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1 Constantino - by Plaintiff - Direct/Rubinowitz
 2 Q "Number six: Check bus operator mirror settings." You
 3 did; correct?
 4 A Yes.
 5 Q Then it says: Number seven: "Brush or scuff marks on
 6 the bus. If yes, describe where it was, a brush or scuff mark.
 7 Explain the exact location on the bus, use panel numbers";
 8 correct?
 9 A Yes.
 10 Q In fact, here you wrote: "Right side center to rear,
 11 mud flap at rear wheel, below Windows 4, 5 and 6"?
 12 A Yes.
 13 Q So there is a distance that you are writing as far as
 14 the scratches and scrapes; correct?
 15 A Yes.
 16 MR. RUBINOWITZ: May I approach briefly?
 17 THE COURT: Yes.
 18 Q There are windows here, they have been numbered. Are
 19 those the correct numbers for the windows, 1, 2, 3, 4, 5, 6 and
 20 7?
 21 A Yes.
 22 Q You are indicating that there were scrapes and
 23 scratches below windows 4, 5 and 6; true?
 24 A Yes.
 25 Q And there is a certain distance over here 4, 5 and 6;
 26 correct?

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1 Constantino - by Plaintiff - Direct/Rubinowitz
 2 A Yes.
 3 Q When you were writing that, for example, right side
 4 center, rear wheels, right below windows 4, 5, 6, this is
 5 exactly what we're talking about, these windows?
 6 A Correct.
 7 Q We agree you were trying to be accurate at that time?
 8 A Yes.
 9 Q Did you make a determination as to the length of those
 10 brush marks or the marks, dents, scratches?
 11 A No, I don't believe I did.
 12 Q Did you have the opportunity to measure them in total?
 13 A I had the opportunity, but I don't believe I measured
 14 them.
 15 Q Did you make a determination as to whether or not the
 16 brush marks, scratch marks, were going one way or the other way?
 17 A Yes.
 18 Q You did. Which way were they going?
 19 A They were going from rear to front.
 20 Q In other words, what you're saying is, the scrape marks
 21 were going from this way going forward, correct, to the front of
 22 the bus; right?
 23 A Yes.
 24 Q How much does the bus weigh?
 25 A Fifty thousand.
 26 Q How much did the bike weigh?

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1 Constantino - by Plaintiff - Direct/Rubinowitz
 2 MR. WOODRUFF: Still looking at -- I'm sorry, I
 3 can't see the exhibit. Thank you.
 4 Q How much did the bike weigh?
 5 A I don't know how much the bike weighed.
 6 Q You never saw the bike; right?
 7 A No.
 8 Q How much did Pilar Ortiz weigh at the time?
 9 A I don't know.
 10 Q Did you have an estimate for the bike weight?
 11 A No.
 12 Q Did you have an estimate for the bike or combined?
 13 A It was removed from the scene to an unknown location.
 14 Q But you are telling the jury that the brush marks,
 15 scuffs or scrapes went from the back to the front?
 16 A Yes.
 17 Q As if the bicyclist was making that going from the back
 18 to the front; right?
 19 A Yes.
 20 Q So that, in fact, what you're saying is the bicyclist
 21 would hit the bus and then continue going forward and continue
 22 going forward again; right? 4, 5 and 6; right?
 23 A Depends on how fast she was going.
 24 Q Well, you're saying that this bicyclist, Pilar Ortiz,
 25 was riding the bike and she was the one that was causing this
 26 and she is going forward; right?

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1 Constantino - by Plaintiff - Direct/Rubinowitz
 2 A If the damage is from rear to front.
 3 Q You're saying it's from rear to front?
 4 A Yes.
 5 Q So she is taking her bike and she is riding forward and
 6 ramming it into the bus as she is going forward; right?
 7 A Yes.
 8 Q And, of course it couldn't be the other way around
 9 that, in fact, the bus was going faster than her; right? That
 10 couldn't have happened; right?
 11 A No, then the damages would have been in the opposite
 12 direction.
 13 Q And, of course, you made the determination there;
 14 right?
 15 A Yes.
 16 Q So what distance did it take for her do that, to cause
 17 all that damage to the bus with her bicycle jamming it in like
 18 that? What distance?
 19 A That depends on the speed of the bicycle, the speed of
 20 the bus, if she was trapped underneath the bus at that point in
 21 time. The dynamics of a collision are difficult to comprehend
 22 unless you have a video and you slow it down to slow motion.
 23 MR. RUBINOWITZ: Objection. Move to strike.
 24 THE COURT: Sustained. Stricken.
 25 Q I'm asking you what distance in terms of feet. Was it
 26 ten feet, 15 feet, that she kept jamming her bicycle into the

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1 Constantino - by Plaintiff - Direct/Rubinowitz
 2 side of the bus?
 3 A I don't know.
 4 Q Because you are telling the jury she must have been
 5 going much faster than the bus; right?
 6 A Yes, she had to have been going faster than the bus.
 7 Q Of course you're saying that because she had to be
 8 going faster than the bus and kept jamming her bicycle to the
 9 left; right?
 10 A Could be. She could be losing control of the bicycle,
 11 yes.
 12 Q It's not like the bus, that weighs how much?
 13 A Fifty thousand.
 14 Q That she was somehow able to maintain her balance and
 15 keep hitting that bus as she is going forward; right?
 16 A Depends on the dynamics of the accident.
 17 Q I'm just asking you, sir, this is your conclusion;
 18 correct?
 19 A Yes.
 20 Q The conclusion that you reached based on all of these
 21 foundational bricks; right?
 22 A Yes.
 23 Q This is the conclusion that you reached when you
 24 submitted your report; right?
 25 A Yes.
 26 Q That it was Pilar Ortiz who was the one who was

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1 Constantino - by Plaintiff - Direct/Rubinowitz
 2 speeding; right?
 3 A I never said she was speeding.
 4 Q Well, the bus was going at approximately 30 miles per
 5 hour from the information you had; correct?
 6 A Approximately doesn't mean it was going 30.
 7 Q From the information you had, the bus was going
 8 approximately 30 miles per hour; right?
 9 A Yes.
 10 Q Forty-five feet per second; true?
 11 A If it was going 30 miles per hour.
 12 Q Sir, I'm saying the information that you had and the
 13 only information that you had as far as the speed of the bus was
 14 approximately 30 miles per hour; correct?
 15 A Yes.
 16 Q Those are the words that you got from the bus driver;
 17 true?
 18 A Yes.
 19 Q Now, knowing that the bus is going at 30 miles per
 20 hour -- and it's going south; right?
 21 A Yes.
 22 Q And Pilar Ortiz is also going south; right?
 23 A Yes.
 24 Q And Pilar Ortiz has to be going faster than 30 miles
 25 per hour to get from window 4 to 5, 6 -- actually from 6 to 5 to
 26 4; right?

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1 Constantino - by Plaintiff - Direct/Rubinowitz
 2 A Yes.
 3 Q So she is going from window 6 to 5 to 4, faster than
 4 30 miles per hour; right?
 5 A If the bus was going 30 miles per hour, yes.
 6 Q And not only that, but she is maintaining her balance
 7 as she is banging her bike to the left into the bus; right?
 8 A Yes.
 9 Q To cause all that damage; true?
 10 A Yes.
 11 Q And, of course, that is how you figured it out at the
 12 time that you submitted your final report; right?
 13 A That's right.
 14 Q Did you meet with Mr. Ali Sadegh about this?
 15 A Did I what?
 16 Q Meet with Mr. Ali Sadegh, the defense accident
 17 reconstructionist.
 18 A I met him.
 19 Q When did you meet him?
 20 A I don't recall the date.
 21 Q Was it this year in 2014?
 22 A Yes.
 23 Q When you met him did you explain your theory to him
 24 that the bicycle was going faster than the bus and ramming into
 25 the side of the bus? Did you explain that to him?
 26 A We discussed it in light detail.

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1 Constantino - by Plaintiff - Direct/Rubinowitz
 2 Q How long was that light detailed conversation with
 3 Mr. Ali Sadegh, the defense accident reconstructionist?
 4 A Couple of minutes.
 5 Q Two?
 6 A Six minutes. I didn't time it.
 7 Q Where was that conversation?
 8 A It was at the law offices.
 9 Q In fact, what you did was, you went over photographs of
 10 the bus; right?
 11 A Yes.
 12 Q And, in fact, when you went over the photographs, what
 13 you did was, you told Mr. --
 14 MR. WOODRUFF: Objection, unless your question is
 15 between him and Mr. Sadegh.
 16 THE COURT: Once again we have a speech from you;
 17 don't we, Mr. Woodruff?
 18 MR. WOODRUFF: Objection.
 19 THE COURT: Overruled. You just have nothing but
 20 contempt for this Court; is that right?
 21 MR. WOODRUFF: Your Honor, I have -- no, that's not
 22 the case but --
 23 THE COURT: Can we take the jury out?
 24 MR. WOODRUFF: -- I'm going to defend my case.
 25 (At this time the jury filed out of the courtroom.)
 26 THE COURT: By the way, Mr. Woodruff, did we mark