



Transcript of Thomas Shoup

Tuesday, December 20, 2022

Griffith Alexander Williams v. Thomas Shoup

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IN THE STATE COURT OF FULTON COUNTY

STATE OF GEORGIA

GRIFFITH ALEXANDER WILLIAMS,)

Plaintiff,)

v.) CAFN: 22EV003584

THOMAS SHOUP,)

Defendant.)

DEPOSITION OF THOMAS SHOUP

The deposition of Thomas Shoup, taken at the instance of the Plaintiff, pursuant to stipulations contained herein; the reading and signing of the deposition reserved, before Melissa J. Lee, Certified Verbatim Reporter, at 10:46 a.m., on December 20, 2022, at Waldon Adelman Castilla Hiestand & Proust 900 Circle 75 Parkway Suite 1040 Atlanta, Georgia 30339

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NO EXHIBITS

Compliance with O.C.G.A. 9-11-28(d)

On Disclosure Statement 55

E X H I B I T S

Exhibits MARKED

Plaintiff's Exhibit 1 Incident Report 29

(Exhibit retained by counsel)

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We are now on the record in the
3 matter of Griffith Alexander Williams v. Thomas Shoup.
4 Today's date is December 20th, 2022. The time is 10:46
5 a.m. Eastern. This is the video recorded deposition of
6 Thomas Shoup being taken at Walden, Adelman, Castilla,
7 Hiestand, and Prout in Atlanta, Georgia. I am the camera
8 operator. My name is Lucas Riahi in association with
9 Trustpoint One. The court reporter is Melissa Lee also in
10 association with Trustpoint One.

11 Will all attorneys please identify themselves and
12 the parties they represent beginning with the party
13 noticing the proceeding, after which, the court reporter
14 will administer the oath.

15 MS. MONSEWICZ: Carolyn Monsewicz, attorney for
16 plaintiff Griffith Alexander Williams.

17 MS. BRITT: Sarah Britt, counsel for defendant Thomas
18 Shoup.

19 MR. COWSERT: I'm Bill Cowsert. I'm personal counsel
20 for the defendant.

21
22 (Whereupon, the deponent was sworn)

23
24 MS. MONSEWICZ: Mr. Shoup, we met a few minutes ago.
25 My name is Caroline Monsewicz and I represent Mr.

1 Williams. Sitting here today, do you have a general idea
2 why we are here?

3 THE DEPONENT: I do.

4 MS. MONSEWICZ: Okay. Let me ask you, have you ever
5 given a deposition before?

6 THE DEPONENT: I have not.

7 MS. MONSEWICZ: Okay. So it's just a conversation.
8 I'm trying to figure out what happened because I wasn't
9 there. I'm also trying to figure out a little bit about
10 your background and figure out who you are. I know that's
11 really difficult to do in the amount of time we have, but
12 we've got a couple of ground rules to go over first and
13 then we can jump into everything, okay? When I ask a
14 question, if you'll please allow me to finish my question
15 even if you can see where I'm going with it and here's
16 why. The lovely court reporter over there is taking down
17 everything that you and I say so it's going to be
18 difficult if we talk over one another so I'm going to do
19 my best to make sure I don't interrupt you and I would
20 appreciate the same courtesy. Okay?

21 THE DEPONENT: Absolutely.

22 MS. MONSEWICZ: You are doing a great job already in
23 the fact that when I ask you a question, if you'll give a
24 verbal response, "yes", "no", or an explanation. And,
25 again, that is just to make sure we have a clean record if

1 we have to use it at a later date and, again, to make sure
2 that your testimony is clear and concise and exactly what
3 you want to say. Okay?

4 THE DEPONENT: Understood.

5 MS. MONSEWICZ: If I ask you a question and you do
6 not understand my question or you need me to repeat it or
7 rephrase it, please let me know. That's my job is to kind
8 of pivot and make sure that my questions make sense to
9 you. But you have to let me know that. That being said,
10 if you need me to do that, please verbalize it; otherwise,
11 I am going to assume that you understood my question when
12 you respond. Is that fair?

13 THE DEPONENT: That's fair. Thank you.

14 MS. MONSEWICZ: I don't anticipate today is going to
15 take too long. However, if at any point you need to take
16 a break, it's not a problem. Just let me know. The only
17 thing I would ask for that is if we've got a question that
18 is pending if you will please respond to the question or
19 answer the question and then we can take a break after
20 that.

21 THE DEPONENT: Sounds good.

22

23 CROSS-EXAMINATION

24 BY MS. MONSEWICZ:

25 Q. All right. Can I get you to state your full name for

1 the record, please.

2 A. Thomas Tracy Shoup, II.

3 Q. And, Mr. Shoup, do you prefer to go by Thomas?

4 A. Yes, ma'am.

5 Q. Okay. Is it okay if I call you Thomas today?

6 A. Yeah, that's fine.

7 Q. Okay. Thomas, let me ask you, are you taking any type
8 of medication today that would impair your ability to understand
9 my questions in any way?

10 A. No, ma'am.

11 Q. Are you sick at all?

12 A. No, ma'am.

13 Q. No doctor's orders?

14 A. No, ma'am.

15 Q. Okay. So is there any reason you can think of at all
16 why you may not be able to answer my questions fully and
17 accurately?

18 A. No, ma'am.

19 MS. MONSEWICZ: Okay. We are now going to go off the
20 record really quickly.

21 THE VIDEOGRAPHER: Okay. We are now going off the
22 record at 10:49.

23

24 (Whereupon, there was a pause in the proceedings)

25

1 THE VIDEOGRAPHER: We are now back on the record at
2 10:50.

3 BY MS. MONSEWICZ:

4 Q. Mr. Shoup, we just had a conversation off the record
5 and you provided me your date of birth and your social security
6 number, is that correct?

7 A. That's correct.

8 Q. Thank you very much. I appreciate that. Can you tell
9 me a little bit about where you were born, sir?

10 A. I was born here in Atlanta.

11 Q. Okay. And moving around, at the time of the
12 collision, do you remember the date of the collision, why we are
13 here today?

14 A. Not off the top of my head.

15 Q. Okay. So if I say June 16th, 2021, does that ring a
16 bell?

17 A. That sounds like it could be right.

18 Q. Okay. Well, I'll warrant to you that's the date we
19 have so if I refer to the accident in any way, that's the date
20 I'm referring to, June 16th, 2021. Okay?

21 A. Understood.

22 Q. All right. At the time of the accident, where were
23 you living at?

24 A. I was living with my parents in Atlanta.

25 Q. All right. And what address was that?

1 A. 4295 Rain Tree Lane. And that's Atlanta, Georgia,
2 30327.

3 Q. And how long have you lived at that address with your
4 parents?

5 A. Almost ten years now.

6 Q. Okay. So since you were a kid? You've grown up in
7 that house?

8 A. Not -- since I was about 14, I would say, 13 or 14.

9 Q. Okay. And just by chance, do you happen to know where
10 you lived before that?

11 A. I do. Yeah.

12 Q. Okay. Where was that address?

13 A. 312 Lake Forrest Lane.

14 Q. Was that also in Atlanta?

15 A. Yes, ma'am. 30342.

16 Q. Okay. And you mentioned you live with your parents.
17 What are their names?

18 A. Tom and Sarah Shoup.

19 Q. And is Sarah spelled S-A-R-A-H?

20 A. Correct.

21 Q. Okay. And I take it Tom is Thomas Shoup the first?

22 A. Yes, ma'am.

23 Q. Okay. Do you live with any siblings?

24 A. I do. I have a younger sister.

25 Q. Is your sister older than 16?

1 A. She is.

2 Q. Okay. What is your sister's name?

3 A. Ana Shoup.

4 Q. And is Ana in high school or college?

5 A. She's in college as well.

6 Q. Okay. And, currently, does she still live with mom
7 and dad as well?

8 A. Yes.

9 Q. Okay. Other than mom, dad, and your sister Ana, are
10 there any relatives that you have that live in Fulton County?

11 A. No, ma'am.

12 Q. So no aunts? No uncles?

13 A. Not in Fulton County.

14 Q. Okay.

15 Q. Let me ask you this, Thomas, as far as hobbies, what
16 do you like to do?

17 A. I play pickle ball. I play golf. That takes up most
18 of my time.

19 Q. Are you part of any golf club or pickle ball club?

20 A. I am not.

21 Q. Okay. Do you just play casually with friends?

22 A. Yes, ma'am.

23 Q. Okay. Are you a member of any type of club or civic
24 organization in Fulton County?

25 A. No, ma'am.

1 Q. Okay. So no Jaycees? No rotary? Nothing like that?

2

3 A. No, ma'am.

4 Q. That's an old reference so that's probably why you're
5 not involved. Let me ask you, are you a member of a church or a
6 religious organization in Fulton County?

7 A. No, ma'am.

8 Q. Okay. And has that been recent within the last year
9 or you're not -- you haven't been a member for a very long time?

10 A. I haven't been a member for a while.

11 Q. Okay. Are you a member of a country club?

12 A. No, ma'am.

13 Q. Any type of organized group that you are a member of
14 or a part of?

15 A. No, ma'am.

16 Q. Okay. So other than pickle ball and golf, I take it
17 you're also in college, is that correct?

18 A. That's correct.

19 Q. Okay. Where are you going to school?

20 A. University of Georgia.

21 Q. Go Dawgs.

22 A. Yes, ma'am.

23 Q. And what are you studying at UGA?

24 A. Finance.

25 Q. And when did you begin your degree?

1 A. 2017.

2 Q. Are you graduating this upcoming May?

3 A. No, ma'am.

4 Q. Okay. When do you anticipate graduating?

5 A. May of 2024.

6 Q. And are you just getting a bachelor's degree or are
7 you getting an advanced degree?

8 A. Just a bachelor's degree.

9 Q. Okay. Let me back up and talk to you a little bit
10 about where did you end up going to high school at?

11 A. I went to North Atlanta.

12 Q. Okay. And I take it you also graduated in 2017?

13 A. Yes, ma'am.

14 Q. Okay. Other than you going for your bachelor's degree
15 at UGA, are there any type of certifications or advanced
16 certificates of vocational training that you may have?

17 A. No, ma'am.

18 Q. Okay. And just to kind of give you an example of what
19 I mean by that, you're not an HVAC tech?

20 A. (Nods negatively).

21 Q. Don't do any sort of plumbing work or anything like
22 that?

23 A. No, ma'am.

24 Q. Okay. Thomas, are you currently employed anywhere?

25 A. Yes, ma'am.

1 Q. Okay. Where do you work at?

2 A. Dick's Sporting Goods in Athens.

3 Q. Okay. And when did you begin working at Dick's
4 Sporting Goods?

5 A. I've been there over a year now, not at this location,
6 though.

7 Q. Okay. Where did you start at?

8 A. Oceanside, California.

9 Q. Oh, wow. What brought you out to California?

10 A. I just needed some time away.

11 Q. Okay. And we will revisit that here in a second. But
12 you are currently a Dick's sporting goods employee. What is
13 your role or title at Dick's?

14 A. Just sales associate.

15 Q. Okay. And is that the same title you had when you
16 joined Dick's sporting goods?

17 A. Yes, ma'am.

18 Q. Okay. So you mentioned that you were in Oceanside,
19 California. When did you go out to Oceanside?

20 A. It would have been early August of 2021.

21 Q. And how long did you stay in Oceanside?

22 A. Until about July, sometime in July of '22.

23 Q. So pretty recently you came back to Georgia, is that
24 right?

25 A. Yes, ma'am.

1 Q. Okay. And what took you out to Oceanside, California?

2 A. So I needed some time away from school and everything

3 and there was a program out there that I went through.

4 Q. Can you elaborate what type of program?

5 A. It was a sober living program.

6 Q. Okay. And was that a decision you made personally or

7 was that a decision that was made for you?

8 A. A decision I made personally.

9 Q. Okay. And did you graduate from the program?

10 A. Yes, ma'am.

11 Q. When did you graduate from that program?

12 A. It would have been in July when I left.

13 Q. Okay. Other than what we are here for today, have you
14 been a party to a lawsuit before?

15 A. No, ma'am.

16 Q. Okay. And what I mean by that, a civil lawsuit?

17 A. Correct.

18 Q. Okay. I should ask you, Thomas, and I don't mean to
19 assume, but I'm assuming you are not married; is that correct?

20 A. That's correct.

21 Q. Okay. Do you have any children?

22 A. I do not.

23 Q. All right. Well, Mr. Shoup, I've got some great
24 information from you. What we're going to do is switch to the
25 date of the accident. And is it fair to say you were involved

1 in a collision with Mr. Williams on June 16th, 2021?

2 A. That's fair to say.

3 Q. And at the time, you were driving a 2006 Subaru
4 Forester?

5 A. That's correct.

6 Q. And, specifically, you drove a 2006 Subaru Forester on
7 University Parkway State Route 316 headed westbound towards
8 Atlanta?

9 A. That's correct.

10 Q. And while you were driving, you looked away from the
11 road in front of you, is that right?

12 A. Yes, ma'am.

13 Q. And when you looked back up, traffic was stopped?

14 A. It was not completely stopped to my memory, slowly,
15 slow, stop-and-go.

16 Q. Okay. But traffic was slowing in front of you?

17 A. Correct.

18 Q. And in the process of that, you ended up striking Mr.
19 Williams' vehicle?

20 A. That's correct.

21 Q. So it's fair to say you caused a crash?

22 A. Oh, yes. I did.

23 Q. And you're at fault for that crash?

24 A. Yes, ma'am.

25 Q. And you did receive a citation for that crash?

1 A. That's correct.

2 Q. And you received more than one citation for that
3 crash?

4 A. I'm not sure off the top of my head.

5 Q. Okay. And do you know what happened to that citation
6 that you know of?

7 A. It's still pending.

8 Q. Okay. Now, who owns the 2006 Subaru Forester?

9 A. I did.

10 Q. Okay. And it was registered in your name?

11 A. Yes, ma'am.

12 Q. And you're the one that regularly serviced the car?

13 A. That's correct.

14 Q. You provided gas for it?

15 A. Yes, ma'am.

16 Q. When did you first purchase the 2006 Subaru Forester?

17 A. My parents bought it for me about, if I had to guess,
18 four months prior, maybe.

19 Q. And did you -- were you the one that went to the tag
20 office and got everything registered?

21 A. I believe I went with my mother.

22 Q. Okay. But to confirm, the car was registered in your
23 name?

24 A. That's correct.

25 Q. Okay. Did you ever purchase car insurance for the

1 vehicle yourself?

2 A. No. I don't think so.

3 Q. Okay. So tell me what your understanding of the
4 insurance is.

5 A. Very minimal.

6 Q. That's fair. So is it fair to say that you more or
7 less left the insurance up to mom and dad?

8 A. Yes, ma'am.

9 Q. Okay. And since it's your car, it's fair to say you
10 had driven the car more than 50 times before the accident?

11 A. Yes, ma'am.

12 Q. Okay. Mr. Shoup, I should have asked you earlier, and
13 I'm going to ask you now, did you prepare for today's deposition
14 in any way?

15 A. We had like a briefing via Zoom three or four days
16 ago.

17 Q. Okay. And I want to be clear. I don't want to know
18 anything that you discussed with your attorneys Mr. Cowser and
19 Ms. Britt, but as far as preparing for your deposition did you
20 review any documentation?

21 A. No.

22 Q. Okay. Did you bring anything with you to the firm
23 today as far as documentation?

24 A. No, ma'am.

25 Q. Okay. I'm curious, is that your document in front of

1 you or is that a document that was there when you got here?

2 A. This was provided to me.

3 Q. Okay. May I see a copy of -- may I see that, please?

4 A. You can see it, yeah.

5 Q. Okay. And I'm going to hand this back to you.

6 A. Thank you.

7 Q. And I understand that is instructions as far as any
8 questions that may go in to the criminal matter pending against
9 you, correct?

10 A. That's correct.

11 Q. Okay. And, again, we will get in to that in a second.

12 So, Mr. Shoup, I'm just going to go to June 16th, 2021. In
13 your own words, tell me a little bit about what happened that
14 day.

15 A. So under advice of counsel, I am invoking my Fifth
16 Amendment privilege against self-incrimination under the U.S.
17 and Georgia constitutions.

18 Q. Okay. So --

19 MS. BRITT: Can you more narrowly tailor your
20 questions?

21 MS. MONSEWICZ: Sure. Yes. Absolutely.

22 BY MS. MONSEWICZ:

23 Q. In the course of the accident, tell me what happened
24 when you woke up that morning on June 16th, 2021.

25 A. I was running a bit late for work and I got ready and

1 hopped in my car.

2 Q. And at the time, where were you working?

3 A. I was working in -- the name's not coming to me. It's
4 north of Atlanta. I'm trying to think of the area. I worked at
5 the PBR Fields up north of Atlanta. I'm trying to think of the
6 area.

7 Q. All right. So let me kind of back up. What location
8 were you at the morning when you woke up of June 16th, 2021?

9 A. I was in Athens.

10 Q. Do you know the address of the location?

11 A. Not off the top of my head. I used to live there, but
12 it was a while ago.

13 Q. Okay. Did you live there with roommates?

14 A. Yes, ma'am.

15 Q. Okay. How many roommates did you have?

16 A. There were three others.

17 Q. And what are their names?

18 A. Mills Miller, Andrew, and Adam Block -- Andrew Taylor
19 is his name. Sorry about that.

20 Q. All right. I'm going to read those back to you. I
21 have Mills Miller, and can I get you to spell his name for me,
22 please.

23 A. M-I-L-L-S, M-I-L-L-E-R.

24 Q. Okay. And I have Andrew Taylor.

25 A. Uh-huh (affirmative).

1 Q. Spelled the way that most people would spell Andrew
2 Taylor?

3 A. Yes, ma'am.

4 Q. Okay. And then I have Adam Block?

5 A. B-L-O-C-K. Yes, ma'am.

6 Q. Okay. And how do you know those three gentlemen?

7 A. They were members in my fraternity at Georgia.

8 Q. What fraternity are you in?

9 A. Lambda Chi Alpha.

10 Q. When did you first go through the rush experience with
11 Lambda Chi Alpha?

12 A. 2017.

13 Q. So it's fair to say by 2021 you had been a part of
14 that fraternity for quite some time?

15 A. So the fraternity has since been disbanded.

16 Q. Okay. When did it become disbanded?

17 A. I believe in 2020 or 2021.

18 Q. So at the time -- or, strike. On June 16th, 2021, was
19 your fraternity still recognized by the University of Georgia or
20 had it been disbanded at that point?

21 A. I could not tell you for sure, but I believe it had
22 been disbanded at that point.

23 Q. Okay. And, again, I'm just trying to understand the
24 relationship with your roommates. They were very very close
25 friends of yours, is that fair?

1 A. We were friends.

2 Q. Okay. Got it. So recapping, you were late to work
3 that morning so you were driving from Athens to the PBR Fields
4 somewhere north of Atlanta?

5 A. Yes, ma'am.

6 Q. How long would that drive typically take you?

7 A. Probably, about an hour-and-a-half depending on
8 traffic.

9 Q. And had you driven that route many times before?

10 A. Not many times, but a couple.

11 Q. Okay. So describe for me, if you will, the route you
12 attempted to take from your home in Athens that day to get to
13 work.

14 A. Yes, ma'am. So I took back roads that day hoping to
15 get around the little bit of traffic on 316, and I could not
16 tell you the exact roads that you take to get, but eventually it
17 spits you out on 316 near Gwinnett County right before you get
18 to 85. And then I believe you have to go 85 to 285 -- but this
19 is all after the accident -- 285 to 75 to 575.

20 Q. Okay. So -- and I'll I have no idea where the PBR
21 Fields are, but it sounds like they're closer to the
22 Woodstock/Canton area?

23 A. Canton, thank you. I don't know why I couldn't think
24 of that. I appreciate it.

25 Q. And just to confirm, you'd normally take 316 to 85 to

1 285 to 75 to 575 to get there?

2 A. I wouldn't say normally. I had done it maybe once or
3 twice.

4 Q. Okay. And let me ask you this way: That particular
5 stretch of 316, were you familiar with that stretch?

6 A. I was. Yes.

7 Q. Okay. About how many times before would you say you
8 had driven that way?

9 A. 100, maybe. That's how I go from school.

10 Q. Back to your home?

11 A. Yes, ma'am.

12 Q. Okay. And did you tell any of your roommates that
13 morning that you were leaving or did you just slip out the door?

14 A. Just slipped out the door.

15 Q. Okay. So once you got in your vehicle, about how long
16 had you been driving before the collision occurred?

17 A. I would say about an hour.

18 Q. Did you have any music playing?

19 A. I do not remember.

20 Q. Okay. When we get to a break or at the end of the
21 deposition, if you can please provide Mills, Andrew, and Adam's
22 phone numbers, I would really appreciate that.

23 A. Sure.

24 Q. And you can provide those to your counsel.

25 A. Cool.

1 Q. So that morning, do you recall what the weather
2 conditions were like?

3 A. I don't exactly remember. I don't particularly
4 remember it raining. I think it was clear, maybe overcast.

5 Q. Do you recall if the pavement was wet in any way?

6 A. I don't, but I don't believe so.

7 Q. Do you know if it was sunny?

8 A. I don't remember.

9 Q. Okay. Fair to say it wasn't snowing?

10 A. It was not snowing.

11 Q. Okay. So getting closer to the scene of the accident,
12 how long were you traveling behind Mr. Williams' vehicle before
13 the collision occurred?

14 A. At least three minutes, I'd say. I don't remember
15 exactly.

16 Q. At the time of the collision, did you have anything in
17 your hands?

18 A. No, ma'am.

19 Q. Did you have both hands on the steering wheel?

20 A. I don't recall.

21 Q. Were you eating or drinking anything?

22 A. No, ma'am.

23 Q. What was your speed the second or two just prior to
24 impact?

25 A. I would say 35, maybe a little off that.

1 Q. Okay. Was Mr. Williams' car moving at the time of
2 impact?

3 A. Yes, ma'am.

4 Q. Okay. So he did not come to a complete stop?

5 A. After the accident, yes.

6 Q. Okay. But at the time of the impact, was he
7 completely stopped or was he still moving?

8 A. I believe he was still moving.

9 Q. Okay. And that's just based upon your recollection
10 and your experience?

11 A. Yes, ma'am.

12 Q. Okay. Did you see Mr. Williams' car move forward at
13 all upon impact?

14 A. I don't recall.

15 Q. Is there a particular reason why you didn't avoid
16 running into Mr. Williams?

17 A. I just couldn't stop in time.

18 Q. Okay. Did anything in your car shift as a result of
19 the impact?

20 A. Can you explain that further?

21 Q. Sure. So if you had anything in your vehicle like
22 personal items or anything, did those jostle around or shift
23 upon impact?

24 A. I would assume so.

25 Q. You just don't know?

1 A. I don't know.

2 Q. Okay. So after the collision occurred, what -- when
3 did you first get out of your vehicle?

4 A. I did not until the police arrived.

5 Q. Okay. Did you call 911?

6 A. No, I did not. I don't believe so.

7 Q. Is there a reason you didn't call 911?

8 A. I can't recall.

9 Q. Did you get out of the vehicle or speak to Mr.
10 Williams at the scene?

11 A. I attempted to speak to him. I believe I just asked
12 if he was okay and I didn't get a response so that was the
13 extent of our interaction.

14 Q. And I should ask you, Mr. Shoup, before the collision
15 occurred, had you ever met my client beforehand?

16 A. No, ma'am.

17 Q. Have you seen my client since?

18 A. No, ma'am.

19 Q. Have you spoken to him since June 16th, 2021?

20 A. No, ma'am.

21 Q. Okay. Did you exchange any kind of information with
22 my client?

23 A. (Nods negatively).

24 Q. Okay. Other than checking on Mr. Williams, did you
25 say anything else to him?

1 A. No. No, ma'am.

2 Q. Okay. Did you apologize to him at any point?

3 A. I would assume I probably said something along the
4 lines of, I'm sorry, are you okay. So, yes.

5 Q. And was your vehicle damaged as a result of the
6 impact?

7 A. It was.

8 Q. Okay. Can you describe the damage of your car?

9 A. I would say slight.

10 Q. And if I can get you to elaborate, what portion of
11 your vehicle was damaged?

12 A. The front bumper.

13 Q. And in your own words, can you describe what that
14 damage looked like?

15 A. If I remember correctly, I would say it was definitely
16 cracked. The hood was fine, though. It wouldn't have been an
17 expensive repair, I don't think.

18 Q. Okay. Did you get the vehicle repaired at any point?

19 A. I did not.

20 Q. Okay. Do you still drive that vehicle today?

21 A. I don't.

22 Q. When was the last time you drove that vehicle?

23 A. About, a couple of days -- no. I guess the next day
24 after the accident was the last day I drove it.

25 Q. And do you know where that vehicle is now?

1 A. I do not.

2 Q. Okay. And was it your idea to stop driving that
3 vehicle or someone else's?

4 A. I don't -- I suppose it was my idea.

5 Q. Okay. Was there a particular reason you didn't want
6 to drive the car anymore?

7 A. It -- I got in another accident and it was totaled
8 after that.

9 Q. Okay. When did you get into the accident after the
10 one we are here for today?

11 A. The next day.

12 Q. And we will circulate back to that in a second. Going
13 back to the scene of the collision that we are here for today,
14 about how long was it before law enforcement arrived on the
15 scene?

16 A. If I had to guess, five to ten minutes. We were close
17 to the Gwinnett County Jail and everything so I assume they came
18 from there.

19 Q. And did -- in which order did law enforcement speak
20 with you and Mr. Williams, respectively?

21 A. I don't recall.

22 Q. Okay. So you're not sure if they spoke with him first
23 or you first?

24 A. I'm not sure.

25 Q. Did you overhear anything that Mr. Williams may have

1 told law enforcement?

2 A. No, ma'am.

3 Q. Okay. In your own words, what do you recall telling
4 law enforcement?

5 A. Under the advice of counsel, I am invoking my Fifth
6 Amendment privilege against self-incrimination under the U.S.
7 and Georgia Constitutions.

8 MS. MONSEWICZ: Okay. Mr. Shoup, I'm going to show
9 you something here in a moment. I'm going to mark this as
10 Plaintiff's Exhibit Number 1.

11

12 (Whereupon, Plaintiff's Exhibit 1 was marked

13 and identified for the record)

14

15 MS. MONSEWICZ: And take as much time as you need to
16 review that and let me know when you're finished, okay.

17 THE DEPONENT: Okay.

18 BY MS. MONSEWICZ:

19 Q. And you've reviewed it, Mr. Shoup?

20 A. Yes, ma'am.

21 Q. Okay. I handed you that document. And can you
22 describe what document I handed to you?

23 A. It is a Georgia Motor Vehicle Crash Report.

24 Q. And have you seen this document before?

25 A. No, ma'am.

1 Q. Okay. Do you see the date of the document?

2 A. In the top right up here?

3 Q. That's the date received by DOT. It's right
4 underneath "Dispatch".

5 A. Oh, sure. Yeah, I see it.

6 Q. And what does that date say?

7 A. June 16th of 2021.

8 Q. Okay. And in looking at this document, is this a fair
9 and accurate representation of what all transpired on the 16th?

10 MS. BRITT: Hang on. I'm going to make an objection
11 to that question just on the grounds this is a three-page
12 document. You're asking if the entire thing is fair and
13 accurate. I think it's a little over broad. You know, I
14 just want to note my objection.

15 MS. MONSEWICZ: Sure.

16 BY MS. MONSEWICZ:

17 Q. And, Mr. Shoup, again, you had plenty of time to
18 review this document, is that correct?

19 A. Hmm-hmm.

20 Q. Okay. And --

21 THE COURT REPORTER: Is that a "yes" or a "no".

22 THE DEPONENT: Yes.

23 BY MS. MONSEWICZ:

24 Q. Okay. And from reading this document, does this
25 document accurately reflect the statements that you may have

1 told officers that day?

2 A. I believe it reflects any statements I told officers.

3

4 Q. I'm sorry?

5 A. There's no quote from me at all in this.

6 Q. Okay. Well, let's do it this way. Mr. Shoup, I'm
7 going to look at you -- I'm going to direct your attention -- I
8 apologize -- to unit number one in the top right corner -- left
9 corner. Can you read the driver's information?

10 A. Yes. Last name, Shoup; first name, Thomas; middle, T.

11

12 Q. Okay. And is that your information?

13 A. To the best of my knowledge, it's all mine, yes.

14 Q. Okay. And underneath "unit one", it has a checkmark
15 next to suspect at fault, is that right?

16 A. Yes, ma'am.

17 Q. Okay. And moving to page number two, can I get you to
18 read what is in the narrative portion?

19 A. "D-1 stated he was following too closely when he
20 collided into the rear of V-2. D-2 stated he was stopped for
21 traffic when V-1 collided into the rear of V-2. No injuries
22 were reported on scene. BWC was actively arrested, supplement
23 for a DUI."

24 Q. Mr. Shoup, I'm going to direct you to the first
25 sentence. You read, "D-1 stated he was following too close when

1 he collided into the rear of V-2." Based upon this narrative,
2 how else would the officer have gotten that information?

3 A. No, you're correct now that I recall reading that
4 information,

5 Q. Okay. And you told the officer that you were
6 following too close?

7 A. I remember -- if I remember correctly, yes.

8 Q. Okay. I'll put this off to the side. Moving along,
9 Mr. Shoup, did you report that you were injured in any way at
10 the scene of the collision?

11 A. No, ma'am.

12 Q. Okay. Did you call anyone from the scene of the
13 collision?

14 A. No, ma'am.

15 Q. You didn't call any family member?

16 A. No, ma'am.

17 Q. You didn't call any friends?

18 A. Not that I remember.

19 Q. Okay. Did anyone arrive at the scene of the collision
20 other than you and Mr. Williams?

21 A. Not that -- besides the law enforcement, not that I
22 recall.

23 Q. Okay. Mr. Shoup, I understand that at the scene of
24 the collision, officers did a field sobriety test, is that
25 correct?

1 A. Yes, that is correct.

2 Q. And after that field sobriety test, you were taken
3 into custody?

4 A. That is correct.

5 Q. And you were booked at Gwinnett County for driving
6 under the influence, is that correct?

7 A. That is correct.

8 Q. When did you -- when were you released from Gwinnett
9 County Jail?

10 A. The following morning.

11 Q. And were you released on a bond?

12 A. No, I believe it was just bail posted.

13 Q. Okay. And who posted bail for you?

14 A. My parents.

15 Q. And do you know where your vehicle went after the --
16 after you were taken into custody?

17 A. It was impounded. I couldn't tell you the name of the
18 place.

19 Q. When did you get your car back after you were
20 arrested?

21 A. The following day.

22 Q. Okay. When you were released, was there anyone who
23 came to pick you up?

24 A. No, ma'am.

25 Q. Okay. And it's safe to say or fair to say that you

1 drove your vehicle away after you were released, correct?

2 A. That's correct.

3 Q. And by "your vehicle", I mean the 2006 Subaru?

4 A. That's correct.

5 Q. Okay. And, again, I want to confirm you did not have
6 any injuries following the collision, correct?

7 A. That's correct.

8 Q. Did you get any type of medical treatment while you
9 were in custody?

10 A. Not that I recall.

11 Q. Okay. Did you see any sort of first responder come to
12 the scene of the collision?

13 A. I don't recall for certain.

14 Q. Okay. Did you see any type of ambulance?

15 A. I don't recall for certain.

16 Q. Okay. Other than the charges that are currently
17 pending against you right now in Gwinnett State Court, are you
18 -- have you ever been arrested or convicted of any criminal
19 charges before?

20 A. Yes, ma'am.

21 Q. Okay. How many times? And, again, other than what we
22 are here for today.

23 A. Correct. We've --

24 MS. BRITT: Hold on. Are we talking about arrests or
25 convictions?

1 MS. MONSEWICZ: Let's go by arrests.

2 THE DEPONENT: Arrests. I believe four.

3 BY MS. MONSEWICZ:

4 Q. Okay. When was the first time you were arrested?

5 A. In 2017.

6 Q. And why were you arrested?

7 A. Possession of marijuana.

8 Q. And where were you arrested?

9 A. In Athens, Georgia.

10 Q. And what happened as a result of that arrest?

11 A. I served a year, a little over a year on probation.

12 Q. Did you have to pay any restitution?

13 A. I'm going to be honest. I don't know what that means,
14 exactly.

15 Q. That's fair. You didn't have to pay anybody?

16 A. The Government.

17 Q. I was going to say you had to pay a fine, is that
18 correct?

19 A. Yes.

20 Q. Okay. Did you have to do any community service?

21 A. Yes.

22 Q. How much community service?

23 A. Total, I think, 100 hours.

24 Q. And that conviction has since been disposed of,
25 correct?

1 THE DEPONENT: Bill, do you know? Sorry.

2 MR. COWSERT: I don't recall.

3 THE DEPONENT: Me neither.

4 MR. COWSERT: I think it was a pretrial diversion, if
5 I'm recollecting accurately and ultimately got dismissed.

6 MS. MONSEWICZ: Let me go ahead and ask it this way.

7 BY MS. MONSEWICZ:

8 Q. That charge is no longer pending against you, correct?

9

10 A. No longer pending against me, correct.

11 Q. Okay. Let's go to the second time you were arrested,
12 when was that?

13 A. It would have been 2019, I believe.

14 Q. And why were you arrested in 2019?

15 A. I was arrested for possession of a Schedule III
16 substance, and I believe public intoxication as well.

17 Q. And you have to forgive me. I'm not entirely sure
18 what a Schedule III substance is. What does that mean to you?

19 A. I believe it's a lot of different -- I don't even know
20 exactly what all it encompasses.

21 Q. Okay. And those two charges, were you taken into
22 custody?

23 A. I was, yes.

24 Q. Okay. And what law enforcement agency took you into
25 custody?

1 A. That would be Athens-Clarke County.

2 Q. And for that arrest, were criminal charges brought
3 against you?

4 A. Yes.

5 Q. And what happened as a result of those criminal
6 charges being pressed against you?

7 A. I was officially convicted of illegally crossing of a
8 roadway, or, I can't remember the exact -- jay walking,
9 essentially.

10 Q. Okay. So it was a lesser charge, ultimately, that you
11 were convicted of?

12 A. That's correct.

13 Q. Did you -- what type of sentence did you receive for
14 that lesser sentence?

15 A. I believe I had to serve six months on probation.

16 Q. Did you have to pay a fine?

17 A. I would imagine, yes. I don't recall.

18 Q. Any community service?

19 A. I don't believe for that one there was any.

20 Q. Any other sentencing that you may have been subject to
21 as a result of that conviction?

22 A. Not to my memory, no.

23 Q. Okay. When was the third time you were arrested?

24 A. That would be -- oh, I know what I did. I skipped
25 one. It's not chronological. Sorry.

1 Q. Okay. Let's go back. Between 2017 and 2019, the one
2 -- the two we have already discussed, when were you arrested
3 during that time?

4 A. 2018.

5 Q. All right. And why were you arrested in 2018?

6 A. Public intoxication.

7 Q. And was that also in Athens?

8 A. No, ma'am. That was in Oxford, Mississippi.

9 Q. What were you -- other than public intoxication, were
10 you charged with anything else?

11 A. No. That was it.

12 Q. Okay. And what happened as a result of that arrest in
13 terms of criminal convictions or criminal charges?

14 A. I believe I just had to pay a \$300 fine and there were
15 no charges brought against me.

16 Q. And so that is no longer pending as well?

17 A. Correct.

18 Q. Okay. And then since 2019 -- or, let me rephrase.
19 Between 2019 and 2021, were you arrested during that period?

20 A. No. I don't -- I think that was -- 2019 was the last
21 time I was arrested.

22 Q. Okay. And then other than the June 16th, 2021 arrest,
23 have you been arrested since that date?

24 A. No, ma'am.

25 Q. Okay. So I have three arrests, one in 2017, one in

1 2018, and one in 2019, is that correct?

2 A. That's correct.

3 Q. And, again, that does not encompass what we are here
4 for today?

5 A. Exactly.

6 Q. Okay. Within 24 hours of the accident occurring, had
7 you had any alcohol in your system?

8 MR. COWSERT: At this time, I need to state an
9 objection. There is a pending charge (Inaudible).

10 MS. MONSEWICZ: Bill, you're cutting in and out. All
11 we have is that you're making an objection. If you would
12 like to restart and get close to the microphone.

13 MS. BRITT: Well, hang on. I think the problem is
14 the Internet. I think the issue is maybe the Internet
15 connection.

16 Bill, can I mute you on the iPad and have you call
17 my cell phone?

18 MR. COWSERT: That will be fine. What's the cell
19 phone number?

20 MS. BRITT: (XXX) XXX-8427.

21 MR. COWSERT: I'll call you right now.

22 THE VIDEOGRAPHER: We're now going off the record at
23 11:32.

24

25 (Whereupon, there was a pause in the proceedings)

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THE VIDEOGRAPHER: We are now back on the record at
11:33.

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MR. COWSERT: Okay. So I need to state an objection on the record as personal counsel for Mr. Shoup. He has a pending DUI case in Gwinnett County State Court. We attended an arraignment in recorder's court in Lawrenceville, pled not guilty, had the case bound over to State Court, have not yet been arraigned in State Court. I have been advised by the solicitor that the blood test results came back from the state crime lab and were negative for alcohol and negative for any illegal drugs. We anticipate the case will be resolved in Thomas' favor, but that is still pending. And due to that fact, it is unwise for him to answer any questions about ingesting alcohol in the 24 hours prior to the accident. He, of course, has admitted responsibility, negligence, and responsibility for the collision. But due to the pending criminal case, I'm going to advise him not to answer further questions about his behavior in the 24 hours prior to it especially since he's already given a thorough description of the accident itself. I'm happy to give the blood test results and ultimate disposition of the case to plaintiff's counsel once we obtain that. Once we go to the arraignment, the State will be obligated to

1 provide discovery to us that will include a certified copy
2 of that blood test result.

3 MS. MONSEWICZ: Thank you, Mr. Cowsert. Your
4 objection is noted.

5 MR. COWSERT: Thank you.

6 BY MS. MONSEWICZ:

7 Q. Thomas, I'm going to ask you again, within 24 hours of
8 the accident occurring, did you have any alcohol in your system?

9 A. Upon advice of my counsel, I am invoking my Fifth
10 Amendment privilege against self-incrimination under the U.S.
11 and Georgia Constitutions.

12 Q. Okay. Mr. Shoup, within 24 hours of the impact we're
13 here about today, did you have any legal substance in your
14 system?

15 A. Under the advice of counsel, I am invoking my Fifth
16 Amendment privilege against self-incrimination under the U.S.
17 and Georgia Constitutions.

18 Q. Mr. Shoup, within 24 hours of the accident occurring
19 that we're here for today, had you taken any over-the-counter
20 medications that would affect your ability to drive?

21 A. No, I did not.

22 Q. Okay. Do you contend that Mr. Williams did anything
23 wrong in this impact that we are here for today?

24 A. No, ma'am.

25 Q. Do you contend that Mr. Williams in any way

1 contributed or caused the accident that we are here for today?

2 A. No, ma'am.

3 Q. Mr. Shoup, do you have any advanced medical knowledge?

4 A. No, ma'am.

5 Q. You've never taken a class in human biology or
6 anything like that?

7 A. Maybe in middle school.

8 Q. That's fair. I should have tailored my question.

9 You've not taken any courses that would give you the credentials
10 to diagnose any type of medical condition, correct?

11 A. No, ma'am.

12 Q. Okay. You don't have any bio-mechanical training?

13 A. No, ma'am.

14 Q. No biochemical engineering?

15 A. Unfortunately, no.

16 Q. That's fair. Moving on, you stated that you were
17 involved in another collision on June 17, 2021; is that correct?

18

19 A. Yes, ma'am.

20 Q. Okay. What happened when you received your car the
21 next day after you were out of custody?

22 A. I drove it out of the impound lot. I believe I paid a
23 fee as well.

24 Q. Okay. And where were you headed to?

25 A. On my way to Atlanta, home.

1 Q. Okay. And did you get in another car accident on your
2 way home?

3 A. Yes, ma'am.

4 Q. What happened in that collision?

5 A. I merged into a -- I suppose you would call it a box
6 truck.

7 Q. And what road were you on when you merged into a
8 different lane?

9 A. On 316.

10 Q. What time of day did that happen?

11 A. Morning.

12 Q. And you mentioned this earlier but as a result of that
13 collision, your car was then considered a total loss?

14 A. Correct.

15 Q. Did you speak with the driver of that box truck at the
16 scene?

17 A. I did.

18 Q. Were police called?

19 A. No, ma'am.

20 Q. Was that driver injured?

21 A. No, ma'am.

22 Q. Did you exchange information?

23 A. Yes, ma'am.

24 Q. Do you know if there was a claim made against your
25 insurance for that collision?

1 A. There was.

2 Q. Was there a personal injury claim made?

3 A. No, ma'am.

4 Q. Just a property damage claim?

5 A. Correct.

6 Q. Okay. Do you have any evidence to suggest that my
7 client wasn't hurt in the collision that we are here about
8 today?

9 MS. BRITT: Hang on. I'm going to object to form.
10 If you know, you can answer.

11 THE DEPONENT: I have no idea.

12 BY MS. MONSEWICZ:

13 Q. Okay. And when you were served with paperwork, you
14 received many different types of documents from a process
15 server, correct?

16 A. Can you repeat that question.

17 Q. Sure. When were you first made aware of this lawsuit
18 that we are here for today?

19 A. I don't exactly recall.

20 Q. Okay. Did your parents hand you any paperwork when
21 you got to the house as far as a lawsuit?

22 A. I don't recall. I'm sorry.

23 Q. Okay. So it's safe to say you don't recall one way or
24 the other if you did or did not, is that fair?

25 A. That's correct.

1 Q. Okay. Did you know that my client was hurt because of
2 the crash?

3 MS. BRITT: I'm going to object to the phrasing of
4 the question to the extent it implies your client was
5 injured in this -- to the extent it implies proximate
6 cause. You can answer.

7 THE DEPONENT: I did not know he was injured.

8 BY MS. MONSEWICZ:

9 Q. Okay. Do you agree that if the law allows for it and
10 my client has medical bills, that you should pay for his medical
11 bills?

12 MS. BRITT: I'm going to object to any medical-based
13 question regarding reasonableness of medical bills. He is
14 not a medical billing expert.

15 MS. MONSEWICZ: You can answer.

16 MS. BRITT: You can answer it, but subject to the
17 objection.

18 THE DEPONENT: I reserve my opinion on that matter.

19 BY MS. MONSEWICZ:

20 Q. So is that a "no"?

21 A. No, it's not a no.

22 Q. Okay. Is it a "yes"?

23 MS. BRITT: Will you re-ask the question?

24 MS. MONSEWICZ: Sure.

25 BY MS. MONSEWICZ:

1 Q. If you agree that the law allows for it and my client
2 has medical bills as of a result of this collision that you
3 should pay for his medical bills?

4 MS. BRITT: I'm going to -- hang on. I'm going to
5 restate my objection. I am going to instruct the client
6 not to answer only to the extent that the question implies
7 that he is absolutely at fault for the accident and is
8 liable for the medical bills which I believe is an
9 ultimate issue for the jury to determine.

10 BY MS. MONSEWICZ:

11 Q. Mr. Shoup, you admitted that you are responsible for
12 this crash, correct?

13 A. That's correct.

14 Q. And you received a copy of the complaint, correct?

15 A. I don't recall.

16 Q. Okay. And, of course, I don't have a copy of the
17 complaint with me. All of this to say, Mr. Shoup, for the
18 purposes of this collision if my client is entitled to damages
19 and the law allows for it, do you agree that you should be held
20 responsible?

21 MS. BRITT: Objection. We're not answering that
22 question, Caroline. That's an ultimate jury question.

23 MS. MONSEWICZ: He still can speak to it, Sarah.

24 MS. BRITT: I don't think I can allow him to speak to
25 it. I really don't because if he admits to it, it takes

1 the question away from the jury. There's literally no
2 question for the jury to answer. I mean, this is asking
3 about proximate cause.

4 MS. MONSEWICZ: It's not, though. It's not. It's
5 damages.

6 MS. BRITT: Correct. Which is what the jury has to
7 prove.

8 MS. MONSEWICZ: Can we please go off the record.

9 THE VIDEOGRAPHER: Okay. We are now going off the
10 record at 11:43.

11

12 (Whereupon, there was a pause in the proceedings)

13

14 THE VIDEOGRAPHER: We are now back on the record at
15 11:43.

16 BY MS. MONSEWICZ:

17 Q. Mr. Shoup, I asked you a question before we went off
18 the record if you believe you should pay for Mr. Williams'
19 medical bills. Your counsel has advised you not to answer, is
20 that correct?

21 A. That's correct.

22 Q. Other than -- strike. Do you think there is anyone
23 else who should be held responsible for my client's damages
24 other than yourself?

25 MS. BRITT: Object to form. You can answer.

1 THE DEPONENT: No, ma'am.

2 BY MS. MONSEWICZ:

3 Q. Okay. Mr. Shoup, I got a lot of good information and
4 again, I thank you for your time today. Before we conclude, are
5 there any answers to my questions that I asked previously that
6 you would like to change your answer before we conclude?

7 A. No, ma'am.

8 Q. Is there any information that I asked you about that
9 you now remember that you did not recall before when I asked the
10 question?

11 A. No, ma'am.

12 Q. Is there anything you would like to add to what you've
13 told me so far so that I can understand and we can understand
14 your perspective or viewpoint more clearly?

15 A. No, ma'am.

16 MS. MONSEWICZ: Okay. I have nothing further.

17 MS. BRITT: I don't have any questions.

18 THE VIDEOGRAPHER: Before we go off the record, do
19 you want the transcript synched with the audio or no?

20 MS. MONSEWICZ: Synched is fine.

21 THE COURT REPORTER: Do both of you ladies need the
22 transcript?

23 MS. MONSEWICZ: Yes, please.

24 MS. BRITT: Yes, please.

25 THE COURT REPORTER: Bill, do you need the transcript

1 or just hold off?

2 MR. COWSERT: I don't need a copy of the transcript.

3 Thank you, guys, for letting me participate.

4 THE VIDEOGRAPHER: Is there anything else you want to
5 put on the record before we go off?

6 MS. MONSEWICZ: No.

7 THE VIDEOGRAPHER: This concludes today's deposition
8 of Thomas Shoup. We are now going off the record on
9 Tuesday, December 20th, 2022 at 11:46 a.m.

10

11 (The deposition concluded at 11:46 a.m.)

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1 E R R A T A S H E E T

2 I have read the within and foregoing pages and

3 no changes are required:

4 This, the ____ day of _____ 2023.

5

6 _____

7

THOMAS SHOUP

8 I have read the within and foregoing pages and the

9 following changes are required:

10	PAGE (S)	LINE (S)	REASONS (S)
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
14	_____	_____	_____

15 This, the ___ day of _____, 2023.

16

17 _____

18

THOMAS SHOUP

19 Sworn and subscribed before me, this ___ day of

20 _____, 2023.

21 _____

22

Notary Public

23

24

25

D I S C L O S U R E

1 I, Melissa J. Lee, Certified Verbatim Reporter, do
2 hereby disclose pursuant to O.C.G.A. 15-14-37 that at the
3 time of the taking of this deposition, I am not under any
4 contractual arrangement with either party or counsel in
5 litigation; I am present for the taking of this deposition
6 called upon to take today only; there is no referral from
7 someone with a contract for the reporter taking this
8 deposition or otherwise; I am not of kin or counsel to
9 parties involved in this deposition; and I have no
10 interest in the outcome of said case.

11 Absolute Reporting has no contract/agreement to
12 provide court reporting services with any party to the
13 case or any reporter or reporting agency for whom a
14 referral might have been made to cover this deposition.
15 Absolute Reporting has charged its usual and customary
16 rates to all parties in the case.

17 This 31st day of December, 2022.

18
19
20 _____
21 Melissa J. Lee, CVR, B-2491
22
23
24
25

CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me.

Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

Signature of Deponent

I hereby certify that the individual representing himself/herself to be the above-named individual, appeared before me this ____ day of _____, 20__, and executed the above certificate in my presence.

NOTARY PUBLIC IN AND FOR

County Name

MY COMMISSION EXPIRES:

WORD INDEX

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