

it was not necessary nor does it appear possible for me to specifically define the degree to which the black marks were generated by skidding or critical speed scuffs throughout the entire course of those marks. As I have emphasized in my communications with Attorney Humphrey the black marks are relevant in that they represent energy loss with some braking. The distinction between "braking" and "tire marks" was unfortunately lost in the course of the questioning at the hearing.

7) Second, on page 158 of the transcript (a copy of which is attached as Exhibit 2 to this affidavit), in an attempt to provide a succinct answer I responded "yes" when I should have provided a more complete answer. My "yes" signified the idea that I believed at the time of the hearing (as I believe now) that some braking occurred before the car left the roadway. My "yes" answer was not intended to imply that a specific description of the brake application was a necessary component to my opinion. As I discuss above in this affidavit, this is not the case.

8) Attached to this affidavit as Exhibit 3 is an accurate hard copy of e-mail communications between me and Attorney Humphrey. These communications are consistent with two memories I have. First, that Attorney Humphrey talked at times about reserving my testimony for rebuttal, if needed, in the Raisbeck case so that discovery regarding my opinions might not be needed. Second, that I communicated to Attorney Humphrey on multiple occasions that my analysis did not depend on a professional determination on my part regarding the specific degree of braking.