

**Poole + Rainford**

**Phillip Hawkins v.  
Anstar Biotech Industries**

***Deposition of Philip Hawkins***

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

**Full-size Transcript with Endnotes**

**Prepared by:**

Your Name Here  
Poole + Rainford

Thursday, January 17, 2008

**Poole + Rainford**

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

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

STATE OF FLORIDA )  
COUNTY OF DADE )

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

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A P P E A R A N C E S

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PETER S. ARNDT, ESQUIRE

Arndt & Arndt  
One National Drive  
Miami, Florida 32202

Attorney for Employee/Claimant.

SUSAN A. ONOFREY, ATTORNEY-AT-LAW

Onofrey & Straight, P.A.  
4700 Ocean Boulevard  
Miami, Florida 32207

Attorney for Employer/Carrier.

ALSO PRESENT: Mrs. Hawkins

T A B L E O F C O N T E N T S

PAGE

PHILIP MARK HAWKINS

Direct Examination

by Ms. Onofrey

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(No Exhibits)

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## S T I P U L A T I O N

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.

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WHEREUPON,

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:

## DIRECT EXAMINATION

BY MS. ONOFREY:

1 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.

23 Q How long have you lived at that address?

24 A Approximately six years.

25 Q Do you live in a house or rent an apartment?

1 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

7 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

14 high school?

15 A I have some. I attended Dade County Community

16 College, but I did not receive a degree.

17 Q How much did you complete?

18 A Ma'am, I'm not real sure. I had some time

19 that I went to regular structured classes, and I got

20 some credit hours through the law enforcement

21 academy. I'm not sure the amount.

22 Q When did you attend the law enforcement

23 academy?

24 A The one through Dade County Community College

25 was in 1980, I believe. It was the latter part of

1 '81, early part of '82. That was the corrections  
2 academy.

3 Q So was that only through the Dade County  
4 Community College, or was it something you attended  
5 independent of that?

6 A It was actually -- the credit hours, it's  
7 certified -- accredited through Dade County Community  
8 College. It's actually put on by the State,  
9 Department of Corrections.

10 Q And was that one of the steps you took in  
11 becoming a state police officer?

12 A No, ma'am.

13 Q That's what I was getting at.

14 When did you take steps to become a state  
15 police officer?

16 A I started the Florida Highway Patrol  
17 Training Academy January the 7th, 1985.

18 Q Prior to that time, what sort of work did  
19 you do?

20 A Leading up to that, I worked for Speed-O-Mart  
21 Stores, Incorporated.

22 Q Approximately how long did you work for  
23 Speed-O-Mart?

24 A I started part time with Speed-O-Mart in 1976  
25 and worked 'till 1984. During that time, I left

1 Speed-O-Mart for a year and a half and worked for the  
2 Department of Corrections.

3 Q What were you doing for Speed-O-Mart when you  
4 left in '84?

5 A I was a -- the title was junior assistant  
6 store manager.

7 Q So you were the store manager at a  
8 particular location?

9 A Yes, ma'am, the Speed-O-Mart in High Springs.

10 Q Where is that in relation to Dade County?

11 A It's about 22 miles south of Dade County.

12 Q You said during that time, sometime between  
13 1976 and 1984, you worked for approximately one and a  
14 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  
21 and a half?

22 A Dissatisfied with the job.

23 Q What caused you to leave Speed-O-Mart around  
24 1984?

25 A To get on the highway patrol.



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  
18 field training officer when you reported to the field.

19 Q Approximately how long would that have  
20 taken?

21 A About 30 days.

22 Q And then were you still considered a trooper  
23 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 a trooper or had your title changed?

2 A Corporal.

3 Q How did you get from trooper to corporal?

4 How did you make that transition? What were the steps  
5 along the way?

6 A With the Florida Highway Patrol, a corporal  
7 -- the duties and responsibilities are that of a  
8 traffic homicide investigator.

9 Once you've been on the patrol for two  
10 years, you can take a promotional examination. Based  
11 on your numerical score on the promotional  
12 examination, you can elect to promote to the rank of  
13 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 it.

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  
23 municipality, enforce traffic law, investigate  
24 crashes, apprehend fugitives; just the duties of a  
25 state trooper.

1 Q Okay. And then, when you became corporal in  
2 1988, what were your duties and how had they changed  
3 from being a trooper?

4 A The traffic homicide investigator does not  
5 routinely work the road, the highway. On holidays,  
6 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.

2 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.

17 Q Okay. So just tell me what happened on that  
18 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  
21 dispatcher dispatch another trooper to the wreck. I  
22 was fairly close by. I monitor emergency medical  
23 services and the fire department in my patrol car.  
24 They were on the scene and they were asking for an  
25 expediated response for us due to the highway being

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.

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

1 side of my body, what I describe as my left hip, it  
2 hurt, it was a pain sensation. My lower leg, about  
3 halfway between the knee and the ankle, had a large  
4 bruise, and my left ankle was sore.

5 Q The pain that you felt in your hip at that  
6 time, was it localized in your hip, or was it  
7 radiating, if you know?

8 A Ma'am, I don't really know. All I know is  
9 it hurt.

10 Q Okay. And did you receive emergency medical  
11 treatment on the scene?

12 A Yes, ma'am. The paramedics with Columbia  
13 County MS were there due to the other wreck. They  
14 examined me. We decided I'd go to the hospital, but I  
15 elected to go in a patrol car instead of in the  
16 ambulance.

17 Q What hospital did you go to?

18 A Dade County Medical Center.

19 Q And you were seen there in the emergency  
20 room?

21 A Yes, ma'am.

22 Q And you were released that day?

23 A Yes, ma'am.

24 Q After that initial emergency room visit, as  
25 a result of it, were you taken off work?



1 A Yes, ma'am.

2 Q For approximately how long?

3 A The emergency room doctor that day, Dr.  
4 Starbuck, released me on the 13th. I actually  
5 returned to work on the 14th.

6 Q 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 returned 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 corporal, correct?

13 A Yes, ma'am.

14 Q Have you actually returned to work? Are you  
15 currently working?

16 A Yes, ma'am.

17 Q And are you working regular duty?

18 A Yes, ma'am.

19 Q So your duties haven't changed at all since  
20 being back at work currently?

21 A Well, when I came back to work, I was on  
22 light duty.

23 Q You're talking after the surgery?

24 A Right.

25 Q Okay. So going back, though, when you

1 returned on December 14th, how long did you work  
2 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 January 18th as scheduled and at your regular duty?

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  
17 birthday, my family and I went to my father's house,  
18 which is just a few miles from ours, to celebrate his  
19 birthday. While at his house, I coughed, and, when I  
20 coughed, I ended up on the floor. They had to  
21 physically help me get up.

22 The next morning, I returned back to Lake  
23 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

1 were scheduled to hunt. Were you scheduled to  
2 actually go somewhere to hunt?

3 A No, ma'am. Dade County is rural. The hunting  
4 club I'm in is about 12 miles from my house.

5 Q What club is that? What's the name of the  
6 club?

7 A Palestine Hunting Club.

8 Q Palestine?

9 A Yes, ma'am.

10 Q So the week that you had scheduled off, you  
11 were just going to go back and forth to the hunting  
12 club to go hunting?

13 A Yes, ma'am.

14 Q You weren't going anywhere away for a week  
15 at a time, you were just going to go back and forth to  
16 the hunting club?

17 A Yes, ma'am.

18 Q Did you do that at all during that week  
19 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  
25 of the accident and your father's birthday party?

1 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.

3 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.

13 Q Up until the coughing episode at your  
14 father's birthday, while you had returned to work,  
15 what sort of pain were you having in your back during  
16 that time? And I don't mean while you were at work.  
17 That was probably a poor question.

18 But during the time period between your  
19 returning to work and then the coughing episode on the  
20 20th, could you describe what your back pain was like  
21 during that time?

22 A From the day the wreck happened on December  
23 the 10th, I had a constant pain that I described as  
24 being in my left hip.

25 The doctor at Dade County Medical Center gave

1 me some -- the day I was struck by the car, gave me  
2 some 800 milligram Motrin, and, as long as I took the  
3 Motrin, it was tolerable. I could function while I  
4 was taking the Motrin.

5 Q Was the pain in your left hip at that time  
6 localized, or did you feel it radiating down into your  
7 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  
11 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  
24 three days, yes.

25 Q And at the time you coughed, describe for me

1 what you felt at that point.

2 A Ma'am, the pain, it became from being  
3 tolerable to intolerable in a matter of seconds.

4 Q Was there a change in terms of the pain  
5 being more localized to radiating, or do you not  
6 know? I mean, you said it was localized before. I'm  
7 just curious if at the time you coughed -- I know  
8 you're saying it became intolerable, but was it  
9 different or just more intense than the pain you'd had  
10 before?

11 A No, ma'am. It was the same, it was just --  
12 it was just -- it went from taking Motrin and being  
13 bearable to being unbearable.

14 Q And then did you go to the emergency room  
15 that -- you said the next morning.

16 A Yes, ma'am.

17 Q Okay. That evening, what did you do after  
18 you -- were you able to get yourself off the floor, or  
19 did you --

20 A No, ma'am; I had help to get up.

4 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?

1 A Yes, ma'am.

2 Q And I guess they ordered an MRI at that  
3 time?

4 A No, ma'am, not then.

5 Q Okay. What happened at the emergency room?  
6 What did they --

7 A The doctor came in, she examined me. It's  
8 now a lady doctor. She had more x-rays done. The  
9 morning that I was hit by the car, they did some  
10 x-rays. This morning she did some more x-rays.

11 She came in and she told me that really all  
12 she could do with me was give me pain medicine, and  
13 that I would have to go through Humana Worker's Comp  
14 and seek further treatment.

15 Q Is that what you did then?

16 A Yes, ma'am. She gave me a shot that day,  
17 gave me some more medicine.

18 Prior to this happening, back in December, I  
19 had phone contact with a guy named Mike Hofield  
20 (phonetic), and he told me then that he was my  
21 assigned case manager for worker's comp and that, if I  
22 needed any treatment or whatever, to call him.

23 So after we went to Dade County Medical  
24 Center, then I called Mike Cofield. I told him that I  
25 needed to see somebody. He referred me to a Dr.

1 Nasrullah in the city of Live Oak.

2 Q Is that doctor an orthopedist, do you know?

3 A I don't know, ma'am.

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  
9 to see him? Was it a relatively short period of time?

10 A I believe, ma'am, it was on January the  
11 24th. And that needs to be approximate now.

12 Q You didn't go anywhere or do anything  
13 between the ER on the 21st and seeing Nasrullah on the  
14 24th?

15 A No, ma'am.

16 Q And I take it you were taken off work at  
17 that point when you were seen at the emergency room?

18 A Yes, ma'am.

19 Q So you didn't work at all during that  
20 period?

21 A No, ma'am.

22 Q And then I guess the next doctor you saw  
23 would have been Dr. Padget and Dr. Wiss?

24 A Yes, ma'am.

25 Q And then ultimately it was Dr. Garcia that



1 did the surgery?

2 A Yes, ma'am.

3 Q Did you see both Padget and Wiss?

4 A Yes, ma'am.

5 Q At the same time or --

6 A No, ma'am.

7 Q Which one did you see first?

8 A Dr. Padget.

9 Q Why did you see Wiss? Did he ask Wiss  
10 to take a look at you?

11 A Dr. Padget came in and basically gave me  
12 two choices: One was to be out of work for a year and  
13 a half and basically heal naturally, and the other was  
14 to have surgery. After my wife and I talked, I  
15 elected to have the surgery.

16 When I told Dr. Padget that I would rather  
17 have the surgery than to be out of work for a year and  
18 a half, he told me that he no longer did the surgery,  
19 but that Dr. Wiss, who was his associate right  
20 there, did do the surgery.

21 At that point, Dr. Padget went out, and a  
22 few minutes later he returned into the room with Dr.  
23 Wiss.

24 Q So you were setting up to have the surgery  
25 by Dr. Wiss?

1 A Yes, ma'am.

2 Q And then apparently that was denied by  
3 worker's comp, and that's how you got to Garcia?

4 A Yes, ma'am.

5 Q When did you first see Dr. Garcia,  
6 approximately?

7 A February the 22nd, 23rd, somewhere right in  
8 that.

9 Q How did you identify him as the doctor that  
10 you wanted to have the surgery done by?

11 A When I started having difficulties with  
12 worker's comp, I contacted Arndt & Arndt and, in  
13 talking with them --

14 MR. ARNDT: I'm going to object to  
15 attorney-client privilege information.

16 BY MS. ONOFREY:

17 Q You don't have to tell me what they told you  
18 or any conversations you had with them. I'll just  
19 leave it at that.

20 A Okay.

5 21 Q Had you ever seen Dr. Garcia prior to this  
22 accident?

23 A No, ma'am.

24 Q Then you ended up having the surgery by Dr.  
25 Garcia, and that was approximately when?

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.  
21 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           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  
7           of Dr. Garcia, or were you again referred out?

8           A     No, ma'am; I'm still under the care of Dr.  
9           Garcia.

10          Q     When did you last see him?

11          A     Physically saw him around April the 1st.

12          Q     Are you seeing him about once a month, or  
13          more or less?

14          A     No, ma'am. The last time that I physically  
15          saw him was around April the 1st. I've been in  
16          contact with his office a couple of times by phone.

17                   He put me on physical therapy for well over  
18          a month. Most of what I've done since then has either  
19          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?

1 A No, ma'am.

2 Q Other than being seen at the emergency room  
3 on the two times that you mentioned, the initial day  
4 that the accident happened and then the day after your  
5 father's birthday party, and being seen by Dr.  
6 Nasrullah, Dr. Padget, Dr. Wiss and Dr. Garcia,  
7 have you been seen by any other health care provider  
8 for this injury?

9 A No, ma'am.

10 Q Following the 2/29 surgery, when did you  
11 first return to work?

12 A Ma'am, I believe it was on May -- it was  
13 either May 1st or May 15th.

14 Q Since that time, whatever date it was,  
15 sometime in May --

16 A Around the 1st of May.

17 Q -- you've been working full time regular  
18 duty?

19 A No, ma'am. I was on what we call light duty  
20 from May 1st to June the 15th.

21 Q Did you receive your regular rate of pay  
22 during that time --

23 A Yes.

24 Q -- or was it reduced? It was regular?

25 A Yes, ma'am.

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.

6 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,

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

1 to get balanced.

2 Q Do you have a lawsuit pending against the  
3 driver or any third party?

4 A Yes.

5 Q Who are you suing or have claims against?

6 MR. ARNDT: If you're not sure off the top  
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  
10 the name of it.

11 BY MS. ONOFREY:

12 Q What about the driver of the vehicle that  
13 hit you?

14 A In other words, am I seeking settlement from  
15 him personally?

16 Q From him or his insurance carrier. Or do  
17 you believe that to be his insurance carrier?

18 A I believe that to be his insurance carrier.

19 Q So what you just mentioned was pertaining to  
20 the vehicle that hit you?

21 A Yes.

22 Q Okay. Do you know, have you actually filed  
23 a lawsuit, or are you trying to settle without filing  
24 lawsuit?

25 A Without; trying to settle.

1 Q But you haven't settled it yet?

2 A No, ma'am.

7 3 Q Had you ever had a back injury or any  
4 complaints relating to your low back prior to this  
5 accident?

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.

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  
14 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  
19 for any reason, say, in the past five years?

20 A No, ma'am.

21 Q Other than this surgery that you had on  
22 February 29th, have you had any other surgeries in  
23 your lifetime?

24 A When I was two years old, I had eye surgery.

25 Q Eye surgery?

1 A Yes, ma'am.

2 Q Anything other than that?

3 A No, ma'am.

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 A No, ma'am.

9 Q Do you have any sense of whether you're  
10 about to settle your case or not, or do you know?

11 A I don't know, ma'am.

12 MS. ONOFREY: I don't think I have any  
13 further questions. I'm just going to review my  
14 notes for a second. (Examining documents.)

15 BY MS. ONOFREY:

16 Q Who else was at your father's party? Was  
17 your wife there?

18 A My wife, my mother and father, and I believe  
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 A One is 17 and one is 11.

25 MS. ONOFREY: I don't have any further

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questions.

MR. ARNDT: We'll read.

(Witness excused.)

(Thereupon, the deposition was concluded at  
10:45 a.m.)

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CERTIFICATE OF OATH

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STATE OF FLORIDA )  
COUNTY OF DADE )

I, CINDY COOKER, certify that PHILIP MARK  
HAWKINS personally appeared before me and was duly  
sworn.

WITNESS my hand and official seal this 14th  
day of October 2000.

\_\_\_\_\_

CINDY COOKER  
Notary Public-State of Florida

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STATE OF FLORIDA )  
COUNTY OF DADE )

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 complete record of my stenographic notes.

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.

Dated this 14th day of October, A.D., 2000.

CINDY COOKER,  
Notary Public-State of Florida

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E R R A T A S H E E T

IN RE: PHILIP HAWKINS vs. STATE OF FLORIDA

CLAIM NO.: 263-55-6571 D/A: 12/10/99

PAGE	LINE	WHERE IT READS	SHOULD READ
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With the above corrections, if any, and by my signature affixed hereon, I hereby sign my deposition.

PHILIP MARK HAWKINS

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_ A.D. 2000

Notary Public, State of Florida  
My Commission expires:

RETURN TO: STATEWIDE REPORTING SERVICE  
606 Blackstone Building  
Miami, Florida 32202  
(904) 353-7706



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## Annotation Notes

### 1. Pg: 4 Ln: 14 - 22

**Note:** Basic info about the witness

**Linked Issues:** Background

### 2. Pg: 10 Ln: 10 - 16

**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

### 3. Pg: 19 Ln: 7 - 12

**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

### 4. Pg: 21 Ln: 21 - Pg: 22 Ln: 1

**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

### 5. Pg: 25 Ln: 21 - 23

**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

### 6. Pg: 30 Ln: 11 - 19

**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

### 7. Pg: 34 Ln: 3 - 9

**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.

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[& - approximate]

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