

A That would be considered part of the C-pillar, yeah. In an SUV, there's four different pillars.

Q Right. What work did you do or investigation did you do to determine that this cut makes it non-crashworthy?

A The disassembly, and part of that is shown in Exhibit D.

Q So it would be your visual inspection?

A Yeah.

(See Defendant's Exhibit A, page 117, Lines 18-25 and page 118, Lines 1-18)

By stating that he is not a structural engineer, Mr. Motzkus did not admit to lacking sufficient "knowledge, skill, experience, training, or education" to form an expert opinion on whether Plaintiff's vehicle was safe to drive. There is no requirement that Mr. Motzkus has to be a structural engineer to give an opinion on the C-pillar and crash worthiness of Plaintiff's vehicle. If this were so, why did Counsel for Defendant continue his deposition examination on page 119 as follows:

Q Why don't you list for me the opinions you have in this case. And I know you can say "It's pretty much in my estimate" if you want, but I just want to make sure I kind of have your opinions.

A Well obviously, my obvious answer to you is going to be my opinion is in my repair plan, which is based off what the manufacturer requires of me to do for those corrective repairs.

However, it is of my opinion that when Pundmann Ford repaired this vehicle using a used quarter panel, that they caused damages unknown to them by using that used quarter panel. And in doing so, it caused the vehicle to be unsafe. Whether or not he did it maliciously, I - you can't say that.

But it is obvious that the repairs done with a used quarter panel still created these damages. That is my opinion.

(See Defendant's Exhibit A, page 119, Lines 9-25)