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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Appellate Case No.: 2021-001463

Anthony Wise Appellant,

-v-

Kenneth E. Leap, Newberry Hospital, LLC d/b/a
Newberry County Memorial Hospital, and West
Fraser, Inc., Defendants,

Of Whom, West Fraser, Inc. is Respondent.

**RECORD ON APPEAL
VOLUME 2 OF 2**

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Deposition of:
Keith Nelson

December 18, 2019

In the Matter of:
**Wise, Anthony Vs. Leap, Kenneth E.,
Et Al**

[A. William Roberts, Jr & Assoc.](#)

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STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
COUNTY OF NEWBERRY C/A No.: 2019-CP-36-00103

ANTHONY WISE,

Plaintiff,

v.

KENNETH E. LEAP, NEWBERRY
HOSPITAL, LLC D/B/A NEWBERRY
COUNTY MEMORIAL HOSPITAL and
WEST FRASER, INC.,
Defendants.

VIDEOTAPED

DEPOSITION OF: KEITH NELSON
DATE: December 18, 2019
TIME: 4:38 p.m.
LOCATION: Pope Parker Jenkins, P.A.
 1508 College Street
 Newberry, South Carolina 29108
TAKEN BY: ATTORNEYS FOR THE DEFENDANT
 WEST FRASER, INC.

REPORTED BY: MICHELLE BAKER LEE,
 Certified Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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22 (INDEX AT REAR OF TRANSCRIPT)
23
24
25

P R O C E E D I N G S

THE VIDEOGRAPHER: Good afternoon. We're going on the record at 1600 hours and 38 minutes. It's Wednesday, December 18, 2019. Please note that microphones are sensitive. They may pick up whispering, private conversations and cellular interference. Please turn off all cell phones, place them away from the microphones as they can interfere. Audio and video recording will continue to take place until all parties agree to go off the record.

This is media unit one of the video-recorded deposition of Keith Nelson. It's being taken by counsel for the Plaintiffs in the matter of Anthony Wise and Kenneth -- versus Kenneth E. Leap, et al. It's been filed in the State of South Carolina, County of Newberry in the Court of Common Pleas. The Case Number is 2019-CP-36-00103.

This deposition is being held at the office of Pope Parker Jenkins. We're at 1508 College Street in Newberry, South Carolina. My name is Jack Marks from the firm Veritext. I am familiar with the rules of 30(h) pertaining to video depositions. I am the videographer. The court

1 reporter is Michelle Baker from the firm Veritext
2 as well. I am not related to any parties in this
3 action nor am I financially interested in the
4 outcome.

5 Counsel, if you would, please, state your
6 appearance and affiliations for the record.

7 MR. PARKER: Johnny Parker here on behalf of
8 Mr. Wise.

9 MS. MCCLURKIN: Anne Laurie McClurkin on
10 behalf of West Fraser.

11 MR. HAILE: I'm Shelton Haile for Newberry
12 County Memorial Hospital.

13 MR. MAJOR: Chris Major for West Fraser.

14 THE VIDEOGRAPHER: In accordance with
15 rules -- provisions of 30(h), the witness has the
16 right to be shown the video deposition unless
17 otherwise waived.

18 Will the court reporter please swear in the
19 witness.

20 WHEREUPON,

21 KEITH NELSON,
22 being first duly sworn, testified as follows:

23 EXAMINATION

24 BY MR. PARKER:

25 Q Mr. Nelson, I'm Johnny Parker and I'm going

1 to take your deposition. I represent Anthony Wise and
2 I'm going to ask you some questions about an incident
3 that happened back in November of '17. And during the
4 deposition, once the deposition starts, you're not
5 supposed to talk with your employer's attorney or
6 anybody else about the deposition itself. If you
7 happen to do that, then I would be allowed to ask you
8 questions about it. The only thing that you could --
9 she can consult with you on would be an
10 attorney-client privilege, which I don't see coming up
11 in this case. But if during the deposition I ask you
12 anything that you don't understand, please let me know
13 so that I can rephrase it and we can come to an
14 understanding. Is that agreeable?

15 A Yes, sir.

16 Q Please state your full name.

17 A Wesley Keith Nelson.

18 Q And where did you grow up, Mr. Nelson?

19 A I grew up around the midlands area, Chapin.

20 Q And was it in Lexington County?

21 A Yes, it is.

22 Q Do you have any relatives in Newberry
23 County?

24 A A bunch.

25 Q And, if you would, just tell me the family

1 names of those relatives.

2 A Well, my mother's still living. She lives
3 here in Newberry. Her name's Nelba (phonetic) -- you
4 asked for family names, correct?

5 Q Correct.

6 A Nelba Conkle (phonetic). I've got a sister
7 that lives here, Donna Lever (phonetic), numerous
8 cousins and aunts and --

9 Q The last names of those?

10 A I've got some Levers, some Fricks, some
11 Shealys, some Fulmers.

12 THE VIDEOGRAPHER: I'm sorry. Excuse me.

13 THE WITNESS: Thank you, I reckon.

14 BY MR. PARKER:

15 Q Any -- any others? Does that pretty well
16 cover it?

17 A Yeah, that pretty well covers it.

18 Q Have you ever lived in Newberry County?

19 A I live in Newberry County now.

20 Q What's your present address?

21 A 540 Old, O-L-D, Ninety Six Road.

22 Q And is that in the city of Newberry?

23 A It is not. It's out toward the little town
24 of Silverstreet.

25 Q And how far is that from the city?

1 A Eight miles.

2 Q And how long have you been in your present
3 employment?

4 A I retired October 1st.

5 Q You're not working now?

6 A I am not.

7 Q Congratulations.

8 A Thank you.

9 Q How long did you work for West Fraser?

10 A One week shy of 24 years.

11 Q And that was the whole time with West
12 Fraser?

13 A Well, when I started it was Federal
14 Paperboard.

15 Q It changed?

16 A It changed -- from there it changed to
17 International Paper for right about 12 years give or
18 take, and then West Fraser purchased in 2007, if I'm
19 not mistaken.

20 Q Okay. What is your educational background?

21 A Graduated high school. A little bit of a
22 community college out in Washington State while I was
23 in the Navy.

24 Q Four years in the Navy?

25 A No, sir, I retired out of the Navy.

1 Q You retired military?

2 A Yes, sir.

3 Q So you were in, what, 20 years?

4 A A little bit shy of 20.

5 Q And then that's --

6 A The world's greatest submarine force I
7 retired from.

8 Q And then you came back to --

9 A I came back here because of mama.

10 Q Right. You came home?

11 A I came home.

12 Q And tell me the type business that West
13 Fraser operates. What -- what do y'all do at the
14 mill?

15 A At the mill we're a dimensional lumber mill,
16 okay. We only make -- they only make a two-by-four
17 eight-foot up to two-by-twelve 16-foot. And it's
18 southern yellow pine only. It's not a -- the lumber's
19 dried in kilns and it's not -- we're not a treating
20 facility there so we do not -- they do not treat the
21 lumber. I keep saying "we." I guess after 20 years
22 you're going to say we, right?

23 Q Does the raw product come in in timbers or
24 in already-cut timbers?

25 A No, it comes in logs.

1 Q In logs.

2 A Right.

3 Q Okay.

4 A Correct.

5 Q So it comes in as raw product?

6 A That's right. The log is debarked, cut into
7 board, and you know --

8 Q Goes through the process?

9 A It goes through the process so that the
10 sawdust gets burned in the kilns for heat for drying
11 the lumber and there's no waste of product.

12 Q How many employees are employed here in
13 Newberry with West Fraser?

14 A Roughly about 135, if I had to guess.

15 Q Has it been approximately the same the whole
16 time you were there at the plant?

17 A No, it was a little bit higher but due to
18 technology and -- and all, you know, I'm not saying
19 you necessarily reduce headcount, you don't need as
20 many employees but a lot of them, like myself, you
21 lose because of attrition or retirement, so on and so
22 forth. So typically when I started it was probably
23 about 150.

24 Q And has your job been the same the whole
25 time you've been there?

1 A No. The first probably about two and a half
2 or so years I was in maintenance department. But at
3 the facility itself, though, yes.

4 Q Right. And then you changed from
5 maintenance to what?

6 A Environmental health and safety coordinator.

7 Q And you were that for the rest of your time?

8 A Right, for roughly 20 years, let's say.

9 Q And you work with Anthony Wise, correct?

10 A Right. He's at the facility.

11 Q And how -- how well do you know Anthony? Do
12 you know him fairly well?

13 A I mean, I'm -- you know somebody like that
14 in -- and what I mean like that is an employee there,
15 especially that's on day shift, I mean, you pretty
16 much see them every day.

17 Q Right.

18 A You know, it's -- it's a small facility.

19 Q Yeah, I got you. And we're here about an
20 office visit -- not an office visit, but a visit that
21 you made to the hospital with Anthony to the Newberry
22 Hospital. Do you recall that?

23 A I do.

24 Q And tell me what you recall about that.

25 A Like from the beginning beginning?

1 Q Right, from the beginning.

2 A Okay. Please do not hold me to the times,
3 okay, but --

4 Q I got you.

5 A -- I mean, you know, we're talking several
6 years ago. Roughly probably a little bit after 6:00
7 in the morning the day of the incident, I received a
8 phone call from the supervisor in shipping, which if
9 we do have an incident, I received a phone call
10 regardless of the time. You know, it's one of those
11 you're on call 24, so to speak, right, so --

12 Q Right.

13 A And I was informed by the supervisor of the
14 incident to where Hop, or Anthony, was performing the
15 pre-lift inspection on the forklift, okay. And I
16 guess by lifting the hood so he could check the oil,
17 he received a strain to his groin-type area, okay. So
18 I said, Look, I'm on my way in and all that stuff.

19 So I -- I get to the facility and he's --
20 Anthony's in the back of the shipping office in the
21 conference room, and he said he wanted to go -- to go
22 seek medical attention for it. He was hurting really
23 bad. So we ended up taking him to the hospital.
24 Because of the time of the morning, like, our -- the
25 doctor we use normally, the company doctor, so to

1 speak, he, you know, was not open till, what, 8:30 or
2 whatever it might be. So we ended up taking him to
3 the emergency room, okay.

4 Q And what was the date of this?

5 A November the something. I mean, early
6 November.

7 Q November the 7th?

8 A I'll -- I'll take your word for it. I mean,
9 I don't know, sir. I don't remember the actual date.

10 Q You don't remember the date?

11 A Right.

12 Q But in early November?

13 A In early November.

14 Q And when you got him to the hospital --

15 A Uh-huh.

16 Q -- what -- what happened once you got there?

17 A Well, you know, you go up and you check in
18 and then they take him back to a triage and then --
19 you know, where they check him over, and then put him
20 in a room.

21 And then I go back there after he gets in
22 the room just to make sure he's settled in and all
23 that stuff. And then, you know, I'll end up leaving.
24 And periodically -- you know, because when you go to
25 the emergency room, sometimes you're there for a

1 pretty good length of time, you know, periodically
2 I'll just swing back in just to check, see if the
3 employee needs anything, make sure they're being taken
4 care of and all that stuff.

5 Q All right. So you got him there and they
6 got him in the emergency room. And did you stay with
7 him the whole time?

8 A Absolutely not. I mean, I stayed at the
9 hospital now.

10 Q Right.

11 A I -- like I said, two or three times
12 probably I just pop in the room, Hey, you need
13 anything, you know, you doing all right, so on and so
14 forth.

15 Q But you would be in and out but staying
16 there in the waiting area --

17 A Right.

18 Q -- at the hospital?

19 A Right, right. Staying -- I'm out in the
20 little waiting area.

21 Q And eventually Mr. Wise's wife arrived?

22 A Uh-huh.

23 Q And do you know what time that was,
24 approximately?

25 A I have no idea.

1 Q But she did eventually?

2 A She -- she did show up there, yes.

3 Q And --

4 A Because typically if a spouse or a
5 significant other or someone shows up, then I'm less
6 apt to visit as frequent as what I do because they
7 already have someone in there with them.

8 Q And do you know what time that Ms. Wise got
9 there, approximately?

10 A I've said -- I said no a few seconds ago to
11 that question.

12 Q You don't know.

13 And tell -- just tell me what you recall
14 happening while you were there.

15 A Well, like I said, I got him in, got him --
16 got him settled and all. And obviously based off, you
17 know, going to the facility, picking him up and all
18 that I knew the area of the body that was in pain.
19 So, you know, that's the reason I say I'd spot-check
20 more than anything else because I'm definitely not
21 going to be in the room with a nurse in there or a
22 doctor in there because of just checking an employee
23 out, okay.

24 So, you know, he received whatever treatment
25 he received in there, and then I poked my head -- I

1 came in there and then I heard the doctor talking to
2 him in there, in the room. So I didn't enter the
3 room, I stayed out in the hallway, okay.

4 Q Okay.

5 A And it was like a -- because you can hear.
6 I mean, it's just a draw curtain.

7 Q Right.

8 A It was like a release, you know, okay, don't
9 lift so and so, you know, and all that. So when the
10 doctor left, I went to the doctor. I said, Okay, doc,
11 you know, what's going on, you know. And the doctor
12 told me he has -- he has an infection so I gave him a
13 prescription or here's a prescription because he has
14 an infection, something along those lines. And that
15 was myself and the doctor off one on one, okay.

16 And it's pertinent I know this because if it
17 is a workers' comp case, I've got to put that
18 information in the OSHA log and all. Plus, I've got
19 to let our employer at corporate know the diagnosis
20 and all this stuff.

21 Q And the doctor you met with was -- who was
22 the doctor, if you recall?

23 A I don't remember the last name.

24 Q Was it Dr. Keith Leap?

25 A I cannot answer that, sir.

1 Q And --

2 A I mean, I cannot answer that because I don't
3 know, not because I don't want to answer. I just
4 don't remember something from two years ago.

5 Q What kind of infection did the doctor tell
6 you that he had?

7 A He didn't.

8 Q He didn't, he just said he had an infection?

9 A He has an infection.

10 Q And didn't tell you anything about the
11 nature of it?

12 A No, sir.

13 Q Did he --

14 A Not myself, he didn't.

15 Q Who did he tell about the nature --

16 A I -- okay. The next part of the story is,
17 so Anthony got released. So he got a prescription. I
18 had the prescription so I go over there and over to
19 their vehicle, and Anthony is, like, very, very upset.
20 I mean, he's pretty -- pretty ticked off. And Anthony
21 told me that the doctor asked him something along the
22 lines of like multiple sexual partners or something
23 along those lines. That's why Anthony was really
24 upset, okay. I didn't hear any of this. First I
25 heard about it was coming from Anthony himself.

1 Q Right, him telling you what the doctor --

2 A Him telling me what the doctor told him.

3 Q And what exactly, if you would be as
4 specific as you can about that, about what Anthony
5 told you about what the doctor said.

6 A I want to -- again, I want to say like
7 multiple sexual partners or something along those
8 lines.

9 Q And was his wife there when he was saying
10 that?

11 A I'm pretty sure she was right there. Like I
12 say, he was -- he was -- he was pretty doggone ticked
13 off. I mean, after a while, you know, years of
14 knowing somebody, you can tell when they're really
15 pretty ticked off and he was pretty ticked off out
16 there. He was really upset about -- you know,
17 about -- about that.

18 Q And so that was the first you heard of that,
19 you didn't hear the doctor tell that?

20 A I did not.

21 Q When you were there and the doctor -- the
22 doctor was talking to Anthony, was his wife there?

23 A I don't know because the curtain was drawn.
24 I did not go into the room. I was coming up on the
25 room from the visitor's -- what's -- visitor's center,

1 is that what it's called in the hospital? The waiting
2 room area. I was coming, they had the curtain drawn,
3 and I could hear a man's voice in there that I knew
4 was not Anthony's voice, okay.

5 Q So you assumed it was the doctor?

6 A Right. Well, I found out it was the doctor
7 when the doctor come --

8 Q Came out?

9 A -- opened the curtain and came out, and
10 that's when I tracked the doctor down and say, Okay,
11 you know -- you know, what's the diagnosis, you know.
12 I mean, you know, what's going on here.

13 Q And --

14 A And the doctor told me -- that's when he
15 told me, Well, I wrote him a prescription because he
16 has an infection or he has an infection so here's a
17 prescription for him or something along those lines.

18 Q What was the prescription for?

19 A I --

20 Q You don't know?

21 A I have no idea, sir.

22 Q And then did you go to the drugstore with
23 Anthony and his wife to get the prescription filled?

24 A I do not remember that, neither.

25 Q You don't know. Would that be something you

1 would --

2 A That would be something I could do or that
3 could be something that -- that I might not do, and
4 it's all based off whether I have the prescription
5 form from the workers' comp people that -- that will
6 get filled out, okay. Plus, a lot of it has to do
7 with if there was a prior -- like that employee years
8 ago or something had a prior injury because they would
9 already have that employee's information at the CVS.

10 Q All right. When Anthony that morning told
11 you he had a problem and needed -- he thought he
12 needed medical attention, where did he describe the
13 pain that he was having early in that morning?

14 A In his groin-type area.

15 Q And that was the pain the whole time that
16 you were with him that day? Did he have pain in that
17 area the whole time you were with him?

18 A He didn't -- he didn't speak of no other
19 area where he had pain.

20 Q I mean, was it obvious he was in pain?

21 A Oh, he was in pain, yeah. Yeah, he was in
22 pain.

23 Q And you could tell that he was suffering?

24 A He was very uncomfortable.

25 Q And he was that way when he went in the

1 hospital and that way when he came out?

2 A Right, right. Well, yeah, plus he was
3 pretty ticked off when he came out along with the
4 uncomfortable.

5 Q Right. And the -- after you had the
6 conversation with him in which he related to you what
7 the doctor said about him having multiple sexual
8 partners --

9 A Uh-huh.

10 Q -- did he tell you anything else what the
11 doctor said other than that?

12 A If -- I do not recall anything. If he did,
13 that first part he told me just like blew me away when
14 I heard that, you know. It was like you just wasn't
15 expecting nothing like that.

16 Q And then you got -- if you went to the
17 drugstore to get the prescription filled --

18 A Uh-huh.

19 Q -- do you know which one it would have been
20 and where you would have gone?

21 A CVS in Newberry.

22 Q That would be the customary one?

23 A That's correct.

24 Q And then Anthony and his wife left and went
25 home?

1 A To the best of my knowledge. I mean,
2 they --

3 Q So they left?

4 A They could have went to Cracker Barrel.

5 Q Right.

6 A I mean, I don't know.

7 Q I got you. They could have gone anywhere?

8 A Right, they -- they left.

9 Q Right.

10 A Okay.

11 Q And then you went back to work?

12 A I did.

13 Q And did you tell anybody at work anything
14 about what had happened at the hospital?

15 A I did.

16 Q And who did you tell about it?

17 A The first person would have been Mr. George
18 Wilson.

19 Q And what did you tell Mr. George Wilson?

20 A I told him pretty -- pretty much what the
21 doctor told me.

22 Q All right. What --

23 A It would either be -- George -- George is a
24 maintenance guy in Anthony's department, okay, a
25 department of probably ten people so they know each

1 other, okay.

2 George was up front up at the front office
3 doing work on a gate or a fence or something up there.
4 And I come back, and throughout my 20 years of doing
5 this, I constantly have employees asking if I take an
6 employee somewhere, how are they doing. I mean, it's
7 just human nature. You know, they're -- they're a
8 co-worker.

9 So George asked me, he said, How's Hop? And
10 I said, He's doing fine. He has an infection so he
11 got a prescription, or he's doing fine, he got a
12 prescription because he has an infection. And then
13 that was the end of the conversation with George. And
14 then from there I went to the plant manager and talked
15 to the plant manager behind closed doors.

16 Q And who was that?

17 A DJ Russell.

18 Q What did you tell him?

19 A Pretty much the same thing except I did add
20 to the fact to DJ, being the plant manager, the
21 conversation with Hop out in the parking lot. I said,
22 Hop is very upset because he reported to me that the
23 doctor told -- asked him or told him about the
24 multiple sexual partner thing. But that stayed -- it
25 was myself and the facility manager.

1 Q Let me ask you, what -- what got around
2 about this in the plant among the employees? What was
3 the rumor about Anthony?

4 A Evidently, according to Anthony, that rumor
5 was he had like an STD or something like that.

6 Q I mean, you had people tell you that, didn't
7 you?

8 A I had Anthony tell me that he was getting
9 the rumors from his -- from his department.

10 Q Did you get it from anyone else? Did you
11 hear that from being said by others?

12 A No.

13 Q No one?

14 A No.

15 Q And what did you think --

16 A Except for Anthony saying in the parking lot
17 what the doctor, you know -- about, you know, multiple
18 sexual parents and all.

19 Q And you took it from what Anthony told you
20 that the doctor was saying he had a sexually
21 transmitted disease?

22 A Right.

23 Q That's what you understood to have been told
24 to Anthony by the doctor and why he was upset?

25 A Right.

1 Q And now did -- when you told George Wilson
2 about that, what did George Wilson take that as?

3 A I have --

4 MS. MCCLURKIN: Object to the form.

5 THE WITNESS: -- no idea.

6 BY MR. PARKER:

7 Q Do you know?

8 A I have no idea. I know what I said, okay,
9 and it was not said -- it's a -- it's a -- Mr. Wilson
10 is a fellow employee showing concern for another
11 employee. What I said was not any kind of innuendo on
12 anything, okay. I stated in facts like I've done many
13 times throughout -- through the employees and, okay,
14 yeah, an employee has a laceration, he got five
15 stitches, you know. Employee no -- you know, negative
16 X-ray on the ankle, it's not broken, it's just
17 sprained. I mean, numerous times in my 20 years, you
18 know, stuff like that's come up, okay.

19 And what I told Mr. Wilson was straight and
20 to the point, okay. It was either, A, he has an
21 infection so he got a prescriptions or, B, he got a
22 prescription because he has an -- because of an
23 infection. One or the other. I don't remember
24 exactly how I said it but I could have said either --
25 either one.

1 Q And what did you tell Mr. Russell when you
2 talked to him specifically?

3 A Pretty much the same thing. You know,
4 when -- when something like -- something like this,
5 you know, you got to talk to the doctor to find out
6 what's going on. So first thing I'm thinking of,
7 okay, when -- when the doctor tells me that is, okay,
8 well, you can't have like an incident happen and then
9 have an infection like an hour and a half later, you
10 know. So my first thought is, okay, this is not
11 workers' comp related. He aggravated some
12 pre-existing condition he had, okay. By lifting the
13 hood or whatever he was doing on the forklift, he
14 strained something, that he had some pre-existing
15 condition.

16 So from a workers' comp perspective, I was
17 very relieved that he had an infection because, you
18 know, I didn't have to go through no reporting to
19 OSHA, so on and so forth. So when I come back from
20 the hospital, I was relieved as far as a workers' comp
21 perspective goes.

22 Q So you knew it wasn't going to be a real
23 workers' comp?

24 A I knew it was not going to be a workers'
25 comp because that's just -- you know, it is what it is

1 but that's just a tremendous amount of paperwork and
2 all that.

3 Q All right. You did not tell George Wilson
4 that Anthony had an infection, an STD, and was given
5 an antibiotic?

6 A Absolutely not. I never used that word or
7 those words or that abbreviation or anything along
8 those lines.

9 Q Did you tell Mr. George Wilson anything it
10 could be from which that could be inferred?

11 A No. The fact -- and I still feel the fact
12 that I says he got a prescription because he has an
13 infection, I was not referring to anything nor did I
14 meant for it to be referred to anything except exactly
15 what I said.

16 Q And you're sure you did not tell George
17 Wilson the part about what Anthony said about having
18 many sexual partners --

19 A I'm absolutely sure.

20 Q -- told him by the doctor? You're
21 absolutely sure the only person you told that to was
22 Mr. Russell?

23 A Right.

24 Q Did it get around the plant that -- that
25 Keith had -- excuse me, Keith, I apologize. That

1 Anthony had an STD and did --

2 A Anthony was telling me it was getting around
3 the plant. I did not -- I did not hear it from no one
4 else.

5 Q You didn't hear it -- nobody told you that
6 other than him?

7 A Right.

8 Q Did you talk with Mr. Russell about that,
9 about what had gotten around the plant?

10 A No.

11 Q Did he ever ask you about that?

12 A About a week later I got called into
13 Mr. Russell's office, and I was awarded a letter of
14 reprimand for this incident, okay. So I did not tell
15 Mr. Russell anything about, you know, any kind of
16 rumor mill going around, but evidently the rumor mill
17 was going around, okay. And so, like I said, I got
18 called in, I received or awarded, you know, a letter
19 of reprimand about this incident.

20 Q All right. Now, who was present in
21 Mr. Russell's office when you got the letter of
22 reprimand?

23 A It was myself, Mr. Russell, and
24 Ms. Harrison. She's -- she would be our human
25 resources person.

1 Q And what were you told at that time?

2 A That my actions were not professional enough
3 or -- you know, and I'm -- you know, to be totally
4 honest with you, DJ read -- Mr. Russell read the
5 complete letter to me. Right after the letter was
6 read, I said, Why don't you just fire me? Because I
7 was real ticked off about this letter because I did
8 nothing wrong, okay.

9 And, you know, I'm thinking to myself and
10 you're reading the letter, I said, you know, I've
11 spent all these damn -- damn years in the Navy,
12 received numerous letters of commendation,
13 appreciation, Navy achievement medal, four good
14 conduct medals which is -- a good conduct medal, you
15 get one for every four years and all this, and I'm
16 going to come to a lumber mill and get a damn letter
17 of reprimand? You know, that was my thought. And
18 while he was doing this, I was planning my exit
19 strategy from the company. I'm saying, The company's
20 going to throw me under the bus like this. And that's
21 what I was doing while he was reading the letter.
22 Now, granted, I know I signed the letter, but I did
23 not give a dern at that time. That's the reason I
24 retired when I was 59 because of that damn letter of
25 reprimand.

1 Q And in this letter of reprimand --

2 A Uh-huh.

3 Q And I'm looking at it. It says: This week
4 I became aware of a serious breach of your
5 responsibilities as the environmental health and
6 safety supervisor for the Newberry mill. Anthony
7 Wise, an hourly employee of the mill, was recently
8 involved in an alleged on-the-job accident and
9 subsequently visited a physician as part of our
10 procedure --

11 A Uh-huh.

12 Q -- when responding to the accident. You
13 escorted Mr. Wise to the physician. Upon return to
14 the Newberry mill, you discussed the medical condition
15 and diagnosis that that physician made regarding
16 Mr. Wise with another hourly employee.

17 A That's correct.

18 Q Is that all true?

19 A Yep, and that would be that he has an
20 infection and he got a prescription --

21 Q And --

22 A -- or the other way around.

23 Q And then it says: In turn, this information
24 has been communicated throughout the mill.

25 And is that correct?

1 MS. MCCLURKIN: Object to the form.

2 THE WITNESS: I don't know.

3 BY MR. PARKER:

4 Q Well, I mean --

5 A I know this letter when it was, a week later
6 or ten days or whenever it was, I know there was a
7 hailstorm of -- of gossip going around the mill.

8 Q About Mr. Wise?

9 A This is coming from Mr. Wise to me telling
10 me about it.

11 Q But you were aware of it through other
12 people, also, weren't you?

13 A Mr. Wise is the one that told me about it.
14 I did not hear anybody else at that facility mention
15 anything about it.

16 Q You didn't know that the employees, a number
17 of them were making comments about it?

18 A As per Mr. Wise telling me.

19 Q Other than through Mr. Wise?

20 A Through Mr. Wise.

21 Q And he further notes in here that I have the
22 following very serious concerns about your
23 performance. Employee medical information is
24 protected. This is essential when a medical -- when
25 any medical information is connected or potentially

1 connected with our benefit plan. You have violated
2 that requirement.

3 Is that what he told you?

4 A If that's on the letter, it was read out to
5 me.

6 Q And did you, in fact, violate it?

7 A No.

8 Q You don't think by telling Mr. Wilson --

9 A No, no.

10 Q -- about his medical condition --

11 A No, sir, not the fact that you have an
12 infection and you got a prescription, I have not
13 violated anything.

14 Q You don't think it did?

15 A No.

16 Q In your mind that you didn't?

17 A Pardon? I didn't hear it.

18 Q I said, in your mind you didn't violate --

19 A Absolutely not.

20 Q -- the policy?

21 A That's correct.

22 Q And he says that verbally disclosing medical
23 information about an employee can be considered by the
24 employee as slanderous. And as a representative of
25 West Fraser, your disclosure of this information has

1 put the company at risk.

2 A I don't consider it slanderous.

3 Q Well, it would be slanderous if the
4 information was that Mr. Wise had an STD when he
5 didn't. That would be slanderous, wouldn't it?

6 MS. MCCLURKIN: Object to the form.

7 BY MR. PARKER:

8 Q Go ahead.

9 A I don't know what --

10 Q You can answer. She can object and that
11 would be noted for the record, but then you can go
12 ahead and answer the question.

13 MS. MCCLURKIN: Yeah, I'm --

14 THE WITNESS: Slanderous has to be
15 intentional, okay. The fact of, again, me not
16 using STD, sexually transmitted disease, whatever
17 you want to say. The fact of, yes, he has an
18 infection, he got a prescription, okay, the
19 intent wasn't there to discredit Hop or make him
20 look bad or anything like that. This is
21 another -- a fellow employee asking about the
22 well-being of one of his co-workers.

23 BY MR. PARKER:

24 Q And I understand what you've said about
25 that, but that's not what Mr. Russell found, though,

1 was it?

2 MS. MCCLURKIN: Object to the form.

3 THE WITNESS: I don't know what Mr. Russell
4 found.

5 BY MR. PARKER:

6 Q Well, in his letter he states to you:
7 Verbally disclosing medical information about an
8 employee can be considered by the employee as
9 slanderous. As a representative of West Fraser, your
10 disclosure of this information has put the company at
11 risk.

12 A I do not agree with that.

13 Q But that is what he told you?

14 A That if --

15 Q If I'm reading correctly?

16 A If you are reading correctly, right.

17 MS. MCCLURKIN: Would you like to see a copy
18 of the letter?

19 THE WITNESS: Huh?

20 MR. PARKER: Have you got one to hand him --

21 THE WITNESS: Yeah, I'm just -- you know,
22 you're asking me stuff to where -- you know, I do
23 know Mr. Russell read the complete two-page
24 letter to me. I think it's two pages.

25 MS. MCCLURKIN: Here (tendering).

1 THE WITNESS: Yeah. Matter of fact, there's
2 my signature.

3 MS. MCCLURKIN: He's asking you about
4 paragraph three.

5 THE WITNESS: Paragraph three.

6 MS. MCCLURKIN: Read that carefully.

7 THE WITNESS: Okay. Perfect.

8 Anything could be considered slanderous.

9 Okay. What's your question now?

10 BY MR. PARKER:

11 Q The question first is, that is what
12 Mr. Russell put in his letter to you, that information
13 we just talked about under three, correct?

14 A Right.

15 Q And he was informing you that disclosing
16 this medical information about Mr. Wise could be
17 considered slanderous, correct?

18 MS. MCCLURKIN: Object to the form.

19 THE WITNESS: I object to the word
20 slanderous.

21 BY MR. PARKER:

22 Q That's not my word --

23 A Right.

24 Q -- that's --

25 A So, I mean, it's in the letter. I mean,

1 yes, it was read off to me.

2 Q Right.

3 A Do I agree with it, is that what you're
4 asking me?

5 Q Correct.

6 A Absolutely not, I don't agree with it.

7 Q You don't believe what you said about
8 Mr. Wise was slanderous?

9 A No, sir.

10 Q You don't believe it would be slanderous if
11 he got a disease because he had multiple sex partners?

12 MS. MCCLURKIN: Object to the form.

13 THE WITNESS: I don't know if he had
14 multiple sex partners.

15 BY MR. PARKER:

16 Q Well, that's what you said that you told
17 Mr. Russell verbally that they had told him at the
18 hospital.

19 MS. MCCLURKIN: That wasn't your question.

20 BY MR. PARKER:

21 Q Go ahead. What were you told at the
22 hospital by Mr. Wise as to what he was told by the
23 doctor?

24 A Out in the parking lot, you mean?

25 Q Correct.

1 A Right. That the doctor asked him or accused
2 him or whatever of having multiple sex partners.

3 Q Right. And you told Mr. Russell that --

4 A I said --

5 Q -- didn't you?

6 A I said, Hop, I said, He's really ticked off
7 because the doctor told him this and he told me, you
8 know, the doctor told him this. And then I was
9 referring to the multiple sex partners.

10 Q Right. And that statement about him was
11 slanderous if false, correct, if he didn't have
12 multiple sex partners?

13 A Coming from the doctor, you mean?

14 Q Yes.

15 A Well, I would consider that slanderous but
16 I'm thinking myself slanderous, no. The fact that I'm
17 saying he has a -- he has a -- he has an infection so
18 he got a prescription.

19 Q Right, and I understand that's what you've
20 said that you told Mr. Wilson.

21 A Right.

22 Q But you did tell Mr. Russell about the
23 multiple sex partners?

24 A Coming from Hop. Is what Hop told me --

25 Q Correct.

1 A -- I told Mr. Russell. I didn't tell
2 Mr. Russell, I think Hop had multiple sex partners. I
3 didn't say anything along those lines.

4 Q What you said, I presume, is that Mr. Wise
5 told me, or Anthony or Hop or however you referred to
6 him --

7 A Uh-huh.

8 Q -- said that the doctor said that?

9 A Right.

10 Q And that's what you relayed --

11 A That's what I referred -- that's what I
12 relayed back to DJ.

13 Q Now, he also says in four, and you can look
14 at that: Discussing medical information with any
15 employee for the sake of conversation is not becoming
16 of a West Fraser salaried employee. It is prohibited.
17 Your judgment was extremely poor and unacceptable.

18 But you disagree with that?

19 A You know, since this happened two years ago
20 and I just retired October 1st, we've -- we've had
21 several other employees that I've taken to the doctor
22 and all, and come back to the facility and employees
23 would ask me, How's so and so? And from this time on,
24 I would say, Go talk to the employee, okay. I -- if I
25 would have had any idea that this thing would have

1 avalanched, snowballed or whatever the way it did, you
2 know, then, you know, I would have never said nothing
3 period, and that goes back 15 years ago when I said,
4 Yeah, you got -- yeah, he's okay, he got five
5 stitches, you know. Because there was no -- no kind
6 of intent there on my part at all to even innuendo
7 anything.

8 Q Mr. Russell stated to you that your work
9 performance is unsatisfactory. I expect immediate and
10 sustained improvement in your performance. Failure to
11 make immediate and sustained improvement in your
12 performance including ceasing to discuss and reveal
13 inappropriate information about an employee will
14 result in discipline up to and including termination
15 of your employment with the company.

16 A Right, and I told him to fire me right then.

17 Q And -- and basically he just made a finding
18 that you disagree with that you had revealed
19 inappropriate information about Mr. Wise, correct?
20 Mr. Russell made his determination that you had
21 disclosed inappropriate information about Mr. Wise?

22 A I assume so. That's why I got this letter.

23 Q And that's what he said?

24 A Right, I'm assuming so.

25 Q And so he's made a determination that, in

1 fact, what you told him that you had told to others,
2 is what it appears to be?

3 THE WITNESS: I have no idea.

4 MS. MCCLURKIN: Objection to form.

5 BY MR. PARKER:

6 Q Does it appear that to you?

7 A I have no idea. I cannot speak for
8 Mr. Russell.

9 Q But for whatever reason he did not find that
10 you did what you told me you did in telling Mr. --
11 only telling Mr. George Wilson about this in the way
12 you told it, he's found to the contrary --

13 MS. MCCLURKIN: Object to the form.

14 BY MR. PARKER:

15 Q -- is that right?

16 A I have no idea, sir.

17 Q Well, I mean, can you read the letter and
18 tell me?

19 A I can't tell you what he was thinking --

20 Q Well, I mean --

21 A -- with this letter.

22 Q -- I'm talking about the only thing I've got
23 to go on is what he says. And in the letter that he
24 gave to you that's in your file and signed by you, he
25 says that you disclosed medical information about an

1 employee that could be considered slanderous.

2 MS. MCCLURKIN: Object to the form and you
3 misread the letter.

4 MR. PARKER: No, I paraphrased it. I didn't
5 say --

6 MS. MCCLURKIN: Well, you're leaving out --

7 MR. PARKER: -- I was reading it.

8 MS. MCCLURKIN: -- key words. He's answered
9 this question.

10 MR. PARKER: I didn't say that I was reading
11 the letter.

12 BY MR. PARKER:

13 Q Go ahead and answer the question, if you
14 can.

15 A What is the question?

16 Q The question is, did Mr. Russell, did he
17 reprimand you and give you a warning because he found
18 that you made statements about Mr. Wise that could be
19 considered slanderous?

20 A You'd have to ask Mr. Russell that.

21 Q You can't deduce that --

22 A I cannot speak for Mr. Russell.

23 Q Can you --

24 A You'll have the opportunity to talk to him
25 tomorrow.

1 Q You can't deduce that from reading his
2 letter?

3 A I'm not deducing anything.

4 Q And how did this come to your attention that
5 you needed to meet with Mr. Russell so that he could
6 get you to sign this letter?

7 A I got called up to the front office.

8 Q And had you heard anything prior to
9 November the 17th about this, about you being the
10 subject of any --

11 A No.

12 Q -- disciplinary finding?

13 A I have not.

14 Q Did you talk with anyone other than George
15 Wilson about Anthony Wise?

16 A On that day?

17 Q On any day prior to November 17th.

18 A Did -- prior to November 17th did I talk
19 to --

20 Q Anyone other than George Wilson about
21 Mr. Anthony Wilson -- excuse me, about Anthony Wise's
22 hospital visit?

23 A I would have talked to Mr. Mike Shealy.

24 Q And what did you tell Mr. Shealy?

25 A That would have just been about that the

1 hours for time purposes, employee time purposes.

2 Quinton Wilson.

3 Q And what did you talk to him about?

4 A Quinton was in my office with Mr. Wise.
5 Mr. Wise and I was in there talking and Quinton would
6 be considered second in command, if you will, at the
7 facility. So Quinton came in and said something
8 along, Oh, I didn't know you guys were meeting or
9 whatever. I said, No, come on in here. I said, You
10 need to hear about this. And that's when I told
11 Quinton that -- about the incident with a prescription
12 and all that. And then I apologized to Mr. Wise for
13 the umpteenth time in front of Quinton, and my apology
14 was anything that I said that it got the snowball
15 effect and went down the way it did.

16 Q Okay. Have you seen Mr. Quinton Wilson's
17 statement about this conversation?

18 A I don't remember. I don't remember.

19 Q When would you have seen it?

20 A I wouldn't have seen it during the initial
21 thing. I might have seen it last week.

22 Q And how did you come to see it last week?

23 MS. MCCLURKIN: And I'm going to -- I'm
24 going to give you some instruction. If there are
25 things that you and I talked about that had to do

1 with Anthony Wise's employment and the claims in
2 this case, then those are privileged and you
3 don't have to answer questions about those but --

4 MR. PARKER: That's not the proper -- proper
5 way to handle that. But we'll talk about that.

6 BY MR. PARKER:

7 Q But let me ask you a few questions about
8 that.

9 A About what?

10 Q About do you have a lawyer in this case?

11 A Do I have a lawyer?

12 Q Yes.

13 MS. MCCLURKIN: You're asking him in his
14 individual capacity?

15 MR. PARKER: I'm asking -- no, you don't get
16 to talk. You get to object to questions. You
17 don't get to advise him.

18 MS. MCCLURKIN: I'm asking you, if you're --

19 MR. PARKER: No, but your idea is to inform
20 him. But let me -- let me go along with this.

21 BY MR. PARKER:

22 Q Do you have a lawyer in this case?

23 A I have a representative.

24 Q Who is representing you?

25 A This young lady.

1 Q And how did she come to represent you?

2 A Because I was a West Fraser employee, I'm
3 guessing.

4 Q Did you hire her in any way to represent
5 you?

6 A No.

7 Q Have you paid her anything?

8 A No.

9 Q Do you have an attorney-client relationship
10 with her?

11 A We've -- we've talked.

12 Q No, do you have an attorney-client
13 relationship with her?

14 A I don't understand.

15 Q That means that you have hired her as your
16 attorney.

17 A Hired her?

18 Q Yes.

19 MS. MCCLURKIN: That's not the basis of the
20 privilege. Can you and I go off the record and
21 I'll explain this to you?

22 MR. PARKER: You don't need to explain it to
23 me.

24 MS. MCCLURKIN: I'm not -- I'm not claiming
25 to represent him. That's not the basis of the

1 privilege objection.

2 MR. PARKER: What is the basis?

3 MS. MCCLURKIN: He's a former management
4 employee who is the basis of your client's
5 vicarious liability theory against -- against the
6 company. So information and conversations that
7 we had about the Plaintiff's employment would
8 fall within the privilege that extends to West
9 Fraser.

10 MR. PARKER: Well, you instructing him not
11 to answer, we'll just take it up with the Court,
12 if that's what you're doing.

13 MS. MCCLURKIN: No, I instructed him that if
14 there -- there was not a question on the table
15 that I asked him not to answer. I said, you
16 don't have to -- I'm going to assert privileged
17 communication as to things that I discussed with
18 a former management employee about the
19 Plaintiff's employment. If there's things that
20 fall outside of that, they're not privileged.

21 MR. PARKER: I don't think I asked him
22 anything about your -- any discussions with you.

23 MS. MCCLURKIN: And I don't think I
24 instructed him not to answer any question.

25 MR. PARKER: We just have a

1 misunderstanding, but you're --

2 MS. MCCLURKIN: That's why I offered to go
3 off the record.

4 MR. PARKER: -- objecting while I was
5 questioning, but we'll go forward.

6 BY MR. PARKER:

7 Q Let me -- I was asking you about when she
8 interjected and we got into all this irrelevant
9 stuff --

10 A Uh-huh.

11 Q -- about your discussions with Mr. Quinton
12 Wilson and whether you'd read his statement.

13 A Uh-huh.

14 Q And what you told me, if I remember
15 correctly, is you think you might have read it last
16 week?

17 A Right.

18 Q And the follow-up question was when was
19 that? And that's when we got into this because your
20 answer was --

21 A Right.

22 Q -- you thought it was when you had met with
23 Anne Marie, correct?

24 A Right.

25 Q And that was a week ago or so?

1 A Uh-huh.

2 Q And is that all accurate?

3 A Yeah.

4 Q And the statement -- whose statements did
5 you read -- have you read in this case?

6 A I haven't sat and read none of the
7 statements.

8 Q Which ones did you review?

9 A Like I -- I reviewed Quinton's because there
10 was one part in there that I do not remember
11 happening, but that's okay. I mean, it's his
12 statement.

13 Q Which -- which part don't you remember
14 Anthony --

15 A What Hop -- the part that was said that
16 well, I'm a black man so it has to be sexually
17 transmitted or something along those lines. I do not
18 remember him saying that.

19 Q Okay.

20 A And I'm probably not using verbatim on
21 there, I mean, you know what I'm saying. I just
22 remember seeing that and saying, Well, I don't
23 remember him saying that.

24 Q Let me ask you about it, then. This
25 statement, and I'm looking at Mr. Wilson's statement,

1 says: On November 13th of 2017 I walked into the
2 green building that has Keith Nelson's office to check
3 with him on what time we were going to Augusta. Keith
4 was sitting in the office next to his talking with
5 Anthony Wise. I asked them what was going on and
6 Keith said, I messed up. I asked again and they
7 invited me to sit down. Keith then -- Keith told me
8 that when he got back from the doctor, George Wilson
9 asked him how Anthony was doing and Keith said he had
10 an infection and was getting an antibiotic for it.
11 Anthony said whenever someone hear's a black man has
12 an infection and gets an antibiotic -- I can't read
13 that something he has an STD, that Keith apologized
14 several times for saying what he told Keith -- and I
15 can't read that.

16 A Quinton's got a pretty unique handwriting.

17 Q Yeah. I'll have to admit I can't read it.

18 Keith said he should not have said anything
19 but he never considered that anyone would have thought
20 Anthony had talked about the doctor at the emergency
21 room and how he asked in front of his wife how many
22 sexual partners he had. He said that he never wanted
23 to go to the emergency room at Newberry again. I did
24 remind him that he wanted to go and not -- and did not
25 want to go to the company doctor. I also told him we

1 had no control over the hospital and he said he
2 understood that.

3 That's the best I could do with it. I
4 apologize.

5 A You did pretty good.

6 Q Do you -- is that essentially what you
7 remember?

8 A Yeah. I do not remember Hop -- okay.
9 Anytime I say Hop I mean Anthony, okay?

10 Q Sure. I got that.

11 A It's just through years, right. I do not
12 remember him saying that what he -- what he said
13 about -- what did he say about anytime a black man. I
14 don't remember that part of the conversation. I'm not
15 obviously saying it didn't happen because, you know, I
16 mean, that's -- that's Quinton's statement. I'm just
17 saying I do not remember Hop saying that in there.

18 Q Did you learn that George Wilson had said
19 that you had said that -- that Anthony had an
20 infection, an STD?

21 MS. MCCLURKIN: Object to the form.

22 THE WITNESS: I don't remember -- I never
23 heard George Wilson say that.

24 BY MR. PARKER:

25 Q You don't know he said that?

1 A I do not know he said that. I know Keith
2 didn't say that.

3 Q Did you ever know and it was brought to your
4 attention that the other employees, Anthony Wise's
5 co-employees, were teasing him and harassing him about
6 his having an STD?

7 A Through Anthony.

8 Q Only through Anthony?

9 A Through Anthony.

10 Q And he told you that in early November?

11 A It would have been when he -- shortly after
12 he came back to work. I do not remember -- well, the
13 date you said was November 7th, so that would have
14 been the day I took him to the emergency room and all.
15 And he probably was off work for a couple days. I
16 mean, I don't know -- you know, I can't tell you if
17 November 10th was on a Saturday. I mean, he was off
18 work for a couple days and it was after he come back
19 to work is when he started telling me about it.

20 Q Right.

21 A And that's when I got very -- obviously very
22 defensive, like I am now, saying I did not say that
23 stuff.

24 Q Right. But he told you that's what --

25 A That -- that was a rumor mill --

1 Q -- what was being told?

2 A -- or whatever, you know, scuttlebutt,
3 whatever word you want to use for rumor going around.

4 Q And how do you think it got around?

5 MS. MCCLURKIN: Object to the form.

6 THE WITNESS: I have no idea. I -- I don't
7 know.

8 BY MR. PARKER:

9 Q You don't have any -- you can't give us any
10 information that might help us find the source of how
11 that occurred?

12 A No, sir, I cannot.

13 Q If someone falsely accused you of having a
14 sexually transmitted disease, would you think that
15 that would hurt your reputation?

16 A Oh, I'm sure.

17 MS. MCCLURKIN: Object to the form.

18 BY MR. PARKER:

19 Q And if they did that and it became widely
20 circulated, would it cause you emotional distress?

21 MS. MCCLURKIN: Object to the form.

22 THE WITNESS: What does that mean when you
23 do that?

24 MS. MCCLURKIN: I'm just objecting to his
25 question.

1 MR. PARKER: She's just putting it for the
2 record.

3 THE WITNESS: Oh, okay.
4 Cause me, personally?

5 BY MR. PARKER:

6 Q Right, if they --

7 A No, because I -- I'm -- you know, I don't
8 have that demeanor to where I'm going to -- I'm going
9 to fold or whatever you call it.

10 Q It wouldn't bother you?

11 A I would take care of it.

12 Q But how would you take care of it?

13 A Well, I would -- I would -- I would find out
14 where the source came from.

15 Q And do what?

16 A Well, first of all, there was going to be --
17 you know, there was going to be some discussion.

18 Q And what do you mean by that?

19 A I mean, you got to find out, you know -- you
20 know, where the rumor mill started and all that. You
21 know, who started the rumor. Somebody had to start
22 something so you just find that source.

23 Q And are you married?

24 A Am I married?

25 Q Yeah.

1 A Yes.

2 Q And if they told that in front of your wife,
3 would it cause you problems?

4 MS. MCCLURKIN: Object to the form.

5 THE WITNESS: No, because she -- she -- no.

6 No, I mean -- no. No, no.

7 BY MR. PARKER:

8 Q And if the doctor told you that -- said that
9 about you in front of your wife, it wouldn't cause you
10 problems?

11 A If the doctor said that?

12 Q Yes.

13 A Then I'd have to have a talk with the
14 doctor, I guess.

15 Q And --

16 A You know, I'm eight years short of a medical
17 degree so I'm not going to make that determination.
18 What I said about Mr. Wise to Mr. Wilson, again, He
19 has an infection, he got a prescription or he got a
20 prescription because he has an infection, that was it.
21 Cut and dry.

22 Q Well, so the only people that knew about
23 what was said about Mr. Wise were his wife, right,
24 because she was there, she knows what the doctor said?

25 A I don't even know what the doctor said.

1 Q Well, you know what Mr. Wise said the doctor
2 said?

3 A Right.

4 Q So you know what the doctor supposedly said?

5 A Okay.

6 Q Correct?

7 A Okay.

8 Q The other person that knew at the plant was
9 Mr. Russell?

10 A Right.

11 Q And so the information that got disseminated
12 around the plant had to come from one of those -- one
13 of the five people, correct?

14 MS. MCCLURKIN: Object to the form.

15 THE WITNESS: Not necessarily. Anybody can
16 spread a rumor.

17 BY MR. PARKER:

18 Q No, but how could -- they couldn't spread a
19 rumor about the doctor -- what the doctor said about
20 having multiple sex partners unless somebody had said
21 it, correct?

22 MS. MCCLURKIN: Object to the form.

23 THE WITNESS: Anybody can spread a rumor.

24 BY MR. PARKER:

25 Q Well, I mean, they're --

1 A Right. The -- the -- the time of the day
2 this happened, there would have been several people
3 leaving off of shift, okay. And hypothetically they
4 come back that next evening for the shift and find
5 out, okay, yeah, he got a prescription, you know, he
6 has an infection and all. Well, I seen him -- you
7 know, Keith was taking him to the hospital and I seen
8 him holding his groin area, so I could start a rumor.
9 So I can't answer your question the way -- the way it
10 is.

11 Q Well, do you know of anyone who saw you or
12 saw him holding his --

13 A I do not. I just know that time of day
14 you've got the shifts getting off at 6:00 in the
15 morning and so you've got employees coming up and you
16 have to pass -- at our facility you have to pass by
17 the shipping department to go to the employee parking
18 lot, okay. So I can't tell you if -- if somebody --
19 besides somebody in shipping obviously who was working
20 then, you know, who else might have seen me leaving
21 with Anthony. I don't know.

22 Q Well, how would they get the information
23 about him going to the hospital or what the doctor
24 said?

25 MS. MCCLURKIN: Object to the form.

1 THE WITNESS: I don't know.

2 BY MR. PARKER:

3 Q It had to come from --

4 MS. MCCLURKIN: Object to the form.

5 BY MR. PARKER:

6 Q -- didn't it, from the only people that were
7 aware of what the doctor said?

8 A I can't say that. I know I didn't say it,
9 okay. I can't speculate who might have said what. If
10 you asked me what Keith Nelson said, I'll tell you
11 what Keith Nelson said, okay. And that's all I can
12 do. I'm not speculating on anything else. This isn't
13 about speculation.

14 Q We'll agree about that.

15 A Pardon?

16 Q I said, We'll agree about that. It's not
17 about speculation.

18 A Right.

19 Q It's about what was said about Mr. Wise and
20 where it started.

21 A Right. And I'm telling you what I said. I
22 can't say what anyone else said.

23 Q But what I'm asking you is other than the
24 people I named who were told this that we're aware of,
25 who else could it have come from other than one of

1 those people?

2 A I don't know.

3 Q You're not aware of anyone else --

4 A I'm not aware of anyone else.

5 Q You said a week ago you -- excuse me, you
6 met about -- to go over your deposition testimony; is
7 that correct?

8 MS. MCCLURKIN: Object to the form.

9 BY MR. PARKER:

10 Q Is that right? Did you meet with the
11 attorney to go over your deposition testimony, what
12 would be asked of you?

13 A We met.

14 Q How long did you meet?

15 A Twenty minutes, half hour, no longer than
16 that.

17 Q Where was this meeting?

18 A At the -- at the main office of the
19 facility.

20 Q And who was present at the meeting?

21 A Myself and this young lady.

22 Q Anyone else?

23 A No.

24 Q Did you see anybody else and discuss the
25 case with anyone at the facility other than her?

1 A No.

2 Q She was the only one?

3 A She was the only one. I got escorted back
4 to the conference room. And myself and this young
5 lady, we were in the conference room 20 minutes, half
6 hour, whatever. You know, I mean, I didn't sit my
7 dern stopwatch on my cell phone, you know, but
8 somewhere around there, and then -- then I left.

9 Q And insofar as how widespread this rumor
10 about Anthony Wise had become --

11 A I don't need this (indicating).

12 Q -- do you know?

13 A Sir?

14 Q Do you know how widespread that rumor was
15 other than through Anthony?

16 A No.

17 Q No one else said anything to you about it?

18 A No.

19 Q After this lawsuit was filed, did you talk
20 with anyone about it?

21 A (Shakes head.)

22 Q Did anyone tell you that a lawsuit had been
23 filed?

24 A I got a -- last year, I don't remember the
25 month or anything, I had to speak with an attorney via

1 the telephone.

2 Q And who was that attorney?

3 A I don't know. It was set up -- set up
4 through the company and all, and then, you know, I
5 went up and the attorney asked me questions and so I
6 answered the questions. That was via a phone
7 conference. That's when I first realized that, you
8 know, well, something might be happening here.

9 Q You were still working for the company when
10 that occurred?

11 A I was.

12 Q And where did this conversation take place?

13 A In DJ's office.

14 Q And do you know who the attorney was?

15 A I do not even remember the name. It was a
16 male attorney.

17 Q And how many -- how long a discussion about
18 it?

19 A That was probably 15, 20 minutes or so.

20 Q Same kind of questions you had recently?

21 A Uh-huh.

22 Q Same answers?

23 A Same because it's the truth. I mean, you
24 asked. I mean, I raised my right hand, what -- yes,
25 I'm sure a year ago I said the exact same thing.

1 Q Nothing changed?

2 A Nothing changed.

3 MR. PARKER: I don't have any further
4 questions. You might have to answer any they may
5 have for you.

6 EXAMINATION

7 BY MR. HAILE:

8 Q Mr. Nelson, real quick. My name is Shelton
9 Haile. I represent the hospital.

10 A Okay.

11 Q What, if anything, did you hear Dr. Leap say
12 to Mr. Wise in the Emergency Department?

13 A I didn't.

14 Q Nothing?

15 A No.

16 Q Okay.

17 A No. Like I said, I was coming from the --
18 the waiting room. I was going just, you know, I don't
19 know, 45 minutes, hour, you know, just check, see how
20 things are going, you know, progress being made, so on
21 and so forth. And when I come around -- you're
22 familiar with the hospital, right?

23 Q Yes, sir.

24 A Okay. When I come out of the waiting room,
25 they got the little slide things and I -- Anthony was

1 in the second room on the left-hand side which is -- I
2 think might be number six, five or six, whatever. So
3 when I come around the corner, I could hear a male's
4 voice in there, okay. I couldn't hear what was said,
5 I could just hear a male's voice. And then I just
6 stayed out there because I didn't know whether the
7 doctor was in there or whether it might have been a
8 male nurse in there with him, but I know the area we
9 were talking about where the supposed injury happened
10 and I just, you know -- you know, it's not like
11 watching somebody get stitches in their finger, you
12 know what I mean.

13 Q Yeah. And just to clear it up and keep it
14 streamlined --

15 A Right.

16 Q -- you didn't hear Dr. Leap say anything to
17 Mr. Wise in the emergency room?

18 A I did not.

19 MR. HAILE: Okay. That's all I have for
20 you. Thank you.

21 MS. MCCLURKIN: I have a couple of questions
22 for you.

23 EXAMINATION

24 BY MS. MCCLURKIN:

25 Q You were asked some questions by Plaintiff's

1 counsel as to whether you had any ideas as to how the
2 rumor that Dr. Leap made -- allegedly made comments in
3 front of Mr. Wise and his wife about Mr. Wise
4 switching sexual partners. You remember that line of
5 questioning?

6 A Okay.

7 Q Is that clear or do you want me to rephrase
8 it?

9 A Rephrase it.

10 Q Okay. You were asked some questions by
11 Mr. Wise's attorney over here --

12 A Uh-huh.

13 Q -- about if you had any ideas how the rumor
14 got around the mill that Dr. Leap had said in front of
15 Mr. Wise and Mr. Wise's wife --

16 A Uh-huh.

17 Q -- that he had been switching sexual
18 partners.

19 A Uh-huh.

20 Q You remember those questions?

21 A Vaguely.

22 Q Okay. Did you hear Hop -- we're talking
23 about Anthony Wise.

24 A Right.

25 Q Did you hear Hop tell Quinton Wilson about

1 the doctor making those kinds of statements?

2 A I -- I do not remember that. I -- I did not
3 hear that to where I remember hearing it. Does that
4 make any sense? Like, I didn't remember Hop about
5 the, well, I'm a black man so it's got to be sexually.
6 I don't remember him saying that, but it's in a
7 statement so --

8 Q Right.

9 A No, I do not remember -- I do not remember
10 that.

11 Q All right. And in the meeting where Quinton
12 Wilson --

13 A Uh-huh.

14 Q -- and you were there and Hop was there, did
15 Hop say anything about the doctor allegedly saying
16 that he had switched sexual partners, making those
17 comments in front of his wife?

18 A I don't --

19 Q You don't remember?

20 A I don't remember.

21 Q Okay.

22 A No.

23 Q Let me ask you a few questions about this
24 letter.

25 MS. MCCLURKIN: Do you have any exhibit

1 stickers? Just a plain exhibit, plain exhibit
2 sticker.

3 I'll mark this as Exhibit 1 to your
4 deposition so it's in the record.

5 (Exhibit 1, November 17, 2017 Letter of
6 Reprimand, was marked for identification.)

7 BY MS. MCCLURKIN:

8 Q This is the November 17, 2017 letter of
9 reprimand that we were talking about.

10 A Uh-huh.

11 Q Now, I want to make sure that I -- that this
12 is clear. All right. In this first paragraph, okay,
13 second-to-last sentence in the paragraph says: Upon
14 return to the Newberry mill you discussed the medical
15 condition and diagnosis that the physician made
16 regarding Mr. Wise with another hourly employee.
17 Right?

18 A Uh-huh.

19 Q This letter and the conversation and
20 reprimand that you received from Mr. Russell, did you
21 understand that to be the basis of a statement that
22 you made to an hourly employee?

23 A Do what now?

24 Q All right. Let me -- DJ Russell is --

25 A Right.

1 Q -- the manager of the plant, right?

2 A Right, right.

3 Q He's not an hourly employee, right?

4 A Correct.

5 Q All right. This letter and the reprimand
6 and discipline that you received --

7 A Uh-huh.

8 Q -- that's discussed in this letter --

9 A Uh-huh.

10 Q -- did you understand that to be based on
11 anything that you came back and said to Mr. Russell
12 about the statements that Hop -- that you heard Hop
13 make out in the parking lot?

14 A No.

15 Q These -- these concerns that are outlined in
16 this reprimand letter --

17 A Uh-huh.

18 Q -- were about statements that you allegedly
19 made to an hourly employee, right?

20 A Correct.

21 Q And your testimony has been that the -- that
22 only information that you relayed to an hourly
23 employee about the diagnosis in the hospital was to
24 George Wilson, right?

25 A Correct.

1 Q And that was the -- that Hop had an
2 infection and was given a prescription?

3 A Right.

4 Q Okay. In these -- in these one through five
5 that -- or excuse me, one through four that appear in
6 the letter --

7 A Uh-huh.

8 Q -- what does the sentence that precedes one,
9 two, three and four say?

10 A I have the following very serious concerns
11 about your performance.

12 Q Was it presented to you as these are
13 findings that I have made?

14 A No.

15 Q All right. And whether the information that
16 was circulated around the plant was slanderous, in
17 paragraph three --

18 A Uh-huh.

19 Q -- it's been read into the record but I'll
20 read it again, okay. Verbally disclosing medical
21 information about an employee can be considered by the
22 employee as slanderous.

23 Did I read that first sentence of number
24 three correctly?

25 A You did.

1 Q Did Mr. Russell at anytime tell you that he
2 or the company considered the statement that you made,
3 which according to you was that Hop has an infection
4 and got a prescription --

5 A Uh-huh.

6 Q -- was slanderous?

7 A No.

8 Q When you said that -- when you made that
9 statement to George Wilson --

10 A Uh-huh.

11 Q -- did you believe it to be true?

12 A Absolutely. What, the statement?

13 Q The statement that Hop had an infection.

14 A And he got a prescription or he got a
15 prescription because he had an infection --

16 Q Yes, yes.

17 A -- one or the other, yes, absolutely.

18 Q Did you have any reason to believe that
19 George Wilson would go and repeat the statement that
20 you made?

21 A I had no -- no, I -- I had no reason to
22 believe it would be repeated.

23 Q In your mind at the time --

24 A Uh-huh.

25 Q -- was there anything wrong with disclosing

1 the information that you did to George Wilson?

2 A No.

3 Q In you're mind at the time was there
4 anything that was going to cause injury or cause harm
5 to Mr. Wise?

6 A Absolutely not.

7 Q At anytime after disclosing this information
8 to Mr. Wilson --

9 A Uh-huh.

10 Q -- after you told him that Hop had an
11 infection and needed a prescription --

12 A Uh-huh.

13 Q -- or got a prescription --

14 A Uh-huh.

15 Q -- did it occur to you that that information
16 would lead someone to conclude that Hop had contracted
17 a sexually transmitted disease?

18 A No, no. I would -- if I even remotely
19 remotely considered that, I would have never said
20 anything except to Mr. Russell.

21 Q Sitting here --

22 A I mean, just like I said, throughout the
23 years you just -- you know, I've mentioned several
24 employees, you know, sprain, you know, have negative
25 X-rays so -- so I considered all that just routine

1 stuff, you know. Yeah, you got a prescription because
2 of an infection, that's like routine stuff. I -- I
3 never put that together like that.

4 Q You never put the sexual component with the
5 infection?

6 A Absolutely not.

7 Q All right. When you left the hospital --

8 A Uh-huh.

9 Q -- and Hop had been discharged, did you get
10 to the parking lot before Hop or did Hop and his wife
11 get to the parking lot before you?

12 A They -- they would have -- they would have
13 been there because I would have been finishing up with
14 the doctor, getting the prescription paperwork and
15 stuff like that.

16 Q Did you approach Hop and ask him if his wife
17 might have an infection that she could have passed to
18 him?

19 A Absolutely not.

20 Q After Hop told you what the doctor allegedly
21 said to him --

22 A Uh-huh.

23 Q -- in front of his wife about switching
24 sexual partners --

25 A Uh-huh.

1 Q -- at that point did you say, Hop, maybe
2 your wife has an infection?

3 A Absolutely not. No, no.

4 Q Did you see Hop, or Mr. Wise, when you
5 arrived for your deposition today?

6 A Yeah, briefly out in the little lobby kind
7 of area. I asked him about his -- I asked him about
8 his heart. I know he's had some -- you know, like I
9 said, I'm retired now so I don't get to see him every
10 day. But, you know, I mean, many times during the
11 week I would check on him because, you know, I know
12 he's got something going on up there.

13 Q Who greeted who? Did Hop greet you first or
14 did you greet him first?

15 A I probably spoke to him first because I
16 happened to be standing there when he come through the
17 door, so I'm -- I'm sure I seen him before he seen me.

18 Q And what was his reaction?

19 A We -- we talked. I mean, you know -- I
20 mean, he didn't -- he didn't appear that he was ticked
21 off to me or anything. I mean, if I'm ticked off at
22 somebody, I'm not going to sit there and talk to them,
23 I mean, you know. You know, I asked him about his
24 heart and he said he was -- he was doing okay and all
25 that.

1 Q So you exchanged pleasant conversation?

2 A I -- I considered it as such.

3 Q Was it the type of conversation that would
4 be exchanged between someone who believes that you
5 accused his wife of spreading a sexual infection?

6 MR. PARKER: Object to the form of the
7 question.

8 THE WITNESS: You can object all you want.
9 The answer to your -- to your question is it was
10 a very good casual conversation. I didn't feel
11 any anger from Hop or him being ticked off at me
12 or anything like that. It would be a casual
13 conversation you would have with somebody that
14 you've known for a while.

15 BY MS. MCCLURKIN:

16 Q If someone had -- if the roles were reversed
17 and --

18 A Uh-huh.

19 Q -- Hop was accusing you of starting -- being
20 the source of what developed into a rumor about him
21 having an STD --

22 A Uh-huh.

23 Q -- was it the kind of conversation that you
24 just had today with him in the hallway? Was it the
25 kind of conversation that you would have had with

1 somebody who started a rumor -- who you believe
2 started a rumor like that?

3 A No.

4 MR. PARKER: Object to the form of the
5 question.

6 THE WITNESS: No.

7 BY MS. MCCLURKIN:

8 Q The meeting -- you were asked a question --
9 several questions about meeting with me last week.
10 West Fraser -- a company representative summoned you
11 for that meeting, correct?

12 A Yes.

13 Q You were requested by West Fraser to come to
14 that meeting, correct?

15 A Right, right.

16 Q I did not contact you and ask you to come to
17 the meeting, correct?

18 A I never heard you or even seen you until I
19 walked in that conference room that day.

20 Q Okay. And our conversations were limited to
21 the facts and the information related to Anthony
22 Wise's employment and the allegations that he made in
23 this lawsuit?

24 A Correct.

25 Q Mike Shealy -- Mr. Hop -- or excuse me,

1 Mr. Hop. Mr. Wise was assigned to the shipping
2 department when this incident occurred, correct?

3 A Right. He's -- he was like temporary
4 assigned because they needed a forklift driver. You
5 know, for whatever reason, he was in the shipping
6 department, working in the shipping department which
7 he normally doesn't work in.

8 Q His normal department was the kiln
9 department?

10 A Correct.

11 Q And his normal supervisor was Mike Shealy,
12 correct?

13 A Right.

14 Q And during the times that he was assigned to
15 other departments like the shipping department --

16 A Uh-huh.

17 Q -- was -- who was the person who was
18 responsible for keeping up with -- with Mr. Wise's
19 time?

20 A Mr. Shealy.

21 Q And that did not change even though Mr. Wise
22 was assigned to another department?

23 A Not that I'm aware of it didn't change.

24 Q And when you talked to Mr. Shealy about --

25 A Uh-huh.

1 Q -- about this incident, it was for the
2 purpose of communicating to Mr. Shealy that this would
3 affect Hop's hours and how he was going to be
4 compensated and his absences?

5 A Right.

6 MS. MCCLURKIN: Let's go off the record just
7 for one minute. I think --

8 THE WITNESS: We're doing what now?

9 MS. MCCLURKIN: We're going to go off the
10 record just for a minute.

11 THE WITNESS: Okay.

12 MS. MCCLURKIN: And then I think we're
13 probably going to let you go --

14 THE WITNESS: Okay. Good.

15 MS. MCCLURKIN: -- if no one else has
16 questions.

17 THE VIDEOGRAPHER: We're going off the
18 record at 1800 hours 1 minute 45 seconds.

19 (A break was taken.)

20 THE VIDEOGRAPHER: We're going back on the
21 record at 1800 hours 3 minutes 32 seconds to
22 complete this video deposition. We created one
23 media file. Off the record at 18:03:40.

24 (The reading and signing were waived.)

25 (The deposition concluded at 6:03 p.m.)



WARNING LETTER

West Fraser
3287 College Street
Newberry, SC 29108

To: Wesley (Keith) Nelson
From: DJ Russell
Date: November 17, 2017
Subject: **WARNING**

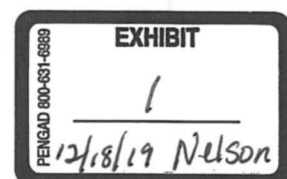
This week I became aware of a serious breach of your responsibilities as the Environmental, Health and Safety Supervisor for the Newberry mill. Anthony Wise, an hourly employee of the mill, was recently involved in an alleged on-the-job accident and subsequently visited a physician as part of our procedure when responding to accidents. You escorted Mr. Wise to the physician. Upon return to the Newberry mill, you discussed the medical condition and diagnosis that the physician made regarding Mr. Wise with another hourly employee. In turn, this information has been communicated throughout the mill.

I have the following very serious concerns about your performance:

1. Employee medical information is protected. This is essential when any medical information is connected or potentially connected with our benefit plans. You have violated this requirement.
2. Information concerning the alleged or actual injury of an employee must remain confidential during an investigation and often after the conclusion of an investigation. Accidents often evolve to lawsuits against the Workers Compensation carrier and/or the Company. You have disclosed information that is part of an on-going investigation to an employee that should not be involved.
3. Verbally disclosing medical information about an employee can be considered by the employee as slanderous. As a representative of West Fraser, your disclosure of this information has put the Company at risk.
4. Discussing medical information with any employee for the sake of conversation is not becoming of a West Fraser salaried employee. It is prohibited. Your judgement was extremely poor and unacceptable.

The casual attitude which you had about revealing this information to another employee has eroded my trust in you to conduct your job and fulfill your responsibilities in a satisfactory manner. This cannot happen again.

ROA-519



Your work performance is unsatisfactory. I expect immediate and sustained improvement in your performance. Failure to make immediate and sustained improvement in your performance including ceasing to discuss and reveal inappropriate information about an employee will result in discipline up to and including termination of your employment with the Company.

DJ Russell
Mill Manager
Newberry Operation
West Fraser

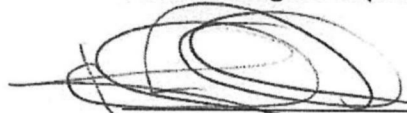
D.J. Russell

cc:

Personnel File

Human Resources – Germantown, TN

I acknowledge receipt of this letter:


Keith Nelson / Date 11/17/17



Deposition of:
George Wilson , Jr.

December 19, 2019

In the Matter of:
**Wise, Anthony Vs. Newberry Hospital,
LLC**

[A. William Roberts, Jr & Assoc.](#)

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STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF NEWBERRY

ANTHONY WISE,

Plaintiff,

vs.

CASE NO. 2019-CP-36-00103

NEWBERRY HOSPITAL, LLC, d/b/a NEWBERRY COUNTY

MEMORIAL HOSPITAL, WEST FRASER, INC.,

Defendants.

DEPOSITION OF: GEORGE WILSON

DATE: December 19, 2019

TIME: 1:26 PM

LOCATION: Pope Parker Jenkins
1508 College Street
Newberry, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: AMY R. COPE,
Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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shaile@richardsonplowden.com

(INDEX AT REAR OF TRANSCRIPT)

1

GEORGE WILSON

2

being first duly sworn, testified as follows:

3

EXAMINATION

4

BY MR. PARKER:

5

Q. All right. Would you please state your
6 full name?

7

A. George Wilson, Jr.

8

Q. And Mr. Wilson, what's your address?

9

A. 133 Player Street Extension, Newberry,
10 South Carolina, 29218.

11

Q. And how long have you lived here?

12

A. All my life.

13

Q. Went to school here?

14

A. Yes, sir.

15

Q. And how long have you been working for
16 West Fraser?

17

A. 41 years.

18

Q. Have you worked anywhere else or has
19 that been your only --

20

A. Well, I worked for the City of Newberry
21 when I was younger.

22

Q. So you've been there a long time?

23

A. Yes, sir.

24

Q. What is your job?

25

A. Maintenance/electrical, WQ, which means

1 qualified mill right.

2 Q. You're 41 years, so when are you going
3 to retire?

4 A. Well, I'm going to have to wait until I
5 get those numbers first before I retire.

6 Q. How old are you now?

7 A. 60.

8 Q. You've got a few more years. You going
9 to try to go out at 65?

10 A. I don't want to wait that long.

11 Q. You're going to go out earlier?

12 A. Yes, sir.

13 Q. Try to get to 62. Let me ask you: How
14 long have you known Anthony Wise?

15 A. About the length of time he been
16 working there. I didn't know him before then.

17 Q. You didn't know him before?

18 A. No, sir.

19 Q. And we're here about an event that
20 happened in November of '17, when Anthony got hurt
21 at work and pulled his groin and went to the
22 hospital. Do you recall that?

23 A. See, I didn't never know the detail as
24 to what happened. I was just asked -- one of the
25 employees or a few of the employees asked me is he

1 all right and I didn't even know anything happened.
2 So what happened is I went to the scale house --
3 not the scale house, the shipping department, so I
4 went to see what they wanted. And when I went up
5 there and they asked me how was Anthony doing and I
6 said what happened -- they said something about
7 what happened. I didn't really recall everything
8 that had happened. So at that time, the human
9 resource lady need me to do something, so I went in
10 the office.

11 And I went in the office to see what
12 she wanted and when I came out of the office and I
13 was headed back to shipping, I seen Keith walking
14 across and I seen Keith and I asked, Keith, what
15 happened to Anthony? I said, how was he doing?
16 The only thing he said was that Anthony -- the
17 doctor said he had an infection. And that's all he
18 said. And then when he mentioned that and I
19 stepped back in the shipping department and the
20 guys asked me how is Anthony, I said, well, I just
21 seen Keith and Keith said he had an infection. And
22 I mentioned that and I went on and went to do
23 whatever I need to do.

24 I ended up back to the dry kiln and the
25 guys asked me at the dry kiln how was Anthony doing

1 and I said Keith said that he had an infection, so
2 as to what happened before then, I really don't
3 recall. I didn't go into no detail with nobody
4 because I didn't know.

5 Q. Did you later hear that there were
6 people saying that Anthony had a sexually
7 transmitted disease?

8 A. I heard that from Anthony, nobody else.

9 Q. You heard that people were saying that?

10 A. I heard it from him.

11 Q. That people were saying that about him?

12 A. Yes, sir.

13 Q. He was making a complaint about it?

14 A. I assume that's what he was doing at
15 the time.

16 Q. Did he tell you who was doing it?

17 A. He didn't tell me who said anything, he
18 just said the guys was saying that.

19 Q. Did Mr. Nelson also tell you that
20 Anthony was getting an antibiotic for the
21 infection?

22 A. I don't recall him telling me that. I
23 don't recall him telling me that at all. Like I
24 said, when he mentioned the infection, that was the
25 end of the conversation, as far as Keith is

1 concerned.

2 Q. And you didn't hear any other talk
3 around the plant about Anthony and his having been
4 told that he had some type of sexually transmitted
5 disease?

6 A. Everything I heard about that came from
7 Anthony, I hadn't heard it from anybody else. I
8 don't deal with talk like that, I stay away from
9 talk like that, like I always have done since I
10 been working there.

11 Q. When Anthony talked with you and told
12 you about what people were saying about him, was he
13 upset?

14 A. Oh, yeah, he was upset.

15 Q. He was upset that people were talking
16 about him?

17 A. Yes, sir.

18 Q. And anything else that you know about
19 this, anything?

20 A. No, sir.

21 MR. PARKER: Answer any questions the
22 gentlemen may have for you.

23 EXAMINATION

24 BY MR. HAILE:

25 Q. Mr. Wilson, Shelton Haile, I represent

1 the hospital. You did not go to the hospital with
2 Mr. Wise; did you?

3 A. No, sir.

4 MR. HAILE: That's all I've got. Thank
5 you.

6 EXAMINATION

7 BY MS. MCCLURKIN:

8 Q. Mr. Wilson, when you asked Keith Nelson
9 how Anthony was doing --

10 A. Uh-huh.

11 Q. -- you testified that you asked because
12 you were concerned about Anthony's well-being,
13 right?

14 A. Yes, ma'am.

15 Q. And when Keith answered you and told
16 you that Anthony had an infection, do you think or
17 did it appear to you that Keith had any kind of
18 improper motive in telling you that?

19 A. No, because my father in 1999 had a
20 stroke and from that day on for 15 years he lived
21 after that stroke, Keith always asked me how he was
22 doing. So I can't sit there and say that, you
23 know, he had some ulterior motives because he's
24 always been the type of person that if something
25 happened to somebody's family member, I mean, he

1 asks how they doing. A lot of us do that. I don't
2 see that. I hasn't seen that since I been working
3 there.

4 Q. Describe your working relationship with
5 Anthony. And by that I mean, at the time that this
6 happened, did you work closely together?

7 A. Yeah, we still had a job to do,
8 whenever the dry kiln goes down, after so many
9 months we have to go inside and repair anything,
10 things of that nature. I mean, we did what we had
11 to do as far as that. But as far as the
12 conversation about this situation here, I had got
13 to a point I didn't want to hear anymore because
14 when you keep talking about him now it just get
15 worse. And when you keep listening to things that
16 people say, that just makes things worse and so you
17 don't do anything but upset yourself. So I was
18 trying to encourage him to try to make peace with
19 the situation, but he didn't want to listen that.

20 So I try to avoid talking about it
21 anymore because it was really getting on my nerves
22 because it was always about the same thing and it
23 was always something negative about -- not just
24 this, other negative stuff that he would talk about
25 all the time. So I just got tired of hearing it

1 and I try to avoid the situation because it was
2 just making matters worse.

3 Q. When you say you got tired of hearing
4 it, you mean you got tired of hearing it from
5 Anthony?

6 A. Yeah, not nobody else. I didn't hear
7 nothing from nobody else. I was just hearing it
8 from him.

9 Q. When you asked Keith how Anthony was
10 doing and he answered, about how far away were you
11 standing from Keith?

12 A. It may have been about 20 foot,
13 somewhere along in there.

14 Q. Okay. Do you remember whether anyone
15 was in the area who might have overheard?

16 A. No one was in the area. No one was in
17 the area.

18 MS. MCCLURKIN: I don't have anything
19 else. Thank you for coming.

20 (The witness, after having been advised
21 of his right to read and sign this transcript,
22 waives that right.)

23 (The deposition was concluded at 1:36 PM.)
24
25



Deposition of:
Jeremy I. Neal

December 19, 2019

In the Matter of:
**Wise, Anthony Vs. Newberry Hospital,
LLC**

[A. William Roberts, Jr & Assoc.](#)

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STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF NEWBERRY

ANTHONY WISE,

Plaintiff,

vs.

CASE NO. 2019-CP-36-00103

NEWBERRY HOSPITAL, LLC, d/b/a NEWBERRY COUNTY

MEMORIAL HOSPITAL, WEST FRASER, INC.,

Defendants.

DEPOSITION OF: JEREMY NEAL

DATE: December 19, 2019

TIME: 10:32 AM

LOCATION: Pope Parker Jenkins
1508 College Street
Newberry, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: AMY R. COPE,
Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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25

1

JEREMY NEAL

2

being first duly sworn, testified as follows:

3

EXAMINATION

4

BY MR. PARKER:

5

Q. Please state your full name and

6

address.

7

A. Jeremy Laquan Neal. 5213 Palmetto

8

Point Drive.

9

Q. And that's where?

10

A. Newberry, South Carolina.

11

Q. And where did you grow up?

12

A. Newberry, South Carolina.

13

Q. Lived here your whole life?

14

A. Yes, sir.

15

Q. And do you have family in Newberry

16

County other than yourself?

17

A. Yes, sir.

18

Q. Who is your family, what are their last

19

names?

20

A. Neal, Wicker. Juanita Wicker. Andrew

21

Lee Wicker, he's deceased now. Jimmy Neal.

22

Q. Okay. And how long have you been

23

working at West Fraser?

24

A. Approximately nine years.

25

Q. And what is your job?

1 A. I'm a forklift operator.

2 Q. And have you been the whole time a
3 forklift operator?

4 A. No, sir, I worked at the saw mill. I
5 cut grass. Riding the railcars. Then I worked on
6 the yard.

7 Q. And do you know Anthony Wise?

8 A. Yes, sir.

9 Q. And how long have you known him?

10 A. I want to say maybe about three years
11 or so.

12 Q. Thereabouts?

13 A. At least three years.

14 Q. Okay. And y'all work together?

15 A. Yes, sir, at the dry kiln. That's when
16 I first knew of Anthony Wise when he worked at the
17 dry kiln.

18 Q. We're here today about a lawsuit
19 involving Mr. Wise and because of things that were
20 said about him, about having some disease. Are you
21 aware of that?

22 A. Yes, sir.

23 Q. And when did you learn that there was
24 something going on, people said that Mr. Wise had a
25 disease?

1 A. It was going around the plant site
2 maybe like a day after, two days after.

3 Q. He went to the hospital?

4 A. Yes, sir.

5 Q. You're aware he went to the hospital?

6 A. Yes, sir.

7 Q. And some time thereafter what did you
8 hear?

9 A. I heard he went to the hospital because
10 he had pulled something, if I ain't mistaken. And
11 I think I was off that day, I'm trying to remember.
12 I think I was off -- I was off that day. I had
13 heard that he had went to the emergency room
14 because he had pulled something. And I came back
15 like a day or two later and heard that through the
16 plant site they were saying that, you know, he had
17 HIV.

18 Q. Some kind of sexually transmitted
19 disease?

20 A. Yeah, some kind of sexually transmitted
21 disease.

22 Q. And who did you hear that from, if you
23 recall?

24 A. I don't recall who I heard it from.

25 Q. Was that general talk among employees

1 at the plant?

2 A. Yes, sir. Yes, sir. And he might have
3 said himself too.

4 Q. In other words, somebody accused him of
5 it and he would answer it or something?

6 A. Some -- yes, sir.

7 Q. Was that pretty well general knowledge
8 among the workforce there that they were saying he
9 had some type of sexually transmitted disease?

10 A. Yes, sir. I think it was something
11 like he say/she say type thing. I don't know how
12 it got started or anything.

13 Q. Did he get teased about it?

14 A. From like employees?

15 Q. Yes.

16 A. Yes, sir.

17 Q. Who did you see teasing him about it,
18 if you recall?

19 A. I don't recall, I imagine they didn't
20 mean any harm or anything.

21 Q. Who did you hear it from, if you
22 recall, that he had some type of sexually
23 transmitted disease; who told you about it?

24 A. I don't recall. If I heard it, I
25 probably walked away from it. I really didn't pay

1 no attention because I knew that was a serious
2 matter. I try not to, you know, be in that kind of
3 business.

4 MR. PARKER: I don't have anything
5 further. Thank you.

6 EXAMINATION

7 BY MR. HAILE:

8 Q. Jeremy, I represent the hospital. Just
9 real quick, you didn't go to the hospital with
10 Mr. Wise when he pulled something; did you?

11 A. No, sir.

12 Q. And you didn't hear what the doctor at
13 the hospital said to him?

14 A. No, sir.

15 MR. HAILE: Okay. That's all I've got
16 for you. Thank you.

17 EXAMINATION

18 BY MS. MCCLURKIN:

19 Q. Mr. Neal, did you hear Mr. Wise ever --
20 excuse me, let me start over.

21 Did Mr. Wise ever approach you and
22 begin talking about the STD rumor?

23 A. Maybe, maybe one time I think he was
24 feeling bad because I think like a couple of people
25 might have been jigging at him or something like

1 that. He might have said something about it. He
2 might have said something like, you know, they're
3 saying I got an STD or something like that, and
4 it's not true. Basically that was it.

5 Q. In other words, complaining to you
6 about it?

7 A. Yeah.

8 Q. And repeating the statements that were
9 made about him?

10 MR. PARKER: Object to the form.

11 THE WITNESS: Yeah.

12 BY MS. MCCLURKIN:

13 Q. When you heard these rumors, did it
14 change your opinion of Mr. Wise in any way?

15 A. No, ma'am.

16 Q. Did you ever hear Keith Nelson make the
17 statement that Mr. Wise had an STD?

18 A. No, ma'am. Never heard it.

19 MS. MCCLURKIN: That's it.

20 (The witness, after having been advised
21 of his right to read and sign this transcript,
22 waives that right.)

23 (The deposition was concluded at 10:37 AM.)

24

25



Deposition of:
Dolan J. Russell

December 19, 2019

In the Matter of:
**Wise, Anthony Vs. Newberry Hospital,
LLC**

[A. William Roberts, Jr & Assoc.](#)

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STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF NEWBERRY

ANTHONY WISE,

Plaintiff,

vs.

CASE NO. 2019-CP-36-00103

NEWBERRY HOSPITAL, LLC, d/b/a NEWBERRY COUNTY

MEMORIAL HOSPITAL, WEST FRASER, INC.,

Defendants.

DEPOSITION OF: DOLAN J. RUSSELL

DATE: December 19, 2019

TIME: 11:54 AM

LOCATION: Pope Parker Jenkins
1508 College Street
Newberry, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: AMY R. COPE,
Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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1 (PLAINTIFF EXHIBIT 1, Handwritten notes
2 titled meeting with Anthony Wise, 11/13/17, was
3 marked for identification.)

4 (PLAINTIFF EXHIBIT 2, Handwritten notes
5 titled meeting with Anthony Wise, 11/17/17, was
6 marked for identification.)

7 (PLAINTIFF EXHIBIT 3, Handwritten notes
8 titled Anthony Wise, 12/4/17, was marked for
9 identification.)

10 (PLAINTIFF EXHIBIT 4, Warning letter to
11 Keith Nelson from DJ Russell, dated 11/17/2017, was
12 marked for identification.)

13 DOLAN J. RUSSELL

14 being first duly sworn, testified as follows:

15 EXAMINATION

16 BY MR. PARKER:

17 Q. Please state your full name.

18 A. Dolan James Russell, Jr.

19 Q. Do you go by DJ?

20 A. Yes, sir, I prefer that, but I'll
21 answer to Dolan. My wife is about the only one
22 that calls me that when she's a little aggravated
23 with me, but I'll go with either one.

24 Q. And what is your address?

25 A. 1146 Pinewood Court, Newberry,

1 South Carolina.

2 Q. And how long have you lived in
3 Newberry?

4 A. April of 2015, so not quite five years.

5 Q. And where are you originally from?

6 A. That would be southeast North Carolina,
7 Lake Waccamaw, North Carolina, which is about 40
8 miles west of Wilmington and 45 miles north of
9 Myrtle Beach in that area.

10 Q. And did you go to college?

11 A. One year.

12 Q. And where was that?

13 A. Southeastern Community College, which
14 is in Whiteville, North Carolina.

15 Q. And how long have you been in the
16 lumber business?

17 A. Two more days will be 36 years.

18 Q. And who has your career been with?

19 A. Federal Paper. International Paper.

20 And now West Fraser and I've worked my whole career
21 at two different mills, the one in Regalwood, which
22 is very close to Wilmington, I spent 31 and a half
23 years. And then I've been here, like I said, I
24 reckon four and a half, going on five.

25 Q. And the -- so your entire work career

1 just about has been in the lumber business, timber,
2 sawmill, type business?

3 A. It has been. I don't -- I started out
4 in 1983 as a utility worker, so my first job in the
5 mill was sweeping the bottom of the sawmill floor
6 and emptying trash cans and I worked my way up to
7 mill manager. So I've done every job in the mill
8 and become an hourly supervisor, then a salary
9 supervisor, and then a superintendent and then a
10 mill manager. So I've had, I like to say, a
11 different career than most mill managers, but it
12 serves me well.

13 Q. So you know what's going on out there?

14 A. Yes, sir. I've run every piece of
15 equipment in the mill and so it helps me. And I
16 love spending time in the mill, I'm not a front
17 office kind of guy.

18 Q. We're here about Anthony Wise's case,
19 as you're aware?

20 A. Yes, sir.

21 Q. And you recall when all that happened?

22 A. Yes, sir.

23 Q. And how did you first learn about this?

24 A. That part I'm not sure about, it was
25 Melody Jepsen, our HR lady, or Quinton Wilson, who

1 is the production superintendent. One of those two
2 made me aware of it, but I'm not entirely certain
3 now which one talked to me about it first.

4 Q. When did you first talk with Keith
5 Nelson about it, if you recall?

6 A. Well, I know Keith talked to me after
7 he took the employee to the doctor. And I cannot
8 say with all certainty exactly what Keith told me
9 that day, other than -- I feel rather certain, you
10 know, he said he had an infection and that it
11 probably wasn't going to be work-related.

12 Q. He has testified, and I don't want to
13 misquote him, but in essence said that he told you
14 about what the doctor said about Mr. Wise having
15 multiple sex partners; do you recall that?

16 A. No, sir.

17 Q. You don't remember him saying that?

18 A. No, sir. There's only one person I've
19 heard that has brought that up in front of my
20 presence.

21 Q. And who was that?

22 A. That was Anthony Wise in a meeting with
23 myself and the regional manager.

24 Q. And he would have been the only one
25 that -- he came to you complaining about it?

1 A. Yes, sir.

2 Q. And I've got -- I'm going to hand you
3 what's been marked as Exhibits 1, 2 and 3, which I
4 assume are your notes. I'm going to ask you if
5 they are, but I'm assuming that they are.

6 A. Yes, sir, that is my poor handwriting.

7 Q. Do you have any notes other than that?

8 A. That I personally made?

9 Q. Or anybody made?

10 A. I think there are some more. I had my
11 administrative manager take notes. The regional
12 manager took notes when he met --

13 MS. MCCLURKIN: He's asking you about,
14 I think, asking you about notes that you made.

15 THE WITNESS: Oh, no, sir.

16 BY MR. PARKER:

17 Q. No, I asked him -- the question was and
18 he answered correctly if he had any other notes,
19 was the question --

20 MS. MCCLURKIN: I apologize.

21 BY MR. PARKER:

22 Q. -- and you said you've got notes from
23 who now?

24 A. Well, there would be -- let's see, I
25 had the administrative manager sit in with me when

1 I met with Anthony, he made notes, I think when I
2 was making notes.

3 Q. What is his name?

4 A. Quan Todd.

5 Q. What's his last name?

6 A. Quan Todd, yes, sir. He's the
7 controller, financial, we call him the
8 administrative manager, he runs the front office.
9 So any time I met with employees, I normally have
10 the HR lady or Quan, who is the administrative
11 manager, sit in with me just strictly for note
12 taking. So I know Quan was present for one of the
13 meetings.

14 Q. Who else do you have notes from?

15 A. We should have some from Peter
16 Preventure, who was the regional manager at the
17 time. He made his separate notes during that
18 meeting. And then I know I have a copy of those.

19 Q. Anybody else?

20 A. And I think I have Quinton Wilson's
21 statements, he made notes I think when he walked in
22 and Keith and Anthony were talking in the EHS
23 building. So I'm sure that those have been
24 provided. I'm trying to remember if there were any
25 other notes. I know I gave everything that I had

1 in my file to --

2 Q. To your attorneys?

3 A. Well, and to our corporate HR, yes,
4 sir.

5 Q. Okay. Let's look at Exhibit 1 there,
6 that's your first note that's dated 11/13/17.

7 A. Yes, sir.

8 Q. And in Exhibit 1, you're recording what
9 Anthony Wise came in and told you or trying -- or
10 your recollection of it, recording your
11 recollection of it?

12 A. Yes, sir.

13 Q. Is that all accurate, as far as you
14 know?

15 A. As far as I can tell most of it is just
16 writing down what Anthony's statements were to me.
17 And then, of course, I answered a few of his
18 questions, it looks like, yes, sir.

19 Q. You're trying to make an accurate
20 representation of what you had been told. I assume
21 you made this note some time contemporaneously with
22 your conversation?

23 A. Most of the time -- well, yeah, almost
24 all of the time when I meet with an employee, I
25 occasionally make notes while I'm talking, but

1 sometimes you miss the message if you're trying to
2 write when someone is talking to you. So this
3 probably occurred right after Anthony walked out,
4 probably within 30, 45 minutes, but I cannot say
5 with 100 percent certainty when I wrote these
6 notes.

7 Q. But it would have been close in time of
8 the conversation?

9 A. Yes, sir.

10 Q. And it says: I told him that I would
11 investigate the situation with Keith and take
12 corrective action. Is that correct?

13 A. Yes, sir.

14 Q. And did you, in fact, do that?

15 A. Yes, sir.

16 Q. What did you do?

17 A. Once I became aware of it, I called
18 Peter Preventure, who at the time was the regional
19 manager, made him aware of what I was told that
20 happened. Peter immediately called Kim Foster, who
21 is a corporate HR representative in our home office
22 in Memphis, Tennessee, and we got on a three-way
23 conference call. So I explained to him what I knew
24 and then we talked about how this investigation
25 needed to proceed and start interviewing and

1 gathering information.

2 Q. And what all did you do?

3 A. I can't remember who all I talked to,
4 to be honest with you now. Well, I'm trying to
5 remember with all certainty and I'm not -- I know
6 Quinton talked to me about what happened, so I told
7 him to write his statement down and turn it into
8 me. I think -- well, I know I talked to Keith.

9 Of course, Anthony had already visited
10 with me. That was probably -- I don't think there
11 was anyone else I talked to about it. I'm trying
12 to remember -- and again, you know, it's been a
13 while --

14 THE WITNESS: -- but did Melody have
15 any notes off -- I'm trying to remember because I
16 can't remember off the top of my head.

17 MS. MCCLURKIN: And I can't answer.

18 THE WITNESS: I know, but I want to
19 speak right. And I'm not sure if I talked to
20 Melody or she sat in one of the meetings. I know
21 that Quan sat in one of the meetings with me, but I
22 think that was pretty much all I talked to.

23 BY MR. PARKER:

24 Q. And Exhibit 2 is some notes that you
25 made on 11/17/17?

1 A. Yes, sir.

2 Q. And you, at that time, recorded your
3 conversation with Anthony or what you recall of it?

4 A. Yes, sir.

5 Q. And in Exhibit 2 it says: I told him
6 that I had investigated the incident and took
7 appropriate action?

8 A. Yes, sir.

9 Q. And I'll talk with you about that in a
10 minute. And the next thing he asked: How he got
11 his name back? And it says: I told him that I
12 couldn't change the past, but could affect the
13 future. Is that correct?

14 A. Yes, sir.

15 Q. Is that what you said?

16 A. Yes, sir.

17 Q. And it says: I told him again that I
18 was sorry for what happened. Did you learn, to the
19 extent to which rumor about Anthony having a
20 sexually transmitted disease, got around your
21 plant, how that happened?

22 A. I never heard about a rumor, other than
23 Anthony himself meeting with me and the regional
24 manager, I think it's in the notes saying -- and
25 I'll say every African-American that has an

1 infection is automatically, it may not be quote,
2 unquote, but has an STD. That's when I heard that
3 for the first time any comments at the plant site,
4 even my salary team and I were discussing it, we do
5 it behind closed doors when we have hourly employee
6 issues, it was never discussed that it was an STD
7 or anything, the employee had a infection, which
8 could have contributed to him getting hurt with the
9 lid on the forklift. No one went there.

10 Q. But as far as you're concerned, you
11 didn't know that was going on at the plant with the
12 rumors?

13 A. No, sir. When Anthony made me aware
14 that it could be going on, then I told him, you let
15 me know and I will take care if anyone is harassing
16 with you, which he never got back to me that he was
17 having issues with any hourly employees or anyone.

18 Q. All right. The Exhibit 3 there is a
19 note you made on 12/4/17?

20 A. Yes, sir.

21 Q. And again, you tried to accurately take
22 down your conversation with Mr. Wise?

23 A. The best I could, yes, sir.

24 Q. Is there anything about that that you
25 would like to add to or change?

1 A. I was just trying to read the bottom
2 part where it's so faint with the printer. Anthony
3 knows for a fact that Keith called people -- okay
4 -- in his office. Oh, yeah, Quan also took notes
5 for me. No, sir, I don't see any reason why I'd
6 change anything that I wrote here in December of
7 2017.

8 Q. Okay. I'm going to next hand you
9 Exhibit 4. Is this a document that you wrote or
10 had written up concerning Mr. Nelson's conduct?

11 A. Yes, sir.

12 Q. And in this document you're
13 reprimanding Mr. Nelson?

14 A. Yes, sir.

15 Q. And what did you reprimand him for?

16 A. For the incident that occurred talking
17 to the hourly employee about another hourly
18 employee. Strictly that and nothing else.

19 Q. And tell me about the details of that.

20 A. Based off of what I heard or what I
21 know from my investigation?

22 Q. Yes.

23 A. Well, Keith told an hourly employee
24 that -- first of all, from what I understand, the
25 hourly employee, which is George, asked Keith how

1 Anthony was doing. And Keith said he's got an
2 infection. And that's pretty much all I know about
3 what occurred out there at the cat -- or outside
4 the office in the handrails.

5 Q. How did you find that out, that that's
6 what had happened?

7 A. Well, I thought I answered that
8 earlier, I'm not sure whether Melody Jepsin told me
9 or Quinton Wilson told me, one of those told me
10 what was going on. But I can't remember if Anthony
11 came to Melody or Quinton called me after walking
12 in when Anthony and Keith were having the meeting
13 in the EHS room. So that part, I'm not 100 percent
14 sure about who told me first.

15 Q. The fact then -- what was wrong with
16 Mr. Nelson doing what he did?

17 A. Well, we don't talk about hourly
18 employees with other hourly employees.

19 Q. About their medical condition?

20 A. Well, anything.

21 Q. But clearly not about their medical
22 condition?

23 A. Anything. Absenteeism, reprimands, we
24 don't discuss that.

25 Q. Is there a company rule that prohibits

1 that?

2 A. Not that I'm aware of. I call it a
3 common sense rule.

4 Q. And other than that, what did -- what
5 did you find in error about Mr. Nelson's conduct in
6 this action?

7 A. That he told another hourly employee
8 that Anthony had an infection.

9 Q. And that was the sum total of it, was
10 there anything else that was in error about what he
11 had done?

12 A. Not to my knowledge.

13 Q. And I assume you called Mr. Nelson in
14 to talk to him about it?

15 A. Yes, sir.

16 Q. And I assume you discussed what's in
17 Exhibit 4?

18 A. Yes, sir.

19 Q. Did he have any questions about it?

20 A. No, sir, not that I recall.

21 Q. Do you recall him saying anything?

22 A. No, sir, the only thing I can recall
23 was it was a short and sweet meeting. We didn't --
24 I read over it with him and covered it with him and
25 I think that was the end of it, to the best of my

1 knowledge.

2 Q. Now, the -- we know that Mr. Nelson
3 took Mr. Wise to the hospital that day on
4 November 7th. And Mr. Wise's wife eventually came
5 in and was there, are you aware of that?

6 A. Yes, sir, but I think she came to the
7 plant site and followed them down there. Again,
8 I'm not 100 percent certain, I believe she was out
9 in the parking lot when Keith and Anthony left,
10 that's just what I remember hearing. I'm not sure
11 I saw it with my own two eyes.

12 Q. But in any event, she was at the
13 hospital, so she potentially knows what was said at
14 the hospital by the doctor about Mr. Wise's
15 condition?

16 MS. MCCLURKIN: Object to the form.

17 THE WITNESS: Yeah, I don't know how to
18 answer that because I wasn't at the hospital.

19 BY MR. PARKER:

20 Q. Well, you don't know what she heard or
21 not?

22 A. No, sir, I don't even know if she was
23 in the room.

24 Q. Exactly. But assuming, she could be
25 one person that could have heard something and then

1 Mr. Nelson would have been one person that could
2 have heard something --

3 MS. MCCLURKIN: Object to the form.

4 BY MR. PARKER:

5 Q. -- Mr. Wise would be one person,
6 correct?

7 A. I don't know how to answer that because
8 I don't know who was in the room.

9 Q. Right, but you know who went to the
10 hospital, correct?

11 A. Yeah, I know Keith took him, yes, sir,
12 I do know that.

13 Q. And you know the wife was there?

14 MS. MCCLURKIN: Object to the form.

15 BY MR. PARKER:

16 Q. Or you believe she was?

17 A. Well, I can say I believe she was, yes,
18 sir.

19 Q. And, of course, Mr. Wise would have
20 been there. And Mr. Nelson says he told you about
21 what the doctor said about -- about Anthony having
22 sex partners, multiple sex partners?

23 A. No, sir, that's not what Keith told me.

24 Q. I understand you don't remember that,
25 but that was essentially his testimony. So if

1 that's included, then the people who would have
2 known what was said at the hospital are obviously
3 the doctor, Mr. Wise, Mrs. Wise, Keith Nelson, and
4 then he said he told you.

5 MS. MCCLURKIN: Object to the form.

6 BY MR. PARKER:

7 Q. So how did it get around the plant, if
8 you know and your investigation shows it, that in
9 fact that he had been told that he had multiple sex
10 partners and had an STD?

11 MS. MCCLURKIN: Object to the form.

12 BY MR. PARKER:

13 Q. Do you know how it got around the
14 plant?

15 A. No, sir, I do not.

16 Q. Do you know anybody, other than the
17 people I mentioned who could have been a source for
18 it getting around the plant?

19 A. Other than Keith; is that your
20 question?

21 Q. No, including Keith, was there anybody
22 other than them, including Keith, how it could have
23 gotten around the plant?

24 A. So you want me to speculate how it may
25 have?

1 Q. If you know. If you have any evidence
2 or have any --

3 A. No, I don't have any evidence. I mean,
4 Keith told George, so to me that could be the only
5 two people that could talk about it, right? As far
6 as my knowledge, who al knew about the incident
7 and, of course, Anthony.

8 Q. And so you don't know what, in fact,
9 Keith told George? We know what he said he told
10 him.

11 A. Yes, sir, that's all I know.

12 Q. But that would certainly be -- did you
13 believe that to be the source of the rumors?

14 MS. MCCLURKIN: Object to the form.

15 THE WITNESS: I --

16 BY MR. PARKER:

17 Q. You can answer it. That's a legal
18 thing she's objecting to. So her objection is
19 preserved and you can go ahead and answer.

20 A. But -- I know, but I feel like some of
21 the questions that you're asking me, you're wanting
22 me to speculate and I don't think it's right for me
23 to speculate. I thought we said we weren't going
24 to do that in here.

25 Q. Well, it depends upon whether -- I ask

1 you about speculation. It may not be admissible in
2 court, but what is your speculation?

3 MS. MCCLURKIN: No. No. No. I'm
4 going to instruct my witness, I don't want you to
5 speculate. You're under oath --

6 THE WITNESS: I know, that's what I
7 thought --

8 MS. MCCLURKIN: -- you need to testify
9 to things that you have personal knowledge of and
10 testify accurately.

11 THE WITNESS: So the only thing that I
12 do know is that Keith told me that he told George
13 that Anthony had an infection. I can say that with
14 all certainty. Now, how anything else got spread
15 in the mill, I cannot say with all certainty how
16 that might have occurred, if that did happen.

17 BY MR. PARKER:

18 Q. Now, she has instructed you not to
19 answer, I think that's an error --

20 MS. MCCLURKIN: No --

21 BY MR. PARKER:

22 Q. -- we will take that up later --

23 MS. MCCLURKIN: -- I instruct him not
24 to speculate.

25 MR. PARKER: Well, the answer(sic) was

1 what is your speculation -- was the question what
2 is your speculation?

3 THE WITNESS: Well, I just said what I
4 know.

5 BY MR. PARKER:

6 Q. That's what you know --

7 A. Right.

8 Q. -- but earlier we were talking and you
9 said do you want me to speculate --

10 A. Yeah, but I don't know.

11 Q. You don't know?

12 A. I don't know.

13 Q. You have no opinion about how this got
14 around the plant as it did?

15 A. No, sir, I wasn't aware of it going
16 around the plant because no one ever reported any
17 such incidents to me as far as it going around the
18 plant, harassing Anthony. So as far as I'm
19 concerned, it didn't go around the plant because
20 nobody came back to me and said there were issues
21 in the plant with that going around.

22 Q. Now, we've had several of your
23 employees come in this morning to testify about
24 what they heard. And they've obviously testified
25 that it was going around the plant. But you were

1 not aware of it?

2 A. No, sir.

3 MR. PARKER: Answer any questions they
4 may have for you.

5 EXAMINATION

6 BY MR. HAILE:

7 Q. Mr. Russell, just a few questions. I'm
8 Shelton Haile and I represent the hospital that's
9 also been sued in this case. If you'll take a look
10 at what's been marked as Exhibit 1, these are your
11 notes from a November 13th, 2017, meeting with
12 Mr. Wise, correct?

13 A. Yes, sir.

14 Q. You probably testified to this and I
15 just missed it, so let me ask you again: Who else
16 was present for this meeting, you, Mr. Wise and who
17 else?

18 A. That I do not remember.

19 Q. Would there have been at least one
20 other person present for the meeting?

21 A. I typically try to do that, sir, but to
22 tell you, you know, in this case if Anthony just
23 walked in because I have an open-door policy and
24 anybody can come there. And I was not expecting or
25 aware, depending on how the staffing was in the

1 front office, the only thing I would say is I would
2 have to look through the other documents and see if
3 anyone else took notes on that date to say if
4 anyone else was in the meeting with me, I just
5 can't recall.

6 Q. Is it fair to say your usual practice
7 is to have at least have one witness present when
8 you meet with an hourly employee?

9 A. Yes, sir, that has been my practice as
10 it has changed over the years, yes, sir. It used
11 to not be that way, but it has gotten like that
12 over a period of time, yes, sir.

13 Q. As of November 13th, 2017, was that
14 your usual practice?

15 A. Yes, sir.

16 Q. All right. Take a look at the
17 statement, pretty much in the middle and I'm going
18 to read it to you, let me know if I read it
19 correctly, quote, Anthony said the doctor was a
20 quack and showed racism, end quote. Did I read
21 that correctly?

22 A. Yes, sir.

23 Q. Do you recall those statements being
24 made in the meeting?

25 A. I do.

1 Q. Who was Anthony referring to when he
2 said the doctor was a quack and showed racism?

3 A. The only doctor that I know is the
4 doctor that saw him at the -- I reckon that would
5 be at the hospital.

6 Q. Okay. And you weren't at the hospital,
7 correct?

8 A. Oh, no, sir.

9 Q. With Anthony?

10 A. No, sir.

11 MR. HAILE: That's all I have for you.
12 Thank you.

13 MS. MCCLURKIN: No questions.

14 MR. PARKER: I've got a couple more.

15 (PLAINTIFF EXHIBIT 5, Handwritten notes
16 dated 12/4/17, was marked for identification.)

17 BY MR. PARKER:

18 Q. And Exhibit 5 is some notes that was
19 taken by someone, other than yourself, but it
20 mentions you. And tell us what that is, if you
21 know?

22 A. Well, I mean, that was obviously
23 someone sitting in with me taking notes.

24 Q. And that was what my next question was
25 going to be, who that someone was?

1 MS. MCCLURKIN: Well, it --

2 THE WITNESS: It doesn't have -- I
3 thought the original might have had his name on it.
4 The printer quality is pretty bad there, I can't
5 see it.

6 BY MR. PARKER:

7 Q. I'm going to attach this to it. This
8 is the front page that I'm going to attach to it.

9 A. Okay, so that was Quan Todd where he
10 noted at the top the three people present at the
11 meeting was Quan, DJ, and Anthony. So these are
12 Quan's notes.

13 Q. Okay. And those would be the notes
14 that you talked about earlier that he would have
15 been in there taking?

16 A. He was strictly there as a note taker,
17 he didn't talk, didn't say anything, I just asked
18 him to take notes.

19 Q. Let me see Exhibit 5 a minute and I
20 might have a question -- let me let you read over
21 it first. I believe that would be Exhibit 3, which
22 is 12/4, that would have been on the same date; is
23 that correct?

24 A. Okay, when I first looked at it I
25 thought it was 12/11. Again, the print quality is

1 poor. It does look like it's 12/4, yes, sir.

2 Q. And that would be his -- Exhibit 5 is
3 Mr. Todd's notes of your meeting. And then your
4 summary of it would be Exhibit 3; is that correct?

5 A. It looks like it, yes, sir.

6 Q. Let me see that a minute now. Did you
7 have a chance to read over it?

8 A. I did.

9 Q. And there's a bullet point that says,
10 will not give DJ names of employees bothering with
11 him. And I assume that would be that Anthony Wise
12 would not give you the names of the people that
13 were bothering him?

14 A. Yes, sir. And whether it was in that
15 meeting or a different meeting, he said if I talked
16 to them, it would just make matters worse. So I
17 would assume -- again, that's dangerous, but I
18 would assume that's why Anthony would not
19 supposedly give us any names if someone was
20 harassing him.

21 Q. And Anthony was concerned about Keith
22 disobeying the HIPAA laws?

23 A. He mentioned that.

24 Q. And it mentions that he had concerns
25 with his mom being upset about the diagnosis due to

1 the fact she's 82 years old. So he's telling you
2 that somehow this had gotten back to his mother?

3 A. I don't know what that means. I don't
4 know if Anthony told him or someone else told his
5 mother, I don't know that.

6 Q. But Mr. Todd wrote down and I'm
7 reading --

8 A. Exactly what Anthony --

9 Q. -- first word that said with his mom
10 being upset about the diagnosis due to her being
11 82 years old.

12 A. Yes, sir, when we take notes in a
13 meeting like that, we try to write down exactly
14 what the employee says. To the best of our
15 ability. And Quan was writing while he was
16 talking, so the notes may be briefer or bullet
17 points, but Quan was doing that while Anthony was
18 talking.

19 Q. Anything that you see in Exhibit 5
20 that's not accurate?

21 A. No, sir, it looked like Quan wrote down
22 everything that he said.

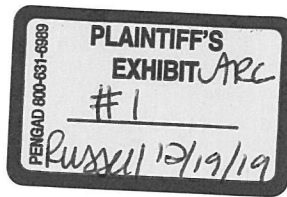
23 MR. PARKER: I don't think I have
24 anything further. Thank you.

25 MR. HAILE: No more questions.

1 MS. MCCLURKIN: No questions.

2 (The witness, after having been advised
3 of his right to read and sign this transcript,
4 waives that right.)

5 (The deposition was concluded at 12:27 PM.)
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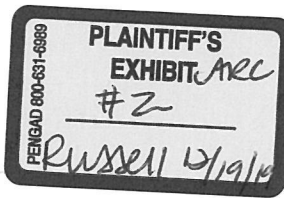


Meeting with Anthony Wise

11/13/17

Anthony came to my office to discuss the incident he was involved in with checking the oil. He was upset how it was handled. Keith Nelson took him to doctor to get checked out. Anthony was out of work and when he returned he had employees at the mill telling him he had a STD. He said that Keith Nelson told George Wilson that he had a infection and STD and was given a antibiotic. He was upset that got out in the mill. He was also unhappy how the doctor at the Newbury ER handled his case. He said the doctor asked him in front of Anthony's wife about how many sexual partners he had. Anthony said the doctor was a quack and showed racism. Anthony said that every black man that goes to the doctor that they assume they have a STD. I told him that I didn't have any knowledge of this. He also told me that he went to his personal doctor and he told him that it was work related and he had a infection in his prostate. I told him that I would investigate the situation with Keith and take corrective action. Anthony asked me how he could get his name back. I told him I was sorry for what happened. I discussed with him that he had gotten hurt two times since I was here (2 1/2 years). He said that everyone got hurt while working. I told him I disagreed with that statement. I told him that both incidents involved incorrect body placement and he needed to be ~~more~~ aware of his surroundings.

Meeting with Anthony Wise



11/17/17

I called Anthony to my office to discuss what we talked about Monday 11/13/17. He told me that we had ruined his good name. People looked at him now that he was a horrible person. I told him that I had investigated the incident and took appropriate action. He asked how that got his name back. I told him that I couldn't change the past but could affect the future. I told him again that I was sorry for what happened. He said that he was going to do what he had to do and that I had done what I had to do. He shook my hand and walked out the office. I told him to come see me if anyone harassed him or picked on him going forward.

Of Russell

Anthony Wise 12/4/17 12:53 pm



Problems with other employees picking on you. Doesn't want to deal with it. Thinks it will make it worse.

It has now got back to his momma. Last 3 days pay None is much. He needs satisfaction. ~~Has~~ thrown a monkey wrench in my marriage.

* Wants a meeting with Pato and me.

On medication to keep him calm.

Anthony said it was a HIPAA violation.

What are we going to do about before Anthony makes his next step. (Wants a answer to this question) ^(we settle it on) ~~(can't settle)~~

Anthony thinks we are taking it as a joke.

Anthony knows for a fact that certain called people in his office to tell them about Anthony and his and alleged them not to tell anybody.

Quan Todd also took notes for me.

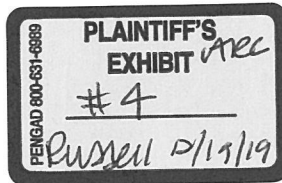
Cf. Russell



West Fraser

West Fraser
3287 College Street
Newberry, SC 29108

To: Wesley (Keith) Nelson
From: DJ Russell
Date: November 17, 2017
Subject: **WARNING**



Page 1 of 2

WARNING LETTER

This week I became aware of a serious breach of your responsibilities as the Environmental, Health and Safety Supervisor for the Newberry mill. Anthony Wise, an hourly employee of the mill, was recently involved in an alleged on-the-job accident and subsequently visited a physician as part of our procedure when responding to accidents. You escorted Mr. Wise to the physician. Upon return to the Newberry mill, you discussed the medical condition and diagnosis that the physician made regarding Mr. Wise with another hourly employee. In turn, this information has been communicated throughout the mill.

I have the following very serious concerns about your performance:

1. Employee medical information is protected. This is essential when any medical information is connected or potentially connected with our benefit plans. You have violated this requirement.
2. Information concerning the alleged or actual injury of an employee must remain confidential during an investigation and often after the conclusion of an investigation. Accidents often evolve to lawsuits against the Workers Compensation carrier and/or the Company. You have disclosed information that is part of an on-going investigation to an employee that should not be involved.
3. Verbally disclosing medical information about an employee can be considered by the employee as slanderous. As a representative of West Fraser, your disclosure of this information has put the Company at risk.
4. Discussing medical information with any employee for the sake of conversation is not becoming of a West Fraser salaried employee. It is prohibited. Your judgement was extremely poor and unacceptable.

The casual attitude which you had about revealing this information to another employee has eroded my trust in you to conduct your job and fulfill your responsibilities in a satisfactory manner. This cannot happen again.

D-000091

ROA-577

Your work performance is unsatisfactory. I expect immediate and sustained improvement in your performance. Failure to make immediate and sustained improvement in your performance including ceasing to discuss and reveal inappropriate information about an employee will result in discipline up to and including termination of your employment with the Company.

DJ Russell
Mill Manager
Newberry Operation
West Fraser

D.J. Russell

cc:

Personnel File

Human Resources – Germantown, TN

I acknowledge receipt of this letter:


Keith Nelson /

Date

11/17/17

Notes from Meeting with Anthony Wise

Newberry

12/11/2017

Attending: Peter Provencher, DJ Russell, Anthony Wise

DJ and I met with Anthony on 12/11 in the early pm.

The meeting was requested by Anthony.

This is regarding Anthony's alleged workers comp incident and subsequent claim about information getting out into the mill.

I told Anthony that we were meeting as per his request.

I stated to Anthony:

1. The investigation regarding this incident was raised to an appropriate level in West Fraser and that the investigation was completed.
2. Appropriate action was taken.
3. West Fraser considers this matter to be closed out.

Anthony said: so you're not going to do anything about what I am having to endure in the mill.

I repeated to Anthony that, appropriate action was taken and that West Fraser considers this matter to be closed.

I thanked Anthony for meeting with us and shook his hand.

Meeting ended.

Peter Provencher



Hop & DS

Quinn, DS, Anthony

12/19/17

- Last talk was with DS concerning col's pulling on ~~the~~ Anthony about his medical diagnosis.
- Dr has given Anthony's medication to address anxiety.
- Will ~~not~~ not give DS names of employees bathing with him.
- Information has been circled back to his mother about the rumors about him.
- Wants to sit with DS, Peter, & others to try and dismiss claims and clear his name. Working has become depressing for Anthony.
- Concern w/ Keith disobeying HIPAA laws and is wondering what the next step of this issue. ~~the~~
- Anthony posed the question "What will the company do about this?"
- Would like to talk to Peter, DS, Melody & whoever else.
- Concerns with his mom being upset about the diagnosis due to her being 82 yrs old.

D-000003

ROA-580

Reith has called people to his office to discuss Anthony's medication and diagnosis

DS will not give Anthony an answer about what West Fraser can do to resolve this issue or he's planning on moving forward through courts

(contin.)
DS will talk to others and work on it as quickly as possible to see what WF will do.



Deposition of:
Anthony I. Byrd , Sr.

December 19, 2019

In the Matter of:
**Wise, Anthony Vs. Newberry Hospital,
LLC**

[A. William Roberts, Jr & Assoc.](#)

800-743-3376 | calendar-awr@veritext.com | www.veritext.com

STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF NEWBERRY

ANTHONY WISE,

Plaintiff,

vs.

CASE NO. 2019-CP-36-00103

NEWBERRY HOSPITAL, LLC, d/b/a NEWBERRY COUNTY

MEMORIAL HOSPITAL, WEST FRASER, INC.,

Defendants.

DEPOSITION OF: ANTHONY BYRD

DATE: December 19, 2019

TIME: 10:58 AM

LOCATION: Pope Parker Jenkins
1508 College Street
Newberry, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: AMY R. COPE,
Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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1

ANTHONY BYRD

2

being first duly sworn, testified as follows:

3

EXAMINATION

4

BY MR. PARKER:

5

Q. Please state your full name.

6

A. Anthony L. Byrd, Sr.

7

Q. And where do you live, Mr. Byrd?

8

A. 118 Henry Road, Newberry,

9

South Carolina.

10

Q. And how long have you lived in

11

Newberry?

12

A. All my life.

13

Q. And you work for West Fraser?

14

A. Yes, sir.

15

Q. And have been for how long?

16

A. It will be eight years July coming up.

17

Q. And what's your job?

18

A. Forklift operator.

19

Q. And do you know Anthony Wise?

20

A. Yes.

21

Q. And y'all have been working together

22

for several years?

23

A. About a good four years.

24

Q. And do you remember back in '17,

25

November of '17, there was talk around the plant

1 about Mr. Wise?

2 A. Yes.

3 Q. And what was that talk?

4 A. It was just other coworkers joking
5 around.

6 Q. Joking around about him having some
7 kind of disease?

8 A. It was something to that nature, yes.

9 Q. And what kind of disease did he
10 supposedly have, what did he have?

11 A. All I heard was STD or something like
12 that.

13 Q. And do you remember who you heard it
14 from?

15 A. I was getting ready to drink my coffee
16 and smoke a cigarette getting ready for work and
17 there was several people that work with me that --
18 they wasn't talking to me, I just heard them
19 talking.

20 Q. You overheard them?

21 A. Yeah.

22 Q. Do you remember who that was?

23 A. I can remember the one of them that
24 ain't here, ain't working there no more.

25 Q. And who was that?

1 A. I think I think his name was CJ, him
2 and I think maybe another fellow named William.

3 Q. Is that CJ Dudley?

4 A. Yeah.

5 Q. And another guy named William?

6 A. I think that guy up in shipping now.

7 Q. And he's still working?

8 A. Yeah.

9 Q. And did you hear others talk about it
10 at the plant after that?

11 A. It was just that one occasion.

12 Q. And did you talk with Mr. Wise about
13 it?

14 A. No, sir.

15 MR. PARKER: I don't think I have
16 anything else. Thank you.

17 EXAMINATION

18 BY MR. HAILE:

19 Q. Mr. Byrd, I represent the hospital.
20 You didn't go to the hospital with Mr. Wise, did
21 you?

22 A. No, sir.

23 Q. You don't know what the doctor said or
24 didn't say to him; do you?

25 A. No, sir.

1 MR. HAILE: Okay. That's all I've got.

2 MS. MCCLURKIN: No questions.

3 (The witness, after having been advised
4 of his right to read and sign this transcript,
5 waives that right.)

6 (The deposition was concluded at 11:00 AM.)

7

8

9

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Deposition of:
Raphael Maybin

December 19, 2019

In the Matter of:
**Wise, Anthony Vs. Newberry Hospital,
LLC**

[A. William Roberts, Jr & Assoc.](#)

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STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF NEWBERRY

ANTHONY WISE,

Plaintiff,

vs.

CASE NO. 2019-CP-36-00103

NEWBERRY HOSPITAL, LLC, d/b/a NEWBERRY COUNTY

MEMORIAL HOSPITAL, WEST FRASER, INC.,

Defendants.

DEPOSITION OF: RAPHAEL MAYBIN

DATE: December 19, 2019

TIME: 10:03 AM

LOCATION: Pope Parker Jenkins
1508 College Street
Newberry, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: AMY R. COPE,
Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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1

RAPHAEL MAYBIN

2

being first duly sworn, testified as follows:

3

EXAMINATION

4

BY MR. PARKER:

5

Q. Please state your full name.

6

A. Raphael Maybin.

7

Q. Mr. Maybin, where do you live?

8

A. In Newberry. 651 Apple Lane, Newberry,

9

South Carolina.

10

Q. And how long have you been here?

11

A. 34 years. All my life.

12

Q. You were raised here --

13

A. Yeah.

14

Q. -- this is part of your community? Who

15

are some of your relatives here in the county?

16

A. Do I have to name all of them?

17

Q. Just give me the last names.

18

A. Kin to the Maybins, the Grays, Subers.

19

Q. Big family?

20

A. Yeah, pretty much.

21

Q. And did you graduate high school here

22

in Newberry?

23

A. Yeah, 2003.

24

Q. Which year?

25

A. 2003.

1 Q. Okay. And how long have you been
2 working for West Fraser?

3 A. 12 years. It will be 13 years in
4 February.

5 Q. You haven't had many other jobs than
6 this then?

7 A. No.

8 Q. And what do you do?

9 A. I'm a lead man at the kilns, the dry
10 kilns.

11 Q. And do you work with Anthony Wise?

12 A. Yeah.

13 Q. And have for how long, several years?

14 A. I think he been here about three or
15 four years, something like that.

16 Q. And I guess you've been made aware of
17 what we're doing here today, what this is about?

18 A. Right. Yeah.

19 Q. What do you know about the case?

20 A. Nothing. As far as I know he's suing
21 about the hospital about what was said.

22 Q. About them saying that he had a
23 sexually transmitted disease?

24 A. Yeah, something like that.

25 Q. And how did you find out about it?

1 A. It was just talk among guys and people
2 just heard about it.

3 Q. That was talked about in the plant
4 after this occurred?

5 A. Yes. Right.

6 Q. And that's at the time it occurred,
7 about that time or do you know?

8 A. I guess it was weeks -- a week after it
9 happened, I reckon, something like that.

10 Q. Now, what were you told?

11 A. That he had some kind of infection. It
12 was supposed to be like sexual disease or something
13 like that.

14 Q. And do you recall who told you that?

15 A. No.

16 Q. Mr. Wise said that you had asked him if
17 he had gotten his penicillin shot that day; do you
18 recall that?

19 A. Uh-uh.

20 MS. MCCLURKIN: You have to say no for
21 the record.

22 THE WITNESS: Oh, no.

23 BY MR. PARKER:

24 Q. Do you know whether you asked him or
25 not?

1 A. I don't recall that.

2 Q. Did you know that penicillin would be
3 something to treat sexually transmitted disease?

4 A. Yeah.

5 MS. MCCLURKIN: Object to the form.

6 BY MR. PARKER:

7 Q. So you were aware of that?

8 A. I'm aware of that.

9 Q. And have you had any discussion with
10 Mr. Wise about this, about this matter?

11 A. About the whole thing?

12 Q. What was said about him?

13 A. Well, yeah. Like I said, once he got
14 back from, I guess, the kiln or whatever he had
15 going on, he came back to work and I guess he heard
16 the rumors going on about it. And he was talking
17 to see what I heard and he was going around to
18 everybody else to see what they heard and I guess
19 he was upset about it.

20 Q. Would you have been upset about it?

21 A. Yeah, pretty much, yeah.

22 Q. Are you married?

23 A. Yes, sir.

24 Q. I assume if your wife got wind of it,
25 you would be particularly upset?

1 A. Right. Yeah.

2 Q. Have you talked with anyone at
3 management -- in management about it, did anybody
4 ask you about it?

5 A. Uh-uh.

6 MADAME COURT REPORTER: Is that a no?

7 THE WITNESS: No, I'm sorry, no.

8 MR. PARKER: I think that's all I have.
9 If you'll answer any questions that any of these
10 other people may have for you.

11 EXAMINATION

12 BY MR. HAILE:

13 Q. You didn't go to the hospital with
14 Mr. Wise, did you?

15 A. No.

16 Q. You have no idea what Dr. Liep may have
17 said or not said to Mr. Wise; did you?

18 A. No.

19 MR. HAILE: I don't have any further
20 questions. Thank you.

21 EXAMINATION

22 BY MS. MCCLURKIN:

23 Q. Mr. Maybin, you heard Mr. Wise talking
24 about things that the doctor said as far as him
25 having an STD, correct?

1 A. Yes, he had said that. I mean, he
2 was --

3 Q. Did you --

4 A. -- he was saying that the doctor said
5 something in front of Keith and it was about some
6 kind of infection. And that's how I guess where
7 the hospital came involved in.

8 Q. And Mr. Hopp said these things to you?

9 A. Yes.

10 Q. Did you hear Mr. Hopp say similar
11 things to other people at the mill?

12 A. Yes.

13 Q. When you heard the rumor about Mr. Wise
14 having a sexually transmitted disease, did that in
15 any way change your opinion of him?

16 A. No.

17 Q. Did you believe that it was true?

18 A. No, I mean, that's his business. I
19 mean, I ain't think nothing else about it.

20 MS. MCCLURKIN: Thanks. Nothing
21 further.

22 (The witness, after having been advised
23 of his right to read and sign this transcript,
24 waives that right.)

25 (The deposition was concluded at 10:08 AM.)



Deposition of:
Joseph Praylow
December 19, 2019

In the Matter of:
**Wise, Anthony Vs. Newberry Hospital,
LLC**

[A. William Roberts, Jr & Assoc.](#)
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STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF NEWBERRY

ANTHONY WISE,

Plaintiff,

vs.

CASE NO. 2019-CP-36-00103

NEWBERRY HOSPITAL, LLC, d/b/a NEWBERRY COUNTY

MEMORIAL HOSPITAL, WEST FRASER, INC.,

Defendants.

DEPOSITION OF: JOSEPH PRAYLOW

DATE: December 19, 2019

TIME: 10:20 AM

LOCATION: Pope Parker Jenkins
1508 College Street
Newberry, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: AMY R. COPE,
Court Reporter

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JOSEPH PRAYLOW

being first duly sworn, testified as follows:

EXAMINATION

BY MR. PARKER:

Q. Please state your full name.

A. My full name is Joseph Praylow.

Q. And you live where?

A. I live at 6893 St. Luke Church Road in
Prosperity.

Q. And that's in Newberry County?

A. Yes, sir.

Q. Do you have family in Newberry County
with a name other than Praylow?

A. Yes, Caldwell.

Q. Any other names that come to mind?

A. Caldwell, Pitts, and Hellers.

Q. Did you grow in Newberry?

A. No, sir.

Q. Where did you grow up?

A. In Newark, New Jersey.

Q. And you had family here so you moved
back?

A. Yes, that's correct.

Q. How long have you been working for West
Fraser?

1 A. 30 years.

2 Q. And what is your job?

3 A. I'm a lead kiln burner.

4 Q. And you must not have had any other
5 jobs because you're fairly young, you've been
6 working practically your whole adult life.

7 A. I might look young.

8 Q. Well, how old are you, we'll ask you
9 that?

10 A. 52.

11 Q. Well, that's young. It's relative,
12 right?

13 A. Yeah.

14 Q. So you went to work there at 22?

15 A. That's correct.

16 Q. And your job has been the same or
17 different things?

18 A. No different. Different things.
19 Different positions.

20 Q. And do you work with Anthony Wise?

21 A. Yes, sir.

22 Q. And have since he's been there?

23 A. Yes, sir.

24 Q. And in November of '17, did you hear
25 anything about Mr. Wise at work?

1 A. November 17th(sic), let me see, I might
2 have came back to work. I might have come back to
3 work the 19th, maybe.

4 Q. Excuse me, November --

5 A. If the incident happened --

6 Q. -- November the 7th of 2017.

7 A. -- if it happened -- are you talking
8 about the day it happened?

9 Q. The day he went to the hospital.

10 A. I wasn't there.

11 Q. And when did you come back to work?

12 A. I don't know. Was that on a Friday?

13 Q. I'm not sure.

14 A. I'm not sure either.

15 Q. But in any event, when you got back to
16 work did you hear anything about Anthony?

17 A. Yes, it was hearsay.

18 Q. And what did you hear?

19 A. That he had got hurt.

20 Q. Did you hear anything about him having
21 any kind of disease?

22 A. That was going around the plant when I
23 got back.

24 Q. And what exactly was said about that?

25 A. They just said he had -- they were

1 saying, oh, he got the man disease. Man disease,
2 that's all.

3 Q. And you're talking about a sexually
4 transmitted disease, is what you understood it to
5 mean?

6 A. Yeah.

7 Q. And who did you hear it from, if you
8 know?

9 A. Just certain people around the plant,
10 it wasn't just one individual.

11 Q. Do you remember any of them that you
12 talked to or they told you that?

13 A. I know they was talking in the kiln
14 room and that was like guys that work with me.

15 Q. And who was that?

16 A. Anthony Wise -- no, Anthony Cannon.
17 Who else was it? I know Hopp had told me himself
18 and a couple of more guys was in there. Who else
19 was in there?

20 Q. How about Mr. Maybin, did you hear
21 him --

22 A. No. No. No. No. I didn't hear him
23 say anything.

24 Q. And how about Anthony Byrd?

25 A. No, not Anthony Byrd. I heard it from

1 Anthony Cannon.

2 Q. Okay. Anybody else you can recall?

3 A. I'm trying to think, that's a long time
4 ago. Who else was in there? Who work with Amp?
5 See, we changed shifts over and the guys who came
6 over on the next shift, that's who I heard it from.
7 Amp and Robert -- Robert, Robert.

8 Q. What's Robert's last name?

9 A. Robert, man, he don't no longer work
10 there anymore. His name was Robert. He was
11 another lead. So them guys that works on a
12 separate shift, different shift, that's who I heard
13 it from when they came in.

14 Q. And he came in and he told you that
15 Anthony --

16 A. They see Amp -- they see Hopp, who we
17 call Hopp, he was on first shift with us. So when
18 they came in, they was all talking about it with
19 Hopp.

20 Q. Were they teasing him about it?

21 A. Yeah.

22 Q. They were teasing him about, as you
23 said, having a man disease?

24 A. Yeah, just messing with him.

25 Q. And it would have been the people that

1 were coming on as you were leaving?

2 A. Yes.

3 Q. Did it seem like this upset Mr. Wise?

4 A. Yes.

5 Q. He was hurt by it?

6 A. Yeah.

7 Q. Embarrassed by it?

8 A. A little.

9 MR. PARKER: I don't think I have
10 anything else. Thank you. They may have something
11 for you.

12 EXAMINATION

13 BY MR. HAILE:

14 Q. Mr. Praylow, I represent the hospital.
15 Just a couple of questions. You obviously did not
16 go to the hospital with Mr. Wise when this
17 happened, right?

18 A. No, I didn't.

19 Q. And I'm assuming that you have no idea
20 what the doctor at the hospital said or didn't say
21 to Mr. Wise?

22 A. No, that's correct.

23 Q. And you obviously didn't hear it?

24 A. No, I didn't hear it.

25 MR. HAILE: That's all I've got for

1	you.
---	------

EXAMINATION

3 BY MS. MCCLURKIN:

4 Q. Mr. Praylow, just a couple of
5 questions. You heard Anthony Wise talk about the
6 rumors about him having an STD, right?

7 A. Yes, I did.

8 Q. Did you hear him talk about that with
9 you personally?

10	A. Yes.
----	---------

11 Q. Did you hear him talk about it with
12 other people at the mill?

13 A. The guys when they was messing with
14 them, yes, he talked back to them.

15 Q. But did you hear Hopp initiate
16 conversations about it with other people?

17	A.	No.
----	----	-----

18 Q. And when you heard this rumor that was
19 going around, did that change your opinion of
20 Mr. Wise in any way?

21	A.	No.
----	----	-----

22 Q. Did you believe that rumor was true?

23	A. Not at all.
----	----------------

24 MS. MCCLURKIN: Okay. Thank you.

25	Nothing further.
----	------------------

1 (The witness, after having been advised
2 of his right to read and sign this transcript,
3 waives that right.)

4 (The deposition was concluded at 10:26 AM.)
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Deposition of:
Julian Harry Shelton

December 19, 2019

In the Matter of:
**Wise, Anthony Vs. Newberry Hospital,
LLC**

[A. William Roberts, Jr & Assoc.](#)

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STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF NEWBERRY

ANTHONY WISE,

Plaintiff,

vs.

CASE NO. 2019-CP-36-00103

NEWBERRY HOSPITAL, LLC, d/b/a NEWBERRY COUNTY

MEMORIAL HOSPITAL, WEST FRASER, INC.,

Defendants.

DEPOSITION OF: HARRY SHELTON

DATE: December 19, 2019

TIME: 1:52 PM

LOCATION: Pope Parker Jenkins
1508 College Street
Newberry, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: AMY R. COPE,
Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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6 Columbia, SC 29201

7 (803) 771-4400

8 shaile@richardsonplowden.com

9 (INDEX AT REAR OF TRANSCRIPT)

1

HARRY SHELTON

2

being first duly sworn, testified as follows:

3

EXAMINATION

4

BY MR. PARKER:

5

Q. I'm going to ask you some questions and
6 you're under oath now, so you -- this will just
7 take a minute or two and we'll get this over with.
8 Please state your full name.

9

A. Julian Harry Shelton.

10

Q. And your address?

11

A. 1563 Osner Road, Newberry, South
12 Carolina.

13

Q. And how long have you lived in
14 Newberry?

15

A. Approximately 30 years.

16

Q. And you're a little older than 30, I
17 would say --

18

A. Yes, sir.

19

Q. -- but where else did you live?

20

A. Fairfield.

21

Q. And how long have you worked for the
22 sawmill?

23

A. 15 years.

24

Q. And prior to that, what did you do?

25

A. I worked construction.

1 Q. Here in Newberry or somewhere else?

2 A. Some in Newberry, some in Alabama.

3 Q. And do you have any family in Newberry?

4 A. Yes, sir.

5 Q. And other than your immediate family,
6 who have you got?

7 A. I got nieces.

8 Q. And are their family names, last names?

9 A. Colemans, I got a sister that's Coleman
10 too.

11 Q. Coleman?

12 A. Yes, sir.

13 Q. Anybody else, what's the other one's
14 last name?

15 A. Well, I got a cousin here, Kaufman,
16 nephew.

17 Q. Okay. And at work you know Anthony
18 Wise?

19 A. Yes, sir.

20 Q. And do you recall back in November when
21 he had pulled his groin and something happened at
22 work and he had to go to the hospital?

23 A. Yes, sir.

24 Q. Do you remember what was said about
25 that at the plant afterwards?

1 A. It was said he had some kind of
2 disease.

3 Q. Was it said that he had a sexually
4 transmitted disease?

5 A. Yes, sir.

6 Q. And where did you hear that from?

7 A. I hear it from Ervin Farrow and CJ
8 Dudley talking about it.

9 Q. And they said he had somehow gotten a
10 sexually transmitted disease that he had been to
11 the doctor for?

12 A. Yeah.

13 Q. Was that pretty well all over the plant
14 at that time?

15 A. Yeah, it was gossip.

16 Q. And did you talk with Anthony about it?

17 A. Yeah, we talked about it.

18 Q. And he told you it wasn't true?

19 A. Yes, sir.

20 Q. And did people tease him about it?

21 A. Yes, sir.

22 Q. What did you hear people saying about
23 it to him?

24 A. Well, the same like you just said, he
25 had a transmitted sexual disease.

1 Q. Did they say he had the clap?

2 A. No.

3 Q. You didn't never hear that?

4 A. No, I didn't hear that one.

5 Q. Do you know what the clap is?

6 A. I heard of it.

7 Q. I think we probably all have heard of
8 it, but we don't want to know anybody that's got
9 it, right?

10 A. No, sir.

11 Q. Do you know anything else about this,
12 about what effect this has had on Anthony or
13 anything?

14 A. He told me that it was aggravating at
15 work because I was teasing him about it. And he
16 said it had got back to his momma and his wife and,
17 you know, he was upset about it, so I stopped
18 joking about it.

19 MR. PARKER: Answer any questions that
20 Mr. Shelton may have for you.

21 EXAMINATION

22 BY MR. HAILE:

23 Q. Mr. Shelton, my name is Shelton Haile.
24 I don't know if we're cousins or what, we have the
25 same name, so we'll see. I represent the hospital.

1 You didn't go with Mr. Wise to the hospital the day
2 he got hurt at work; did you?

3 A. No, sir.

4 MR. HAILE: That's all I wanted to
5 know. Thank you.

6 MS. MCCLURKIN: I don't have any
7 questions.

8 (The witness, after having been advised
9 of his right to read and sign this transcript,
10 waives that right.)

11 (The deposition was concluded at 1:56 PM.)
12
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Deposition of:
Michael J. Shealy

December 19, 2019

In the Matter of:
**Wise, Anthony Vs. Newberry Hospital,
LLC**

[A. William Roberts, Jr & Assoc.](#)

800-743-3376 | calendar-awr@veritext.com | www.veritext.com

STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF NEWBERRY

ANTHONY WISE,

Plaintiff,

vs.

CASE NO. 2019-CP-36-00103

NEWBERRY HOSPITAL, LLC, d/b/a NEWBERRY COUNTY

MEMORIAL HOSPITAL, WEST FRASER, INC.,

Defendants.

DEPOSITION OF: MIKE SHEALY

DATE: December 19, 2019

TIME: 11:18 AM

LOCATION: Pope Parker Jenkins
1508 College Street
Newberry, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: AMY R. COPE,
Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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9
10 (INDEX AT REAR OF TRANSCRIPT)
11
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1

MIKE SHEALY

2

being first duly sworn, testified as follows:

3

EXAMINATION

4

BY MR. PARKER:

5

Q. Please state your full name.

6

A. Michael James Shealy.

7

Q. And your address?

8

A. 863 Old Jolly Street Road, Prosperity,

9

South Carolina.

10

Q. And how long have you lived in

11

Prosperity?

12

A. All my life, 65 years.

13

Q. You're 65 years young now. Are you

14

about ready to retire?

15

A. Yes, sir.

16

Q. When you going to do that?

17

A. 31st of January.

18

Q. Congratulations. What are you going to

19

do then?

20

A. I farm, so I got plenty of little

21

projects to do.

22

Q. Plenty to do?

23

A. Yes, sir.

24

Q. Okay. Good. Well, I'm going to ask

25

you some questions about Anthony Wise, this case

1 we're here about. Do you know about the case about
2 the fact that he's brought a suit because he was
3 slandered by saying he had a sexually transmitted
4 disease. Do you know that it's going on?

5 A. Yes, sir.

6 Q. And what do you know about the case?

7 A. Very little.

8 Q. Did you hear people talking about it?

9 A. Not really.

10 Q. You didn't hear anybody saying that he
11 had a sexually transmitted disease?

12 A. Not come out and say that, no, sir.

13 Q. Did you hear Mr. Nelson, Keith Nelson,
14 say anything about it?

15 A. No, sir.

16 Q. Then -- did you ever talk with Keith
17 Nelson about it?

18 A. Yes, sir. I was Anthony's direct
19 supervisor at the time and he called me in and told
20 me that he had an infection and may be out, you
21 know, some time because I do his time.

22 Q. Keith Nelson told you that?

23 A. Yes, sir.

24 Q. Did he tell you what kind of infection
25 he had?

1 A. No, sir.

2 Q. Did you ever learn what kind of
3 infection he had?

4 A. Not what he had, no, sir.

5 Q. Did you ever hear anybody around the
6 plant saying that he had a sexually transmitted
7 disease?

8 A. Well, it could have been something
9 floating, but no, sir.

10 Q. Did you hear people saying that,
11 floating that?

12 A. No, sir, not really.

13 Q. But did you know they were, there was
14 talk around the plant?

15 A. I heard there was talk, but I try to
16 stay away from it.

17 Q. Do you recall anybody involved in that
18 talk?

19 A. No, sir.

20 Q. And do you still work with Mr. Wise?

21 A. Oh, yeah.

22 Q. Are you his supervisor?

23 A. Yeah, he works second shift with us --
24 well, for me.

25 Q. Do you know anything else about this?

1 A. Not really.

2 MR. PARKER: Well, we appreciate you
3 coming. Thank you.

4 EXAMINATION

5 BY MR. HAILE:

6 Q. Mr. Shealy, real quick, I represent the
7 hospital. You didn't go to the hospital with
8 Mr. Wise when he got hurt; did you?

9 A. No, sir.

10 Q. You don't have any idea what the doctor
11 said or didn't say to him; do you?

12 A. No, sir.

13 MR. HAILE: Okay. That's all I've got.
14 Thank you.

15 EXAMINATION

16 BY MS. MCCLURKIN:

17 Q. Let me just ask one question. You've
18 known Mr. Wise for quite a long time, right?

19 A. Yes, sir -- yes, ma'am.

20 Q. You worked together before at Georgia
21 Pacific; is that right?

22 A. That's right.

23 Q. And the rumors that were floating
24 around that you may have heard about this STD and
25 if Mr. Wise had it, did that change your opinion of

1 Mr. Wise in any way?

2 A. No.

3 MS. MCCLURKIN: Thanks. You're free to
4 go.

5 (The witness, after having been advised
6 of his right to read and sign this transcript,
7 waives that right.)

8 (The deposition was concluded at 11:21 AM.)
9
10
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25



Transcript of the
Deposition of

Pauline Wise

6/16/2020

Wise v. Newberry Hospital, et al.
2019-CP-36-00103

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF NEWBERRY	)	FOR THE EIGHTH JUDICIAL CIRCUIT
	)	
ANTHONY WISE,	)	
	)	CASE NO. 2019-CP-36-00103
PLAINTIFF,	)	
	)	DEPOSITION
VS.	)	
	)	OF
NEWBERRY HOSPITAL, D/B/A	)	
NEWBERRY COUNTY MEMORIAL	)	PAULINE WISE
HOSPITAL AND WEST FRASER,	)	
INC.,	)	
	)	
DEFENDANTS.	)	
_____	)	

THE DEPOSITION OF PAULINE WISE WAS TAKEN
BEFORE SUESAN L. RICHARDSON, A NOTARY PUBLIC IN AND FOR THE
STATE OF SOUTH CAROLINA, COMMENCING AT THE HOUR OF 9:58
A.M., TUESDAY, JUNE 16, 2020, AT THE LAW OFFICE AT THE LAW
OFFICES OF PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK,
P.A., 101 HAMPTON STREET, EAST, HAMPTON, SOUTH CAROLINA.

REPORTED BY
SUESAN L. RICHARDSON

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AND

Christopher B. Major, Esquire
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Haynsworth, Sinkler & Boyd
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AND

Representing Newberry Hospital
d/b/a Newberry County Memorial Hospital
Shelton W. Haile, Esquire
[REMOTE VIA ZOOM]
Richardson, Plowden & Robinson, P.A.
Columbia, South Carolina 29202

ALSO PRESENT:

Mr. Anthony Wise

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EXHIBITS

NO EXHIBITS WERE MARKED FOR THIS DEPOSITION.

*DIGITALLY RECORDED AUDIO RETAINED FOR TWELVE (12) MONTHS
FROM DATE OF CERTIFICATION.

1 STIPULATIONS

2 The deposition of PAULINE WISE is taken in
3 accordance with provisions of the circuit court rules
4 for the purpose of discovery or for use as evidence, or
5 for both purposes, and all questions as notice are
6 waived.

7 It is stipulated that all objections will be
8 reserved until the time of trial, with the exception of
9 objections as to the form of the question.

10 It is stipulated that the witness WAIVES the
11 reading and the signing of the deposition.

12 - - - -

13 PAULINE WISE, having first been duly sworn,
14 was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. HAILE:

17 Q Mrs. Wise, good morning. My name is Shelton Haile. I
18 represent Newberry County Memorial Hospital in the
19 lawsuit that your husband has filed. And he listed you
20 as one of his witnesses in some documents that the
21 parties sent back and forth. So we wanted to take your
22 deposition to find out what you know and what you might
23 say if we get to a trial on this case, okay?

24 A Okay.

25 Q I'm taking your deposition via Zoom. I hope we don't

1 have any technical difficulties. But if we do, if you
2 can't hear me for some reason, or if the video locks
3 up, or just anything happens, please let me know and
4 we'll try to fix that. I want to make sure that you
5 hear and understand my questions as best you can before
6 you answer, okay?

7 A Okay.

8 Q A few things we need to go over pursuant to our rules
9 of court of South Carolina. If you have any questions
10 or issues during your deposition, you need to direct
11 your questions to the lawyer asking you the deposition
12 questions at the time. Do you understand that?

13 A Okay.

14 Q So in other words, you and your husband's attorney
15 can't take a time out and go discuss strategy in the
16 hallway during the deposition once your deposition has
17 started, with certain exceptions. Do you understand
18 that?

19 A Yes.

20 Q Okay. I guess, I should ask you here towards the
21 beginning, is Mr. Parker your lawyer for purposes of
22 this lawsuit or just your husband's lawyer, or do you
23 know?

24 A I don't know.

25 Q Okay. If you need to take a break at any time for any

1 reason or no reason at all, just let me know, and I'll
2 be glad to accommodate you. I'm not trying to make you
3 any more uncomfortable than you already are or test
4 your endurance, so if you just need to take a break,
5 let me know, okay?

6 A I will, thank you.

7 Q What is your date of birth?

8 A April 22nd, 1955.

9 Q Where were you born?

10 A In Columbia, South Carolina.

11 Q Have you lived around here your whole life?

12 A In Columbia? Yes.

13 Q In and around Columbia? Yeah, okay. What is your full
14 name?

15 A Pauline Cheyenne Wise.

16 Q How do you spell your middle name?

17 A C-H-E-Y-E-N-N-E.

18 Q Can you see me on a video screen?

19 A Yes, I can.

20 Q Okay. I ask that because I'm going to be looking this
21 way. I've got another computer monitor set up over
22 here with some notes on it.

23 A Uh-huh (affirmative).

24 Q So I didn't want you to think I was just staring off
25 into space instead of looking at you, and I'm not being

1 rude by doing that. I'm just looking at my notes over
2 here, so.

3 A Okay.

4 Q If that was going to distract you, I wanted you to
5 understand what I was doing. What is your Social
6 Security number, and if Mr. Parker is your attorney, we
7 can handle that however he wants to; we can put it all
8 on the record, or just the last four on the record, or
9 none of it on the record. It doesn't matter to me.

10 MR. PARKER: Let's just put it the last four.

11 MR. HAILE: Okay.

12 Q What is your Social Security number, ma'am.

13 A 7360.

14 Q You give me your whole number, but the court reporter
15 will only put the last four numbers --

16 A X --

17 Q -- on the deposition transcript.

18 A You ready? It's XXX-XX-7360.

19 Q Got it. Thank you.

20 A Uh-huh (affirmative).

21 Q Are you married?

22 A Yes.

23 Q What's your husband's name?

24 A Anthony Wise.

25 Q Is this your first marriage?

1 A My second.

2 Q Uh-huh (affirmative). What is your first husband's

3 name?

4 A Gregory Boothe.

5 Q Do you know the dates of that marriage?

6 A I am not good with dates of marriage. Of that one, no.

7 Q Ball -- ballpark is fine. Just get as close as you

8 can.

9 A Let me see, my son was born in '84. Oh, my God. Greg

10 is 37. I don't -- all I could tell you is I was

11 married to him for 15 years.

12 Q Okay.

13 A Okay.

14 Q Can you give me a decade? Like when do you -- what

15 decade did that marriage --

16 A The 80s.

17 Q What were the grounds for the divorce?

18 A What was the grounds for the -- he didn't want to be

19 married to me anymore.

20 Q You got one child from that marriage?

21 A Yes.

22 Q What is that child's name?

23 A Gregory T., Tayhome, Boothe.

24 Q How old is he?

25 A Thirty-seven.

1 Q Where does he live now?

2 A Texas. San Antonio, Texas.

3 Q To your knowledge, does he know anything about this
4 lawsuit that your current husband has filed?

5 A Yes, I told him somewhat of it.

6 Q Okay. Other than you telling him what the lawsuit's
7 about, does he have any first-hand knowledge, or has he
8 talked to Mr. Wise about this case as far as you know?

9 A No.

10 Q Do he and Mr. Wise have any type of relationship?

11 A My son was military, and no, he would -- when he came
12 to visit, it wasn't for that long, and no, he don't
13 know anything of it.

14 Q Okay. When did you and Mr. Wise get married?

15 A Oh, my God. 1993? 1993.

16 Q Okay. Do you have any children with Mr. Wise?

17 A No.

18 Q Your son is your one and only child?

19 A No, I have a daughter.

20 Q Okay. Who is her father?

21 A Her father is Willie Driver.

22 Q You were not married to Mr. Driver at any point?

23 A No, I was not.

24 Q Okay. How old is your daughter?

25 A My daughter is 45.

1 Q What is her name and where does she live?

2 A Her name is Nakia, N-A-K-I-A, Felder, F-E-L-D-E-R, and
3 she lives in Charlotte, North Carolina.

4 Q Okay. So the same type of questions I asked about your
5 son. Does she have any real knowledge of this case as
6 far as you know?

7 A No.

8 Q Okay. Since you and Mr. Wise have been married in 1993
9 or so, have you all ever separated?

10 A No.

11 Q And I've -- just because of the nature of this lawsuit,
12 I've got to ask you some uncomfortable questions, and I
13 apologize for that, but I wouldn't be doing my job if I
14 didn't. So I don't want you to think I'm harassing you
15 or picking on you, it's just because of what this
16 lawsuit's about that I feel like I need to ask you
17 these things. Have you ever had any extramarital
18 affairs during your marriage to Mr. Wise?

19 A No.

20 Q Has Mr. Wise ever had any extramarital affairs during
21 your marriage?

22 A No. Not that I know of.

23 Q Do you have any relatives by blood or marriage who live
24 in Newberry County?

25 A By marriage, yes.

1 Q Okay. What are the last names of your relatives in
2 Newberry?
3 A Wise.
4 Q Any others?
5 A Wise.
6 Q Okay. There may not be. I just want to make sure I
7 cover it.
8 A Oh, okay.
9 Q Okay. All right. And you and your husband, where do
10 y'all live? Was it around Irmo; is that right?
11 A Yes.
12 Q Harbison area?
13 A Yes.
14 Q Okay. So, is that Lexington or Richland County --
15 A [Crosstalk.] It's Richland.
16 Q -- [inaudible] close there?
17 A Richland.
18 Q Richland, okay. What's your address?
19 A 148 Whitwood, W-H-I-T-W-O-O-D, Circle. You need the
20 zip code?
21 Q How long have you -- yes, ma'am, zip code --
22 A 29212.
23 Q How long have y'all lived there?
24 A Oh, goodness.
25 Q Ballpark's fine if you don't know the exact date.

- 1 A About six/seven years.
- 2 Q Okay. What do you do for a living?
- 3 A I -- I'm a -- I work at Lowes Home Improvement
- 4 Warehouse, retail.
- 5 Q What's your job at Lowe's?
- 6 A I'm the receiving clerk.
- 7 Q Which store?
- 8 A Harbison.
- 9 Q How long have you worked there at Lowes?
- 10 A Twenty-six years.
- 11 Q All right. Where'd you go to high school?
- 12 A C.A. Johnson.
- 13 Q Did you graduate?
- 14 A Yes, I did.
- 15 Q Did you go to any college or technical schools --
- 16 A I went to --
- 17 Q -- after graduating from high school?
- 18 A Midlands Tech.
- 19 Q Did you graduate from Midlands Tech?
- 20 A No, I didn't.
- 21 Q What'd you study at Midlands Tech?
- 22 A Machine Shop.
- 23 Q Have you ever been in the military?
- 24 A No.
- 25 Q Are you a member of any churches or groups or clubs or

1 organizations who operate up in Newberry County?

2 A No. No.

3 Q I'm not saying you should be. I'm just trying to

4 figure out [inaudible] --

5 A [Crosstalk] Okay. There's no worries.

6 Q Yeah. We just want to know what connections you have

7 to Newberry County so that if we get to a trial and

8 have to pick a jury, we'll be able to identify people

9 who might know you, might have worked with you, might

10 have done social things with you, etcetera. Have you

11 ever been arrested?

12 A Yeah.

13 Q Okay. How many times?

14 A One.

15 Q All right. When was that?

16 A Let me see, '73? It was in the 70s.

17 Q What happened?

18 A Actually, it was in -- it might was in the 60s. It was

19 -- it was a liquor law violation.

20 Q Okay. What happened? Did you just pay a fine or --

21 A Yeah, paid a fine.

22 Q -- something like that? Okay.

23 A Uh-huh (affirmative).

24 Q And that's your only arrest? That's the only blip on

25 the radar?

1 A Yes, there are no --

2 Q Okay. Have you ever filed any lawsuits against
3 anybody?

4 A No.

5 Q Have you ever had a lawsuit filed against you?

6 A I don't know.

7 Q And I'm not counting divorces, so anything other than
8 --

9 A No.

10 Q -- family court or a divorce. Okay. Have you reviewed
11 any records, you know, medical records, notes, anything
12 like that relating to this lawsuit?

13 A I don't understand. Reviewed medical records? You
14 froze.

15 [Technical Interruption.]

16 THE COURT REPORTER: Mr. Haille, you're cutting in
17 and out. Are you there? Oh, Lord.

18 MR. PARKER: We lost him.

19 THE COURT REPORTER: Yeah, we lost him. He
20 started cutting out and then --

21 MR. PARKER: Uh-huh (affirmative). Bad signal.

22 [Technical Interruption.]

23 THE COURT REPORTER: Can you hear us now?

24 MR. HAILLE: I can hear you, and I can see you.

25 So the screen went black and your screen froze but

1 looks like it's okay.

2 A Okay. Could you repeat the question?

3 Q Yes, ma'am.

4 MR. HAILE: Madame Court Reporter, are you ready
5 to go?

6 THE COURT REPORTER: Yeah, I'm ready.

7 MR. HAILE: Okay.

8 Q I think I was asking you if you've looked at any of
9 your husband's medical records relating to the
10 allegations in this case, either the Newberry County
11 Memorial Hospital records, or if you went to see any
12 providers or got any treatment after this happened?
13 Have you looked at any of his records or reviewed them?

14 A No.

15 Q Okay. Have you made any notes about the allegations in
16 this case or kept any diaries or calendars, anything
17 like that?

18 A No.

19 Q Okay. Other than your -- [technical interruption] --
20 your son, your daughter, your husband, have you talked
21 to anyone about the allegations that are being made in
22 this lawsuit?

23 A You asked did I talk to anyone about the lawsuit?

24 Q Other than your husband and your -- [technical
25 interruption] --

1 THE COURT REPORTER: Mr. Haille, you keep going
2 out.

3 Q -- have you discussed this with any --

4 MR. HAILE: Yes, I'm going to -- I'm going to say
5 it might be on your end because I see Anne Laurie and
6 Chris in live time, but on your end things are kind of
7 pausing and --

8 THE COURT REPORTER: It says the network bandwidth
9 is low. [To Mr. Parker:] Do you know anything about
10 that?

11 MR. PARKER: I have no idea.

12 THE COURT REPORTER: I'm on the network from the
13 Murdaugh firm and it's just saying that the network is
14 low. Can you hear her now? Can you hear me now?

15 MR. HAILLE: I can hear now. If it keeps -- if it
16 keeps happening, we can maybe just convert to
17 telephone.

18 THE COURT REPORTER: Okay.

19 MR. HAILLE: But we'll keep trying a little
20 longer.

21 THE COURT REPORTER: Okay. I'm ready.

22 Q Ms. Wise, I can't even remember what I was asking you.
23 If -- I think I was asking you if you've talked to any
24 body other than your husband, your son and your
25 daughter about this case?

1 A No, not about the case.

2 Q Okay. Have you talked to anyone other than your
3 husband, son and daughter about the underlying
4 allegations that caused this lawsuit to be filed?

5 A Have I talked to anyone about the allegations of what
6 the doctor said?

7 Q What the doctor said or what happened at the mill, any
8 of that stuff.

9 A Let me see who I talk -- I talked with -- oh, I have
10 been, I talked to my daughter and my son.

11 Q Yeah, other than --

12 A Than them?

13 Q -- your daughter, your son and your husband?

14 A I don't remember. I might have talked to my niece. I
15 do have a niece. My -- I talk to my niece.

16 Q Okay. What's her name?

17 A Latina Morris.

18 Q Okay. What did you and your niece talk about?

19 A Just the allegation of what was said, because what was
20 said, it really bothered me.

21 Q What was said at the hospital, you mean?

22 A Yes.

23 Q Okay. What did you and your daughter talk about?

24 A What was said.

25 Q Okay. What did you and your son talk about?

1 A What was said.

2 Q Are there any other family members or friends that
3 you've talked about what was said with?

4 A Well, my sister. My sister is -- my sister's down
5 here, and I spoke with my sister and my niece and my
6 children.

7 Q What is your sister's name?

8 A My sister name is Jeanua, J-E-A-N-U-A, Penny.

9 Q Where does she live?

10 A She's in Columbia.

11 Q What's her last name? I didn't mean to interrupt you.

12 A Penny, P-E-N-N-Y.

13 Q What did you and your sister talk about?

14 A We talked about, from what the doctor has said, that my
15 husband possibly could be having other sexual partners.

16 Q Okay.

17 A What the doctor said, so, yeah.

18 Q Do you have any medical training in your background?

19 A No.

20 Q Did you and your husband decide together to file this
21 lawsuit, or is that a decision that he made on his own?

22 A That was a decision he made on his own.

23 Q Okay. Are you on any kind of social media?

24 A Yes, I'm on Facebook.

25 Q All right. Do you go by something other than your name

1 on Facebook?

2 A No.

3 Q So if we typed in Pauline Wise, Columbia SC, we should
4 be able to find your Facebook page?

5 A Yes.

6 Q Do you know the date of the -- that this alleged
7 incident or these statements at the hospital happened?

8 A No, I do not.

9 Q Okay. Based on what I've seen, it looks like it was
10 November 7th, 2017. Does that sound about right to
11 you?

12 A Yes, it should be. Yeah.

13 Q Prior to November 7th, 2017, did you and Mr. Wise have
14 any marital problems or issues?

15 A As for? I'm not understanding.

16 Q Anything. Were there trust problems, was anybody
17 suspicious of the other --

18 A No.

19 Q -- cheating, anything like that?

20 A No.

21 Q Okay. Prior to November 7th, 2017, had you ever been
22 diagnosed with a sexually transmitted disease?

23 A No.

24 Q Had your husband, to your knowledge?

25 A No.

1 Q Prior to November 7th, 2017, how would you describe
2 your husband's physical health? What kind of shape was
3 he in? Did he have any problems or illnesses that
4 caused him trouble?

5 A As for? I mean, what kind of problems or illnesses are
6 you talking about?

7 Q I'm not talking about common cold or the flu, anything
8 like that. Just chronic diseases or aches and pains;
9 you know, anything physically that caused him trouble?

10 A My husband had suffered from neuropathy. He had
11 neuropathy prior to that.

12 Q Tell me a little bit about the neuropathy. When did
13 that start? What caused it? What problems did it
14 cause?

15 A Well, we were going to the beach, and we went to get a
16 foot massage. Well, we went to get -- I went to get a
17 pedicure rather, and he was getting a pedicure. And we
18 went down to the beach and his feet started hurting.
19 And ever since then his feet was messed up.

20 Q So I met Mr. Wise probably six months ago. I didn't
21 have him pegged as the kind of guy who would get a
22 pedicure. So did he --

23 A Yes, he -- well, that was the first and last.

24 Q You don't know, do you? Yeah. Okay. Other than that
25 neuropathy, are you aware of anything that --

1 physically that's bothered your husband kind of on a
2 chronic basis, ongoing basis?

3 A Not really. I --

4 Q Okay. And again, I'm not saying there should be, I'm
5 just asking the questions --

6 A Oh, okay.

7 Q -- to get information.

8 A No, the neuropathy was the one that really was brought,
9 you know, to my attention a lot.

10 Q Okay. Same kinds of questions about your husband's
11 mental or emotional health. Did he have any problems
12 that you were aware of before November 7th, 2017?

13 A No. He was -- he was fine.

14 Q Okay. In the time that you've been married to
15 Mr. Wise, has he ever made any complaints or filed any
16 lawsuits against any of his other employers?

17 A That's it. That one, right? West Fraser -- not West
18 Fraser. What's the name of that place? Oh, my God.
19 Georgia Pacific?

20 Q Okay. Tell me about that.

21 A I'm being honest with you, I really don't remember. I
22 think it was unlawful firing. I don't quite remember.

23 Q So that's pretty much all you know about that one?

24 A Yes.

25 Q Okay. Were there any others that you're aware of? Any

1 other lawsuits or claims he's made against people?

2 A Ah, Norbord.

3 Q Spell that.

4 A N-O-R-B-O-R-D.

5 Q Okay. Tell me about that.

6 A What was that? Unlawful firing? Unlawful firing.

7 Q For either of those, against Georgia Pacific or
8 Norbord, do you know what the underlying allegations
9 were? I mean, was it age discrimination, race
10 discrimination, something else, or do you know?

11 A Well, with Georgia Pacific, they fired him while he was
12 in the hospital. He didn't -- it was something about
13 coming to work and he -- we told him that he was in the
14 hospital.

15 Q Okay. What was he in the hospital for; do you
16 remember?

17 A Oh, I got -- yeah. It was that -- his heart.
18 Something about his heart. That's when his heart
19 started messing up.

20 Q Okay.

21 A He had to get a, what is it, a catheter? A heart cath.
22 Like this thing that you put in your thigh or whatever,
23 yeah.

24 Q Okay. What about the Norbord claim or lawsuit, do you
25 know what was going on there?

1 A What was going on? I forgot. I don't remember.

2 Q Okay. Let's talk about the day in question. And I'm -
3 - I hope I've got the date right. I'm going to keep
4 saying November 7th, 2017. How did you find out that
5 something had happened?

6 A I got a call from his job telling me --

7 Q Who called you?

8 A I think it was Keith or somebody in the office called
9 me. I'm not sure. They called me and told me that
10 something had happened to my husband. And I left work
11 and had to get up to Newberry Hospital. And when I got
12 there, I found out -- I found that he was hurting. He
13 was in great pain. And, I asked him what happened. He
14 told me he lift some part of a fork -- was it forklift?
15 A forklift. It was the back of it or the -- I -- some
16 part of the forklift that he lift, and it messed up his
17 testicles really bad.

18 Q Well, what do you remember about that conversation with
19 Keith or whoever it was who called you from the plant?
20 Do you remember the details of what they told you?

21 A They told me that Ant was sick and to meet them -- they
22 were going to take him to Newberry Hospital.

23 Q And you were at work at the time; is that right?

24 A Yes.

25 Q Do you remember about what time it was when you got

1 that call?

2 A Oh, my goodness. About 7:30/8:00 o'clock. Between
3 those hours.

4 Q So what happened at your work? Did you have to go tell
5 your supervisor that you needed to leave, or did you
6 just leave? What happened?

7 A No, no, no, I always -- I let them know that I had to
8 go.

9 Q Okay.

10 A And I left work and got to the hospital. I called my
11 sister-in-law, whereas I can see if she could get there
12 before me because nobody went into detail as for what
13 was, you know, what had happened to him. So I wanted
14 somebody there with him. But she was not able to make
15 it, so I got up there.

16 Q How long did it take you to get from the Lowes on
17 Harbison to Newberry County Memorial Hospital?

18 A It all depends on how fast I'm driving. I didn't get a
19 ticket that day. It was about 45 minutes and --
20 because traffic was kind of bad.

21 Q What happened when you got to the hospital?

22 A I found my husband laying out in the hallway, in the
23 emergency area. And, you know, he was in pain. I
24 asked him what had happened, and he said that he would
25 lifted a part of the forklift and hurt himself.

1 Q Was anybody there with your husband when you got to the
2 hospital?

3 A Keith was there.

4 Q Did you already know Keith?

5 A Not per se, you know, not -- you know, I've -- I've
6 seen -- I've seen him when he go to the hospital, you
7 know. Well, I just seen him at the hospital that day.

8 Q Okay. But you didn't know him before that day?

9 A I don't know if I had met Keith before that day. No,
10 not unless it was the hospital.

11 Q Okay. Did you and Keith talk when you got to the
12 hospital?

13 A Yes, I asked him what happened.

14 Q What did he tell you?

15 A That he was just telling me that Anthony was hurt. He
16 said that he lift something, and then he was hurt.

17 Q What happened next?

18 A Then I sat there, and I was going back and forth
19 because Anthony was hurt and I was trying to figure out
20 what was going on. And, then finally, afterwards --
21 because every time something happened, Keith was in
22 there with me and he would go out and come back and go
23 out. And so I was trying to find out from Keith
24 exactly what happened or what, you know, why did it
25 happen like that, you know, because he told me, he said

1 he lift something, you know, the -- that heavy metal of
2 -- on that forklift. And when the doctor finally got
3 there, and said what he said, that just alarmed me for
4 him to say something like that.

5 Q When you say Keith was going in and out --

6 A He would come in the room --

7 Q -- tell me --

8 A -- I'm sorry -- he would come in the room, he would
9 come back there to check on Anthony, and then he'll
10 walk back out, then he'll come back in again and walk
11 back out. He was just coming in and out.

12 Q Okay. How long were you at the hospital with your
13 husband before the doctor came in?

14 A Oh, my God. Probably about 30 or 45 minutes, maybe an
15 hour.

16 Q Can you describe the doctor? What did he look like?
17 Or was it a he or a she? I shouldn't assume.

18 A It was a he --

19 Q Okay.

20 A -- and -- oh, my God. I can't tell you if he was short
21 or tall. All I can tell you is that -- let's see, I'm
22 not sure what nationality -- what he was. He wasn't
23 black, he wasn't white, he was -- he was a man with
24 dark hair, and, you know, that's all I can tell you.

25 Q All right. So you said he was not black and not white?

1 A No, he was not a white -- he was -- oh, my God. I was
2 going to say if he's Indian, Asian - well, he's not
3 Asian. I don't think he was Asian. He was more of
4 Indian. India. Yeah. I'm not sure.

5 Q So as best you can tell Indian or Asian?

6 A Yeah. Well, I would say more of an Indian descent, not
7 Asian.

8 Q Okay. And is this the doctor who made the statement
9 that y'all are upset about?

10 A Yes.

11 Q So when the doctor came in the room, tell me what
12 happened.

13 A The doctor came in the room and he looked at my
14 husband's exam and he asked the nurse and everybody
15 what had been done with him, you know, as far as blood
16 work, urine or whatever. And then he says -- he -- he
17 said he was going to check that. I think he went back
18 out the room, came back in afterwards, and said it
19 seemed -- he said -- no, he said somebody been having
20 more than one sexual partner.

21 Q All right. So let me stop you right there because I
22 want to make sure I get it as best I can. Is that
23 exactly what the doctor said?

24 A Yes.

25 Q Okay. Say it again, please, as best you can --

1 A He said --

2 Q -- verbatim what the doctor said.

3 A The doctor said that it was as if someone had more than

4 one sexual partner. Someone had more than sexual -- I

5 mean, more than one sexual partner.

6 Q Where was the doctor in the room when he made that

7 statement?

8 A He was standing by my husband.

9 Q At the bed?

10 A Yes.

11 Q Who was in the room?

12 A It was me, Keith, a nurse, and some other people that

13 was standing around for some odd reason.

14 Q Was this a room with a door on it, or was it one of

15 those rooms with curtains that go around it?

16 A Yeah, with the curtains. With the curtains.

17 Q Okay. Was it curtains on all sides or just one side,

18 or do you remember?

19 A I don't really -- the curtains technically was on all

20 sides.

21 Q Okay. So you husband was in the bed, right --

22 A Yes.

23 Q -- when this statement was made?

24 A Uh-huh (affirmative).

25 Q That's a yes?

1 A Yes.

2 Q Okay. I just --- I have to make sure --

3 A Oh, no worries.

4 Q -- you say yes or not for the --

5 A Okay.

6 Q -- court reporter. I wasn't being rude.

7 A No.

8 Q We just need to make sure we don't have to guess with

9 uh-huh or unh-unh --

10 A Yes, I do understand.

11 Q I should have told you that at the beginning. All

12 right. So, your husband was in the bed. Where were

13 you?

14 A I was on the other side of the bed.

15 Q Of the bed?

16 A Yes.

17 Q Okay. Where was Keith?

18 A Keith was at the foot of the bed.

19 Q How many nurses were in the room?

20 A One.

21 Q And was that a man or a woman?

22 A It was a lady.

23 Q Okay. Do you remember what she looked like?

24 A No, she was white.

25 Q Where was she standing? Where was she?

1 A She was over on the -- like in the middle -- the feet
2 -- the foot part of the bed at the middle.

3 Q And then you said there was some other people in there;
4 is that right?

5 A Exactly. They were -- I didn't say in there. They
6 were -- the curtain was open.

7 Q Okay.

8 A Yes.

9 Q So the curtain was open, and they were what, just kind
10 of hanging --

11 A They were -- exactly, they were around there and it was
12 like more of the personnel, the nurses or people that
13 were standing there.

14 THE COURT REPORTER: Ms. Wise, make sure you wait
15 for him to finish a question.

16 THE DEPONENT: Oh, I'm sorry.

17 THE COURT REPORTER: Okay? And then you can
18 answer.

19 THE DEPONENT: Okay.

20 Q Can you say with any certainty who heard what the
21 doctor said?

22 A Well, I heard it.

23 Q Okay.

24 A I know Keith heard it.

25 Q How do you --

1 A And -

2 Q -- how do you know Keith heard it?

3 A I mean, he was standing there, and the doctor did not

4 whisper it. He actually said it.

5 Q Okay. Who else heard it that you know of?

6 A The nurse heard it.

7 Q Did you talk to the nurse about that statement that the

8 doctor made?

9 A No, I was -- I did not.

10 Q Okay. Did you talk to Keith about that statement the

11 doctor made?

12 A Keith left the room right after that.

13 Q Okay. Did you ever talk to Keith about the statement

14 the doctor made, that it looked like somebody had had

15 more than one sexual partner?

16 A No, I did not.

17 Q Did the doctor say anything other than the statement

18 you've attributed to him?

19 A I'm sorry, I don't --

20 Q While the doctor was in the room with your husband, did

21 he say other than -- anything other than it looks like

22 somebody's had more than one sexual partner?

23 A That was it. After he said that, that was it.

24 Q Okay. So the doctor made that statement and then left

25 the room?

- 1 A Well, to be honest with you, I left the room.
- 2 Q Okay. Where'd you go?
- 3 A I went out.
- 4 Q Outside or just out of the room?
- 5 A I went out of the room.
- 6 Q Why?
- 7 A Because I was devastated for a doctor who -- to have
- 8 said that.
- 9 Q How long did you stay out of the room before you went
- 10 back in?
- 11 A Not very long. About five minutes.
- 12 Q When you went back in, was the doctor still there?
- 13 A No.
- 14 Q Did you ever talk to that doctor again?
- 15 A No, I did not.
- 16 Q What were you feeling and thinking when you heard the
- 17 doctor make the statement?
- 18 A I was feeling that I was betrayed because for a doctor
- 19 to say that. I felt like I was hurt, and then I had to
- 20 actually think about it because I -- it just make me
- 21 feel some kind of way, as for my husband, and our trust
- 22 that we had. That had never came up before. It has
- 23 been no question of how we were as partners. That's my
- 24 husband in life. So, yeah, I felt some kind of way.
- 25 Q Do you have any question in your mind now that your

1 husband has ever been unfaithful to you?

2 A Since then -- well, I never had before, but now, you
3 know, everything just triggers that. It starts that.
4 It upsets me.

5 Q So how have -- how have things changed with your
6 marriage because of this statement the doctor made?

7 A Well, since that, we have had a lot of arguments, and
8 the trust is gone somewhat, and we're trying to
9 rebuild.

10 Q Do you know what your husband was diagnosed with in the
11 emergency department on November 7th?

12 A No. It was -- oh, my God. Oh, my God. It was
13 something -- it was something with his testicles. I
14 forgot the name. I don't know the name.

15 Q Do you know if it was an infection or not?

16 A He -- yeah, I -- yeah -- I -- I don't know.

17 Q I just want to make sure I'm clear and understand. Did
18 you hear the doctor say anything other than someone has
19 had more than one sexual partner to your husband?

20 A Well, when he first came in there, the first time that
21 he was in there, he asked the nurse did they take his
22 vitals, and I guess, blood, urine. And, when he came
23 back, he said that someone had more than one sexual
24 partner.

25 Q Okay.

1 A Has been with more than one sexual partner.

2 Q And after that, you left the room and you didn't hear
3 the doctor say anything else, right?

4 A Yes. Yes.

5 Q Did you have any conversations with your husband about
6 anything else the doctor might have said to him, after
7 you left the room?

8 A Yes, I did. I asked him what, you know, why would the
9 doctor say something like that.

10 Q All right. Tell me about those conversations.

11 A Well, my husband was in pain by then, and I let it go
12 for a moment. I just asked the question why would a
13 doctor say something like that.

14 Q Once you came back into your husband's room in the
15 emergency department, what happened after that?

16 A Well, we got ready to go. We got ready to go. I went
17 outside and -- well, I went out. Afterwards I came
18 back in, and they were getting Anthony ready to go
19 home, and I was letting Keith know that, you know, I'd
20 take him home, and we went to the pharmacist and got
21 his medicine, and basically that was it. We went home.

22 Q So were you and your husband in one -- in your vehicle
23 and Keith was in his own vehicle when y'all left the
24 hospital?

25 A Yes.

1 Q Okay.

2 A Yeah, and Keith --

3 Q And --

4 A -- oh, I'm sorry.

5 Q No, you go ahead.

6 A Well, Keith told us to follow him to the pharmacy
7 because they had some kind of company card to get his
8 medicine on.

9 Q Did y'all go through the drive-thru at the pharmacy, or
10 did you go inside to get the medicine?

11 A We went inside. Well, Keith went inside. Anthony
12 stayed in the car. And I went inside with him to get
13 the medicine.

14 Q So did Keith pay for the medicine with the company
15 card?

16 A Yes.

17 Q And would Keith have found out what the medicine was by
18 paying for it with the company card?

19 A I don't know what -- I don't know what Keith would
20 found out what it was. I -- like I said, he shouldn't
21 know what it was. I don't know what Keith found out.
22 All I know is that, you know, he paid for it with the
23 card, and, you know, he came back to the car and gave
24 Anthony the medicine.

25 Q But you went inside with Keith, correct?

1 A Yes, I did.

2 Q Okay. What medicine was it?

3 A I don't know.

4 Q What pharmacy was it?

5 A It was CVS.

6 Q Where?

7 A Newberry.

8 Q Near Newberry?

9 A Newberry.

10 Q Okay. What happened after you left the pharmacy?

11 Y'all went home.

12 A Yes.

13 Q Keith went back to the plant, you assume, or the mill?

14 A I assume he did, but we went home.

15 Q All right. What happened after that?

16 A Well, my husband was resting because he took his

17 medicine and he was resting. And, basically, that was

18 it. When they told him he had to -- it was so many, I

19 think was two or three days that he was off on, and

20 that's it.

21 Q Okay. Did you and your husband have any more

22 conversations about the statement the doctor made about

23 multiple sexual partners after you got home?

24 A Yes, we did.

25 Q Tell me about those.

1 A Well, I wanted to know why would the doctor say that,
2 and I asked had he had any sexual relationships with
3 anybody. And I was told no. But I still wanted to
4 know why would the doctor say that. And so, I must
5 admit, I drilled him and drilled him and argued and
6 fussed and hollered and screamed because it really
7 bothered me.

8 Q Did you ever ask the doctor why he made that statement?

9 A No, I did not ask the doctor because the doctor -- we
10 had a lot of people that was in there, and I was not
11 going to ask him in front of Keith, and the doctor, he
12 was going around to different people, I gather, because
13 it was as if the hospital -- I mean, the emergency area
14 was rather full that day.

15 Q After November 7th, 2017, did you ever talk to anybody
16 from West Fraser about what happened at the hospital or
17 what was said at the hospital?

18 A No.

19 Q Have you read your husband's deposition?

20 A No.

21 Q He told us that at the plant or at the mill, you know,
22 people were teasing him and making fun of him about
23 what happened.

24 A Yes, he told --

25 Q Did you know anything about that?

1 A Yes, he told me that too. It -- when he went back to
2 work, he told me that they were saying that he had some
3 kind of nasty man disease, and, you know, he was very
4 offended because he says, you know, it was just making
5 both of us look like we were some nasty, disgusting
6 people.

7 Q How long did that go on? How long did your husband
8 tell you that --

9 A It went on for a while.

10 Q Okay.

11 A Because he would go to the restroom and he said that
12 his co-workers did not want to go in there behind him
13 because they said that he had some kind of disease.

14 Q Do you have any memory if that went on for a couple
15 weeks, couple months, longer, or can you --

16 A I can only say it was like a month or so.

17 Q Okay. And all of this information was coming from your
18 husband, correct?

19 A Yes.

20 Q Okay. You didn't go up to the mill or call anybody up
21 there and find out what was going on, you just relied
22 on him for the information?

23 A Yes.

24 Q Okay. Did you or your husband have to get any
25 counseling because of what the doctor said at the

1 hospital?

2 A I went to my doctor and talked to her, and I had to get
3 on some depression medicine. But I was on it before,
4 but they had upped the dosage.

5 Q Okay. Who is your doctor?

6 A Doctor -- oh, my God. Dr. Joseph Gabriel.

7 Q Okay. What was the medication that you had the dosage
8 increased on?

9 A Fluoxetine.

10 Q Say it again, please?

11 A It's Fluoxetine. Fluoxetine.

12 Q Okay. When did you start taking that? You said you
13 were already on it.

14 A Well, I started taking it for work because I had a lot
15 of stuff going on at work. So, it was probably about,
16 oh, a year or two prior.

17 Q What kind of stuff did you have going on at work?

18 A Oh, moving around. I was in management, and stress,
19 get along with people, trying to get along with people
20 and stuff like that. It was major distress.

21 Q Okay. Are you still taking that medication today?

22 A Oh, yes.

23 Q Are you at the same dose, or has the dose gone up or
24 down since November 2017?

25 A Well, it went up with what was going on with my --

1 well, with my husband, but it's the same. It's going -
2 - the doctor said I won't have to take it as much, but
3 I take it every day.

4 Q Okay. I'm still -- I'm confused about the dose. Is
5 the dose back down to what it was before your husband
6 went to the hospital?

7 A No. It's still the same. It's -- it's -- back is up.

8 Q It's still --

9 A It's up.

10 Q All right. What is your dose; do you know?

11 A No.

12 Q You take one pill a day?

13 A Yes.

14 Q Other than that, have you had to get any treatment or
15 counseling because of what this doctor said at the
16 hospital?

17 A No, I did not.

18 Q Has your husband gotten any treatment or counseling
19 because of what the doctor said at the hospital, that
20 you know of?

21 A No, not -- no, I don't know.

22 Q Have you ever talked to another medical professional
23 who was critical of what this doctor at Newberry County
24 Memorial Hospital said to your husband?

25 A No.

1 Q What, if anything, has your husband said to you about
2 the doctor at Newberry County Memorial Hospital? Has
3 he called him any names or said bad things about him,
4 anything like that?

5 A He said that he lied.

6 Q Okay. Anything else?

7 A No, that's it.

8 Q Okay. Have you said anything bad about this doctor at
9 the hospital?

10 A No.

11 Q When you've talked to your family about what happened,
12 what have you told them?

13 A Do you want me to say those words?

14 Q Yes, ma'am.

15 A I told them that the doctor said that Anthony might
16 have been messing around, and I don't know what to do,
17 and I was just -- I was stressed out, and I wanted a
18 divorce, I wanted to leave, stuff like that.

19 Q As we -- as we sit here today, are you satisfied in
20 your mind that your husband has been faithful to you
21 and never cheated on you?

22 A I would never know that. I -- right now I'm trying to
23 regain trust.

24 Q And that's all because of this statement that the
25 doctor made?

1 A Yes.

2 Q Do you know if your husband actually had a sexually
3 transmitted disease or not?

4 A I'm -- huh? He had a sexually transmitted disease?

5 Q No, I'm asking you --

6 A Oh, oh, no.

7 Q -- [technical interruption] if he even had one.

8 A No.

9 Q Okay. Well, one of the things that your husband has
10 alleged in this lawsuit is that damage has been done to
11 his reputation. To your knowledge, has he lost any
12 work or any jobs because of this statement the doctor
13 made?

14 A He still works at West Fraser. But his respect --

15 Q Okay.

16 A -- the respectability is -- I don't know how -- how
17 that goes there.

18 Q Okay. To your knowledge, have you and your husband
19 lost any friends because of what this doctor allegedly
20 said?

21 A Well, from what I told my sister and my niece, they are
22 a little -- they, you know, they love him but they --
23 I'm their aunt and sister, so, it took a bearing on the
24 family.

25 Q Has anyone told you that they think less of you or your

1 husband because of what this doctor allegedly said?

2 A Well, they said that, you know, if he had -- you know,
3 if he had a disease -- if he -- why would the doctor --
4 they wanted to know why would the doctor say that. It
5 was all in why the doctor actually said something like
6 that. And, it's just what the doctor said.

7 Q If we get to a trial in this case, is there anything
8 that you're going to tell the jury that you haven't
9 told me today --

10 MR. PARKER: Object to form --

11 Q -- about what happened?

12 MR. PARKER: -- of the question.

13 Q Hello?

14 MR. PARKER: I object to the form of the question.

15 MR. HAILE: Okay. Well, let -- let me finish it
16 and then you can certainly object to the form of the
17 question.

18 MR. PARKER: Well, I object to the form you've
19 done so far.

20 MR. HAILE: Okay.

21 MR. PARKER: I'm teasing you.

22 MR. HAILE: That's fine. I don't care.

23 Q Ms. Wise, when we get to the trial in this case, is
24 there anything that you're going to tell a jury about
25 what happened to your husband or how it has affected

1 you and your husband's marriage that you haven't told
2 me today?

3 A Well, you know, I will tell a trial or a jury or
4 whatever that this has really took a toll on my
5 marriage. And now I'm looking over my shoulder, the
6 trust is gone, and I always trusted my husband. We
7 never had no doubt of anything when it came down to
8 things like this before the doctor to actually come out
9 and say that my husband was doing something or having
10 sex with somebody else. That took a toll on my
11 marriage, and it hurts. It really hurts.

12 Q I am -- I'm going to take a break from asking you
13 questions, and let these other lawyers ask you some
14 questions, and I may have some when we circle back
15 around. But I appreciate your time this morning. I
16 know it's not easy to talk about, and I'm sorry that
17 they were difficult questions, but I hope you
18 understand that's just part of my job and what I need
19 to do. So, thank you for your time.

20 A Okay.

21 CROSS-EXAMINATION

22 BY MS. MCCLURKIN

23 Q Mrs. Wise, I represent West Fraser. I have a couple
24 questions. I'm going to try not to repeat the
25 questions that were already asked. But if I do, it's

1 because I'm not sure I understood what you -- what you
2 said. So, give me a little bit of leeway there, if you
3 don't mind. Did you understand Dr. Leek's statement
4 about changing sexual partners to mean that he had
5 determined that your husband had a sexually transmitted
6 disease?

7 A Yes.

8 Q Do you know whether there was any testing done at the
9 hospital that day to determine whether your husband had
10 a sexually transmitted disease?

11 A From what I understand, there was only a urine and a
12 blood test done.

13 Q Do you know whether either of those tests were trying
14 to detect whether your husband had an STD?

15 A No, I don't.

16 Q Okay. Do you have -- and what is your understanding
17 sitting here today as to whether your husband did have
18 an STD on that date?

19 A What is my understanding?

20 Q Yes.

21 A Not understanding what you're asking me.

22 Q Okay. Let me rephrase it. Do you believe, sitting
23 here today, that on November 7, 2017, your husband did
24 in fact have an STD?

25 A Did I -- after the doctor said that? I was not sure.

1 Q And sitting --

2 A I did not know. But with a doctor stating that, I
3 assumed yes.

4 Q And at some point -- and at some point did your
5 understanding change?

6 A Are you talking about now, from then to now?

7 Q Yes.

8 A Okay. Yeah because we are trying to rebuild our
9 marriage. We're trying to rebuild trust.

10 Q So at the time, on the date of the incident, based on
11 Dr. Leek's statement, you assumed that your husband had
12 a sexually transmitted disease, right?

13 A From what the doctor says, yes.

14 Q And then, after that, did that change at some point?

15 A After what the doctor said?

16 Q After what the doctor said, when you initially assumed
17 that your husband might have had an STD, did you later
18 learn that that was not true?

19 A Yes.

20 Q And, about how long after the day that you were in the
21 hospital did you learn that your husband did not have
22 an STD?

23 A My husband's doctor informed him he did not have a STD.

24 Q Okay. Is that how you learned that your husband did
25 not have an STD, it's based on your husband's doctor?

1 A Well, I didn't run the test on him. Yes, from the
2 doctor. I did not run the test, so only from the
3 doctor.

4 Q I'm sorry, you broke up a little bit.

5 A I did not have the capabilities to run any tests for
6 STDs, so it was from his doctor. The doctor -- his
7 doctor told me --

8 Q Okay. Is that Dr. Hudson?

9 A -- told him. Well, yes. His doctor told him. He told
10 me.

11 Q Okay. And do you know about how much time passed from
12 the time that you were in the hospital until you saw --
13 or until your husband saw Dr. Hudson?

14 A No.

15 Q Do you have a judgment as to whether it was a couple of
16 weeks, months?

17 A A couple of days, but probably a day or so because he
18 went to make sure. But I can't tell you exactly what
19 day or what time.

20 Q Did you accompany your husband to the appointment with
21 Dr. Hudson?

22 A No, I did not.

23 Q Do you normally attend doctors' appointments with your
24 husband?

25 A Sometimes.

1 Q Do you know how many times your husband saw Dr. Hudson
2 as a result of this incident?

3 A No, I do not.

4 Q Okay. Did you accompany him to any of the doctors'
5 appointments with Dr. Hudson as a result of the injury
6 that he received at West Fraser?

7 A I did go at one point. Yes, I went once.

8 Q And was that -- that was related to -- to this
9 incident?

10 A No -- well, I'm not -- I'm not sure.

11 Q Okay. And, I'm saying this incident, but for the
12 record, I'm referring to the injuries that we have been
13 talking about to your husband's groin area and
14 testicles.

15 A Uh-huh (affirmative).

16 Q So, do you know whether you went with him to see
17 Dr. Hudson about any of that?

18 A No.

19 Q How did you learn that Dr. Hudson performed a test to
20 determine whether your husband had an STD?

21 A My husband told me.

22 Q Did he ever show you any written test results?

23 A Yes.

24 Q Okay. Were those in records that belonged to Dr.
25 Hudson?

1 A Yeah.

2 Q Do you know whether he ever show -- your husband showed
3 those records to anyone else?

4 A No, I don't know.

5 Q I may jump around a little. I think you answered how
6 long it took you to drive from your job at Lowes to the
7 hospital, but I'm not sure I remember what you said.
8 So, I'm going to ask you again. How long did it take
9 you to get from Lowes to the hospital on the date of
10 the incident?

11 A Forty-five minutes to an hour.

12 Q And, when you arrived at the hospital, you had to wait
13 some additional time before your husband saw the
14 doctor, right?

15 A Yes.

16 Q And did you only see the doctor just one time when he
17 made the statement, or did you see him -- did he come
18 back multiple times?

19 A I saw him twice.

20 Q Was the first time when you saw him take the urine and
21 blood for sampling?

22 A Well, I -- he did not take the -- he asked the nurse
23 did they get the sampling -- the blood and the urine.

24 Q And that was the first time that you saw the doctor?

25 A Right, yes.

1 Q And then he came back a second time and that's when he
2 made the statement?

3 A Exactly.

4 Q Okay. Did you see Keith talk to the doctor?

5 A No.

6 Q Did you see Keith talking to any nurses?

7 A I seen -- yes, Keith was talking to every -- well, he
8 was talking to, I can't say if they were nurses, but
9 hospital personnel.

10 Q Were you able to hear what they were discussing?

11 A What do you mean hear? I was not --

12 Q You said --

13 A I was not focused on Keith at that time.

14 Q Okay. So you don't know what Keith was discussing with
15 the hospital personnel?

16 A I don't know what Keith was discussing. Well, Keith
17 told -- as we walked out, Keith was telling me that he
18 had talked to the hospital personnel about Anthony.

19 Q Did he tell you what he discussed?

20 A Not in so many words.

21 Q So other than Keith telling you that he had talked to
22 hospital personnel about your husband, you don't know
23 specifically what he talked to them about?

24 A Specifically, what he was talking about? No, all I can
25 tell you is Keith talked to the nurses -- I mean,

1 hospital personnel, and when we talked outside, because
2 I had went outside with Keith at one point, and he was
3 telling me that -- talking about Anthony's testicles.

4 Q Keith was talking to you about Anthony's --

5 A Anthony's --

6 Q -- testicles?

7 A Yeah because he said they was swollen. He said he
8 don't understand -- he said something about he didn't
9 understand how they get that swollen, you know, what's
10 going on.

11 Q Did he say -- did Keith say anything else to you about
12 your husband's condition?

13 A No.

14 Q You said you went outside with Keith at some point.
15 Can you tell me more about that?

16 A Just when I decided to get some air and clear my head.
17 Went outside to get some air to clear my head, Keith
18 was outside. He was down -- down somewhere in the area
19 smoking. He walked up there toward me and he was -- he
20 said that -- because every time I would see him, he was
21 talking to a nurse, one of the hospital personnel, the
22 receptionist or a nurse, or -- well, hospital
23 personnel, and Keith, he was on the phone. He said he
24 had to tell them what was going on. Tell West Fraser
25 what was going on with Anthony, but keep --

1 Q Was this --

2 A -- them informed.

3 Q -- was this before or after the doctor had made his
4 statement?

5 A This was after. It was after.

6 Q Okay. Did you actually see Keith make a phone call to
7 West Fraser?

8 [Cell phone rings.]

9 A I'm sorry? What, you mean look on his phone to see if
10 it's going to West Fraser? Because I don't know the
11 number.

12 Q No, and I'm sorry, there was some interference. I'm
13 not sure you're hearing it on your end, but I think
14 what you said is that, when you walked outside with
15 Keith --

16 A He told --

17 Q -- that --

18 A -- okay, go ahead. I'm sorry.

19 Q Well, you repeat your answer because I don't think I
20 heard it. I -- like I said --

21 A Keith told me --

22 Q -- there was some interference.

23 A -- he had to keep West Fraser informed of what was
24 going on.

25 Q Okay.

1 A But I did not --

2 Q And --

3 A -- see him dial the number, I mean, punch in the
4 numbers or dial the number. He told me he had to keep
5 West Fraser informed. He called the guy's name. I'm
6 not sure who it is or what's going on because the
7 company has to know what's going, you know, wanted to
8 know what was going on.

9 Q Okay. And did you actually hear Keith have any
10 conversation with somebody about what was going on; I
11 mean, over the phone when you're standing outside?

12 A No.

13 Q Okay. So you can't offer any testimony about anything
14 that Keith may have told anyone at West Fraser about
15 your husband's condition?

16 A I'm sorry, I can't tell nobody what now?

17 Q I think that you said that you never heard Keith
18 actually talking to anyone about your husband's
19 condition. And so I asked you the question, 'So you
20 can't offer any testimony about anything that Keith may
21 have told anyone at West Fraser about your husband's
22 condition.'

23 A Well, see I'm not understanding what you're saying
24 because you're asking me did I hear Keith talk to
25 someone at West Fraser. And I told you what Keith had

1 told me, that he was keeping West Fraser informed of
2 what was going on. That's what he told me --

3 Q Correct, but you never actually --

4 A -- he had to do.

5 Q -- heard the conversations between Keith and West
6 Fraser?

7 A No, I did not.

8 Q Okay. What was your relationship with your husband's
9 mother?

10 A Oh, it was great.

11 Q Did you ever talk to her about this incident?

12 A No.

13 Q Do you have -- do you know whether she was aware of the
14 incident?

15 A What, you mean talking about the one -- I'm sorry, the
16 incident from which he hurt himself up there?

17 Q No, I'm -- thank you, I need to be more clear. Did you
18 ever talk to your husband's mother about the things
19 that the doctor had said?

20 A No. No.

21 Q Do you know whether she was aware of what the doctor
22 said?

23 A No. Unh-uh (negative).

24 Q And my question is based on what you believe today. Do
25 you believe that the doctor's statements are true?

1 A Right now, no.

2 Q Can you explain then why you continue to have trust
3 issues with your husband?

4 A Because for what the doctor said.

5 Q Even though you don't believe that the statements are
6 true?

7 A During that time -- you're asking -- okay, you're kind
8 of confusing me. You said, do I believe right now what
9 the doctor said was true?

10 Q Yes.

11 A It wasn't true because the -- well, his doctor gave --
12 gave proof that it was not true.

13 Q And, when you got that proof from Dr. Hudson, and it
14 was confirmed that the doctor in the Newberry Hospital,
15 that his statements weren't true, so help me understand
16 then why you continue today to have trust issues.

17 A Because of what the doctor said. And, I'm sorry, I'm
18 this lady that, if someone puts something that
19 negative, especially a professional, a doctor, that
20 something happened with my husband, I believed it, and
21 I went on a limb and I believed it. I have been
22 tracking my husband. I have done things to him and
23 that is not good. I did that because of what a doctor
24 said.

25 Q Tell me about when your husband was discharged from the

1 hospital. How did you leave the room? Did you walk
2 out with him together?

3 A Yes, we walked out together.

4 Q Was anyone else with you walking out?

5 A Keith was there.

6 Q And was there anyone else?

7 A Of course, the person who was pushing the wheelchair.

8 Q Okay, so your husband, he was taken out in a
9 wheelchair.

10 A Yes.

11 Q So the hospital worker that was pushing the wheelchair,
12 you, your husband, and Keith, is that everyone who
13 walked out of the hospital with you that day?

14 A Yes.

15 Q And did you have any conversation with Keith as you
16 were exiting the hospital?

17 A Yes. Keith said that he's going to the pharmacy to get
18 the medicine and asked that we follow him to the
19 pharmacy.

20 Q Okay, and then when you got outside the hospital, did
21 you go to your car?

22 A Yes.

23 Q And did -- was your husband, was he sitting -- did he
24 stay at the entrance in his wheelchair and wait for you
25 to come pick him up?

1 A Yes.

2 Q Where was Keith at that point? Did he also go to his
3 vehicle?

4 A Keith went to his vehicle and told us to meet him at
5 the pharmacy.

6 Q [Technical Interruption.]

7 THE COURT REPORTER: It's saying your Internet
8 connection is -- can you hear us now? Well, there it
9 goes again. We were doing so good.

10 [Technical Interruption.]

11 Q I don't -- I think what I was asking you is when you
12 left the hospital that day and you went to your
13 vehicle, did Keith also walk to his vehicle at the same
14 time?

15 A Yes.

16 Q And, was the only person who remained with your husband
17 at the entrance sidewalk the hospital personnel who was
18 pushing his wheelchair?

19 A Yes.

20 Q On the morning of the accident, you said that you
21 received a call from someone at West Fraser to let you
22 know that your husband had been injured.

23 A Uh-huh (affirmative). Yes.

24 Q Do you know whether that person was Keith or someone
25 else at West Fraser, or do you remember?

1 A I don't remember.

2 Q Did they tell you anything else, other than your
3 husband had been injured?

4 A That I need to get to the hospital.

5 Q Did they tell you anything else about his injury?

6 A No.

7 Q Do you remember whether you received a phone call from
8 your husband prior to going to the hospital?

9 A Did he call? Prior to going to the hospital?

10 Q Yes. After you were notified by someone at West Fraser
11 that your husband had been injured, did you get a call
12 from your husband before getting to the hospital?

13 A Oh, yes. He calls -- well, he -- he called and told me
14 not to drive recklessly trying to get up the road.
15 That I don't need to get hurt. And he's okay. That
16 he'll be okay.

17 Q Do you hear me?

18 A Yes, I can hear you now.

19 Q Okay. Did he say anything else, other than to tell you
20 not to drive recklessly?

21 A And he's -- he'll be okay. That he's okay.

22 Q Okay. I think that's all the questions I have.

23 MS. MCCLURKIN: Shelton, you may have others, and
24 I'll look over my notes in case he does, and then I'll
25 -- I'll confirm that if you'll just give me a minute.

1 MR. HAILE: Johnny, do you have any?

2 MR. PARKER: None.

3 MR. HAILE: I don't have any more either.

4 MS. MCCLURKIN: Okay. Can I just take a -- just
5 two minutes?

6 MR. HAILLE: Yeah.

7 THE COURT REPORTER: All right.

8 MS. MCCLURKIN: Okay.

9 Q Mrs. Wise, do you recall telling Keith that your
10 husband wasn't returning to work?

11 A Yes.

12 Q When did you -- when did you have that -- when did you
13 make that statement to him?

14 A In the pharmacy. I told him he was not going to return
15 to work today.

16 Q Okay. And when -- did you discuss anything else with
17 Keith when you were in the pharmacy?

18 A Medicine? He was just telling me about the medicine
19 and that he had the company card.

20 Q Okay. Did Keith receive a written prescription for the
21 medicine that your husband was taking?

22 A I'm not sure if they called it in or wrote it out. I
23 think it was written.

24 Q Okay. And, you -- your husband waited in your car
25 while you and Keith went into the pharmacy to get the

1 prescription filled, right?

2 A Yes.

3 Q And, tell me everything you remember about what you
4 discussed with Keith while you were waiting on the
5 prescription to get filled.

6 A That he had the company card, and he says -- he asked
7 me was Anthony going back to work today -- that day,
8 and I told him no, he would not be back to work that
9 day. And --

10 Q And is that everything that you discussed that you can
11 remember?

12 A We walked out. He went to the car, gave Anthony the
13 medicine, and that was it.

14 Q Okay. So you and Keith didn't have any discussion
15 about your husband's diagnosis or his condition, other
16 than that while you were in the pharmacy?

17 A That's it.

18 Q Thank you. I don't have anything else.

19 MR. HAILLE: Nothing else from me.

20 MR. PARKER: Okay. Thank you, that's it.

21 THE COURT REPORTER: Thank you.

22 MR. PARKER: All right, goodbye, everyone. Have a
23 nice day.

24 WHEREUPON, THERE BEING NO FURTHER QUESTIONS, THE
25 DEPOSITION IS CONCLUDED 11:24 A.M.

1 THE DEPONENT WAIVES THE READING AND SIGNING OF THE
2 DEPOSITION.
3

4 (*This transcript may contain quoted material.
5 Such material is reproduced as read or quoted by the
6 speaker.)
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Anthony Wise W/C Incident

On Tuesday, Nov. 7, 2017, Anthony's F/L he was operating had a broken latch that caused him pain when he jerked it to open. He was in pain and asked for immediate medical care. He did not want to wait until 9 AM for the Co. doctor's office to open, so Keith Nelson took Anthony to the E/R.

Upon Keith's return to the office, he told us what the E/R doctor had told Keith, informing him that he suspected that Anthony had a 'long worded' infection that has several possibilities of origin (including past sexual history) and prescribed an antibiotic, Epididymo-orchitis hydrocele. Anthony did not return to work that day but did go to his personal physician the following day. He was also upset that the E/R doctor had asked him about his sex partners in front of his wife (who apparently he called to meet him at the hospital.)

Anthony called the following day & reported that his doctor had put him out of work for the rest of the week -to RTW on Monday 11/20. He wanted to know about his missed pay while he was out. I explained that he was out of work due to his personal physician, not a company doctor. He told me more than one time, you know I got hurt at work & now I'm getting shafted out of pay. We walked through him contacting The Hartford for STD. They would deny it since he would say he was out for a work related incident. The next day, he called again on the same line. I suggested that we could have him seen by our Co. physician but he thinks he is a 'quack' from the last injury he had. I explained if he needed to be seen by another doctor, he would need to go through him for a referral.

On Monday, 11/20, Anthony RTW and brought his medical paperwork from his physician. I reviewed it after he left the office which shows he received antibiotics, pain meds and an anti-inflammatory. The diagnosis did not show anything related to an injury. Again, he was still not happy about the lack of pay. I explained to him that if he called The Hartford for STD, I would write a letter that stated his absence was not due to a W/C issue so that STD could pay after a three day waiting period. He didn't agree to that and has not contacted The Hartford as of today. Anthony also told me that when he came back to work that several stories had been circulating about his condition and he didn't appreciate it. DJ & I discussed it trying to remember if anyone had been around the office and could have overheard what was said. We asked Keith and he stated he told Anthony's direct supervisor in the shipping office that he had an infection.

On Wed. Nov, 15th, Anthony came back to office once again & told me that people were talking about him and he was a 64 year old man who didn't have an STD. He said that Keith had been the one to say something and he was upset. I told him I certainly understood and he could discuss it with Keith when Keith returned from an out of town class on Thursday 11/16.

From: Morgan, Grenville D. (Doc) Law Clerk (Mariana Outten) <gmorganlc@sccourts.org>
Sent: Monday, August 23, 2021 9:32 AM
To: Matthews, Steve <smatthews@hsblawfirm.com>
Cc: Anne Laurie McClurkin <AMcClurkin@maynardcooper.com>; Major, Chris <cmajor@hsblawfirm.com>;
shaile@richardsonplowden.com; zhayden@richardsonplowden.com; jparker@pmped.com; jcarrigg@carrigglaw.com
Subject: RE: Wise v. Newberry County Memorial Hospital, et al. -- C/A No. 2019-CP-36-00103

Good morning everyone,

Judge Morgan learned that a Motion to Amend was filed by the Plaintiff after the summary judgment hearing. He would like for you to brief the issue on what effect that has on ruling on the summary judgment motion. He is aware that the case is on a roster and would therefore like to have the issue briefed by Wednesday. If you need until Thursday, that is fine.

Anna Outten

Law Clerk to The Honorable G.D. Morgan
Resident Circuit Judge, 13th Circuit
305 E. North Street
Greenville, SC 29601
Cell: (843)-817-4416

PMPED

PETERS | MURDAUGH | PARKER | ELTZROTH | DETRICK

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September 1, 2021

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Re: *Anthony Wise v. Newberry Hospital, et al*
Civil Action No.: 2019-CP-36-00103

Dear Ms. Folk

Enclosed please find for filing in the above-entitled matter the certificate of technical failure or technical difficulties for the depositions transcripts mailed to you on August 31, 2021 of:

Anthony L. Byrd, Sr, Raphael Maybin, Keith Nelson, Joseph Praylow, Julian Harry Shelton, Dolan J. Russell, George Wilson, Anthony Wise and Pauline Wise.

With kind regards, I am

Sincerely,



John E. Parker.

JEP/cc

Cc: Anne Laurie McClurkin- via email only.
Christopher Major- via email only.
John Carrigg- via email only.

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ROA-693

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

ANTHONY WISE

Plaintiff,

vs.

NEWBERRY HOSPITAL, LLC D/B/A
NEWBERRY COUNTY MEMORIAL
HOSPITAL AND WEST FRASER, INC.,

Defendant.

IN THE COURT OF COMMON PLEAS
8th JUDICIAL CIRCUIT

**CERTIFICATE OF TECHNICAL FAILURE
OR TECHNICAL DIFFICULTIES**

Case No.: 2019-CP-36-00103

Pursuant to the *South Carolina Electronic Filing Policies and Guidelines*, John E. Parker, Attorney for the plaintiff, seeks to file the attached Depositions Transcripts by a Traditional Filing Method/Alternative Method of Submission based on the inability to Electronically File the document. The inability to Electronically File the document was caused by:

- ☐ An announced Technical Failure of the Electronic Filing System;
- ☐ A technical difficulty that prevented the successful E-Filing of this document, which is described in detail below, including a statement certifying compliance with Section 9(d) of the Policies and Guidelines: ;
- ☐ A Repeated Technical Difficulty, which is described in detail below, including a statement certifying compliance with Section 9(f) of the Policies and Guidelines: ; or
- ☒ The document is excluded from the requirement that it be E-Filed in accordance with Section 2(d) of the Policies and Guidelines.

I have served or will serve this notice and the attached correspondence on all parties to this action by the following means: email

I declare under penalty of perjury that the foregoing is true and correct.

S/John E. Parker
Attorney for Plaintiff
Address: P.O Box 457
Hampton, SC 29924
Phone: 803-943-2111
S.C. Bar No.: 4442
Email: jparker@pmped.com

RECEIVED
Dec 15 2021
SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Civil Action No.: 2019-CP-36-00103

Anthony Wise, ...Appellant,

-v-

Kenneth E. Leap, Newberry Hospital, LLC d/b/a
Newberry County Memorial Hospital, and West
Fraser, Inc., Defendants,

Of Whom, West Fraser, Inc. is Respondent.

NOTICE OF APPEAL

PLEASE take notice that Anthony Wise (“Appellant”), pursuant to Rule 203, SCACR, appeals the following Orders of the Honorable G.D. Morgan, Jr.: one signed October 8, 2021 and filed October 11, 2021, granting Defendant West Fraser, Inc.’s Motion for Summary Judgment (Exhibit A), and another signed and filed November 23, 2021, denying Plaintiff Anthony Wise’s Motion for Reconsideration (Exhibit B).

Appellant received written notice of entry of the Order denying Plaintiff’s Motion for Reconsideration on November 23, 2021. This Notice is timely filed. A copy of the Orders appealed are attached to this Notice.

ROA-695

Respectfully submitted,

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

December 15, 2021
Hampton, South Carolina

By: 

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-AND-

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Attorneys for Appellant

Other Counsel of Record:

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Attorneys for Respondent

RECEIVED

Dec 15 2021

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Civil Action No.: 2019-CP-36-00103

Anthony Wise, ...Appellant,

-v-

Kenneth E. Leap, Newberry Hospital, LLC d/b/a
Newberry County Memorial Hospital, and West
Fraser, Inc., Defendants,

Of Whom, West Fraser, Inc. is Respondent.

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing Notice of Appeal has been served upon the following counsel of record by emailing a copy of the same, this 15th day of December 2021.

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ROA-697

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Attorneys for Respondent

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

By: _____

December 15, 2021
Hampton, South Carolina

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PMPED
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ATTORNEYS AT LAW

December 15, 2021

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Paralegal: ccartier@pmped.com

Via Email Only: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
S.C. Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, SC 29211-1629

RECEIVED

Dec 15 2021

SC Court of Appeals

Re: *Anthony Wise v. Newberry Hospital, et al*
Civil Action No.: 2019-CP-36-00103

Dear Ms. Kitchings:

Enclosed for filing, please find the original of the Notice of Appeal in the above-referenced case. We are e-mailing the Notice of Appeal for filing and no additional copies are being provided. If additional copies are requested, please let us know. Also, our check in the amount of \$250.00 will go out in today's mail for the filing fee.

By copy of this letter, I am serving all counsel of record with a copy of the same.

If you have any questions, please let us know.

With kind regards, I am

Sincerely,



John E. Parker Jr.

JAY/cc

Cc: Christopher B. Major, Esquire.

Anne Laurie McClurkin, Esquire

101 Mulberry Street East | PO Box 457, Hampton, SC 29924
Phone 803.943.2111 | Facsimile 803.943.3943 | www.pmped.com
Hampton | Ridgeland | Walterboro |

ROA-699

RECEIVED
Jun 30 2022
SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Appellate Case No.: 2021-001463

Anthony Wise Appellant,

-v-

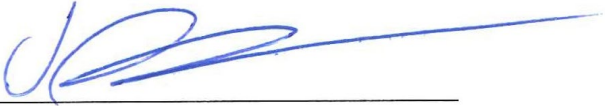
Kenneth E. Leap, Newberry Hospital, LLC d/b/a
Newberry County Memorial Hospital, and West
Fraser, Inc., Defendants,

Of Whom, West Fraser, Inc. is Respondent.

CERTIFICATE OF COUNSEL

The Undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

By: _____


John E. Parker, Jr., Esquire
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Hampton, SC 29924
Phone: (803) 903-1781
ATTORNEYS FOR APPELLANT

June 30 2022

ROA-700