



OPENING STATEMENTS

BY DON C. KEENAN

CONTRIBUTING AUTHORS

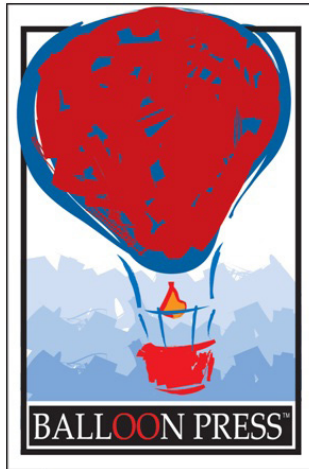
DAVID HOEY, RYAN SKIVER, KEVIN SMITH,
ANDREW GOULD, LARRY KAHN, & MARK HENNESS

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CONTRIBUTING AUTHORS

David Hoey, Ryan Skiver, Kevin Smith,
Andrew Gould, Larry Kahn, & Mark Hennes



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DEDICATION

David Ball the country's leading forensic jury trial expert has been my friend for over 20 years. During that time we researched and confirmed the effectiveness of the Reptile as the most effective trial advocacy approach in the history of personal injury trial practice.

Many years ago David formulated the first template for opening statements. Since that time the opening template has undergone an evolution and will continue to evolve. This text includes the current evolution.

Because of David's early work and his dedication to the effectiveness of opening statements this book is dedicated to him.

Papa Don

ACKNOWLEDGMENTS

This book contains verbatim opening statements given in actual cases where I have been lead counsel together with some of the finest lawyers in the country who were referring attorneys in these cases.

The first opening statement is a bench trial where I delivered the opening statement. The remaining six opening statements in a variety of different cases were given by four of my referring attorneys. The Dean of the Keenan Ball College, David Hoey from Boston, Massachusetts, another was given by Kevin Smith from Charleston, South Carolina, another by Larry Kahn of Seattle, Washington and Mark Henness from Las Vegas, Nevada. The two remaining opening statements were given by my associate Andrew Gould based in Atlanta, Georgia.

I wish to acknowledge all of the above and as well the several hundred lawyers who have followed this format with actual opening statements in litigated cases.

Papa Don

ABOUT THE AUTHOR



Trial Lawyer

Don Keenan is the founder of the Reptile© who, with David Ball, co-created and co-authored the Reptile© book. During his 40 years of practice, Don has secured over 302 verdicts and settlements over \$1,000,000, including ten over \$10,000,000 and one over \$100,000,000. Don has dedicated his practice to child and adult injury and wrongful death cases arising from medical negligence, products liability and premise liability, with the goal of making our society safer for children. He has handled cases in 47 states and three continents.

Child Advocate

Don strongly believes that a plaintiff attorney's duty does not end when justice has been secured for the child and family. Equally important is learning from the prevention lessons of the case and formulating a public awareness campaign to help prevent future injuries and deaths and, when necessary, push for legislation and regulations.

He calls this unique approach to law the One-Third Solution: One-third litigating the case, one-third public awareness on the prevention and one-third pushing for regulations and legislation. Examples of his One-Third Solution include his Playground Safety Project, which was featured on the Today Show for three years running, the Toy Safety Campaign profiled in USA Today and on Good Morning America; additionally the Imagine magazine summer 2005 issue featured Keenan and his One-Third Solution, as did Mercedes Momentum magazine in the winter of 2004.

Don has appeared on every major national news program including 60 Minutes, 20/20, Larry King Live, The Oprah Winfrey Show, Montel, The O'Reilly Factor, the Today Show, Good Morning America, CNN and National Public Radio (NPR) addressing children's issues.

Awards and Distinctions

- Selected by Oprah Winfrey as one of the "People Who Have Courage," notably for fighting for the rights of abused children for 30 years
- "Career Achievement Award for Public Policy and Child Advocacy" bestowed by Emory University
- Named by the National Law Journal as one of the top three medical malpractice lawyers in the U.S.
- Called "The Voice of the Voiceless" by The Atlanta Globe
- "Internationally renowned child advocacy lawyer" by Points North Magazine
- "A famous advocate for children" by Business Chronicle
- Ten-time recipient of "Top 100 Irish Americans" presented by Irish America Magazine
- 2007 Ellis Island Medal of Honor (only 100 awarded each year)
- 2008 Tradition of Excellence Award by the State Bar of Georgia
- Published the best-selling consumer book, 365 Ways to Keep Kids Safe, awarded a Gold Medal for "Best Parenting Book" in 2008 by Publishers Marketing Association

Professional Accomplishments

In 1992, Don became the youngest National President of the American Board of Trial Advocates. During his tenure, he led a delegation of lawyers to Czechoslovakia and later was invited to Russia to produce the first civil trial in the history of those two emerging democracies. In 1997, he became National President of the Inner Circle of Advocates, the most exclusive group of trial lawyers in the country. In 1999, he was given the prestigious Chief Justice Award for Civility and Professionalism, the highest award possible for a lawyer in Georgia. He now serves on the Advisory Committee for the National Judicial College in Reno, Nevada. In 1990 and again in 1992, he was named Trial Lawyer of the Year.

Significant Cases

Don successfully handled the U.S. Supreme Court case of Kathy Jo Taylor in the 1980's, which was the first case in U.S. history to establish due process rights for foster children. Again, in late 1999 he handled the nationally publicized case of Terrell Peterson, an abused foster child who was on the cover of Time magazine (Nov. 2000) and was the subject of the highest rated 60-Minute story of the year. Both cases resulted in significant changes in the rights of children in state custody. In 2006, he obtained the largest U.S. jury verdict for an abused child.

Trial Advocacy Books by Don C. Keenan

- Out-of-State Practice of Law; Pro Hac Vice, 1981, Harrison Publishing Company.
- Social Security Law; Procedure, 1986, Harrison Publishing Company.
- Obstetrical Medical Negligence, 1991, Law Press, Inc.
- Closing Arguments: Child Injury Wrongful Death, Volume I, 2004, Balloon Press.
- Closing Arguments: Child Injury, Wrongful Death, Volume II, 2008, Balloon Press.
- The Keenan Edge, 2012, Balloon Press
- The Keenan Edge 2, 2014, Balloon Press
- The Keenan Edge 3, 2016, Balloon Press
- The Reptile© in the Mist (and Beyond), 2013, Balloon Press

General Public Consumer Books

- 365 Ways to Keep Kids Safe, 2005, Balloon Press.
- First place, Benjamin Franklin Book Award by Publishers Marketing Association, Best Parenting Book of 2008.
- Outstanding Book by National Organization Exceptional Parent. Audio Tape Collection by Don C. Keenan
- Faces of the Future: How To Be A Better Lawyer For Children. 10 lectures re-mastered by Trial Guides.

Reptile Products by Don C. Keenan

- Reptile©: The 2009 Manual of the Plaintiff's Revolution, 2009, Balloon Press.
- Reptile©: The Keenan Law Firm Method to Witness Preparation (DVD), 2009, Balloon Press.
- Reptile©: Voir Dire - Keenan/ Ball Method of General and Case Specific Voir Dire (DVD), 2010, Balloon Press.
- Reptile©: The Ball Method of Opening Statements (DVD), 2011, Balloon Press.
- Reptile©: The 2009 Manual of the Plaintiff's Revolution (Audio Book), 2012, Balloon Press.
- Reptile©: The Ball Method of Opening Statements (DVD), New edition 2014, Balloon Press.

To those courageous lawyers who were the first
to graduate from the Keenan Trial Institute:

You are the pioneers who blaze the path
for all who come after.

–Papa Don



www.keenantrialinstitute.com

PREFACE

Everyone knows the Black Hats are anxiously awaiting every book and DVD we put out, so we have to be very careful not to spill the secret sauce in public.

From the Keenan Trial Institute (www.keenantrialinstitute.com) experience, we have learned the Opening Statement is one of the hardest pieces to learn and the hardest to execute. For years, lawyers have wanted “go bys” (that is, actual Opening Statements they could read through and assimilate to their own case(s)). While I wish to goodness I could narrate the thought processes that went into each of these Opening Statements – or at least go into greater detail about the format – I have infinite trust in each of you woodpeckers to read these seven examples and “get it.”

While it is true that all of these cases fall into the category of “high end,” after many years we’ve learned you can easily adopt a high-end anything to a low-end case. The rules are the same, the strategy is the same, the format is the same, and the outcome will be the same – no matter if it’s a big case or a small case. That’s been true since the very beginning.

A final note before you dive in is my involvement in these Opening Statements:

1. I was lead counsel in all of these cases.
2. With the exception of the first case (Goodin), I guided co-counsel in each case’s Opening Statement.
3. I was intimately involved in the many focus groups that molded the final Opening Statement, which was given to either the jury or the bench. Each Opening Statement was focus grouped at least 15 times.

I wish each of you continued success, and hope this book (which will become the sole textbook for the Keenan Trial Institute) will be of assistance to you.

Papa Don

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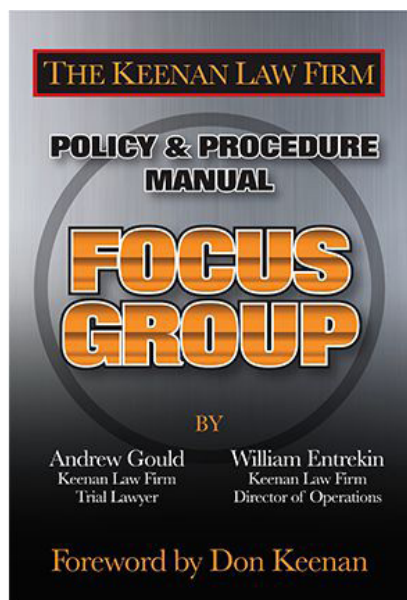
IMPORTANCE OF FOCUS GROUPS

Each of the opening statements contained in this book were focus grouped at least 20 times with each time getting valuable feedback from the focus group as to what changes needed to be made to make the opening statement perfect.

We continue through the many focus groups modifying and changing the content of the opening statement per the comments of the focus group.

To learn how to utilize focus groups for the purpose of creating a perfect opening statement please get a copy of the text “The Keenan Method of Focus Groups by Keenan Law Firm Associate Andrew Gould and Keenan Law Firm Director of Operations William Entrekin.” The book is a “how to” manual which includes how to select focus group jurors and a step-by-step process of how to conduct the focus groups.

The book can be obtained at www.keenantrialinstitute.com.



The Keenan Trial Institute (KTI) has a two-day course on focus groups. Bait lawyers bring an actual case to the college and are instructed by experienced faculty members in hands-on application of the focus group process for their case. Each day at the college there will be an actual focus group so that the attendees can practice in front of an actual focus group.

Simply stated you cannot achieve a perfect opening statement without doing several focus groups.

DON KEENAN

GOODWIN CASE

Commercial Tractor Trailer Accident with injuries



DON KEENAN

Atlanta, GA

When Don Keenan talks about growing up in a town of 800 people in North Carolina (where his first generation Irish grandfather, Mayor for life, bravely and quickly desegregated the town's establishments when the "flames of segregation were blowing through the South"), he says – seemingly without any sense of double meaning – “There’s no doubt I wanted to fight for the little people.”

Those “little people” who became the focus of Keenan’s work as a lawyer turned out to be children. For the last four decades he has dedicated his practice to child injury and wrongful death cases arising out of negligence, medical malpractice, products and premise liability. He’s scored 322 case outcomes over \$1 million, 12 over eight figures and one \$100 million verdict. “There’s never been a more successful national lawyer,” he says proudly. He’s handled cases in 47 states and three foreign countries. “In the last 25 years I’ve had more clients in many states other than in Georgia,” he points out.

“There’s no time in my life when I didn’t want and I didn’t know I’d be a lawyer,” he relates. “My father died when I was just over a year old from a preventable boiler explosion, and my grandfather died from preventable malpractice by the town doctor.”

He grew up with his mother and grandparents who were first generation Irish. Early on he learned about anti-Irish discrimination and believed he could help the underdog. However, in his first years at legal practice as a criminal defense lawyer, he “unfortunately never represented an innocent person.” The experience was very discouraging and he decided to retire from law. “My life dream was shattered,” he says, but serendipity called in the late 1970s. Atlanta was in turmoil over the murdered and missing children tragedy. Fifteen African-American mothers, frustrated because officials ignored them and the possible links

between the murderers, stormed city hall. “I was approached by business leaders asking me to represent the mothers.” These women wanted him to become their public spokesperson partly because he was white and could easily dispel racial tensions.

As their spokesperson, he was invited to appear on the Phil Donohue Show. He was introduced as “one of the country’s leading child advocates.” It took him a minute to realize Donahue was speaking about him. Then he walked into the role, which changed his life. He spoke so passionately about the forgotten children that immediately after the show his office phone lines lit up from parents “around the country wanting me to represent their injured or deceased children. I knew in an instant without any reflection that to represent children was the purpose in my life.”

His first case was about a child in Kentucky who had worn flammable clothes and “almost burned to death.” Keenan sued the clothes manufacturer. Then he was called by parents whose child lost an eye due to a defective toy. From there, his practice just took off. He remembers what his grandfather told him: “If one is passionate about what they do, success will follow.”

Success has certainly followed Keenan.

In 1992 he became the youngest national President of the American Board of Trial Advocates (half the membership being civil defense lawyers and the other half Plaintiff’s lawyers). During his tenure, he led a delegation of lawyers to then-Czechoslovakia and was later invited to Russia to demonstrate the first civil jury trial in the history of those two emerging democracies. As the youngest member ever inducted into the Inner Circle of Advocates, he became its national President in 1997. This is an exclusive group of Plaintiff trial lawyers numbering only 100 in the United States. In 1999, he was given the prestigious Chief Justice Award for civility and professionalism and in 2008, received the highest award from the Georgia Bar Trial Section, the Tradition of Excellence Award. He’s been named by the National Law Journal as one of the top three medical malpractice lawyers in the country.

But these are not the criteria he points to as his success.

In 2009 he became bored as he connected with “some people who were attuned to the role of the subconscious in our decision-making opinions. This is something that was never recognized in trial practice but acknowledged and used in driving public relations, marketing, politics and even theology, everything except the profession that has to persuade 12 strangers.”

Keenan linked up with a national jury expert and “we tried to prove it wrong. We traveled around the country and, in five years, did 22 two day focus groups in nine separate states. We were trying to prove that juries will decide cases logically and fact-based. We found that not to be true. They don’t check their emotions or life experiences on the doorstep of the courthouse.” Keenan ended up writing a book about this and began to conduct seminars which have been attended by more than 7,000 lawyers nationwide.

“In 2013 I decided it wasn’t enough to lecture lawyers. I had to mentor them,” he says. He created the Keenan Trial Institute. The class size is restricted to eight lawyers who bring their cases and, with trained lawyer faculty, separate the work into all aspects of the case such as damages and voir dire. He has now graduated more than 120 lawyers from the college with a course being taught somewhere in America every two weeks.

Keenan now works with a network of 7,000 lawyers around the country, while 6,300 read his weekly trial blog. “When I go to work on a case, I get together with our lawyers and we have adopted a new trial technique. It’s not really a new way but the origin of Tort law, which says that the purpose is to compensate a person – but the second purpose is to deter a Defendant from doing it again. It’s always been the law, but Plaintiffs haven’t used it.” Keenan does, and is now directing the writing of a text entitled Essentials of Tort Law. Lawyers in this network have told him that they have now documented recoveries of over \$7 billion in settlements and verdicts using his technique.

All of the cases impact children in one way or the other. He explains about his recent case in Boston resulting in a \$6.6 million verdict for a woman who was traumatized by a rape but that her children were also traumatized as well. “The long-lasting impact is on our kids,” he says. “Ninety percent of our cases our lawyers handle are essentially children cases.”

Keenan explains how he approaches juries. “When jurors are composed in a wrongful death case they think about their parents dying. It’s not to manipulate them but to touch the true core of us as people. The lawyers must tell them they are the conscience of the community.” Keenan advises referral attorneys in his network to put themselves into the situation to better understand their clients’ cases. For example, he went to truck driving school to learn about it because many of his cases involve trucks. “I also attended a garbage truck training school because I had such a case. Juries want to see us as human and caring,” he explains. “Many of my peers don’t share my idea of teaching my referring lawyers, because they might not refer additional cases. But that’s not been my experience; they want and need the collaboration,” he says.

Besides he got to the point that he couldn’t handle all of the cases as lead counsel, so that he was setting up a new form or referral called a “consult,” which means doing focus groups for the cases, prepping for depositions, the mediation and template for trial – everything except providing his actual presence. “On the consult cases I don’t have to go anywhere,” he exclaims from his Florida beach house where he often works, although he has offices in Atlanta and Los Angeles as well.

Within a three month period, two of Keenan’s consult cases resulted in two 15 million dollar verdicts then the following month a \$9 million settlement. No more than one third of his practice consists of this new form of “consulting” referring attorneys. “That’s because I want to try cases,” he says. “But when I get something that works, I spread it through my many referring attorneys through workshops and my blog.” He uses a Keenan Law Firm Office Management Template. “If you want to work with us this is how you do it, this is how to get greater verdicts and settlements by training these attorneys. Long after I’m gone this consult concept will finally be accepted,” he says.

Keenan has been called Johnny Appleseed on steroids with the way he spreads his concepts of better lawyering.

He's also been nicknamed "Papa Don" which is endearing to him because that's what he called his grandfather, Papa. "I challenge anybody on who gets more Father's Day cards than me. Each year I say I'm not going to cry this year and every year I cry." He receives the cards not only from the children whose cases he worked. In 1993, he started the Keenan's Kids Foundation, through which five employees and hundreds of volunteers raise and distribute close to \$1 million in cash and in kind donations. The Foundation also published an award-winning book, 365 Ways to Keep Kids Safe – the title coming from Oprah Winfrey who gave Keenan the prestigious "People with Courage" Award in 2009. The Foundation also built the Murphy House, a home for 23 children with Down's syndrome and other disabilities. The Foundation has created safety projects and conducted public advocacy campaigns and collects items and clothes for children at risk. "We were the second largest giver of children's clothing in the aftermath of Katrina," he says. Another project that gained the Foundation much attention is the bologna and cheese sandwiches which they make and give to shelters, although Keenan says for health reason it's now turkey and cheese sandwiches.

The Foundation has won numerous national awards and he is a seven-time recipient of "Top 100 Irish Americans" presented by the Irish American Magazine. But the most treasured award outside law that he's received was one of the only 100 Ellis Island Medals of Honor presented in 2007. To be the recipient, a person must have ethnic parents who enabled him or her to get the success they dreamed of for their offspring. "This is an award for my great grandparents and mother," he says. "Never would I have been able to do what I've done without standing on their shoulders."

STATE OF SOUTH CAROLINA
COMMON PLEAS
COUNTY OF CHARLESTON

COURT OR COM-
2009-CP-10-05861

CURTIS GOODWIN, Plaintiff

V.

CLEVELAND DEVON HEYWARD and CHRIS THOMPSON SERVICES LLC, Defen-
dant

TRANSCRIPT OF RECORD

JULY 28, 2011
Charleston, South Carolina

BEFORE:
THE HONORABLE DEADRA L. JEFFERSON, JUDGE

APPEARANCES:

MR. DON KEENAN, ESQUIRE
REPRESENTING THE PLAINTIFF

Anne Bouley Meyer, RPR
Circuit Court Reporter

(Opening Statement.)

THE COURT: Ready to proceed?

MR. KEENAN: May it please the Court.

THE COURT: We can dispense with opening arguments unless you think those are absolutely necessary because I have already reviewed the file.

MR. KEENAN: Your Honor, they will be very short, but I hope that they would be helpful to Your Honor.

THE COURT: You may proceed.

MR. KEENAN: Your Honor.

Every year, more than 60 citizens of the Charleston community, while safely driving their vehicles, are blindsided by tractor trailer trucks driving recklessly and unsafely. This is according to the South Carolina Department of Highway safety.

What brings us here today are the safety rules that protect all of us when we are on the highway with large tractor-trailer trucks beside and behind us. We will have a number of witnesses, but I want to direct the court to the three essential rules.

First, these safety rules will apply to any tractor-trailer company anywhere in the United States.

Safety Rule No. 1: Their equipment must be safe in order to protect everyone on the highway from mayhem and death.

Safety Rule No. 2: The tractor-trailer company is responsible, under the laws of this state and the federal government, to hire qualified drivers, train them properly and then to supervise them in order to protect everyone on the highway from mayhem and death.

Safety Rule No. 3: The final rule is that once those drivers are trained, they must follow the safety rules of operating their vehicle, their large rigs, on the highway to protect everyone on the highway from mayhem and death.

Let me tell you the story of what happened in this case – if you remember one thing, Mr. Goodwin is a community martyr, he took a bullet for the community

And very briefly, Your Honor, the evidence that brings us here today, under safety rule No. 1, the equipment, is that this truck had not been inspected for three consecutive years. It did not have proper state certificate to operate on the highway to begin with.

And last but not least, Your Honor, two of the tires on this truck were flat. And every single one of the tires did not meet code. In other words, they're almost bare.

So clearly Safety Rule No. 1 was violated. Safety Rule No. 2, that is the drivers must be qualified, supervised, and trained, was also violated. This particular company, Your Honor, the evidence will show, had no background checks, had no training protocol, and had absolutely no supervision protocol that put this 22-year-old boy on the highway in this large tractor-trailer truck with this company not knowing that in his short life he had been involved in two fairly large wrecks, and he has seven violations of moving vehicle laws, one of which was speeding at 153 miles an hour.

So clearly any responsible tractor-trailer company having looked at this fellow would not have hired him to begin with, let alone put him behind this rig unsupervised and untrained, dictates the very outcome that we have.

Now Rule No. 3 applies, of course, to the driver following of the safety rules. And, Your Honor, if I can just point to the diagram that will be accredited by the experts; this particular catastrophe occurred five days before Christmas in the year 2007 on a Friday afternoon on a busy highway.

And the safety rule for any of us, let alone a tractor-trailer company, is that when you pass on the right, as you'll see in that diagram, Vehicle Number Two, when you pass on the right, you must know that the lane that you are going into is absolutely clear.

Not only was it not clear, but the Defendant driver, traveling in excess of the speed limit, going 75 miles an hour, smashed into the cab of Mr. Goodwin, thereby causing him to lose control and flip on his vehicle's side and crash into and ruin the guardrail itself.

Imagine if Mr. Goodwin was not driving his box truck and it was some teenager in a car? If you remember one thing: Mr. Goodwin is a community martyr, he took a bullet for the community.

Now it's un-contradicted that he did not have the right-of-way. In fact, the fellow, the Defendant, pled guilty to improper lane change. But, Your Honor, the other thing that perhaps is a little more difficult to dig out of the record, which we think is significant is a danger that lurks behind all of this bad conduct: The mountain of lies that are told here.

First of all, the driver said, well, the reason why this happened – and he reported it to the original investigator who called up on his behalf – he said, well, I had my cell phone and I got distracted. Then, he comes to the deposition and swears under oath, well, I may or may not have said that to the investigator, but it's not true because I had my cell phone in the cradle the whole time.

The second, and more glaring, is the fact that he didn't say a word other than, I cut the guy off, I'm sorry, at the scene. Said the very same thing to the interviewer, gave justification of being on the phone. Yet when he came to his deposition several years later

he said, oh no, that's not right at all. Those drivers out there were cutting me off. It wasn't my fault at all.

But, Your Honor, the most disturbing, and the last fact on the liability, is what he said on deposition – which of course is sworn testimony in the record (page 50) – when he said that his employer, Mr. Thompson, instructed him to do certain things.

This is what he says at Line 8: “Mr. Thompson, he was trying to get me to change everything that I had said. It was a lie, what he was basically telling me to say. I don't remember specifically what he said, but he said to lie. He wanted me to say something that wasn't truthful.”

So, Your Honor, we have a systematic breakdown here of not only the safety rules that protect all of us on the highway, but also the safety rules that protect justice being done.

Now just a word or two, Your Honor, on the damages. We should point out that on this given day, five days before Christmas, while it is Mr. Goodwin that occupied the position of a dump-truck on that diagram that got cut off, it could have been a school bus, it could have been a car full of women going to an event, it could have been a motorcycle rider.

In fact, Your Honor, if you look at the dynamics, if it was anyone other than a dump-truck driver, they would have certainly been killed. This is a random victim. This company needlessly endangered the public. And it just so happens that Mr. Goodwin is the one who was seriously injured for the rest of his life.

The simple truth, Your Honor, is that Mr. Goodwin is a community martyr; he took a bullet for the community.

I hope that this brief, factual Opening Statement has been helpful to Your Honor.

Your Honor, if I may, we've prepared a summary that's very short, it's in a little bit better organized fashion, in fact we filed this. With the Court's permission, may I bring it up?

THE COURT: I have one I believe.

MR. KEENAN: Not this, Your Honor.

THE COURT: What is that?

MR. KEENAN: It's actually our evidence brief we are to use throughout our testimony.

THE COURT: I think you gave me one.

MR. KEENAN: That's the exhibits, I believe.

THE COURT: Yes, sir.

MR. KEENAN: Thank you, Your Honor.

THE COURT: You're welcome.

MR. KEENAN: Your Honor, I have already discussed the first three pages there. And I now want to just touch on this – believe me in a manner of just a minute or so – page 3, beginning with Roman Numeral II, the damages: You'll hear from Mr. Goodwin, born and raised in South Carolina, he has four children from one woman. I think sequentially, Judge, it's important to know that of course this catastrophe occurred in December of '07 and the love of his life and mother of his children passed away in April of 2009.

So since that time, he has two grown children away from the home, but he has been the sole parent for the 10- and 11-year-old who, Your Honor, you will hear from very briefly.

According to the South Carolina tables, Mr. Goodwin has at least 40 years to go until his expected date of death. Your Honor, you'll see there are four categories of special damages set forth; loss of income past, loss of income future, past medical costs, and future medical costs, all of which, Your Honor, will be testified to.

And I just need to make one or two comments about the highlights; the medical treatments to date, the major things that have occurred to him, primarily a very, very serious operation to his shoulder he still has not recovered from.

And then after a year or two of non-responsive medical treatment for his neck problem, they finally had to do not a 1, not a 2, but a 3-level fusion. You'll hear from the neurosurgery, Your Honor, dotting the i's and crossing the t's, that, in fact, this collision was the approximate cause of that damage solely and completely.

The life-care plan – of course the medical bills total nearly \$200,000. The life-care plan of almost \$200,000 is, Your Honor, primarily the epidural blocks and steroid blocks that he has got to have continuously in order to be able to have any semblance of quality of life.

The loss of income is very definite, \$144,218, which will be substantiated through the economist. He did have a benevolent employer, that while he could never drive a truck again, he was given light duty. That light duty then disappeared, and he has been unemployed, and you'll hear a number of witnesses, Your Honor, that will substantiate that this fellow with 40 years of life to go is not employable in any category at all.

Finally, Your Honor – because of what I said in the beginning, I have not done this in some time, but because South Carolina law has a very clear basis for punitive damages, based on these clearly intentional choices to violate the safety laws – we would request your Honor's consideration for a punitive damage verdict at the end of this case to clearly send a message that lying and reckless conduct is not to be permitted on the highways of this state.

Thank you, Your Honor. Our witnesses to follow, some of which will be five minutes, some will be a little bit longer, but we are going to hit the highlights and give this case to Your Honor very quickly.

Thank you, Your Honor.

THE COURT: Yes, sir.
