

**CONFIDENTIAL ATTORNEY WORK PRODUCT**

Deposition Summary  
of  
**William Scott Cunningham**  
Taken January 23, 2005  
Adams v. Caltrans, et al.  
Case No. C02-00734

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**Page:Line**

**Testimony**

EXAMINATION BY MR. LINCOLN

**Name, first time deponent**

5:15 10:10 Deponent is William Scott Cunningham, a project manager for Expert Paving, by whom he was assigned the paving of a section of Bakersfield Road at issue in this matter. He is aware that in March of 2004, Cynthia Adams suffered a spinal cord injury in an automobile accident on that section of roadway. He is a first time deponent. [Admonitions are given and understood.]

**Documents reviewed; discussions with defense counsel**

10:11 11:22 Cunningham has done a half-hour review of: his firm's invoice, the job work sheet with attached proposal, and the plans for the roadway paving job. He learned about the lawsuit, but not of his involvement in it, from a discussion with an investigator working for Ralph Montana. Since that discussion, and after learning of his involvement in the suit, he has not had any conversations with representatives of other defendants re the lawsuit or the circumstances that occasioned it.

**Exhibit 1: Business card; discussed lawsuit w/ Investigator Rollins**

11:23 13:24 From Sonny Rollins' business card [Exhibit 1] photo, Cunningham identifies him as the investigator employed by Ralph Montana. His June, 2004 discussion with Rollins took place in the conference room of Expert Paving's offices. Expert's project manager, Mike Marshall, joined the two of them for the last 2-3 minutes of the half-hour meeting. No one else was present during their discussion. Cunningham recalls that Rollins showed him his investigative services contract with Montana, but cannot be sure whether Rollins also showed him any of the documents herein identified as Exhibits 2 through 4. After a brief initial exchange at the door, Cunningham learned that Rollins was an investigator and suggested that they continue their conversation in the conference room, where he was told that there was a possible lawsuit involving the March 2004 Bakersfield Road motor vehicle accident.

14:1 15:5 **Cunningham’s further recollection of conversation with Rollins**  
Upon reviewing the paving plans with Cunningham, Rollins had called the original plan “real vague.” In the intervening time, Cunningham has forgotten most of the details of the conversation.

15:6 16:9 **Education; work history in parents’ business**  
Cunningham, now 47, has been an estimator/project manager for Expert Paving for 13 years. He graduated from Encino High School, and took 2 years of general education classes at Butte College, but did not earn an AA degree. He has had no formal education since he left college to help his father, Bruce Cunningham, with his parents’ business.

16:10 19:14 **Organizational structure of Expert Paving**  
Expert Paving’s seasonal workforce includes 50-75 workers most of the year, adding perhaps another 20 in the summer. Cunningham’s mother, Eleanor, is the president and his father the vice-president. Michael Fry is the direct supervisor for all foremen assigned projects for Expert’s road division. The foremen are Expert’s “best guys,” so the company tries to keep them busy in the winter so they will stay throughout the year. The foreman on the project at issue was Walter Bibby, always called “Bibs,” who had been with the company for about 7 years at the time and was Expert’s chief road foreman. He is no longer with the company and his whereabouts are unknown to Cunningham.

19:15 22:11 **Company history**  
Expert Paving has been in business in Sacramento, California, since 1986. It had at first done only parking lot projects, which continue to generate the most work. In 1998, road projects were added, and a separate road division was created about 4 years ago. The percentage of Expert’s business devoted to road work has been expanding, and now totals probably 40 percent of the company’s physical workload.

22:12 24:20 **California Safety’s roadside signs not electrical warnings**  
A San Francisco sign manufacturer, California Safety, (mentioned in the POD), supplied Expert with some roadside signs of the type that warn motorists of obstructions or curves they are approaching in the roadway—lettered metal signs of the type normally seen with messages such as “Curve Ahead.” None were flashing electrical warning signs or of the type that display digital messages regarding changing conditions.

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