

12 MR. BREIT: May it please the Court, counsel,  
13 may it please you ladies and gentlemen of the jury, I want  
14 to thank you, first of all, for what seems more time in  
15 that little room than out here listening to the testimony.  
16 That happens sometimes in these cases and we apologize for  
17 it but there are many things we do out here that are  
18 really unnecessary for you-all to hear. The Judge  
19 controls us lawyers to make sure that only those facts  
20 you're entitled to hear are the facts that you actually do  
21 hear.

22 It was some time ago, a little bit less than  
23 a year, when my firm, Jack Drescher and myself, received a  
24 phone call from Valerie Turner's family. At that time I  
25 had no idea the tremendous implication that that call

1 meant. As I stand here before you today, without  
2 question, this is the most important argument that I have  
3 had to make before a jury. We have before you the most  
4 difficult of tasks.

5 When I first met Laquisha, I worried then,  
6 just as I worry now, that I may not be able to say the  
7 right words to explain to you-all how very important your  
8 verdict is here today. The words that I say and the other  
9 lawyers may say, I fear, are just inadequate to explain  
10 what has happened to this little girl. Of course, money  
11 damages are a poor substitute for this little girl's  
12 mother.

13 Mr. Drescher and I have carried on our  
14 shoulders for a little less than a year this heavy burden  
15 of Laquisha's. At once there were four people in the  
16 family. Then there were two. Now a little girl's very  
17 life and her existence is turned over to seven strangers  
18 who she has never met and that she has no knowledge of,  
19 and you have no knowledge of her. That is a very heavy  
20 task and a heavy burden that I, with pleasure, turn over  
21 to you even though I know it's a difficult one.

22 The things that you have to consider in  
23 trying to reach your verdict, in trying to be fair here  
24 today, are trying to consider the life of Valerie Turner.  
25 Valerie Turner was a good mother and she was a good mother

1 to this little girl. She provided well for this family.  
2 She'd worked almost since the day she was out of high  
3 school. She provided well for this family. They relied  
4 on her and she did not let them down. Valerie Turner was  
5 a good mother. She provided the guidance, the emotional  
6 support to this little girl and to this family. This  
7 little girl had a right to rely on her, and she did not  
8 let down her end of that bargain. Valerie Turner was the  
9 comfort and the security for this little girl. She was  
10 the glue that virtually held this family together in this  
11 household of four generations.

12           You and I can only imagine what it must be  
13 like to have someone as close as Valerie was to Laquisha  
14 taken away from you. But, unfortunately, this little girl  
15 is old enough to remember. This little girl is old enough  
16 to know that her mother is not going to come back; and,  
17 unfortunately, this little girl no matter how much time  
18 passes, she's old enough to know that these deep wounds  
19 and scars that she has now may never go away. Some people  
20 might say that she would have been better off if her  
21 mother had died when she was one year old because she  
22 would not have had the memories and the life that she did  
23 have with Valerie. I think they're wrong, because then  
24 she would have never had the opportunity that she did have  
25 to meet this woman who loved her so much and cared for her

1 so much and did so much for her. There was nothing that  
2 would have ever separated these two but for this untimely  
3 death.

4 The Court has instructed you and these  
5 instructions will go back to the jury. I'd ask you to  
6 look at instruction number nine. That's the last  
7 instruction that the Court gave you. Instruction number  
8 nine points out each and every element of damage that this  
9 little girl is entitled to, and I'd ask you to look at  
10 that instruction and look at it carefully and to put a  
11 number next to each item of damage that she is entitled.  
12 Then you will be able to determine and reach your verdict.

13 Some of the simple things you'll be able to  
14 look at, of course, are the medical bills and the funeral  
15 expenses and the economic losses as testified to by Dr.  
16 Strangways. Whether that number is in your mind \$349,000  
17 or whether that number is \$278,000, that's for you-all to  
18 determine. Dr. Strangways' testimony was based on only 25  
19 years of that type of support for the family. That's just  
20 the tip of the iceberg as to what has happened to this  
21 family and to this little girl. All of these damages that  
22 she has suffered are damages that were caused by the  
23 defendant's negligence.

24 You will hear further argument after I am  
25 finished about whether or not this dealership should be

1 responsible. I think the instructions are clear. Mr.  
2 Drescher will talk about those. It's clear that at the  
3 time of this incident the car was being used for dual  
4 purposes; not only for the purposes of going dancing, if  
5 that's what it was, but also benefited this dealership.  
6 If that's what you-all determine, then you shall find  
7 against the car dealership as well.

8           What about the other items of damages besides  
9 the financial losses that this family is entitled to?  
10 There is no formula I can give you. There's no book I can  
11 give you. You have to together with your collective  
12 wisdom somehow determine what it is to have gone through  
13 what this little girl has gone through. What must it be  
14 like to have your entire life crash down on you and then  
15 almost a year later have the only other person or the  
16 other person who you're closest to also taken away from  
17 you? What does this little girl do now? Who does she  
18 reach out to? She has her grandmother, but how many times  
19 is she going to have to suffer and relive what has  
20 happened to her in these last twelve months? Does she  
21 dare reach out and get close to someone else for fear that  
22 these same losses that she has had happen to her might  
23 happen again?

24           I don't have an answer to those questions  
25 and, unfortunately, you-all don't have answers to those

1 questions either. But she must somehow in her tender  
2 years try to figure out what it is that she does with  
3 herself and what it is she grasps out to. When her mother  
4 died, she could grasp onto that wrung of Ida Turner who  
5 really was the person that held that family together for  
6 so long. But when Ida passed away some three weeks ago,  
7 where does this little child reach out to and who does she  
8 reach out to?

9           More importantly and more difficult for  
10 you-all is to try to determine for this little  
11 four-year-old girl some kind of number that must go and be  
12 placed on the little girl waking up in the middle of the  
13 night trying to find someone to comfort her. What does  
14 she think about when she thinks about when her mother  
15 combed her hair, gave her a bath, read her a book, tucked  
16 her into bed? Those are hard things for you-all that you  
17 have to think about when trying to determine what you do  
18 with Laquisha.

19           It was once said that the touch of a mother  
20 is the greatest medicine that there ever was invented.  
21 When that little girl was in her mother's arms, she was in  
22 the safest place on earth. She never ever, ever will feel  
23 that safe again. Somehow somewhere you-all have to reach  
24 into your own hearts and think about that as you try to  
25 determine a number.

1 I wish that our system of justice did not  
2 provide for you-all having to put a number on some  
3 person's life. I wish you could do some other form of  
4 justice, because if you could do some other form of  
5 justice and you could wave your magic wand, we would only  
6 ask for one verdict and that would be for those courtroom  
7 doors to open up and Valerie Turner to step out and that  
8 little girl being able to run out to those waiting arms  
9 and let her take her home. That's what we would want. I  
10 know that's what you would want. But, unfortunately, we  
11 do not have that ability. We do not have that sense of  
12 justice. Somehow after your oath here this morning, after  
13 answering the questions, you have to come up with some  
14 sort of money damage.

15 As I told you this morning, we have filed  
16 suit for three million dollars. I know that that sounds  
17 to many of you like a very substantial sum, but I want to  
18 remind you of some of the questions that you were asked  
19 this morning when Mr. Drescher was asking questions to the  
20 full panel. It was clear to all of us in this courtroom  
21 that the jurors were not going to prejudge this case and  
22 that they indicated that they would not be frightened or  
23 scared by any particular number that they thought might be  
24 a substantial award. I knew then when we were selecting  
25 this jury as you know now that this defendant was wrong;

1 that these defendants have caused the suffering that this  
2 family has gone through; and that no matter what you do  
3 when you come out with your verdict today, that void and  
4 that emptiness that this family has suffered will still be  
5 there.

6           You may not and you should not reduce your  
7 award because the size of the award might be so large as  
8 to embarrass these defendants. Your only concern is to do  
9 justice. If you do justice, no one can complain. The  
10 size of your award might be huge and vast but that is  
11 because the contemplation of Valerie Turner's life and  
12 this little girl's future is huge and vast. When you come  
13 back with your award, if you decide that you only want to  
14 give 75 percent of your award, that would not be 75  
15 percent of justice; that would be 25 percent of injustice.  
16 So each of you this morning took an oath to do your duty.  
17 As I stand before you now for this family, I'm asking you  
18 to keep that promise.

19           As we turn this heavy burden that we have  
20 carried over to you, I hope now that you will be able to  
21 reach into your own self and do what your conscience bids  
22 you to do without any fear, without any favor, and without  
23 any charity. I thank you for your time.

24           THE COURT: Thank you. Mr. Williams and Mr.  
25 Reynolds.



16 MR. DRESCHER: May it please the Court, there  
17 is absolutely no way that anybody in this courtroom can  
18 tell you the value of a human life. There is no way that  
19 anyone can give you any guidance specifically to tell you  
20 what it's worth to lose someone you love. Those things  
21 are valueless. There is not enough money in the world to  
22 replace a loved one. We all know that.

23 The statutory scheme that Mr. Reynolds speaks  
24 of is a scheme that is set by our legislature in order to  
25 not punish a wrongdoer but to compensate one for the

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1 losses that a wrongdoer causes. You are not going to be  
2 able to retire to that jury room and decide what Valerie  
3 Turner's life is worth. That is an impossibility. What  
4 you have to decide, however, is the amount of an award  
5 that will be justified based upon what these two  
6 defendants have done. Nothing more and nothing less.

7           The actions may be best characterized as an  
8 event of catastrophic proportions. No one in this room  
9 would trade places with Laquisha Turner, not on a bet.  
10 There is absolutely no way that we can place ourselves in  
11 her shoes for we do not know what will happen in the  
12 future with this child. All I can tell you is that, in  
13 summary, ladies and gentlemen, she has been robbed of an  
14 opportunity to have a mother and she has been robbed of  
15 that opportunity through absolutely no fault of her own.

16           The approach of these two defendants is, I  
17 suppose, only as it could be. Let's minimize whatever  
18 that award is by whatever means we have at our disposal.  
19 Mr. Reynolds at the beginning of his closing argument as  
20 well as at the beginning of his opening statement spoke to  
21 you and indicated that he has no intention of diminishing  
22 this loss. But that, ladies and gentlemen, is exactly  
23 what he has attempted to do; as though somehow a loss in  
24 Isle of Wight County of this magnitude is not to be valued  
25 the same as a loss in Norfolk, Virginia or New York City

1 or California or anywhere else in this country. That is  
2 the impression that he has attempted to leave you with.

3 Mr. Williams has taken a different tact. He  
4 has stated to you in his opening remarks that we have our  
5 own interests to protect. The whole idea is to avoid  
6 responsibility if they can. Well, Mr. Whitehead cannot.  
7 His estate is to be held accountable. That is a matter of  
8 law. That is why one of your verdict slips clearly  
9 states, without question, that you shall find your verdict  
10 in favor of Central Fidelity Bank, the Administrator of  
11 this estate, who will look out for young Laquisha with the  
12 proviso that the Court will have control over this estate  
13 until she's 18.

14 Now, let's talk about Mr. Williams just ever  
15 so briefly because either he's in a different courtroom  
16 than I am or I'm simply not hearing the evidence that I  
17 heard. You know, there's an instruction here that's very  
18 specific on this subject and it talks about the standard  
19 of law that Judge Parker told you that you will apply in  
20 awarding damages in favor of our client -- I tend to think  
21 of her as Laquisha. I can't think in terms of Central  
22 Fidelity Bank -- against Blake Ford. Now, this  
23 instruction is direct. It's to the point. Blake  
24 Ford-Mercury is responsible for Allen Stewart Whitehead's  
25 actions if Whitehead was trying to some extent to serve

1 the business of Blake Ford-Mercury even though the primary  
2 motive of Whitehead was to benefit himself or some other  
3 third party.

4 The reason that instruction of law is given  
5 to you, ladies and gentlemen, is because there aren't any  
6 easy sets of facts in these circumstances. I have not  
7 suggested from the beginning that I could prove to you nor  
8 has Jeff that we could without a doubt show you that  
9 Whitehead was clearly and 100 percent acting within the  
10 scope of his employment for Blake Ford. The reason is  
11 very, very simple. We don't know. So the approach that  
12 we had to take was to find out, well, did Blake Ford have  
13 this policy; a policy that benefited it by having all of  
14 its salespeople utilize demonstrator automobiles?

15 Now, there is no contradiction in the  
16 evidence whatsoever from Mr. Blythe or Mr. Bradshaw that  
17 there was a dual purpose to be served by having  
18 salespeople at Blake Ford-Mercury using demonstrator  
19 automobiles. Sure, it's a benefit to the employee.  
20 That's a given. They get to use the car. But it is also  
21 a concurrent, at the same time, benefit for the dealership  
22 because you are trying to advertise and you are trying to  
23 generate business. That's all the law requires.

24 While Mr. Williams would tell you that the  
25 evidence is not in a fashion and has not unfolded in a

1 fashion, I should say, so that you can find without a  
2 doubt that when Mr. Whitehead left the dealership November  
3 22nd a year ago that he was going on Blake Ford business  
4 then, therefore, you shall find your verdict in favor of  
5 Blake Ford. Ladies and gentlemen, at all times from the  
6 time Mr. Whitehead was employed until his untimely death  
7 he had a dual purpose for using that automobile. That  
8 instruction tells you that you shall find your verdict in  
9 favor of Laquisha if that is, indeed, the situation.

10 Blake Ford cannot have it both ways. It's as  
11 though Mr. Williams wants to tell you, well, it's fine for  
12 Blake Ford to take the benefits of advertising; it's fine  
13 to generate business through car sales. But the minute  
14 something bad happens through one of its employees, they  
15 want to stand back and say, oh, no, it's not our fault;  
16 don't hold us accountable under these circumstances.

17 Well, maybe the policy is ill-advised. I'm  
18 not going to dispute that nor is it really any of our  
19 concern whether the policy is a good policy or a bad  
20 policy. The fact of this evidence, ladies and gentlemen,  
21 which is uncontradicted, is that the policy was in place,  
22 there was a dual purpose, and Blake Ford is to be held  
23 accountable for Mr. Whitehead's action.

24 Now, Mr. Reynolds talks in terms of Mr.  
25 Whitehead not being responsible for the condition that

1 this child has had during her life. He's right. He is  
2 not responsible for the fact that Laquisha effectively has  
3 no father. He is not responsible for the fact that  
4 Laquisha has lost her great-grandmother. He is, however,  
5 responsible for the fact that Valerie Turner is dead.

6 The thing that Mr. Reynolds has failed to  
7 tell you is that there's an axiom in the law. It's a  
8 statement of the law that when you injure someone or when  
9 you are responsible for the wrongful death of someone, you  
10 take your victims as you find them. If it were any other  
11 way, ladies and gentlemen, then every verdict would be the  
12 same.

13 You have to decide this case based upon the  
14 facts as we know them, not as to the facts as Mr. Reynolds  
15 would have you find them. He says, well, we don't really  
16 know what's going to happen to Laquisha Turner years from  
17 now. He's right. But somehow he just seems to eliminate  
18 the loss that this child has had to endure because of the  
19 wrongdoing of his client.

20 This young girl is never ever going to have  
21 the comfort of knowing that her mother is home waiting for  
22 her as she comes home from school. This young girl is  
23 never going to have the opportunity to look back in a  
24 church on the front row on her marriage day and see her  
25 mother sitting there. This young girl is never going to

1 have the joy of running home to her mother and telling her  
2 about how she won the school dance contest or how she got  
3 straight As on her report card. This young girl is never  
4 going to have that bond that women have and that we men  
5 don't always understand, but that women have with one  
6 another, especially a mother and a daughter. This young  
7 girl is never going to have the guidance, the moral  
8 standards set by her mother so that she can know how to  
9 live her life. This young girl, ladies and gentlemen, is  
10 never going to have or embrace the love that only a mother  
11 can give when her heart is first broken after that first  
12 broken love. All of those things, ladies and gentlemen,  
13 have been taken from Laquisha Turner forever.

14 Now, there is absolutely no doubt that as  
15 time goes by these wounds will heal. But the scar is  
16 always going to remain and there will be moments of  
17 emptiness and there will be moments of despair. There  
18 will be moments of depression that can never ever, ever be  
19 overcome.

20 So how -- you say, how do I value that, Jack;  
21 what do I look to to give me, a juror, some guidance? I  
22 don't have an answer. Jeff has probably told you much  
23 better than I what we seek in this courtroom. What has  
24 brought us here today is an effort to try and have each  
25 and every one of you just do justice. Give us 100 percent

1 of justice. There is no place in this courtroom for  
2 sympathy. We do not ask for your sympathy. We do not  
3 want you to be charitable and to somehow react out of,  
4 well, I'm going to give something to Laquisha. That is  
5 not the effort that you should undertake and it is not,  
6 quite frankly, ladies and gentlemen, the job that you are  
7 impaneled to do. Yours is an obligation to do what is  
8 right. It is to make a decision based, I suggest to you,  
9 on your conscience; a decision that you can live with and  
10 yet a decision that is supported by your logic and by your  
11 reason.

12 Let me see if I can help you with one item of  
13 information that would maybe give you some way that you  
14 can make this decision. Mr. Reynolds talked about when  
15 Laquisha is 18. Let's say that you see her in Smithfield,  
16 Virginia or maybe even in this courthouse complex and you  
17 see her and you recognize her and you know that is the  
18 same girl who's decision you made 14 years earlier that  
19 has forever impacted her life. I would hope, ladies and  
20 gentlemen, that you could walk up to her and say,  
21 Laquisha, you probably don't remember me but I sat on that  
22 jury back on November 23rd, 1992; how are you; how are you  
23 doing? If you can do that, ladies and gentlemen, I  
24 suspect that you can make a decision that your conscience  
25 will allow you to live with. As Jeff said, if you do



1 that, if you find a verdict that is just and proper under  
2 these circumstances, there's not anybody in this  
3 courtroom, not anybody, who's going to complain at all.  
4 Thank you.