

CONFIDENTIAL ATTORNEY WORK PRODUCT

Deposition Summary
of
Jackson Robert Ludlum
Taken November 7, 2005
Re: Bonds v. Santa Fe Pacific Railroad, a corporation,
and related actions.
Case No.: CIV-J-07-866053-2

Page:Line

Testimony

EXAMINATION BY MR. EISENHOWER

Deponent's name and employment

6:11 6:24 Deponent states that his full name is Jackson Robert Ludlum. He is employed with the California Highway Patrol (CHP) in the Sacramento area. He has worked for the CHP for sixteen years.

Education

6:25 7:12 Ludlum received a bachelor's degree from Pepperdine University in Malibu, CA in Public Administration with an emphasis on criminal justice. He has done some post-graduate work at UCLA but has received no degree. He has no additional training in accident reconstruction.

Prior expert qualification

7:13 7:21 Ludlum has been qualified as an expert in the area of accident reconstruction on one occasion in a civil matter in Los Angeles County. He testified regarding the collision sequence and damage to the vehicle.

Police academy training

7:22 8:3 Ludlum attended a six-month academy in Long Beach. This included training in accident investigation, among other topics.

Ludlum was one of investigating officers at subject accident site

8:4 8:11 Ludlum was one of the officers who investigated the accident at the crossing of Almond Avenue and the railroad tracks near Auburn Boulevard on December 24, 2004.

Exhibit A: Traffic Collision Report

8:12 8:21 Exhibit A is a copy of a four-page traffic collision report prepared by CHP Officer Steven Parker.

- 9:5 9:24 **Ludlum's contribution to accident report (Exhibit A)**
Ludlum was involved in preparing the Multidisciplinary Accident Investigation Leaders (MAIL) portion of the report (Exhibit A). He assisted in gathering statements and information for the driver profile. The statements are listed on pages ii and iii of the report.
- 10:5 11:1 **Route to scene, other emergency personnel present on arrival**
When he received the call Ludlum was at the American River Stop, northbound 49, south of State Route 80. He took State Route 80 west to Folsom Boulevard and proceeded south on State Route 49 to the accident site. He was the first CHP officer at the scene. Placerville County Fire Department (PCFD) and Orangevale Police Department (OPD) were already at the scene.
- 11:2 11:11 **Atmospheric conditions**
At the time of the accident it was daylight, clear and sunny with some low clouds. Road conditions were dry with no gravel present.
- 11:12 11:23 **Initial contact with Orangevale Police Department at Scene**
Upon arrival at the scene he parked his vehicle at the intersection of State Route 66 and Almond. The train was stopped to the south about ¼ mile. OPD determined that the site was out of their jurisdiction.
- 11:24 12:4 **Initial observation of injured at scene, numerous witnesses**
He observed three bodies that appeared to have been ejected from a vehicle near the intersection. There were numerous witnesses at the scene.
- 12:5 13:5 **Review of scene, four total fatalities**
Ludlum was in charge of the scene on arrival. He asked OPD personnel to guard the intersection where the impact had occurred. Other CHP units responded later. He then went south to where the train was and observed a Dodge van embedded in the front of the train. There were four fatalities that day. He stayed until the following day.
- 13:10 14:6 **Signal box secured by Orangevale Police Department**
Ludlum instructed the OPD to secure the signal box and make sure that no one touched it. He believed that the MAIL team had the expertise to examine it. He later relieved the OPD of this duty and assigned a CHP unit to guard the signal box.
- 14:8 14:15 **Ludlum located witnesses and identified driver**
Ludlum spoke with onlookers and found one or two witnesses to the collision. He then went to the van and attempted to identify the driver.

14:16 15:2 **Four fatalities pronounced at scene**
When he arrived at the scene the OPD had already pronounced the lone occupant of the van dead as well as the three ejected passengers.

15:3 15:15 **Signal box secured by CHP officer Emily Dixon**
The CHP officer that he assigned to guard the signal box was Emily Dixon, who is stationed at Sacramento.

15:16 16:21 **MAIL compiled accident report, Ludlum took witness statements**
Ludlum did not personally prepare the accident report. He took handwritten notes of the witness statements at the scene, which he later typed up, printed out, and turned over to Officer Parker who compiled the report. He did not retain any copies of his notes on the interviews.

17:8 17:14 **Ludlum made no measurements or diagrams**
Ludlum did not prepare any diagrams or make any measurements.

17:24 18:22 **Status of officers listed on MAIL report**
Of the several officers listed on the MAIL report Ludlum states that only Mike Livingston is no longer with the MAIL team; he is in another position within the division.

19:24 20:25 **CHP, MAIL reports re: weather, surface conditions, vehicles, etc.**
Ludlum believes that he generated four pages of the CHP report wherein the weather, lighting, roadway surface condition, traffic control devices, type of collision and vehicles involved are stated. This same information appears on the first pages of the MAIL report.

21:1 21:3 **Inspection of railroad signal**
Ludlum never personally inspected the railroad signal.

21:4 22:22 **Current status and locations of CHP officers at accident site**
Pages six and seven of the MAIL report contain a list of CHP personnel on the scene. Ludlum lists their current status and locations.

23:4 26:1 **Primary cause of accident obvious to Ludlum**
Pages 3-9 of the MAIL report is an engineering report prepared by a Caltrans engineer. Ludlum had no input. When the MAIL report was being processed he could have had input into it. In this case Ludlum concluded the primary cause or violation for the collision was obviously alcohol related due to the number of open wine bottles found inside the Dodge van and smell of wine at the scene.

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