take a steak and
25 put it in a shopping bag. Her, her (indicating).

1 Q You are pointing at the defendant, Lynn Roger, are you
2 not?

3 A Yes. That woman right there.

4 MR. JONES: Let the record show that the witness has
5 correctly identified the defendant.

6 (Proceedings concluded at 10:05 a.m.)
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CERTIFICATE OF OFFICIAL REPORTER

I, Mary F. Jones, Federal Official Realtime Court Reporter, in and for the United States District Court for the Central District of California, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 24th day of July, 2013.

/S/ MARY F. JONES

MARY F. JONES, CSR NO. 0000, CRR
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