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1 A Yes.

2 **Q Okay. And then is it accurate then that**

3 **Colonial paid nothing to the plaintiff in that**

4 **case?**

5 A That's correct.

6 **Q Okay. Any cases of injuries sustained on**

7 **hazards in the garage that you are aware of, other**

8 **than this one, obviously?**

9 A Not that I can recall.

10 **Q Okay.**

11 **(Blair Exhibit Number 9**

12 **marked for identification.)**

13 **BY MS. MARTIN:**

14 **Q Okay. Exhibit Number 9 is a page from**

15 **Colonial's website, www.ecolonial.com/parkers/.**

16 **And, actually I have underlined a couple of**

17 **sections just to make it easier for you to spot**

18 **where I want to direct your attention.**

19 **First of all let me just ask you, you**

20 **testified about the website before. Do you**

21 **recognize this page of Colonial's website?**

22 A Is this the home page?

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1 **Q Well, no. It is the colonial.com**

2 **parkers -- if the you look at the website in the**

3 **bottom left-hand --**

4 A Parkers. I actually don't recognize this

5 page. I don't think I've been here for quite a

6 while, but --

7 **Q Okay. Would it be at all helpful if**

8 **Mr. Gallardo pulled it up on the actual website or**

9 **does it matter?**

10 A Well, sure, because I don't -- this

11 doesn't make sense to me.

12 MS. MARTIN: Okay. Sure. And I'm sorry

13 they don't print out, you know, I just hit print

14 and so this is the way it came out, so. It doesn't

15 all come out the way it is on the screen. Do you

16 see the website here, parkers?

17 MR. GALLARDO: Yes, I see it. Parkers,

18 okay, I see that one.

19 MS. MARTIN: There it is, that is the

20 page. If you want to please show it to Terry.

21 MR. GALLARDO: So are you going to read

22 this here?

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1 MS. MARTIN: Yes, but let Terry get it on

2 the screen. And after we cover this we will just

3 break for lunch.

4 THE WITNESS: I am fine, go as long as you

5 would like.

6 MS. MARTIN: Okay. So if you can turn it

7 so that Mr. Blair can see it.

8 BY MS. MARTIN:

9 **Q Okay. Does that look more familiar to**

10 **you, Mr. Blair?**

11 A Uh-huh.

12 **Q Okay. And how do you recognize that web**

13 **page?**

14 A Oh, there they are over here, yes. I'm

15 sorry?

16 **Q How do you recognize the web page?**

17 A Because it's our web page.

18 **Q Okay. And did you have a part in**

19 **developing that web page?**

20 A I did.

21 **Q Okay. What was your role in that?**

22 A I oversaw the project.

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1 **Q Okay. And did you review it before it was**

2 **posted?**

3 A Uh-huh.

4 **Q Okay. And did you approve it?**

5 A Yes.

6 **Q Okay. Looking at the upper left-hand**

7 **corner where there is the gentleman with a pullover**

8 **cap with a Colonial logo on it. Do you see that?**

9 A Uh-huh.

10 **Q And do you see it says under his**

11 **photograph, "No matter which way you park you will**

12 **always enjoy the safety, convenience and friendly**

13 **smile that says Colonial."**

14 **Okay. What is intended by that message on**

15 **the website?**

16 A That it's a safe and convenient place to

17 park your car and we have good people who do it.

18 **Q Okay. Now, over right next to the right**

19 **of that photograph you see it says, "With over 225**

20 **locations throughout the city, you can be sure to**

21 **find a Colonial Parking facility nearby."**

22 **Is it accurate to say that the message**

40 (Pages 154 to 157)

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1 **that is intended by Colonial on its website is to**
2 **say that at any of the 225 or more locations, you**
3 **can expect the same level of safety in a Colonial**
4 **garage?**
5 A Well, I would just say it's about the car.
6 Safe place to park your car, yes. It would apply
7 to those places.
8 **Q So, you're suggesting -- you're saying**
9 **that safety only applies to the car and not to**
10 **people walking in the garage after they park their**
11 **car?**
12 A No, it's about --
13 **Q Okay. So the car is safe but the person**
14 **could walk out of the car and fall out of a hole,**
15 **and that's not Colonial's problem?**
16 MR. HASSELL: Objection, argumentative.
17 Lacks foundation.
18 THE WITNESS: You have asked me what we
19 intended by what was put in a marketing piece on
20 our website. And the intent was to talk about the
21 safety and convenience of parking in our garages.
22 BY MS. MARTIN:

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1 **Q Okay. And, what I'm trying to be clear on**
2 **is that, are you saying that safety does not**
3 **include personal safety, but only the safety of the**
4 **vehicle?**
5 A Yes.
6 **Q Okay. So your car would be safe, but the**
7 **people walking through it could be in serious**
8 **danger and --**
9 MR. HASSELL: Same objection.
10 BY MS. MARTIN:
11 **Q Is that what you're saying?**
12 MR. HASSELL: It is argumentative.
13 THE WITNESS: I'm saying our business is
14 the business of parking cars. We are not in the
15 business of maintaining the structures in which our
16 parking operations are situated.
17 BY MS. MARTIN:
18 **Q So, customers can't expect to be safe in**
19 **Colonial garages when they walk through them after**
20 **they park their car, is that what you're saying?**
21 A I'm saying, this has to do with -- our
22 statement here has to do with the parking of cars.

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1 **Q Okay.**
2 A That's what we do. It says right there.
3 We park cars.
4 **Q Would you read back the question, please.**
5 **(Whereupon, the record was read by the**
6 **reporter as requested.)**
7 MR. HASSELL: Objection, it's
8 argumentative.
9 THE WITNESS: I would hope that the
10 landlords that own the buildings in which we
11 operate their parking garages would maintain their
12 facilities in such a way that our customers would
13 not feel that.
14 BY MS. MARTIN:
15 **Q So, this statement, "No matter which way**
16 **you park, you'll always enjoy the safety." You'll**
17 **refers to a car not a person?**
18 MR. HASSELL: Same objection, it's
19 argumentative.
20 THE WITNESS: It refers to their car.
21 BY MS. MARTIN:
22 **Q You'll?**

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1 A Because they are driving a car, you'll be
2 driving a car.
3 **Q So, they won't enjoy -- the person parking**
4 **won't enjoy any safety but the car will enjoy**
5 **safety, is that what you're saying?**
6 A What I'm saying is our business is parking
7 cars. We do that in facilities owned by other
8 people who are responsible for the premises safety
9 of those buildings.
10 **Q Okay. I want to be clear, too. You say**
11 **"Our business is parking cars."**
12 **And we have already established that in**
13 **many of your garages it's self-park; isn't that**
14 **correct?**
15 A It is a combination of self-park and --
16 **Q Right. And at Children's National Medical**
17 **Center, isn't the norm self-park?**
18 A I don't believe that's the case. There is
19 a lot of valet parking that goes on at Children's
20 Hospital.
21 **Q Okay. But isn't it primarily a self-park**
22 **garage?**

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1 A I don't believe so, no.
2 **Q You believe that more often Colonial**
3 **employees park people's cars than pay -- I've got**
4 **to finish my sentence, please -- than people park**
5 **themselves, employees and patients and parents of**
6 **patients, you believe that typically Colonial**
7 **Parking attendants are parking the cars rather than**
8 **the person who was driving the car?**
9 A I don't have specific knowledge of the
10 split of business between self-park and valet park
11 there. I just know that on a daily basis, we
12 handle a number of cars, a good -- a fair amount of
13 cars and have a fairly intensive practice of
14 parking cars in aisles to increase the capacity of
15 the garage.
16 **Q Okay. But, you would agree, then, that a**
17 **large number of people are self-parking and having**
18 **to walk through the garage to get to the hospital;**
19 **isn't that correct?**
20 A I'm agreeing that people have self-parked
21 their cars and walked in the garage, yes.
22 **Q Okay. And with this message, "You'll**

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1 **always enjoy the safety that says Colonial," you're**
2 **saying that that doesn't apply to personal safety,**
3 **just the security of the car?**
4 MR. HASSELL: Asked and answered.
5 THE WITNESS: That was my answer, yes.
6 MR. VILLA: Can we go off the record for
7 just one second?
8 MS. MARTIN: Sure.
9 THE VIDEOGRAPHER: We are going off the
10 record, the time is 12:47 p.m.
11 (Recess taken -- 12:47 p.m.)
12 (After recess -- 2:00 p.m.)
13 THE VIDEOGRAPHER: We are back on the
14 record, the time is now 2:00 p.m.
15 MS. MARTIN: Okay. Sorry, I just lost my
16 page. Okay.
17 (Blair Exhibit Number 10
18 marked for identification.)
19 MR. HASSELL: Did you bring a clean one of
20 these, Adam?
21 MS. MARTIN: Yes, I am sorry, this does
22 have my notes on it --

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1 MR. HASSELL: No, okay.
2 MS. MARTIN: -- they all do. I apologize
3 for that. I thought I was printing out the clean
4 ones, and apparently I printed out the copies with
5 my notes.
6 MR. HASSELL: This is 10?
7 MS. MARTIN: Yes.
8 MR. HASSELL: Thank you.
9 MS. MARTIN: And if you would like me to
10 replace it with a clean one, that is fine. I can
11 do that.
12 MR. SMITH: It doesn't matter to me.
13 MS. MARTIN: Okay. Does it matter to you,
14 Chris.
15 MR. HASSELL: As of right now, no.
16 BY MS. MARTIN:
17 **Q Okay. Mr. Blair, Exhibit 10 has been**
18 **handed to you. And I first of all want to ask you**
19 **if you recognize this document, not including the**
20 **notes that are written on it?**
21 A I don't believe I have seen this document
22 before.

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1 **Q Oh. Okay.**
2 A But I may have. I just don't recall
3 seeing this.
4 **Q Okay. Looking at the signature line on**
5 **Page 4, it is signed by Albert G. Cook. Is that**
6 **the George Cook that you have been mentioning?**
7 A It is.
8 **Q Okay. And, did you, this is a 1985**
9 **contract between Colonial and the hospital. Did**
10 **you have any role in the negotiation of this**
11 **contract at all?**
12 A No.
13 **Q Okay. You can put that back then. Okay.**
14 **Now, you had mentioned earlier Stanley Donald Jones**
15 **is the former general counsel of Colonial. And I**
16 **understand that Stanley Donald Jones has passed**
17 **away. Is that your understanding?**
18 A Yes, he is dead.
19 **Q Do you know when he passed away?**
20 A Seven or eight years ago.
21 **Q Okay. And, how long was he the general**
22 **counsel for Colonial?**