

Poole + Rainford

**Phillip Hawkins v.  
Anstar Biotech Industries**

***Case ReportBook***

Authored by:

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## ***Introduction***

This ReportBook contains a collection of transcript reports we have prepared for this matter.

Some of the reports in this ReportBook may include our annotations of transcript sections of interest and our notes/comments regarding the transcript. It is important to understand that these annotations and notes are a work in progress, not polished or final product. We're using them to capture our ongoing analysis of the transcripts. As the analysis process continues, the annotations and notes will grow and change.

An important part of the reason for circulating ReportBooks is to get everyone involved in the case analysis process. We've found that it expedites the process of developing a complete and accurate understanding of the matter at hand. When you notice important points during your review of the following reports, please be sure to let us know.

Thank you for your assistance!

**Phillip Hawkins v.  
Anstar Biotech Industries**

***Deposition of Philip Hawkins***

***10/21/2000 10:00 AM***

***Annotation Digest - All Annotations***

## TextMap Annotation Digest Report

**Case Name:** Phillip Hawkins v. Anstar Biotech Industries

**Transcript:** Deposition of Philip Hawkins

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**Pg: 4 Ln: 14 - 22**

**Annotation:**

4:14 Q Would you state your full name, please?  
15 A Philip Mark Hawkins.  
16 Q And your date of birth?  
17 A October 13th, 1959.  
18 Q Are you 40?  
19 A Yes, ma'am.  
20 Q Your current address?  
21 A 2646 East Cloud Street, Palm Beach,  
22 Florida. The ZIP Code is 32980.

**Note:** Basic info about the witness

**Linked Issues:** Background

**Pg: 10 Ln: 10 - 16**

**Annotation:**

10:10 Q At the time of this accident that we're here  
11 about today, you were obviously called to a scene on  
12 that day, is that correct, the scene of a fatal  
13 accident?  
14 A No, ma'am, it wasn't a fatal accident.  
15 Q It was not?  
16 A No, ma'am.

**Note:** This annotation is linked to two issues. Issue-coding is done on the Linked Issues tab of the New Annotation dialog or the Edit Annotation dialog. Import issues from CaseMap, then add issues that you might not want in the CaseMap case as legal issues. For example, you might code some annotations as "Background" or "Possible Impeachment".

**Linked Issues:** WrongfulTermination, Retaliation

**Pg: 19 Ln: 7 - 12**

**Annotation:**

19: 7 Q And then the 20th was the birthday party.  
8 What did you do on the 19th?  
9 A Stayed home.  
10 Q Do you recall what you did while you were at  
11 home?  
12 A No, ma'am.

**Note:** This is an example of an optional note. You can click the Linked Issues tab to issue-code the annotation. Create issues from scratch or import them from CaseMap, if you're using CaseMap. If you're not using CaseMap you're missing out on a great case analysis tool!

**Linked Issues:** WrongfulTermination

# TextMap Annotation Digest Report

**Case Name:** Phillip Hawkins v. Anstar Biotech Industries

**Transcript:** Deposition of Philip Hawkins

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**Pg: 21 Ln: 21 - Pg: 22 Ln: 1**

**Annotation:**

21:21 Q Okay. And did you go home that evening  
22 then?  
23 A Yes.  
24 Q And then the first thing in the morning you  
25 went to the emergency room?  
22: 1 A Yes, ma'am.

**Note:** Another example note. Annotations (selected passages) are preserved even if you don't add a note. If the patient went home in the evening and got a good night's sleep the injury could hardly be classified as debilitating, as claimed. Hawkins only sought treatment the following day.

**Linked Issues:** Possible Impeachment

**Pg: 25 Ln: 21 - 23**

**Annotation:**

25:21 Q Had you ever seen Dr. Garcia prior to this  
22 accident?  
23 A No, ma'am.

**Note:** Nam rhoncus, risus id porta imperdiet, tellus magna dapibus felis, vitae commodo est orci sit amet metus. Duis sed arcu a mi aliquet ultrices. Donec nec elit. Aenean nec turpis. Lorem ipsum dolor sit amet, consectetur adipiscing elit. Curabitur gravida risus ac massa.

**Linked Issues:** Transfer, Demotion

**Pg: 30 Ln: 11 - 19**

**Annotation:**

30:11 Q But your schedule hadn't really changed  
12 since before the accident. I mean, you returned  
13 working the same type of hours that you were doing  
14 before the accident?  
15 A No, ma'am. When you're on full duty, you  
16 work shifts. When I was working light duty, I was  
17 assigned to the office, and I worked basically 8:00 to  
18 5:00, Monday through Fridays, with Saturdays and  
19 Sundays off.

**Note:** Here Hawkins talks about the difference between the kind of work he did prior to the accident then contrasts it to the work he's able to do now.

**Linked Issues:** AgeDiscrimination, Demotion

**Pg: 34 Ln: 3 - 9**

**Annotation:**

34: 3 Q Had you ever had a back injury or any  
4 complaints relating to your low back prior to this  
5 accident?

## TextMap Annotation Digest Report

**Case Name:** Phillip Hawkins v. Anstar Biotech Industries

**Transcript:** Deposition of Philip Hawkins

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**Pg: 34 Ln: 3 - 9** continued...

**Annotation:**

34: 6           A     No, ma'am.  
      7           Q     Have you ever had an injury on the job prior  
      8 to this accident?  
      9           A     No, ma'am.

**Note:** Cras neque justo, bibendum a, adipiscing a, faucibus nec, dui. Curabitur pulvinar. Integer bibendum, dui faucibus varius blandit, velit eros ultricies eros, vel malesuada purus odio sit amet lacus. Nullam lobortis. Maecenas elementum ante a nisl. Fusce venenatis pretium erat.

**Linked Issues:** There are no issues linked to this annotation.

**Phillip Hawkins v.  
Anstar Biotech Industries**

***Deposition of Susan Sheridan***

***5/23/2003 11:47 AM***

***Annotation Digest - All Annotations***

## TextMap Annotation Digest Report

**Case Name:** Phillip Hawkins v. Anstar Biotech Industries

**Transcript:** Deposition of Susan Sheridan

---

**Pg: 15 Ln: 14 - 18**

**Annotation:**

15:14 Q. How would you describe the amount of water  
15 damage to the property that you saw? Light? Medium?  
16 Heavy? Substantial?  
17 A. It was heavy. There was substantial water  
18 damage.

**Note:** I found this passage by searching using an Advanced Search for the phrase "water damage". A search for words enclosed in quotes returns hits for exactly what you have in quotes. If you just type a term or terms then your results will be words that match the first letters of the term you typed.

**Linked Issues:** Background

**Pg: 17 Ln: 6 - 13**

**Annotation:**

17: 6 Q. And what happened when you called over to the  
7 county?  
8 A. I spoke to Tessa one time. Her name just  
9 stands out because it was a unique name. And she had  
10 indicated that they did not show any excessive water  
11 usage or any water usage in September or prior to, at  
12 that point, and I said that there has to be some water  
13 usage because we have a water damage claim.

**Note:** Here we have testimony that Sheridan consulted with the county on the excess water usage at the apartment. This clearly shows that either there was a leak that had been ignored or the occupants of the apartment were obsessive about bathing or perhaps engaged in an illegal agriculture operation and using the water for irrigation. Check police records.

**Linked Issues:** Possible Impeachment

**Pg: 17 Ln: 18 - 23**

**Annotation:**

17:18 Q. Okay. So someone had to turn that valve back  
19 on.  
20 A. Apparently.  
21 Q. And in your investigation of the case, have you  
22 ever determined who did that?  
23 A. No.

**Note:** Nullam viverra dui. Vestibulum ante ipsum primis in faucibus orci luctus et ultrices posuere cubilia Curae; In auctor purus et ante. Pellentesque dui est, consectetur ut, fermentum sollicitudin, pretium sit amet, arcu. Cras sed ante sed dolor commodo gravida. Cum sociis natoque penatibus et magnis dis parturient montes, nascetur ridiculus mus. Integer tellus.

**Linked Issues:** Pattern&Practice

## TextMap Annotation Digest Report

**Case Name:** Phillip Hawkins v. Anstar Biotech Industries

**Transcript:** Deposition of Susan Sheridan

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**Pg: 22 Ln: 21 - Pg: 23 Ln: 1**

**Annotation:**

22:21 Q. Okay. And in your investigation, did you  
22 review the water bill in this loss?  
23 A. I later confirmed that there was a thousand  
23: 1 gallons of water in -- between June and July or something  
to that effect.

**Note:** In hac habitasse platea dictumst. Curabitur metus. Sed non justo et sapien gravida posuere. Nulla non leo sed diam fermentum fringilla. Nulla pharetra, nisi ac volutpat gravida, est ligula pulvinar tortor, elementum suscipit tellus est nec felis. Phasellus sodales, est et lobortis auctor, eros turpis rutrum ante, in dictum turpis justo ut lectus.

**Linked Issues:** Transfer

**Pg: 32 Ln: 1 - 4**

**Annotation:**

32: 1 A. Correct.  
Q. Did Mr. Reinhart indicate to you his feelings  
2 about this loss?  
A. He said there was a lot of water and that it  
3 had to have been there for a few weeks or more based on  
4 the amount of mold that was present, and water.

**Note:** Mold damage possible. Could have occurred over several weeks time, or maybe it was just highly aggressive mold growing over a short period of time. Sheridan is testifying as to something she heard from Reinhart. Has he been scheduled for deposition or has anyone contacted him?

**Linked Issues:** FailureToMitigate, MentalAnguish

**Pg: 33 Ln: 11 - 13**

**Annotation:**

33:11 Q. Would you find him to be an experienced  
12 individual as it relates to water claims?  
13 A. Yes.

**Note:** Cras pulvinar. Duis urna arcu, mollis ut, dignissim vitae, vulputate nec, nulla. Fusce tincidunt congue nibh. Aliquam ut velit. Phasellus id turpis vel nisl lobortis elementum. Suspendisse risus sem, congue vitae, convallis id, laoreet porta, nunc. Nam pharetra. Integer vulputate, ipsum a molestie malesuada, arcu leo tempor felis, nec consectetur elit ipsum vitae enim. Proin posuere quam non mauris.

**Linked Issues:** MentalAnguish

**Phillip Hawkins v.  
Anstar Biotech Industries**

***Deposition of Wayne Varvaro***

***5/23/2003 1:05 PM***

***Annotation Digest - All Annotations***

## TextMap Annotation Digest Report

**Case Name:** Phillip Hawkins v. Anstar Biotech Industries

**Transcript:** Deposition of Wayne Varvaro

---

**Pg: 4 Ln: 11 - 19**

**Annotation:**

4:11                   Q. Can you just state your name for the record?  
12                   A. Wayne Varvaro, V-A-R-V-A-R-O.  
13                   Q. And where do you work?  
14                   A. Indian River County Utilities.  
15                   Q. Can you tell me in what capacity, Tom?  
16                   A. Operations manager.  
17                   Q. What does that encompass?  
18                   A. I oversee all the operations of water and sewer  
19 relating to Indian River County.

**Note:** It appears that we didn't cover Varvaro's work experience in detail in this testimony. Let's do a Total Litigator search on Public Records to determine where he might have been before he moved here and took the position with Indian River Utilities.

**Linked Issues:** Background

**Pg: 17 Ln: 16 - Pg: 18 Ln: 1**

**Annotation:**

17:16               Q. And does the county often pay for repairs or  
17 anything like that if something happens?  
18                   A. That I'm not aware of. That's out of my  
19 department. All we did was notify risk. That would be  
20 Ms. Jordan.  
21                   Q. And the only time you would notify risk would  
22 be if someone has complaints that they're claiming the  
23 county caused damage or something?  
18: 1               A. Yes.  
                    Q. And then their department handles that. You're

**Note:** This appears to be an effort to pass the buck. Sheridan clearly communicated the problem to the county, according to her testimony. We can really put pressure on this witness if this matter goes to trial on this issue. He had responsibility under his job description, yet is attempting to say that it was Jordan who really was responsible for the county's efforts. Let's mark this one as Critical for follow-up.

**Linked Issues:** Critical Follow-Up

**Pg: 22 Ln: 19 - 23**

**Annotation:**

22:19               Q. Other than the discussion you had with someone  
20 from the association, have you ever after that discussion  
21 spoke with him again or any other association member?  
22                   A. I never heard nothing more about it until the  
23 subpoena showed up this week.

**Note:** Why was there no follow-up with the member of the association who called? This is a huge apartment complex and many important citizens live there, including a number of staff members from the Mayor's office. There's not a lot of effort being shown on Varvaro's part to be of assistance in this matter. Do we need to question his supervisor? Let's put Frank Investigator on the task. There's a possibility that the city has some liability in this situation, too, and we can go after the utility department for their lackadaisical response.

## TextMap Annotation Digest Report

**Case Name:** Phillip Hawkins v. Anstar Biotech Industries

**Transcript:** Deposition of Wayne Varvaro

---

**Pg: 22 Ln: 19 - 23 continued...**

**Linked Issues:** FailureToMitigate, LostWages, MentalAnguish

**Pg: 25 Ln: 7 - 14**

**Annotation:**

25: 7 Q. Okay. Now, would the county, at any time when  
8 it's working on any of these mains, service the meter or  
9 the valve that would be the one closest to the house?  
10 A. No, sir.  
11 Q. All right. And when working on these water  
12 mains, would the county turn off the valves going into  
13 the individual unit owner's residence?  
14 A. No, sir.

**Note:** Nulla eget ipsum. In nonummy elit nec sapien. Aenean congue est. Ut fermentum libero non dui. Pellentesque habitant morbi tristique senectus et netus et malesuada fames ac turpis egestas. Vivamus pharetra posuere metus. Praesent at nisi at leo sodales condimentum. Quisque eros neque, ultrices nec, congue pellentesque, volutpat ut, justo. Sed pellentesque placerat neque.

**Linked Issues:** WrongfulTermination

**Pg: 26 Ln: 7 - 12**

**Annotation:**

26: 7 Q. All right. And what did she tell you?  
8 A. She had some water damage in her house that she  
9 would like for us to see.  
10 Q. Okay. Did she indicate to you that somebody  
11 had turned her water meter on while she was away?  
12 A. I can't remember that far back.

**Note:** This selective memory lapse is very curious. Varvaro seems to have perfect recollection of events prior to this occasion. Check Sheridan's testimony to see if there are contradictions. The water department's records might be telling, also. Do we have copies of internal records from the utility?

**Linked Issues:** Damages, Possible Impeachment

**Pg: 26 Ln: 17 - 22**

**Annotation:**

26:17 Q. Sure, to refresh your recollection.  
18 A. Okay. According to this, she told me she had  
19 turned the water meter off, the water off herself, and  
20 that was apparently the conversation.  
21 Q. Did she ever tell you which water meter she had  
22 turned off, or which valve?

**Note:** Aenean convallis quam in tortor. Donec bibendum pulvinar quam. Integer bibendum, orci id sagittis volutpat, nibh nunc mattis ipsum, ut adipiscing mi orci sed ligula. Cras auctor pulvinar ipsum. Aenean auctor odio id justo. Aenean venenatis diam eleifend dui.

## TextMap Annotation Digest Report

**Case Name:** Phillip Hawkins v. Anstar Biotech Industries

**Transcript:** Deposition of Wayne Varvaro

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**Pg: 26 Ln: 17 - 22** continued...

**Linked Issues:** Retaliation

**Phillip Hawkins v.  
Anstar Biotech Industries**

***Interview Notes***

***Annotation Digest - All Annotations***

Taken from "Chronology Best Practices"

# TextMap Annotation Digest Report

**Case Name:** Phillip Hawkins v. Anstar Biotech Industries

**Transcript:** Interview Notes

---

**Pg: 1 Ln: 1 - 4**

**Annotation:**

1: 1 OK ... We cheated! This isn't really a set of interview notes.  
2 It's a copy of our article on chronology best practices that  
3 brought into TextMap using the Import from Clipboard option on  
4 TextMap's Transcript menu.

**Note:** This is a none-too-subtle device to focus prospective users on the arguments that can be readily made that it's better to use a database program to organize facts than it is to use a word processor. One of the first things that you need, after your cast of characters is roughed out, is a chronology.

How can you expect to conduct early case analysis without a basic grip of the facts? Suppose your associate takes a position with another firm and leaves with important factual info gleaned from conversations with the client and the firm's investigator stuck in his memory?

**Linked Issues:** Background

**Pg: 3 Ln: 10 - 16**

**Annotation:**

3:10 DON'T WAIT  
11 Start a chronology as soon as you hear from a client. From  
12 your first conversation with a prospective client, you're gaining  
13 critical knowledge about the problem that led the individual or  
14 corporation to seek counsel. You should begin to create the case  
15 chronology immediately upon returning from your first client  
16 meeting.

**Note:** Quisque fringilla ipsum nec lacus. Mauris vehicula laoreet erat. Donec nec eros. Donec sit amet tellus non lectus faucibus pulvinar. Duis vitae est. Donec vehicula risus vitae urna. Aliquam orci eros, ultrices vel, ornare in, pulvinar sit amet, ipsum.

**Linked Issues:** WrongfulTermination, Pattern&Practice

**Pg: 4 Ln: 23 - Pg: 5 Ln: 4**

**Annotation:**

4:23 While the data-entry advantages of database software are  
24 significant, its most important benefit is to make exploring your  
25 chronology far easier. When you print your word-processing  
5: 1 chronology, your choices are essentially all or nothing. You  
2 print the entire chronology or you don't print it at all. Thus,  
3 as your word-processing chronology grows, it becomes increasingly  
4 unwieldy and diminishes in value.

**Note:** This is a novel concept! Being able to look at various aspects of the chronology with a couple of mouse-clicks beats the heck out of reading and re-reading and re-reading a cumbersome chron printed out or scrolling endlessly past your glazing eyeballs on your monitor!

**Linked Issues:** Pattern&Practice

# TextMap Annotation Digest Report

**Case Name:** Phillip Hawkins v. Anstar Biotech Industries

**Transcript:** Interview Notes

---

**Pg: 7 Ln: 5 - 9**

**Annotation:**

7: 5           If you don't enter a fact into your chronology because it's  
6   disputed or because you have yet to develop a court-acceptable  
7   source for it, what's the result? First, you're turning yourself  
8   from a thinker of immeasurable value into a \$100 disk drive. You  
9   end up having to memorize all of these prospective facts. Second,

**Note:** Nulla facilisi. In hac habitasse platea dictumst. Duis vitae neque. Nam consequat, augue quis viverra varius, mi erat convallis nunc, vitae viverra urna risus sed diam. Sed lectus urna, volutpat et, hendrerit vel, molestie vitae, enim.

**Linked Issues:** Critical Follow-Up

**Pg: 7 Ln: 20 - 25**

**Annotation:**

7:20           Limiting the type of facts that are entered in a chronology  
21   is a vestige of using word-processing software to create chrons.  
22   With a word-processor, once a disputed fact or a fact without a  
23   source has been entered, there's no convenient way to get it out  
24   of your report when you want a pristine list of undisputed facts  
25   for use with motions for summary judgment and pre-trial motions.

**Note:** By now you may have figured out that this article has a great deal to say about the efficacy of using a database software program to organize your chronology rather than a word processor. It's like using a sabre saw to chop down a tree. The sabre saw is wonderful at doing what it's designed to do, make curlicues and designs in a thin piece of wood. But when you really want to get something that will keep you warm on those cold, cold nights of case analysis you use a chain saw!

And we think the best database program to use for case analysis is LexisNexis CaseMap. Surprise!

**Linked Issues:** There are no issues linked to this annotation.

**Pg: 8 Ln: 20 - 25**

**Annotation:**

8:20           Move everything you know about a fact and its implications  
21   from your head into the chronology.  
22           When you enter a fact into your chronology, make sure you  
23   get stupid about it. In other words, empty your head of all  
24   knowledge regarding it. Your chronology should be a memory  
25   replacement, not a memory jogger. If you don't get the complete

**Note:** In sed lectus elementum odio lacinia luctus. Praesent at augue at ante posuere tempus. Donec risus. Aenean condimentum viverra tortor. Integer gravida. Duis risus tortor, pulvinar tempus, feugiat at, varius vitae, metus. Vivamus sit amet diam eu est condimentum sollicitudin.

**Linked Issues:** HawkinsSpecific