## Poole + Rainford

## Phillip Hawkins v. Anstar Biotech Industries

### Deposition of Philip Hawkins

10/21/2000 10:00 AM

**Condensed Transcript for Note-taking** 

Prepared by:

Your Name Here Poole + Rainford

Thursday, January 17, 2008

Poole + Rainford

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1	Page 1 STATE OF FLORIDA	
'	DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY	
2	OFFICE OF THE JUDGE OF COMPENSATION CLAIMS	
3	DISTRICT "C"	
4		-
5 6	CLAIM NO: 263-55-6571 EMPLOYEE: PHILIP M. HAWKINS	
7	EMPLOYER: ABI	
8	CARRIER: STATE OF FLORIDA	
9	CARRIER. STATE OF FEORIDA	
10	D/A: 12/10/00	
11		
10	STATE OF FLORIDA ) COUNTY OF DADE )	
12 13	COUNTY OF DADE )	
14	D W (DIWID MARK HAMKING )	
15 16	Deposition of PHILIP MARK HAWKINS, taken on behalf of the Employer/Carrier, pursuant to	
17	Amended Notice of Taking Deposition, on Thursday,	
18 19	October 21, 2000, commencing at 10:00 a.m., at 4741 Atlantic Boulevard, Suite F, Miami,	
20	Dade County, Florida, before Cindy Cooker, a Notary	
21 22	Public in and for the State of Florida at Large.	
23		
24 25		
	Page 2	
1	APPEARANCES	
2 3		
4	PETER S. ARNDT, ESQUIRE	
5	Arndt & Arndt	
6	One National Drive Miami, Florida 32202	
7	Attorney for Employee/Claimant.	
8		
9 10	SUSAN A. ONOFREY, ATTORNEY-AT-LAW	
11	Onofrey & Straight, P.A.	
	4700 Ocean Boulevard	
12 13	Miami, Florida 32207 Attorney for Employer/Carrier.	
14	America Employer/Carrier	
15	ALGO PRESENT. May the Live	
16 17	ALSO PRESENT: Mrs. Hawkins	
18		
19 20		
21		
22		
23 24		
24 25		

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2	PAGE	
3 4	PHILIP MARK HAWKINS	
5	Direct Examination	
6		
7	by Ms. Onofrey 4	
7 8		
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10		
11		
12	(No Exhibits)	
13 14		
15		<u> </u>
16		
17 18		
19		
20 21		
22		
23		
24 25		
	Page 4	
1	STIPULATION	
2	It was stipulated and agreed by and between	
	counsel for the respective parties, and the witness,	
	PHILIP MARK HAWKINS, that the reading and signing of the deposition not be waived.	
6		
	WHEREUPON,	<u> </u>
8	PHILIP MARK HAWKINS,	
	having been produced and first duly sworn as a witness	
	on behalf of the Employer/Carrier, was examined and testified as follows:	
12	DIRECT EXAMINATION	
	BY MS. ONOFREY:	
14	Q Would you state your full name, please?	
15	A Philip Mark Hawkins.	
16 17	Q And your date of birth? 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,	
	Florida. The ZIP Code is 32980.	
22		
<ul><li>23</li><li>24</li></ul>	Q How long have you lived at that address? A Approximately six years.	

1	Page 5 A It's a house.	
2	Q Do you own it?	
3	A Yes, I do.	
4	Q What's your Social Security number?	
5	A 106-55-6571.	
6	Q Were you basically born and raised in	
-	Southeast Florida?	
8	A Yes, ma'am.	
9	Q Where did you go to high school?	
10	A Dade County High School, Miami.	
11	Q What year did you graduate?	
12	A 1988.	
13	Q Do you have any college education beyond	
	high school?	
15	A I have some. I attended Dade County Community	
	College, but I did not receive a degree.	
17	Q How much did you complete?	
17 18	A Ma'am, I'm not real sure. I had some time	
-	that I went to regular structured classes, and I got	
	some credit hours through the law enforcement	
	academy. I'm not sure the amount.	
22	Q When did you attend the law enforcement	
	academy?	
24	A The one through Dade County Community College	
	was in 1980, I believe. It was the latter part of	
	· · · · · · · · · · · · · · · · · · ·	
1	Page 6 '81, early part of '82. That was the corrections	
	academy.	
3	Q So was that only through the Dade County	
_	Community College, or was it something you attended	
	independent of that?	
6	A It was actually the credit hours, it's	
-	certified accredited through Dade County Community	
	College. It's actually put on by the State,	
	Department of Corrections.	
0	·	
	becoming a state police officer?	
2	A No, ma'am.	
3	•	
14	When did you take steps to become a state	
	police officer?	
16	•	
_	Training Academy January the 7th, 1985.	
18		
	you do?	
20	A Leading up to that, I worked for Speed-O-Mart	
	Stores, Incorporated.	
22	•	
	Speed-O-Mart?	
24	•	
	and worked 'till 1984. During that time Lleft	

		1
1	Page 7 Speed-O-Mart for a year and a half and worked for the	
	Department of Corrections.	
3	Q What were you doing for Speed-O-Mart when yo	 
-	left in '84?	
5	A I was a the title was junior assistant	
_	store manager.	
_	_	
7	Q So you were the store manager at a	
	particular location?	
9	<ul><li>A Yes, ma'am, the Speed-O-Mart in High Springs.</li><li>Q Where is that in relation to Dade County?</li></ul>	
10		
11 12		
	<u> </u>	
	1976 and 1984, you worked for approximately one and a	
	half years at the Department of Corrections?	
15	A Yes, ma'am.	
16	Q What facility were you working at then?	
17	A Baker Correctional Institution.	
18	Q What was your job title there?	
19	A Correctional officer.	
20	Q What caused you to leave there after a year	
	and a half?	
22	A Dissatisfied with the job.	
23	Q What caused you to leave Speed-O-Mart around	
	1984?	
25	A To get on the highway patrol.	
	Page 8	
1	Q How long did you attend the Florida Highway	
2	Patrol Academy?	
3	A Thirteen weeks.	
4	Q And while you did that did you work, or was	-
5	that exclusively attending school at that time?	
6	A It was an academic-type setting.	
7	Q So you left Speed-O-Mart and you went into the	
8	patrol academy, and you did that for 13 weeks	
9	exclusively?	
10	A Yes, ma'am.	
11	Q And you completed that program, obviously.	
12	A Yes, ma'am.	
13	Q When you completed that program, were you	
14	then a highway patrol officer, or did you have to go	
15	through further training or education?	
16	A You were considered a trooper. You still	
17	had to complete a short in-service training under a	
	field training officer when you reported to the field.	
19	Q Approximately how long would that have	
	taken?	
21	A About 30 days.	
22	Q And then were you still considered a trooper	
	at that point, or did you have a different title?	
24	A No, ma'am; it's trooper.	
25	Q At the time of your accident, were you also	

1	Page 9 a trooper or had your title changed?	
2	A Corporal.	
3	Q How did you get from trooper to corporal?	
	How did you make that transition? What were the steps	
	along the way?	
6	A With the Florida Highway Patrol, a corporal	
_	the duties and responsibilities are that of a	
	traffic homicide investigator.	
9	Once you've been on the patrol for two	
-	· · · · · · · · · · · · · · · · · · ·	
	years, you can take a promotional examination. Based	
	on your numerical score on the promotional	
	examination, you can elect to promote to the rank of	
	corporal.	
14	Q So corporal is the next rank after trooper?	
15	A Yes, ma'am.	
16	Q So you obviously took the test and passed	
17		
18	A Yes, ma'am.	
19	Q When did you become a corporal?	
20	A October the 1st of 1988.	
21	Q As a trooper, what were your duties?	
22	A To patrol highways and roadways outside of a	
	municipality, enforce traffic law, investigate	
	crashes, apprehend fugitives; just the duties of a	
25	state trooper.	
	Page 10	
1	Q Okay. And then, when you became corporal in	
	1988, what were your duties and how had they changed	
3	from being a trooper?	
4	A The traffic homicide investigator does not	
	routinely work the road, the highway. On holidays,	
	weekends, special occasions, you may be selected to	
7	participate in enforcement details.	
8	Ninety percent of what I do is strictly	
9	investigate fatal crashes.	
10	Q At the time of this accident that we're here	
	about today, you were obviously called to a scene on	
	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.	
17	Q Okay. So just tell me what happened on that	
	day. How did it come to be, first of all, that you	
19	arrived at that location?	
20	A On the morning of this wreck, I heard the	
	dispatcher dispatch another trooper to the wreck. I	
	was fairly close by. I monitor emergency medical	
	services and the fire department in my patrol car.	
	They were on the scene and they were asking for an	
0-	expediated response for us due to the highway being	

	Page 11	
	blocked.	
2	And that's why I went, was actually to help	
	the other trooper with traffic.	
4	Q And when you got there, what did you see at	
5	the scene? How was it arranged?	
6	A The initial wreck was a single-vehicle wreck	
	that had driven the car had driven off the road,	
	hit a guardrail. After striking the guardrail, the	
	car careened off of the guardrail and came up onto the	
10	through-traffic lanes of Interstate 75.	
11	The car was at its final rest position on	
	the roadway. The occupant of the car was over close	
	to the west shoulder. The paramedics were	
	administering emergency medical treatment to that	
15	guy.	
16	Trooper Kraszewski, who was the first	
	trooper to respond, she was on the scene probably a	
18	minute, minute and a half before I got there.	
19	Q Were there any other vehicles stopped in the	
	roadway other than the car that had careened off the	
21	railing?	
22	A The other vehicles there, ma'am, were police	
	cars: Trooper Kraszewski's patrol car, my patrol car,	
	an ambulance and a fire truck.	
25	Q Okay. So what exactly was happening at the	
	Page 12	
1	Page 12 time that you were struck?	
1 2	time that you were struck?	
2	time that you were struck?	
2 3	time that you were struck?  A The road was pretty much blocked. We were	
2 3	time that you were struck?  A The road was pretty much blocked. We were routing traffic over onto the east shoulder to go	
2 3 4	time that you were struck?  A The road was pretty much blocked. We were routing traffic over onto the east shoulder to go around this other crash.	
2 3 4 5	time that you were struck?  A The road was pretty much blocked. We were routing traffic over onto the east shoulder to go around this other crash.  Q And this was 75 South?	
2 3 4 5 6	time that you were struck?  A The road was pretty much blocked. We were routing traffic over onto the east shoulder to go around this other crash.  Q And this was 75 South?  A North.	
2 3 4 5 6 7 8	time that you were struck?  A The road was pretty much blocked. We were routing traffic over onto the east shoulder to go around this other crash.  Q And this was 75 South?  A North.  Q North? Okay.	
2 3 4 5 6 7 8 9	time that you were struck?  A The road was pretty much blocked. We were routing traffic over onto the east shoulder to go around this other crash.  Q And this was 75 South?  A North.  Q North? Okay.  A I went to my patrol car, I removed a handful	
2 3 4 5 6 7 8 9	time that you were struck?  A The road was pretty much blocked. We were routing traffic over onto the east shoulder to go around this other crash.  Q And this was 75 South?  A North.  Q North? Okay.  A I went to my patrol car, I removed a handful I believe there was four road flares, a device	
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	time that you were struck?  A The road was pretty much blocked. We were routing traffic over onto the east shoulder to go around this other crash.  Q And this was 75 South?  A North.  Q North? Okay.  A I went to my patrol car, I removed a handful I believe there was four road flares, a device we use that's lit and illuminates a bright light that's used to route traffic.  I went to the edge of the closed lane where we were moving traffic to. I set out one flare there. I went back probably 25, 30 feet, I set another flare out. In doing this, I was coming across on an angle closing off the traffic lanes. I set a total of three flares out.  The fourth flare that I had in my hand would not light, so I turned to actually walk off the road.  A vehicle came close to me. I turned and looked at	
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	time that you were struck?  A The road was pretty much blocked. We were routing traffic over onto the east shoulder to go around this other crash.  Q And this was 75 South?  A North.  Q North? Okay.  A I went to my patrol car, I removed a handful I believe there was four road flares, a device we use that's lit and illuminates a bright light that's used to route traffic.  I went to the edge of the closed lane where we were moving traffic to. I set out one flare there. I went back probably 25, 30 feet, I set another flare out. In doing this, I was coming across on an angle closing off the traffic lanes. I set a total of three flares out.  The fourth flare that I had in my hand would not light, so I turned to actually walk off the road. A vehicle came close to me. I turned and looked at that vehicle, and the next thing I realized, I was on the hood of a car.	

1	Page 13 Q You noticed a vehicle close to you and it	
-	ad passed, and then the next thing you knew you were	
	the hood of a car?	
4	A Yes, ma'am.	
5	Q What type of vehicle struck you?	-
6	A It was a Dodge or a Plymouth Neon. I can't	
7 re	member the year. I believe it was a '99 or a 2000	
8 m	odel.	
9	Q Do you have an idea as to how fast the car	
10 wa	as going when it struck you?	
11	A Ma'am, I'm going to guess 35 to 45 miles an	
12 hc		
13	MR. ARNDT: Object to form.	
	Y MS. ONOFREY:	
15 10 fis	Q Do you know, though, as you were setting the	
	ares, had the traffic slowed down, or was it still bing had the traffic slowed down compared to what	
_	ou would typically see on a highway without an	
•	ccident?	
20	A No, ma'am; it had to be at a slower pace.	
21	Q And at the time that you first of all,	
	escribe the impact for me. Where did the car impact	
	ith your body?	
24	A Along my left side and back.	
25	Q At the time of impact, what did your body	
	Page 14	
1 do	? You said you were on the hood of a car. You were	
2 th	rown backwards onto the hood?	
3	A Yes, ma'am. I went onto the hood of the	
	ar. I basically rode the car 'till the car was	
	opped or nearly stopped. I then rolled off of the	
	nder and landed on the paved shoulder.	
7	Q Do you know approximately how long you rode	
	e car until it stopped?	
9 10	<ul><li>A No, ma'am.</li><li>Q I think you just said you landed on the</li></ul>	
-	noulder. Do you mean your shoulder or the shoulder	-
	the road?	
13	A The shoulder of the road.	
14	Q Okay. And when you were thrown or rolled	
15 of	f the hood of the car, how did you land? What part	
	your body came in contact with the pavement?	
17	A It was more my left side.	
18	Q Were you able to get up at that time?	
19	A Yes, ma'am.	
20	Q Obviously you had some pain at that point,	
	ut, if you could, describe for me what you were	
	eling at that time in terms of complaint of pain or	-
23 inj 24	juries.	
	A At that time, I had a large laceration on my ft elbow. It was bleeding quite a bit. The left	

1	side of	Page 15 my body, what I describe as my left hip, it	
2	hurt, it	was a pain sensation. My lower leg, about	
		y between the knee and the ankle, had a large and my left ankle was sore.	
5		The pain that you felt in your hip at that	
_		vas it localized in your hip, or was it	
		ng, if you know?	-
8		Ma'am, I don't really know. All I know is	
	it hurt.	,,	
10	Q	Okay. And did you receive emergency medical	
11	treatme	ent on the scene?	
12	Α	Yes, ma'am. The paramedics with Columbia	
13	County	MS were there due to the other wreck. They	
14	examir	ned me. We decided I'd go to the hospital, but I	
15	elected	I to go in a patrol car instead of in the	
16	ambula		
17		What hospital did you go to?	
18	Α	Dade County Medical Center.	
19	Q	And you were seen there in the emergency	
	room?		
21	_	Yes, ma'am.	
22	Q ^	And you were released that day?	
23 24		Yes, ma'am.  After that initial emergency room visit, as	
		t of it, were you taken off work?	
	a resui	,	
1	٨	Page 16	
1		Yes, ma'am. For approximately how long?	
3	A	The emergency room doctor that day, Dr.	
_		ck, released me on the 13th. I actually	
		ed to work on the 14th.	
6		So that was about three or four days off?	
7	A	Yes, ma'am.	
8	Q	When you returned to work on the 14th, were	
9	you re	turned regular duty, or was it modified duty?	
10	A	No, ma'am; it was regular duty.	
11	Q	You're still currently employed as a	
12	corpor	al, correct?	
13	Α	Yes, ma'am.	
14	Q	Have you actually returned to work? Are you	
15		tly working?	
16	Α	,	
17	Q	And are you working regular duty?	
18	Α	Yes, ma'am.	
19	. Q	So your duties haven't changed at all since	
	_	pack at work currently?	
21			
	light du	•	
23	Q ^	You're talking after the surgery?	
24 25	A Q	Right. Okay. So going back, though, when you	
20	Q	Chay. 30 going back, though, when you	

1	Page 17 returned on December 14th, how long did you work	
	regular duty before being taken back off work?	
3	A The last day I worked was January the 18th.	
4	Q So you worked from December 14th through	
5		
6	A Yes, ma'am.	
7	Q Was it Dr. Garcia that took you off work	
8	beginning January 18th?	
9	A No, ma'am.	
10	Q What happened that caused that to be your	
11	last day?	
12	A I had actually scheduled leave time. The	
13	18th was scheduled to be my last day of work for a	
14	week. I had scheduled time to hunt. Due to my back	
15	hurting, I couldn't hunt, I wasn't able to.	
16	On January the 20th, which is my father's	
	birthday, my family and I went to my father's house,	
	which is just a few miles from ours, to celebrate his	
	birthday. While at his house, I coughed, and, when I	
	coughed, I ended up on the floor. They had to	
	physically help me get up.	
22	The next morning, I returned back to Lake	
	City Medical Center.	
24	Q The hunting, I don't want to call it a trip	
25	because I'm not sure you were going anywhere, but you	
	Page 18	
	were scheduled to hunt. Were you scheduled to	
	actually go somewhere to hunt?	
3	A No, ma'am. Dade County is rural. The hunting	
_	club I'm in is about 12 miles from my house.	
5	Q What club is that? What's the name of the	
	club?	
7 8	A Palestine Hunting Club.  Q Palestine?	
9	A Yes, ma'am.	
10	Q So the week that you had scheduled off, you	
-	were just going to go back and forth to the hunting	
	club to go hunting?	
13	A Yes, ma'am.	
14	Q You weren't going anywhere away for a week	
	at a time, you were just going to go back and forth to	
	the hunting club?	
17	A Yes, ma'am.	
18	Q Did you do that at all during that week	
	prior to your father's birthday?	
20	A No, ma'am.	
21	Q And you didn't go on a camping trip or	
22	anything like that?	
23	A No, ma'am.	
24	Q Had you been camping at all between the time	
~-	of the accident and your father's birthday party?	

1	Page 19 A No, ma'am.	
2	Q What did you do the you were off the	
3	18th? Were you actually off the 18th, or was that	
4	A No, ma'am; I worked the 18th.	
5	Q So the 19th was your first day off?	
6	A Yes, ma'am.	
7	Q And then the 20th was the birthday party.	
8		
9	A Stayed home.	
10	Q Do you recall what you did while you were at	
	home?	
12	A No, ma'am.	
13	Q Up until the coughing episode at your	
	father's birthday, while you had returned to work,	
	what sort of pain were you having in your back during	
	that time? And I don't mean while you were at work.	
	That was probably a poor question.	
18	But during the time period between your	
	returning to work and then the coughing episode on the	
	20th, could you describe what your back pain was like	
	during that time?	
22	A From the day the wreck happened on December	
	the 10th, I had a constant pain that I described as	
	being in my left hip.	
25	The doctor at Dade County Medical Center gave	
1	Page 20 me some the day I was struck by the car, gave me	
	some 800 milligram Motrin, and, as long as I took the	
	Motrin, it was tolerable. I could function while I	
	was taking the Motrin.	
5	Q Was the pain in your left hip at that time	
-	localized, or did you feel it radiating down into your	
	leg, your left leg?	
8	A Ma'am, I would call it localized.	
9	Q And then on your father's birthday, you're	
10	saying that you well, describe what activities you	
	were doing at the time that you coughed. Were you	
12	doing anything physical or were you just what were	
13	you doing at the time that you coughed?	
14	A It was in the late evening. We went out to	
15	his house and he was actually cooking outside,	
16	grilling out. I was drinking a Coke-Cola, and I was	
17	standing in my mother's kitchen with the Coke-Cola,	
18	and I reached over and I dropped the can in the	
19	garbage can. And I coughed, and that was again,	
20	the next thing I realized I was on the floor.	
21	Q Did you have a cold at that time? Was the	
22	cough as a result of a cold, or do you know?	
23	A I hadn't I had been coughing for two or	
	three days, yes.	
25	Q And at the time you coughed, describe for me	

1	Page 21 what you felt at that point.	
2		
	tolerable to intolerable in a matter of seconds.	
4	Q Was there a change in terms of the pain	
	being more localized to radiating, or do you not	
	know? I mean, you said it was localized before. I'm	
	just curious if at the time you coughed I know	
	you're saying it became intolerable, but was it	
	different or just more intense than the pain you'd had	
	before?	
11	A No, ma'am. It was the same, it was just	
	it was just it went from taking Motrin and being	
	bearable to being unbearable.	
14	_	
	that you said the next morning.	
16	A Yes, ma'am.	
17	Q Okay. That evening, what did you do after	
	you were you able to get yourself off the floor, or	
	did you	
20	A No, ma'am; I had help to get up.	
21	Q Okay. And did you go home that evening	
	then?	
23	A Yes.	
24	Q And then the first thing in the morning you	
	went to the emergency room?	
	<u> </u>	
,	Page 22	
1	A Yes, ma'am.	
2	Q And I guess they ordered an MRI at that	
	time?	
4	A No, ma'am, not then.	
5	Q Okay. What happened at the emergency room? What did they	
7	A The doctor came in, she examined me. It's	
-	now a lady doctor. She had more x-rays done. The	
	morning that I was hit by the car, they did some	
	x-rays. This morning she did some more x-rays.	
11	She came in and she told me that really all	
	she could do with me was give me pain medicine, and	
	that I would have to go through Humana Worker's Comp	
	and seek further treatment.	
15	Q Is that what you did then?	
16	A Yes, ma'am. She gave me a shot that day,	
	gave me some more medicine.	
18	Prior to this happening, back in December, I	
	had phone contact with a guy named Mike Hofield	
	(phonetic), and he told me then that he was my	
	assigned case manager for worker's comp and that, if I	
	needed any treatment or whatever, to call him.	
23	So after we went to Dade County Medical	
	Center, then I called Mike Cofield. I told him that I	
	needed to see somebody. He referred me to a Dr.	
∠၁	riceded to see somebody. The referred file to a Dr.	

1	Nasrullah in the city of Live Oak.	Page 23	
2	Q Is that doctor an orthoped	list do vou know?	
3	A I don't know, ma'am.	iiot, do you know:	
4	Q And you ended up going	to him?	
5	A Yes, ma'am.		
6	Q And he ordered an MRI?		
7	A Yes, ma'am.		
8	Q About how long did it take	for you to get in	
	to see him? Was it a relatively sl		
10	•		
	24th. And that needs to be appro	•	
12		1	
13	between the ER on the 21st and	, ,	
	24th?	Ŭ	
15	A No, ma'am.		
16	Q And I take it you were tak	en off work at	
17	that point when you were seen at		
18	A Yes, ma'am.		
19	Q So you didn't work at all d	luring that	
20	period?		
21	A No, ma'am.		
22	Q And then I guess the next	-	
	would have been Dr. Padget and	Dr. Wiss?	
24	A Yes, ma'am.		
25	Q And then ultimately it was	Dr. Garcia that	
		Page 24	
	did the surgery?		
2	A Yes, ma'am.	a.a.d.\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	
3	Q Did you see both Padget A Yes, ma'am.	and wiss?	
4 5	A Yes, ma'am.  Q At the same time or		
6	A No, ma'am.		
7	·	ct?	
8	•	51:	
9	· ·	Oid he ask Wiss	
	to take a look at you?	JIG TIC GON VVIOO	
11	A Dr. Padget came in and b	asically gave me	
	two choices: One was to be out		
	a half and basically heal naturally	- 1	
	to have surgery. After my wife an	·	
	elected to have the surgery.	,	
16	<u> </u>	t I would rather	
17	have the surgery than to be out of	of work for a year and	
18	a half, he told me that he no long	er did the surgery,	
19	but that Dr. Wiss, who was his as	ssociate right	
20	there, did do the surgery.		
21	At that point, Dr. Padget w		
	few minutes later he returned into	the room with Dr.	
	Wiss.		
24	Q So you were setting up to	have the surgery	
	D1 ( 1 1 10 10 0 1 )		

1	Page 25 A Yes, ma'am.	
2	Q And then apparently that was denied by	
3		
4	A Yes, ma'am.	
5	Q When did you first see Dr. Garcia,	
-	approximately?	
7		
•	that.	
9	Q How did you identify him as the doctor that	
_	you wanted to have the surgery done by?	
11	A When I started having difficulties with	
	worker's comp, I contacted Arndt & Arndt and, in	
	talking with them	
14	MR. ARNDT: I'm going to object to	
15	attorney-client privilege information.	
-	BY MS. ONOFREY:	
17	Q You don't have to tell me what they told you	
	or any conversations you had with them. I'll just	
	leave it at that.	
20	A Okay.	
21	Q Had you ever seen Dr. Garcia prior to this	
	accident?	
23	A No, ma'am.	
24	Q Then you ended up having the surgery by Dr.	
25	Garcia, and that was approximately when?	
	Page 26	
1	A February the 29th.	
2	Q That one you know, right?	
3	A (Nods head affirmatively.)	
4	Q And obviously this entire time up to that	
5	point, from the coughing episode to February 29th, you	
6	did not work.	
7	A No, ma'am.	
8	Q You did work?	
9	A No, ma'am, I did not.	
10	Q To your knowledge, has Dr. Garcia been paid	
11	for that surgery?	
12	A Yes, he has.	
13	Q Do you know who paid that?	
14	A A majority of it was paid through my health	
15	insurance, Blue Cross & Blue Shield. The remainder,	
16	we paid. I paid out of my personal myself	
17	personally.	
18	Q Approximately how much have you paid out of	
19	your own pocket for the surgery?	
20	A I'm looking at her (indicating Mrs.	
	Hawkins).	
22	MR. ARNDT: If you don't know, that's	
23	fine. If you can find out later, we can get that	
24	information to her.	
25	I don't want you to guess at anything. This	

1	Page 27 is your deposition, not hers. It's really not	
2	proper for you to ask her.	
3	BY MS. ONOFREY:	
4	Q You don't recall offhand how much you paid?	
5	A No, ma'am.	
6	Q After the surgery you stayed under the care	
	of Dr. Garcia, or were you again referred out?	
8	A No, ma'am; I'm still under the care of Dr.	
	Garcia.  Q When did you last see him?	
10 11	Q When did you last see him? A Physically saw him around April the 1st.	
12	Q Are you seeing him about once a month, or	
	more or less?	
14	A No, ma'am. The last time that I physically	
	saw him was around April the 1st. I've been in	
	contact with his office a couple of times by phone.	
17	He put me on physical therapy for well over	
	a month. Most of what I've done since then has either	
	been with physical therapy or by telephone.	
20	Q To your knowledge, has he released you yet,	
21	or are you still actively scheduled to see him, or has	
22	he said: Look, see me as needed?	
23	A Basically, see me as needed.	
24	Q Are you still undergoing physical therapy,	
25	or has that stopped?	
	• • • • • • • • • • • • • • • • • • • •	
	Page 28	
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	Page 28	
1 2 3	Page 28  A No, ma'am.  Q Other than being seen at the emergency room on the two times that you mentioned, the initial day	
1 2 3 4	Page 28  A No, ma'am.  Q Other than being seen at the emergency room on the two times that you mentioned, the initial day that the accident happened and then the day after your	
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	Page 29
1	д усл. него теления и и и и и и и и и и и и и и и и и и
_	the accident occurred?
3	,
4	
5	A Yes, ma'am.
6	Q What was your salary at the time of the
7	accident?
8	A Ma'am, I'd have to my base salary is just
9	over \$36,000 a year.
10	
	your base salary?
12	
	program where I work overtime. Back then we were
	working roughly one day a week of that, which would be
	a six-hour shift.
15 16	
	pay, salary plus overtime?
18	•
19	
	or did you pay for your own health insurance at the
	time? You know, around the time of the accident, were
	you paying out of your own pocket for health
23	insurance, or was your employer paying for it?
24	
25	Since my wife and I are both State employees, we fall
	Page 30
1	under a special provision with Blue Cross & Blue
	Shield where we do not pay anything out of our pocket.
3	
_	
	this and I think you answered it, but between May 1st
	and June 16th, when you were doing light-duty work,
	you were receiving your regular pay?
7	
8	, , ,
9	9 9 1 1 1 1 1 1
10	have set regular hours, ma'am.
11	Q But your schedule hadn't really changed
12	since before the accident. I mean, you returned
	working the same type of hours that you were doing
	before the accident?
15	
	work shifts. When I was working light duty, I was
	assigned to the office, and I worked basically 8:00 to
	5:00, Monday through Fridays, with Saturdays and
	Sundays off.
20	, ,
21	office?
22	A Clerical duties, answering telephone, legal
23	questions.
24	Q Between the time of your last day of work on
25	the 18th of January and when you returned on May 1st,

1	Page 31 or whenever it was in May, did you receive a paycheck	
	from the State?	
3	A Yes.	
4	Q And it was your regular paycheck during that	
-	time period?	
6	A If I could explain. When you're on worker's	
_	comp, the Division of Risk Management picks up 66 and	
	two thirds, and then you use your personal sick leave	
	to make up the additional, what is it, two and one	
	third. Up through March, that's how it worked.	
11	Q March of 2000?	
12	A Yes, ma'am. And that's when worker's comp	
	cut off all benefits, and then I went to full sick-	
	leave status where I was using my personal sick leave.	
15	Q So from March of 2000 until May that's	
_	approximately two months you used or March,	
	April, May, maybe three months. But during that	
	period you were using your sick leave?	
19	A Yes, ma'am.	
20	Q And do you get a certain amount of sick	
-	leave annually? How does that work?	
22	A We're given eight hours of sick leave a	
23	month, and that sick leave, you can bank it.	
24	Q Does it roll over from year to year, or you	
25	can only bank it	
	Page 32	
1	Page 32  A No ma'am: it rolls over	
1 2	A No, ma'am; it rolls over.	
2	A No, ma'am; it rolls over.  Q How much did you have at the time that you	
2	A No, ma'am; it rolls over.	
2	A No, ma'am; it rolls over.  Q How much did you have at the time that you started using it full time in March?  A I had between 1400 and 1500 hours.	
2 3 4 5	A No, ma'am; it rolls over.  Q How much did you have at the time that you started using it full time in March?  A I had between 1400 and 1500 hours.	
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A No, ma'am; it rolls over.  Q How much did you have at the time that you started using it full time in March?  A I had between 1400 and 1500 hours.  Q Do you know how much you used during just that period between March and May?  A Ma'am, it was 400-and-some-odd hours. I can't remember the exact. I want to say it's something like 460 hours.  Q And then when June 15th, following that, you've been on a full-duty status?  A Yes, ma'am.  Q What's the current condition of your back?  Do you have any complaints relating to your back currently?  A One day it will be pretty good, the next day it will hurt fairly bad. Every morning when I get up, I know that I've had back surgery.  Q How do you know that other than the obvious?  A It's tight. It's discomfort or uncomfortable. Some days I'll go through the day and have a great day, everything will be good. Some days	

		1
1	Page 33 to get balanced.	
2	Q Do you have a lawsuit pending against the driver or any third party?	
4	A Yes.	
5 6	<ul><li>Q Who are you suing or have claims against?</li><li>MR. ARNDT: If you're not sure off the top</li></ul>	
7	of your head, just tell her that.	
8	THE WITNESS: It's the insurance carrier for	
9	the Alachua County School Board. I don't know the name of it.	
11	BY MS. ONOFREY:	
12	Q What about the driver of the vehicle that hit you?	
14	A In other words, am I seeking settlement from	
	him personally?  Q From him or his insurance carrier. Or do	
16 17	you believe that to be his insurance carrier?	
18	A I believe that to be his insurance carrier.	
19 20	Q So what you just mentioned was pertaining to the vehicle that hit you?	
21	A Yes.	
22	Q Okay. Do you know, have you actually filed a lawsuit, or are you trying to settle without filing	
	lawsuit?	
25	A Without; trying to settle.	
	Page 34	
1	Q But you haven't settled it yet?	
2	A No, ma'am.	
3	Q Had you ever had a back injury or any	
	complaints relating to your low back prior to this accident?	
6	A No, ma'am.	
7 8	Q Have you ever had an injury on the job prior to this accident?	
9	A No, ma'am.	
10	Q Have you had any accidents involving	
11	personal injury since this accident?	
12	A No, ma'am.	
13	Q Who is your primary care physician under	
	your health insurance?	
15	A I really don't have one.	
16	Q Had you ever had one?	
17	A No, ma'am.	
18	Q You really haven't had to go to the doctor	
20	for any reason, say, in the past five years?  A No, ma'am.	
21	Q Other than this surgery that you had on	
	February 29th, have you had any other surgeries in	
	your lifetime?	
24	A When I was two years old, I had eye surgery.	
25	Q Eye surgery?	

	Page 35	
1	A Yes, ma'am.	
2	Q Anything other than that?	
3	•	
4	Q Any major illnesses in your lifetime?	
5	A No, ma'am.	
6	Q Other than relating possibly to the surgery,	
7	were you ever hospitalized for any reason?	
8		
9		
-	about to settle your case or not, or do you know?	
11	A I don't know, ma'am.	
12	· ·	
	· · · · · · · · · · · · · · · · · · ·	
13	, , , ,	
14	,	
	BY MS. ONOFREY:	
16	, ,	
17	your wife there?	
18	, , , ,	
19	our children were there.	
20	Q How many children do you have? I didn't ask	
21	you that.	
22	A Two.	
23	Q How old are they?	
24	·	
25	MS. ONOFREY: I don't nave any further	
25	,	
	Page 36	
1	Page 36 questions.	
1 2	Page 36 questions.  MR. ARNDT: We'll read.	
1	Page 36 questions.  MR. ARNDT: We'll read.  (Witness excused.)	
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1 2 3 4 5	Page 36 questions. MR. ARNDT: We'll read. (Witness excused.) (Thereupon, the deposition was concluded at	
1 2 3 4 5 6	Page 36 questions. MR. ARNDT: We'll read. (Witness excused.) (Thereupon, the deposition was concluded at	
1 2 3 4 5 6 7	Page 36 questions. MR. ARNDT: We'll read. (Witness excused.) (Thereupon, the deposition was concluded at	
1 2 3 4 5 6 7 8	Page 36 questions. MR. ARNDT: We'll read. (Witness excused.) (Thereupon, the deposition was concluded at	
1 2 3 4 5 6 7 8 9	Page 36 questions. MR. ARNDT: We'll read. (Witness excused.) (Thereupon, the deposition was concluded at	
1 2 3 4 5 6 7 8 9 10 11	Page 36 questions.  MR. ARNDT: We'll read.  (Witness excused.)  (Thereupon, the deposition was concluded at 10:45 a.m.)	
1 2 3 4 5 6 7 8 9 10 11 12	Page 36 questions.  MR. ARNDT: We'll read.  (Witness excused.)  (Thereupon, the deposition was concluded at 10:45 a.m.)	
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4	Page 37	
1	CERTIFICATE OF OATH	
	STATE OF FLORIDA ) COUNTY OF DADE )	
4	I, CINDY COOKER, certify that PHILIP MARK	
	HAWKINS personally appeared before me and was duly	
	sworn.	
7	WITNESS my hand and official seal this 14th	
•	day of October 2000.	
9	day 61 5010501 2000.	
10		
11		
12	CINDY COOKER	
13	Notary Public-State of Florida	
14	·	
15		
16		
17		
18		
19		
20		
21		
22		
<ul><li>23</li><li>24</li></ul>		
24 25		
25	5	
1	Page 38 CERTIFICATE	
	STATE OF FLORIDA )	
	COUNTY OF DADE )	
4	I, CINDY COOKER, Notary Public, State of	
	Florida at Large, certify that I was authorized to and	
	did stenographically report the deposition of PHILIP	
	MARK HAWKINS; that a review of the transcript was	
	requested; and that the transcript is a true and	
9	complete record of my stenographic notes.	
10	I further certify that I am not a relative,	
	employee, attorney or counsel of any of the parties,	
	nor am I relative or employee of any of the parties'	
	attorney or counsel connected with the action, nor am	
	I financially interested in the action.	
15	Dated this 14th day of October, A.D., 2000.	
16		
17		
18		
19 20	CINDY COOKER,	
21	Notary Public-State of Florida	
22	Hotary I abile diate of I londa	
23		
24		
25		

1	Page 39 ERRATA SHEET	
2 3	IN RE: PHILIP HAWKINS vs. STATE OF FLORIDA	
4 5	CLAIM NO.: 263-55-6571 D/A: 12/10/99	
6 7	PAGE LINE WHERE IT READS SHOULD READ	
8 9		
10 11		
12 13		
14 15		
	With the above corrections, if any, and by my signature affixed hereon, I hereby sign my	
17 18	deposition.	
19	PHILIP MARK HAWKINS	
	Sworn to and subscribed before me this day ofA.D. 2000	-
21 22		
	Notary Public, State of Florida My Commission expires:	
	RETURN TO: STATEWIDE REPORTING SERVICE 606 Blackstone Building	
25	Miami, Florida 32202 (904) 353-7706	
4	Page 40	
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### [approximately - considered]

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#### [constant - eye]

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