

1 IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
2 AT TACOMA

3 KEN L JARAMILLO, individually )  
and as Personal Representative )  
4 of the Estates of ANGELA L )  
JARAMILLO and MCKENNA LEE )  
5 JARAMILLO; GERALD R. TARUTIS )  
as guardian ad litem for RILEY )  
6 R. JARAMILLO, a minor, and )  
BRADFORD J FULTON as guardian )  
7 ad litem for SAWYER D )  
JARAMILLO, a minor, )

8 )  
9 Plaintiffs, )

10 vs )

11 FORD MOTOR COMPANY, a Delaware )  
corporation, and DOREL )  
12 INDUSTRIES, INC , d/b/a-a/k/a )  
COSCO HOME AND OFFICE PRODUCTS, )  
13 INC., a foreign corporation, )

14 Defendants. )

COPY

No. C01-5311JKA

15 DEPOSITION UPON ORAL EXAMINATION OF  
RONALD DOBSON, M D

16  
17  
18 Taken at  
19 200 Second Avenue West  
20 Seattle, Washington  
21 November 18, 2002  
22 9:00 a m.  
23

24  
25 Reported By Sharon Rindal, C C.R.

1 evidence that a seat belt was in play

2 The absence of that cannot be taken as an  
3 absolute that there was no seat belt.

4 Are you with me there?

5 Q Sure. I think you said that it wasn't conclusive or  
6 absolute but that probably she wasn't belted.

7 I think isn't that the descending order of  
8 how you're thinking about it, it is not conclusive, but it  
9 is probable, isn't that what you said?

10 A That's right. But to arrive at the conclusion that  
11 she was not belted, I have looked at other information that  
12 was available that would support that and make me think that  
13 it is unlikely that she was belted.

14 Q What is the other information?

15 A The report from Dr Burton, the report from the  
16 people who investigated the scene, the deposition of Mr  
17 Bingham, the testimony of the father, the testimony of some  
18 of the other people that were present.

19 As I try and reconstruct in my mind whether  
20 or not the person was seat belted, I do not see anything  
21 that would suggest to me strongly that the patient was  
22 belted in. In fact, I find evidence that she was not.

23 Q Basically because she didn't have any bruises?

24 A No.

25 Q No?

1 A No.

2 Q What is the other information?

3 A Well, the other information, for example, is the fact  
4 that Officer Bingham who investigated the scene and was  
5 there shortly after the accident gives very strong testimony  
6 to my mind that would indicate that there was no evidence  
7 that the belt was engaged or that the belt was damaged as he  
8 would have expected it to be had the child been there.

9 The other mechanism that one could invoke,  
10 failure of the belt, for example, to my analysis would  
11 require same type of load on the belt before it failed, of  
12 which there was none

13 Q Okay.

14 A And the force that would be required from her  
15 movement against the belt in order to make it fail, on a  
16 more-likely-than-not basis, would be sufficient to leave  
17 some evidence of external bruising if not internal injury.

18 Q Okay

19 A So in absence of any strong evidence that it was  
20 buckled, the best explanation for all that I see, both at  
21 autopsy and in the reports, is that it was not buckled at  
22 the time of the accident.

23 Q Don't you think it is counter-intuitive that the two  
24 adults and the two little boys were buckled and she wasn't?

25 A Not at all.

1 Q Why is that?

2 A The easiest explanation for that, if this is a  
3 five-year-old, and I have two children myself, I actually  
4 had difficulty with both of my children who are now off in  
5 college of them keeping their belts buckled once they were  
6 in the booster seat. And I know other parents have had the  
7 same type of issue.

8 We know that the child was buckled at the  
9 time that they left the friends. Okay? But that was quite  
10 some time They even stopped at one point and obtained  
11 drinks and switched drivers

12 Anywhere during that period of time the child  
13 could have unbuckled the belt, or the people could be wrong  
14 about when the child was placed into it

15 Q Okay

16 A Those are just the possibilities

17 Q This is all speculation, isn't it?

18 I mean, the dad said he belted her in there,  
19 someone saw her in there, and four out of five people were  
20 contained in the vehicle.

21 It is just speculation that she might have  
22 unlatched it herself, isn't it?

23 MS AMBROSIA-WALT. I object to the  
24 form of the question

25 A No more so than speculation that the belt failed or

1 something despite the fact that the people who were on the  
2 scene then and afterwards evaluated that belt and found it  
3 to be functional.

4 So I am forced to choose between two possible  
5 scenarios, neither of which has strong supportive evidence.  
6 And to me, that is a more believable and likely scenario  
7 than a belt failure.

8 Q (By Mr Whelan) Well, first of all, if the car had  
9 been roll resistant and had not rolled, she would still be  
10 alive, right, or she wouldn't have died then and there?

11 A Given the assumptions, which may or may not be  
12 warranted in your question, the answer is yes

13 Q All right

14 Secondly, have you actually inspected the  
15 belt?

16 A No

17 Q Have you seen the witness marks on the belt?

18 A No.

19 MS AMBROSIA-WALT I'm going to object  
20 to the form of the question, assumes facts not in evidence

21 Q (By Mr. Whelan) Have you tested the retractor?

22 A I'm sorry?

23 Q Have you tested the retractor?

24 A No

25 Q Were you advised that the retractor made a very

1 11/18/02

2 C E R T I F I C A T E

3  
4 STATE OF WASHINGTON )

) ss:

5 COUNTY OF KING )

6

7 I, Sharon Rindal, a Notary Public in and for the State  
of Washington, do hereby certify

8

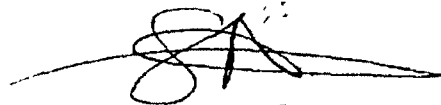
9 That the foregoing deposition of RONALD DOBSON, M.D  
was taken before me at the time and place therein set forth,

10 That the witness was by me first duly sworn to testify  
to the truth, and nothing but the truth, and that the  
11 testimony of the witness and all objections made at the time  
of the examination were recorded stenographically by me, and  
12 thereafter transcribed into typewriting, under my direction;

13 That the foregoing transcript is a true record of the  
testimony and of all objections made at the time of the  
14 examination, to the best of my ability;

15 I further certify that I am a disinterested person and  
that I am in no way interested in the outcome of said  
16 action.

17 IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my seal this 26<sup>th</sup> day of Nov 2002, at Seattle,  
18 Washington



19 Sharon Rindal, Notary Public

20 CSR No. RINDASL-608PK

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