

PARTIAL TRANSCRIPT COPY

VIRGINIA

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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 :  
 DAN A. BATZEL, :  
 :  
 Plaintiff, :  
 :  
 -vs- : AT LAW NO. 195596  
 :  
 KENNETH C. GAULT, et al, :  
 :  
 Defendants. :  
 :  
 ----- X

Circuit Courtroom 4E  
Fairfax County Courthouse  
Fairfax, Virginia

Thursday, May 2, 2002

The above-entitled matter came on to be heard before the HONORABLE GAYLORD L. FINCH, JR., Judge, in and for the Circuit Court of Fairfax County, in the Courthouse, Fairfax, Virginia, beginning at 10:17 o'clock a.m.

## APPEARANCES:

On Behalf of the Plaintiff:

JOHN SHEA, ESQUIRE  
GLEN LARNER, ESQUIRE  
ROGER CREAGER, ESQUIRE

On Behalf of the Defendants:

JACK A. ROBBINS, JR., ESQUIRE



1 ruling.

2 THE COURT: Okay. Let me just take a second.  
3 Yes. Nothing like the results are worse than you might  
4 have expected. Everything that Mr. Robbins said is  
5 included as well.

6 "Could have done better," "I don't think he's  
7 trying." Don't say that. I think you've got an  
8 understanding.

9 There's nothing improper -- also nothing like  
10 you think he may have exaggerated his symptoms. There's  
11 nothing improper about saying the results are difficult to  
12 reconcile with one another, something to that effect.

13 I don't know what you're going to testify to.  
14 Is there anything else you want to add?

15 MR. CREAGER: Well, no.

16 THE COURT: I think that covers it.

17 MR. CREAGER: That covers it.

18 MR. ROBBINS: I think that appropriately hems  
19 in Dr. Kreutzer at this point, but I assume that the tests  
20 regarding motivation -- test taking motivation is still  
21 fair game and comparisons with norms.

22 THE COURT: You know, he gives the tests and  
23 he interprets the test data, and he can testify to the

1 mental condition. He's a neuropsychologist.

2 MR. ROBBINS: In comparison with norms.

3 THE COURT: Right. And we have touched on,  
4 too, the thing about his qualifications.

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8 (This concludes the portion of the proceedings  
9 the Court Reporter was requested to transcribe.)

10 \* \* \* \* \*

11 (Whereupon, at approximately 4:00 o'clock  
12 p.m., the hearing in the above-entitled matter was  
13 recessed, to resume at approximately 10:00 o'clock a.m. on  
14 Monday, May 6, 2002.)

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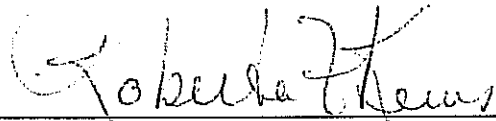
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## CERTIFICATE OF REPORTER

I, Roberta F. Kerns, the Certified Verbatim Reporter who was duly sworn to well and truly report the foregoing proceedings, do hereby certify that they are true and correct to the best of my knowledge and ability; and that I have no interest in said proceedings, financial or otherwise, nor through relationship with any of the parties in interest or their counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of June, 2001.



Roberta F. Kerns  
Roberta F. Kerns, CVR  
Certified Verbatim Reporter