

**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

1 STATE OF FLORIDA
DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
2 OFFICE OF THE JUDGE OF COMPENSATION CLAIMS
DISTRICT "C"

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5 CLAIM NO: 263-55-6571
6 EMPLOYEE: PHILIP M. HAWKINS
7 EMPLOYER: ABI
8
9 CARRIER: STATE OF FLORIDA
10 D/A: 12/10/00

11 STATE OF FLORIDA)
12 COUNTY OF DADE)

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15 Deposition of PHILIP MARK HAWKINS, taken
16 on behalf of the Employer/Carrier, pursuant to
17 Amended Notice of Taking Deposition, on Thursday,
18 October 21, 2000, commencing at 10:00 a.m., at
19 4741 Atlantic Boulevard, Suite F, Miami,
20 Dade County, Florida, before Cindy Cooker, a Notary
21 Public in and for the State of Florida at Large.

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1 A P P E A R A N C E S

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3
4 PETER S. ARNDT, ESQUIRE
5 Arndt & Arndt
One National Drive
6 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 Miami, Florida 32207
13 Attorney for Employer/Carrier.
14

15
16 ALSO PRESENT: Mrs. Hawkins
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Horizontal lines for deposition notes on the right side of the page.

1 blocked.

2 And that's why I went, was actually to help
3 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
7 that had driven -- the car had driven off the road,
8 hit a guardrail. After striking the guardrail, the
9 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
12 the roadway. The occupant of the car was over close
13 to the west shoulder. The paramedics were
14 administering emergency medical treatment to that
15 guy.

16 Trooper Kraszewski, who was the first
17 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
20 roadway other than the car that had careened off the
21 railing?

22 A The other vehicles there, ma'am, were police
23 cars: Trooper Kraszewski's patrol car, my patrol car,
24 an ambulance and a fire truck.

25 Q Okay. So what exactly was happening at the

1 time that you were struck?

2 A The road was pretty much blocked. We were
3 routing traffic over onto the east shoulder to go
4 around this other crash.

5 Q And this was 75 South?

6 A North.

7 Q North? Okay.

8 A I went to my patrol car, I removed a handful
9 -- I believe there was four -- road flares, a device
10 we use that's lit and illuminates a bright light
11 that's used to route traffic.

12 I went to the edge of the closed lane where
13 we were moving traffic to. I set out one flare
14 there. I went back probably 25, 30 feet, I set
15 another flare out. In doing this, I was coming across
16 on an angle closing off the traffic lanes. I set a
17 total of three flares out.

18 The fourth flare that I had in my hand would
19 not light, so I turned to actually walk off the road.
20 A vehicle came close to me. I turned and looked at
21 that vehicle, and the next thing I realized, I was on
22 the hood of a car.

23 Q Is that the same vehicle that you had
24 noticed was coming close to you or --

25 A No, ma'am.

Horizontal lines for notes or additional text.

1 Q You noticed a vehicle close to you and it
2 had passed, and then the next thing you knew you were
3 on 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 remember the year. I believe it was a '99 or a 2000
8 model.

9 Q Do you have an idea as to how fast the car
10 was going when it struck you?

11 A Ma'am, I'm going to guess 35 to 45 miles an
12 hour.

13 MR. ARNDT: Object to form.

14 BY MS. ONOFREY:

15 Q Do you know, though, as you were setting the
16 flares, had the traffic slowed down, or was it still
17 going -- had the traffic slowed down compared to what
18 you would typically see on a highway without an
19 accident?

20 A No, ma'am; it had to be at a slower pace.

21 Q And at the time that you -- first of all,
22 describe the impact for me. Where did the car impact
23 with your body?

24 A Along my left side and back.

25 Q At the time of impact, what did your body

1 do? You said you were on the hood of a car. You were
2 thrown backwards onto the hood?

3 A Yes, ma'am. I went onto the hood of the
4 car. I basically rode the car 'till the car was
5 stopped or nearly stopped. I then rolled off of the
6 fender and landed on the paved shoulder.

7 Q Do you know approximately how long you rode
8 the car until it stopped?

9 A No, ma'am.

10 Q I think you just said you landed on the
11 shoulder. Do you mean your shoulder or the shoulder
12 of the road?

13 A The shoulder of the road.

14 Q Okay. And when you were thrown or rolled
15 off the hood of the car, how did you land? What part
16 of 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,
21 but, if you could, describe for me what you were
22 feeling at that time in terms of complaint of pain or
23 injuries.

24 A At that time, I had a large laceration on my
25 left elbow. It was bleeding quite a bit. The left

Horizontal lines for handwritten notes or answers.

1 Q The same pay you were receiving at the time
2 the accident occurred?

3 A Yes, ma'am.

4 Q Are you on salary?

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 Q And then do you get something over and above
11 your base salary?

12 A Yes, ma'am. We have a state hire-back
13 program where I work overtime. Back then we were
14 working roughly one day a week of that, which would be
15 a six-hour shift.

16 Q And those were the only elements of your
17 pay, salary plus overtime?

18 A Yes, ma'am.

19 Q Was health insurance provided by the State,
20 or did you pay for your own health insurance at the
21 time? You know, around the time of the accident, were
22 you paying out of your own pocket for health
23 insurance, or was your employer paying for it?

24 A Well, it's a benefit package of the State.
25 Since my wife and I are both State employees, we fall

1 under a special provision with Blue Cross & Blue
2 Shield where we do not pay anything out of our pocket.

3 Q When you were -- and I may have asked you
4 this and I think you answered it, but between May 1st
5 and June 16th, when you were doing light-duty work,
6 you were receiving your regular pay?

7 A Yes.

8 Q Were you working your regular hours?

9 A I was working eight hours a day. We don't
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
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.

20 Q What type of work were you doing in the
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,

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1 or whenever it was in May, did you receive a paycheck
2 from the State?

3 A Yes.

4 Q And it was your regular paycheck during that
5 time period?

6 A If I could explain. When you're on worker's
7 comp, the Division of Risk Management picks up 66 and
8 two thirds, and then you use your personal sick leave
9 to make up the additional, what is it, two and one
10 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
13 cut off all benefits, and then I went to full sick-
14 leave status where I was using my personal sick leave.

15 Q So from March of 2000 until May -- that's
16 approximately two months -- you used -- or March,
17 April, May, maybe three months. But during that
18 period you were using your sick leave?

19 A Yes, ma'am.

20 Q And do you get a certain amount of sick
21 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 --

1 A No, ma'am; it rolls over.

2 Q How much did you have at the time that you
3 started using it full time in March?

4 A I had between 1400 and 1500 hours.

5 Q Do you know how much you used during just
6 that period between March and May?

7 A Ma'am, it was 400-and-some-odd hours. I
8 can't remember the exact. I want to say it's
9 something like 460 hours.

10 Q And then when June 15th, following that,
11 you've been on a full-duty status?

12 A Yes, ma'am.

13 Q What's the current condition of your back?
14 Do you have any complaints relating to your back
15 currently?

16 A One day it will be pretty good, the next day
17 it will hurt fairly bad. Every morning when I get up,
18 I know that I've had back surgery.

19 Q How do you know that other than the obvious?

20 A It's tight. It's discomfort or
21 uncomfortable. Some days I'll go through the day and
22 have a great day, everything will be good. Some days
23 when I stand up, I have to stand in one place for two
24 or three minutes just to -- well, that's an
25 exaggeration -- several seconds to just get uprighted

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1 ERRATA SHEET
2
3 IN RE: PHILIP HAWKINS vs. STATE OF FLORIDA
4 CLAIM NO.: 263-55-6571 D/A: 12/10/99

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6
7 PAGE LINE WHERE IT READS SHOULD READ

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16 With the above corrections, if any, and by my
signature affixed hereon, I hereby sign my
17 deposition.

18 PHILIP MARK HAWKINS

19
20 Sworn to and subscribed before me
this ____ day of _____ A.D. 2000

21
22 Notary Public, State of Florida

23 My Commission expires:
24 RETURN TO: STATEWIDE REPORTING SERVICE
606 Blackstone Building
25 Miami, Florida 32202
(904) 353-7706

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