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**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas

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

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Appellate Case No.: 2021-001463

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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.

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**SUPPLEMENTAL RECORD ON APPEAL**

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STATE OF SOUTH CAROLINA )  
COUNTY OF NEWBERRY )  
ANTHONY WISE, )  
 )  
Plaintiff, )  
 )  
v. )  
KEITH E. LEAP, et al. )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO.: 2019-CP-36-00103

**DEFENDANT WEST FRASER, INC.'S  
MOTION FOR SUMMARY JUDGMENT**

**EXHIBIT 1**



1 long hours again.

2 Q All right. Anything -- but did -- but he  
3 encouraged you to apply for employment, right?

4 A Yes.

5 Q Did he say anything else about West Fraser?

6 A I don't recall because, like I said, a lot  
7 done happened since then and I -- I don't get to talk  
8 to him no more.

9 Q There's nothing else, though, that you can  
10 recall Mr. Fields saying about coming to work at West  
11 Fraser?

12 A No, not -- not right off, no.

13 Q And at the time or around that time, did  
14 Mr. Fields hold a supervisor position with West  
15 Fraser?

16 A Yes.

17 Q All right. And you were offered and you  
18 accepted employment with West Fraser beginning in --  
19 beginning on March 23, 2015, right?

20 A Yes.

21 Q And started out in the forklift operator  
22 position, correct?

23 A Correct.

24 Q And who were your supervisors that you were  
25 working with then?

1 were going to -- that you were floating from  
2 department to department --

3 A Uh-huh.

4 Q -- were you still -- was your assignment  
5 still in the kiln department but you were being loaned  
6 out to these other departments?

7 A Yes, I suppose so.

8 Q So your permanent assignment was still in  
9 the kiln but you were being temporarily, you know,  
10 reassigned to these other departments?

11 A Yeah, I was being jerked around basically.  
12 That's what it boiled down to.

13 Q But it was your understanding that those  
14 assignments were supposed to be temporary?

15 A Honestly, I don't know. All they done  
16 wanted me to do is go work here, work there, and all  
17 around.

18 Q And if the managers of these various  
19 departments, Chuck Price in shipping or Quinton Wilson  
20 over the planer mill, if they testify that it was Mike  
21 Shealy in the kiln department who remained responsible  
22 for keeping up with your -- your time sheets, do you  
23 have any information to dispute that?

24 A I'm just telling you what they were telling  
25 me when I asked about my hours. Now, if I go in there

1 always there.

2 And then there's one saying: Daddy, we love  
3 you.

4 I'm guessing that's your daughter --

5 A Yes.

6 Q -- right?

7 A Uh-huh.

8 Q All right. I mean, you're not testifying  
9 this isn't your information that you posted, are you?

10 A Now, like I said, I might have did post  
11 that. I don't know. Like I said, I was thinking  
12 about my mama.

13 Q Okay.

14 A And --

15 Q Okay. But -- so I understand you're saying  
16 you're not using Facebook presently. But you used it  
17 at least through the end of 2018, right?

18 A According to this. And see that -- that --  
19 that lady right there (indicating), she works with my  
20 wife, Becky.

21 Q All right. Let's talk about what we've been  
22 calling the subject incident, so November 7, 2017. At  
23 that time you're employed by Westberry working in the  
24 shipping department, correct?

25 A Correct.

1 Q All right. Do you remember what time you  
2 got to work that day?

3 A I think about 5:45.

4 Q A.m.?

5 A Yes.

6 Q What is the night shift schedule?

7 A 6:00 to 6:00.

8 Q 6:00 p.m. to 6:00 a.m., right?

9 A Right.

10 Q Who -- who else was already in the shipping  
11 department when you arrived at work that day?

12 A I think Irving was there.

13 Q Is that his first name?

14 A Yes.

15 Q What's his last name?

16 A Oh, God. I can't tell you right off.

17 Q All right. Anyone else that you can recall  
18 who was present at work that day?

19 A Yes, because before -- before the accident  
20 or after?

21 Q Before, when you arrived at work.

22 A I think Chuck came in.

23 Q Chuck Price?

24 A Yes. You're just talking about the shipping  
25 department or the whole plant site?

1 Q Just the shipping department, the area where  
2 you were working.

3 A Every -- I think all the employees were  
4 there because we had to clock in before 6:00.

5 Q So any employee who was scheduled to work  
6 the day shift in shipping that day would have been  
7 either there or arriving shortly --

8 A Right.

9 Q -- at -- when you arrived at 5:45 a.m.?

10 A Right.

11 Q And would the night shift employees be close  
12 to coming off of their shift?

13 A Yes.

14 Q Is there anyone other than Irving, whose  
15 name you can't recall, and Chuck Price that you  
16 specifically remember seeing before the incident  
17 occurred?

18 MR. PARKER: What's the question?

19 BY MS. MCCLURKIN:

20 Q Is there anyone other than Irving or Chuck  
21 Price that you specifically recall seeing in the  
22 shipping department before the incident occurred?

23 A I can't remember.

24 Q Okay. Tell me -- tell me what happened with  
25 the incident.

1           A     I -- I went out, got my card to check the  
2     oil, water, and all the fluids in the forklift. I had  
3     reported a week earlier about the hood wouldn't raise  
4     up. It have a hydraulic hood on it. You hit a  
5     button, the thing's supposed to pop open. It didn't  
6     Hop open so I wrote it up. Told the supervisor about  
7     it, told maintenance about it, and gave them the card  
8     and everything.

9           So that morning I had been -- I tried to  
10    lift it up like I had been doing. I had one foot up  
11    on one side, one foot down this way, and when I pulled  
12    up on it, I felt something give. And I got off and  
13    Irving said -- Irving was sitting right there on the  
14    other forklift. He say, You all right? No, man,  
15    something gave. And by that time I could feel  
16    everything swelling up.

17           So I went in there and told Chuck, I said,  
18    Chuck, I need to get in the office so I can see what's  
19    going on. So I went in the bathroom, they were  
20    (indicating by sound). I mean -- what I mean was they  
21    was swollen real bad and they were throbbing like a  
22    toothache.

23           And he -- I went back and told Chuck, I  
24    said, Chuck, I've got to go to the doctor. I'm  
25    hurting something terrible. He said, Well, you want

1 me to get somebody? And I said, Yeah, get somebody  
2 because I've got to go. He called Steve Johnson.  
3 Steve Johnson is -- he was over the dry-in  
4 superintendent, if I ain't mistaken. He come up  
5 there, and it wasn't long after that I think Quinton  
6 come in and --

7 Q Quinton?

8 A Yeah, Quinton Wilson. They gave me an  
9 icepack and told me, Put them on. I mean, just,  
10 uh-uh. I said, I got to go to doc's. Somebody got to  
11 tell me what's going on.

12 They finally got ahold of Keith. Keith come  
13 in and he wanted to wait until the company doctor get  
14 in the office. I said, Uh-uh, uh-uh, uh-uh. I said,  
15 We got to go. We got to go. I got to go. Somebody  
16 got to tell me what's going on. I said, These things  
17 are killing me. So --

18 Q And let me -- let me stop you and back you  
19 up a little bit so we are clear on the record what we  
20 talk about.

21 A Okay.

22 Q When you're saying "these things" and the  
23 area that was swollen, we're talking about your  
24 testicles?

25 A Right.

1 A Yes.

2 Q And then you said Chuck Price called when  
3 you came out of the bathroom.

4 A Uh-huh.

5 Q Are you able to walk at this time?

6 A Yeah, I'm walking. I'm wobbling.

7 Q But you're wobbling?

8 A Yeah.

9 Q Are you hunched over?

10 A Yeah.

11 Q So you weren't able to walk upright?

12 A No. When you -- when you -- when that  
13 thing -- when it gave, it gave.

14 Q Okay. And I'm just -- I'm trying to  
15 understand because I wasn't --

16 A You'd never understand.

17 Q Well --

18 A You're no man.

19 Q -- and there's that, too, so that's why I  
20 got to ask you --

21 A I'm sorry.

22 Q -- a few questions. I don't have those and  
23 I wasn't there.

24 Was -- when you came out of the bathroom --

25 A Uh-huh/

1 Q -- so you're walking but you're hunched  
2 over, right?

3 A Yeah.

4 Q And where are your hands? Are you hands  
5 covering --

6 A I'm holding --

7 Q -- your groin area?

8 A I'm holding them, holding them.

9 Q Okay.

10 A And like I told you, they -- they -- they  
11 are throbbing and I'm feeling them swelling up.

12 Q All right. And you're in a lot of pain?

13 A Yeah.

14 Q And did anyone offer you a place to sit down  
15 or --

16 A Yeah, I went in -- I went in the office and  
17 sat down, in the shipping office, sat down.

18 Q Did you sit down in a chair or on a bench  
19 or --

20 A I was sitting down in the chair. I kind of  
21 leaned back like this here (indicating) and I sat down  
22 and I was sitting there holding them. And then, like  
23 I said, Quinton and them come in with an icepack and  
24 told me to hold that on there, that it would probably  
25 take the swelling down. But all that did was make

1 A Yes.

2 Q All right. So the people who came to see  
3 you in the office where you were sitting down and  
4 holding your testicles in pain --

5 A Uh-huh.

6 Q -- were Steve Johnson, Quinton Wilson --

7 A Uh-huh.

8 Q -- Keith Nelson --

9 A Uh-huh.

10 Q -- and Chuck Price?

11 A Yeah, he was already -- see, he -- Chuck  
12 is -- is more or less supervisor over shipping.

13 Q It was his office?

14 A Yes.

15 Q Okay.

16 A Well, we got -- we got more or less to like  
17 this, the canteen and all of that little break area  
18 all that, and then we got the part where you can fill  
19 out bills of lading and all that on one side. But all  
20 of it's just one big office.

21 Q Okay. All right. But Chuck Price also  
22 would have seen you?

23 A Yeah.

24 Q And Irving saw when -- when this occurred  
25 out in -- where were you?

1 A We was out in the yard.

2 Q You were out in the yard?

3 A Uh-huh.

4 Q And did Irving come into the office with  
5 you?

6 A I -- I'm not for sure. All I know is told  
7 him he had to write a statement.

8 Q They told Irving -- who told Irving?

9 A That's what Chuck was telling him. And  
10 upper management told me he had to write a statement  
11 to tell what he seen.

12 Q Because there had been an on-the-job  
13 accident and potential injury?

14 A Yeah.

15 Q All right. Is Irving an hourly employee?

16 A Yes.

17 Q Do you know if he's still employed by West  
18 Fraser?

19 A No, he's not employed by West Fraser  
20 anymore.

21 Q Okay. Is that everyone who you recall  
22 coming in to see you in the office as you're waiting  
23 to be taken to the doctor?

24 A Yes.

25 MS. MCCLURKIN: Let's go off the record for

1 a second.

2 THE VIDEOGRAPHER: Going off the record at  
3 12:43.

4 (Conference off the record.)

5 THE VIDEOGRAPHER: We're back on the video  
6 record, correcting that we went off at 12:13.  
7 We're back on at 12:14.

8 BY MS. MCCLURKIN:

9 Q About what time, if you know, did Mr. Nelson  
10 arrive?

11 A It was after. I want to say between 6:30,  
12 7:00. Might have been a little later.

13 Q So you weren't on the job very long at all  
14 when this incident happened?

15 A No, because you had to check your equipment  
16 out before you crank it up or anything.

17 Q Okay. So it's the first work that you tried  
18 to perform that day and that's when you were -- you  
19 had this incident?

20 A Yeah, it's automatically there.

21 Q Okay. And you think that Keith got there  
22 about 6:30 or 6:45 a.m.?

23 A I don't know exact what time it was but I  
24 know.

25 Q But approximately?

1 A Yeah.

2 Q That's your best judgment?

3 A Yes.

4 Q And what did Keith say when he arrived?

5 A He wanted to wait on the company doctor to  
6 open up. And I told him I couldn't wait. So he ended  
7 up taking me to the emergency room.

8 Q And the emergency room was at the Newberry  
9 Memorial Hospital, right?

10 A Correct.

11 Q Did he drive you there in his vehicle?

12 A No, I don't think so. I think it was a  
13 company vehicle.

14 Q But did -- okay. Did Keith drive you there  
15 in the company vehicle?

16 A Yeah, I think so.

17 Q You didn't drive?

18 A No, I didn't drive, uh-uh.

19 Q Was your personal vehicle back at the West  
20 Fraser mill?

21 A Yes.

22 Q All right. Tell me what happened when --  
23 well, was anyone else in the company vehicle when you  
24 and Keith Nelson drove to the emergency room?

25 A No, it just -- just the two of us.

1           Q     All right. Did you contact anyone in  
2     between leaving West Fraser and going to the emergency  
3     room?

4           A     I called my wife.

5           Q     Anyone else?

6           A     No.

7           Q     What did you tell your wife?

8           A     I told her, I said, Don't come up the road  
9     like you're crazy. I said, I'm heading to the  
10    hospital. I said, Take your time. I said, I'm all  
11    right but I had felt something pull in my groin. I  
12    said, You need to come on up and I left it at that.

13          Q     And when you said to her, "Don't come up the  
14    road like you're crazy," you meant don't -- don't  
15    drive unsafely?

16          A     Yeah, don't drive fast because she get  
17    excited when things happen to me.

18          Q     So you said, you know, get here but take  
19    your time, right?

20          A     Yes.

21          Q     Okay. And was she at the hospital when you  
22    arrived?

23          A     No, she got there a little later.

24          Q     Tell me what happened when you arrived at  
25    the hospital.

1           A     When I got to the hospital, I -- they put me  
2     in a little -- they finally got me in a little room.  
3     I sat on the outside, they signed me in, and then they  
4     put me in one of those little rooms in the back.

5           Q     Were you able to walk inside by yourself or  
6     did they get a wheelchair or stretcher and help you?

7           A     I limped on in there.

8           Q     All right. Did Mr. Nelson assist you as you  
9     were walking in?

10          A     No, I limped in on my own.

11          Q     All right. Was he walking next to you?

12          A     Yeah, next to me, kind of behind me, or in  
13     front of me, I don't know. All I was trying to do was  
14     get in.

15          Q     And did you and Mr. Nelson have any  
16     conversation about -- about the incident prior to  
17     getting to the hospital, about what happened?

18          A     I told him what happened on the job site.  
19     They wanted to know that and I told him what happened  
20     on the job site. And that's what -- they finally  
21     decided they was going to go ahead and take me to the  
22     hospital, the emergency room.

23          Q     All right. And on the way to the emergency  
24     room, did you and -- did you and Mr. Nelson discuss  
25     your injuries?

1           A     No, there wasn't nothing to discuss. They  
2     were hurting. I didn't want to talk. I just wanted  
3     to find out what was going on.

4           Q     All right. And so when you got there, you  
5     walked into the emergency room and you signed in,  
6     right?

7           A     Uh-huh.

8           Q     And then they eventually put you in an exam  
9     room, right?

10          A     Right.

11          Q     And where did Mr. Nelson go?

12          A     At first he was sitting on the outside, and  
13     then he started floating around, around in the  
14     hospital back in there. He say, I got to go smoke a  
15     cigarette, in and out, round through there like that  
16     right there (indicating).

17          Q     All right. So he wasn't sitting in the exam  
18     room with you?

19          A     No.

20          Q     Okay.

21          A     But he ease his way in there peeping through  
22     the door like this (indicating).

23          Q     Okay. So when you first got to -- into the  
24     exam room --

25          A     Uh-huh.

1           trying to explain to her why -- what happened and why  
2           he was there. And she was saying, I'm here now. So  
3           he left.

4           Q     How long --

5           A     That's --

6           Q     Okay.

7           A     That's when the doctor came in and he said  
8           that they -- we going to run some tests and see what's  
9           going on.

10          Q     Okay. But before -- you're getting ahead of  
11          me so -- and I'm going to let -- we're going to get to  
12          all of that. But you said your wife got there. About  
13          how long do you think you'd been at the hospital when  
14          your wife arrived?

15          A     Oh, God. Maybe an hour.

16          Q     Had you already seen the doctor?

17          A     No.

18          Q     Okay. Had you seen the nurse?

19          A     The nurse had come in and told me to take my  
20          pants off.

21          Q     So you'd already seen the nurse but not yet  
22          the doctor, right?

23          A     Not yet the doctor.

24          Q     And was your wife having to drive from --  
25          was she at work that day?

1 her saying that, I'm here now.

2 Q Was she saying I'm here now so you can --

3 A Yeah.

4 Q -- go, Mr. Nelson, right?

5 A I guess. I don't know. Like I said --

6 Q Okay.

7 A -- I remember her saying that.

8 Q That's all you can remember from hearing  
9 between Mr. Nelson and your wife that day?

10 A Uh-huh.

11 Q And was that conversation in the exam room  
12 or was it out in the hallway?

13 A It was -- it was right there in front of me,  
14 right -- right in that area.

15 Q Was it in the exam room?

16 A Yeah, right there in the area. What I'm  
17 saying is, you don't understand how that exam room's  
18 made. It's more or less open. It's not closed.

19 Q But you said it had a door, right?

20 A I don't remember seeing no door.

21 Q Okay.

22 A There might have been one there but I don't  
23 remember seeing no door.

24 Q I thought before you said it had a door and  
25 it was open?

1           A     It got -- it had a doorway but I don't  
2     remember seeing no door.

3           Q     And do you remember whether there was a  
4     curtain or anything to --

5           A     If I'm not mistaken here, there was a  
6     curtain there. I don't know if it had glass all  
7     around it.

8           Q     All right. And then did -- Mr. Nelson  
9     stayed, right, after your wife got there?

10          A     I ain't --

11          Q     Well, no, I'm sorry, you said he left,  
12     right?

13          A     I don't know. I don't know. All I know is  
14     I told you I remember her saying that I'm here now.  
15     And I don't know whether he stayed because I was  
16     turned over on one side sitting there holding my  
17     testicals and --

18          Q     Okay. And did -- but after she said, I'm  
19     here now, you can leave, Mr. Nelson, did --

20          A     Wait a minute. Wait a minute now. I don't  
21     know if she said you can leave now. All I know is she  
22     said that I'm here now.

23          Q     Okay. But I think we agreed that it was in  
24     the context of your -- you don't need to stay here  
25     anymore because I'm here now?

1 MR. PARKER: I object. That wasn't his  
2 testimony. That's your testimony.

3 MS. MCCLURKIN: I thought he said --

4 BY MS. MCCLURKIN:

5 Q Do you disagree with that?

6 A I just --

7 Q I thought you already --

8 A I told you that --

9 Q Well, it's in the record.

10 A -- all I heard was that she said that I'm  
11 here now. And I wasn't interested in that  
12 conversation. You don't understand. When you hurting  
13 the way I'm hurting, that's all you can think about.

14 Q All right. And they're standing there in  
15 the doorway area having the conversation, right?

16 A Yes, I guess.

17 Q And then after that do you remember whether  
18 Mr. Nelson walked away or did he stay there with your  
19 wife in the doorway?

20 A I keep telling you, I do not know.

21 Q Okay. And about how long -- well, did  
22 anyone else from the hospital come and see you before  
23 the doctor got there in between the time your wife  
24 arrived and the time that Dr. Leap arrived?

25 A They -- the doctor came in and he said,

1 Well, we're going to take you back there and check you  
2 out. So the nurse came in and -- a wheelchair and  
3 they wheeled me in the back, put me on I reckon some  
4 kind of examining table, and they took X-ray, some  
5 kind of test they took and all that.

6 And they wheeled me back out and I was  
7 laying there in the bed. While I was laying there in  
8 the bed, another little nurse come in with some  
9 medication or something. She shot half of that down  
10 the sink, and she give me some. It kind of made me  
11 woozy and all this. And I'm sitting there, and I  
12 asked her, I said, Why did you do that? She said, I  
13 don't know. Maybe it looked like it was too much. So  
14 she left.

15 And then the doctor come in and he said,  
16 Well, we don't see no -- whatever he was saying that  
17 caused a hernia and all that. Now, my wife is there  
18 and all these people out in the hall and the nurse is  
19 in the room. And that fool come out of his mouth and  
20 said something about there been a change in sexual  
21 partners.

22 Q Who said that?

23 A The doctor.

24 Q Dr. Leap?

25 A Yeah.

1 Q And --

2 A Nelson standing there like this right here  
3 (indicating).

4 Q All right. So we're going to break some of  
5 this down. So you -- you said that -- because my  
6 question was did you see anyone else in between your  
7 wife arriving and the doctor arriving, and then you  
8 gave this --

9 A This -- this --

10 Q -- this story.

11 A This is what happened.

12 Q Okay. But -- so I'm going to break it down,  
13 though. All right. So you went -- they took you to  
14 an X-ray room, right?

15 A Yeah.

16 Q And that was -- who was in the X-ray room?  
17 The nurse was there?

18 A Yeah.

19 Q All right. Was Dr. Leap there?

20 A No.

21 Q No. Was your wife there?

22 A No, she wasn't back there with me.

23 Q Was doc -- was Keith Nelson there?

24 A Not back there when they're doing the X-ray.  
25 Wasn't nobody in there but me and the X-ray

1 technician.

2 Q Okay. And then they -- the X-ray technician  
3 or the nurse brought you back to --

4 A That little holding area.

5 Q Okay. And put you where, on the bed?

6 A Back in the bed.

7 Q And who's in the room or the holding area?

8 A My wife was there and then after that, the  
9 doctor come in. The nurse come in and give me a shot  
10 before the doctor got there. And then he come in and  
11 he was trying to explain to me about I didn't have no  
12 hernia or nothing, and then this change of sexual  
13 partners come out.

14 Q That's when that statement was made?

15 A Yeah.

16 Q All right. The nurse that gave you the  
17 shot --

18 A Uh-huh.

19 Q -- you said before she injected you she  
20 dumped -- she injected half of it into the sink?

21 A Yeah.

22 Q All right. Do you know what medication that  
23 was?

24 A I don't know what it was.

25 Q Was it an antibiotic?

1 we do have -- we do want to get out of here as quickly  
2 as possible so --

3 A Okay.

4 Q And your attorney can ask you questions if  
5 this is information that needs to be on the record.  
6 But I'm going to try to get you to answer my  
7 questions.

8 When -- you do not know and don't know  
9 sitting here today what the injection was that you  
10 were given, right?

11 A No.

12 Q And when Dr. Leap came in after you got the  
13 injection, was the nurse in the room?

14 A There was a bunch of people in the room.

15 Q All right. Tell me -- tell me everyone.

16 A I can't tell you everyone because I ain't  
17 know everyone.

18 Q Okay. Tell me everyone that you can  
19 identify.

20 A My wife was there, the doctor was there,  
21 nurse was there, people standing out in the hall. I  
22 don't know who them people was. All I know is they  
23 worked at the hospital.

24 Q Okay. You've told me everyone that you can  
25 identify by name or position, right?

1 A Yeah.

2 Q Okay. And Dr. Leap said -- the first thing  
3 he said to you was I don't see anything to cause me to  
4 believe that you have a hernia?

5 A Yeah.

6 Q And then the second thing he said to you was  
7 what?

8 A Looks like somebody's been changing sexual  
9 partner.

10 Q All right. What was the next thing that he  
11 said?

12 A He looked at me crazy and I'm looking at  
13 him. What else you going to say?

14 Q All right. Did you -- did you have a  
15 response to that, to Dr. Leap's statement?

16 A I'm looking at my wife then.

17 Q Did you have a verbal response to Dr. Leap's  
18 statement?

19 A No. I'm looking at him like he's damn  
20 crazy.

21 Q And you're looking at your wife?

22 A Yeah.

23 Q And did she have a verbal response to Dr.  
24 Leap's statement?

25 A No, she's looking at me, too. She's looking

1 at me, I'm looking at her, and then we looked at him.  
2 And then that's when we looked at everybody.

3 Q Okay. Nelson was not some -- one of the  
4 people that you identified as being in the room. Are  
5 you saying now --

6 A Yes, I did.

7 Q -- that he was in the room?

8 A Yes, I did say that.

9 Q Okay.

10 A You weren't listening to me.

11 Q All right. Let me make sure I've got it  
12 right. So the people that you can identify by name or  
13 position that were in the room when Dr. Leap made this  
14 statement were your wife?

15 A Yes.

16 Q Dr. Leap?

17 A Yeah.

18 Q A nurse?

19 A Yes.

20 Q And Keith Nelson?

21 A Yep, and -- and a lot of more people was  
22 standing right there in the line of fire and could  
23 hear all this.

24 Q But you've now told me everyone you can  
25 identify by name or position, right?

1 A Yeah, as far as -- as far as I know.

2 Q All right. And so did -- did Keith Nelson  
3 do or say anything in response to what Dr. Leap said?

4 A All I know is after that, they left out and  
5 had a conference.

6 Q I'm sorry, what?

7 A They left out and started talking to each  
8 other.

9 Q Dr. Leap and Keith Nelson?

10 A Nelson, yeah.

11 Q And did the nurse leave?

12 A I think so.

13 Q And you and your wife stayed alone in the  
14 room or the holding area that we've been talking  
15 about?

16 A Yeah, with everybody else around like this  
17 (indicating).

18 Q And what -- what else -- I mean, what  
19 happened after Dr. Leap made this -- or allegedly made  
20 this statement about it looks like somebody's been  
21 changing sexual partners?

22 A He walked out.

23 Q That was it? That was his diagnosis?  
24 That's all he said?

25 A That -- that's all -- after that, that's all

1 Q So in your -- you've already told me about  
2 all the statements from Dr. Leap that you can remember  
3 that were made in your presence, right?

4 A As far as I can recall at this time.

5 Q And what -- did you get any other treatment  
6 from -- or any other testing done other than the  
7 X-rays and the shot that you don't know what it was?

8 A Wait --

9 Q I'm sorry. That was a bad question.

10 A Yeah, I know.

11 Q You told me about the nurse gave you a shot  
12 and you don't know what medication that was, right?

13 A No, not at -- to be honest with you, not at  
14 the time, no, I didn't. But Nelson went back and told  
15 them on the job that I got some kind of antibiotic.

16 Q All right. When you got back to the --  
17 well, that statement that you just made that  
18 Mr. Nelson went back to the job and told someone that  
19 you got some kind of antibiotic --

20 A Uh-huh.

21 Q -- is that something that you personally  
22 heard?

23 A No, that was something I was personally told  
24 from a couple different people and were asked about  
25 it.

1 Q CJ Dudley told you that?

2 A Yeah. He talked to Keith personally and  
3 Keith was telling him about it.

4 Q All right. So you given me three names. Is  
5 there anyone else who's told you that they personally  
6 heard Keith Nelson say that you had an STD?

7 A I don't know who all done said what. Like I  
8 said, when -- when I got back to work -- I was out of  
9 work a week. When I walked back on the plant cite,  
10 that's the first thing I heard.

11 Q Right. And I know -- I know there were  
12 things that were said to you, but I'm asking you just  
13 specifically about the people who told you that Keith  
14 Nelson said that you had an STD.

15 A Harry Shelton was telling me that Nelson was  
16 telling it, Chuck Price was telling it. And then I  
17 had other guys telling me all what they heard from --

18 Q From Keith Nelson?

19 A From all this.

20 Q And --

21 A I'm not -- I'm no -- I can't sit here and  
22 say that they heard it directly from him, but it went  
23 through that plant like a wild fire.

24 Q Okay. But -- and we're going to get to  
25 that, but I think we've got to take a break soon. So

1 everything that -- that you're aware of, right?

2 A Right.

3 Q Did -- after that, after Dr. Leap had left  
4 the room, did you get any further treatment or testing  
5 while you were at the emergency room?

6 A No. He wrote out a prescription and Nelson  
7 had to go fill it and we had to follow him to the  
8 drugstore. After he filled the prescription, I went  
9 home.

10 Q Was the prescription for an antibiotic?

11 A I can't remember what it was for. All I  
12 know is he filled the prescription and I went home.

13 Q Okay. So whatever prescriptions Dr. Leap  
14 wrote to you, Mr. Nelson took them to be filed, right?

15 A Right.

16 Q All right. And other than that, did you  
17 receive any other treatment other than what you've  
18 already told me about while you were at the Newberry  
19 emergency room?

20 A No. Not from them no, uh-uh.

21 Q Was it your understanding that you had any  
22 type of infection?

23 A Yeah, they said I had an infection, a  
24 disease.

25 Q Doctor -- who said that?

1           A     That's -- that's the understanding that I  
2     got because I'm telling you, Nelson asked me -- well,  
3     let's see. Let me tell you how he said it. He said,  
4     You reckon your wife got some kind of infection?

5           Q     Who said that?

6           A     Keith Nelson.

7           Q     All right. Did anyone tell you that you had  
8     an infection, that you were diagnosed with an  
9     infection?

10          A     Yep.

11          Q     All right. Who was that?

12          A     When I got to work that Monday morning.

13          Q     Sorry. I'm just limiting it to the hospital  
14     right now. While you -- was it your understanding  
15     that you had an infection while you -- before you were  
16     discharged from the hospital?

17          A     Yep, that's what they were saying I had.

18          Q     Who did that come from?

19          A     It's coming from the doctors and nurse.

20          Q     And what exactly do you remember Dr. Leap  
21     saying to you about you having an infection?

22          A     The way it was put to me and my  
23     understanding of it was that I had some kind of STD.  
24     That's where that change of sexual partners come into  
25     play.

1 Q So your understanding before you left the  
2 hospital was that you had been diagnosed with an STD  
3 based on Dr. Leap's comment about changing sexual  
4 partners?

5 A Yeah, pretty much.

6 Q Okay. And then did Dr. Leap -- did you have  
7 any other interaction with him to get your  
8 prescriptions or otherwise after that conversation?

9 A No.

10 Q Those prescriptions were provided to  
11 Mr. Nelson?

12 A Yes.

13 Q So you didn't see or talk to Dr. Leap again  
14 after he left the room after making the comment about  
15 the switching of the sexual partners?

16 A No.

17 Q And when is the next -- so at that point  
18 after Dr. Leap left, was it you in your room -- you  
19 and your wife alone in the room?

20 A Yeah.

21 Q And did you have a conversation with your  
22 wife?

23 A Yeah.

24 Q What did you discuss?

25 A Let's get the hell out of here.

1 Q Both of you were in agreement that we need  
2 to get the hell out of here?

3 A Uh-huh.

4 Q Yes?

5 A Yes.

6 Q And what was your wife's reaction to what  
7 Dr. Leap had said?

8 A Shock.

9 Q And when you said that you both agreed that  
10 we need to get the hell out of here, was that because  
11 you disagreed with what Dr. Leap had said?

12 A Very much.

13 Q Both of you, you and your wife?

14 A Yes.

15 Q Did either of you believe -- either you or  
16 your wife actually believe that you had an STD?

17 A I know I didn't have one, but it -- it  
18 doesn't matter whether she believed it, it was put out  
19 there in her face and that means a whole heap. She  
20 knowed -- she know me and I know her, but yet still it  
21 was put in our face and it -- it put doubts in your  
22 head. Even though you know better, you still have  
23 that thought because you're human. And it's just the  
24 bottom line. So when I left there and heard it all  
25 night, the next morning I got up and went to my

1 representatives for -- if you're going to make a  
2 workers' comp claim, right?

3 A No.

4 Q You don't agree with that?

5 A I don't agree with that.

6 Q All right. When you and your wife -- or  
7 excuse me, Mr. Nelson, did he return to the hospital  
8 to give you your prescriptions?

9 A No, we followed him to the drugstore.

10 Q Okay. So you all left together to get --

11 A Yeah.

12 Q -- the prescriptions filled?

13 And did Mr. Nelson, when you said -- I think  
14 you said he left with Dr. Leap and they had a  
15 conversation outside your presence, right?

16 A They had a conversation out there in the  
17 hall.

18 Q And --

19 A Look, I could see them but I don't know what  
20 they were saying.

21 Q Right. And then did -- did you see  
22 Mr. Nelson again before you left to go to the  
23 pharmacy?

24 A Yeah. I told you. You're not listening to  
25 what I'm saying. I told you he told me that my

1 wife -- maybe my wife got some kind of infection.

2 Q Okay. Where did that conversation take  
3 place?

4 A As we were walking out of the hospital.

5 Q So you walked out of the hospital together,  
6 right?

7 A Well, he -- he come up behind me and my  
8 wife. And my wife went to get the car. And when she  
9 walked off, he eased on up beside me and he was  
10 telling me that, and I lit into him like a bad habit.

11 Q Did you say anything to him or did he  
12 approach you and just make this comment?

13 A He approached me and made that comment.

14 Q So you're waiting on your wife to pull the  
15 car up. Are you standing in the parking lot or the  
16 hospital sidewalk? Where are you standing?

17 A Sidewalk.

18 Q In the -- near the hospital entrance?

19 A Yeah, the emergency entrance.

20 Q And it's just the two of you --

21 A Yeah.

22 Q -- you and Mr. Nelson?

23 A Uh-huh.

24 Q And what was your demeanor at the time?

25 A You got to be kidding me, ain't you?

1 Q No, it's a genuine question. What were  
2 you -- what was your demeanor before Mr. Nelson  
3 approached you?

4 A I was trying to get over the initial shock  
5 of what was said. And for him to walk up to me and  
6 tell me that about my wife, he's lucky I didn't knock  
7 all his damn teeth out of his head.

8 Q Had there -- there had been no discussion  
9 before that between you and Mr. Nelson about you  
10 having an infection?

11 A Right.

12 Q And no discussion between you and Mr. Nelson  
13 about anything related to an STD, right?

14 A No, because I didn't get to talk to him  
15 until we come out of the hospital, and he eased up  
16 behind me and told me that when my wife walked off to  
17 go get the car.

18 Q And the first thing he said to you was what?

19 A Maybe your wife's got some kind of  
20 infection.

21 Q And what was your response?

22 A You don't want to know.

23 Q I do.

24 A No, you don't.

25 Q I do.

1 A No, you don't.

2 Q All right. I'm going to ask you again.  
3 What was your response? And we'll excuse any colorful  
4 language. But just for the record, what did you say  
5 in response to Mr. Nelson?

6 A You out your mother-fucking mind?

7 Q And what -- what did he say back to you?

8 A He said nothing. Looked at me like I was  
9 crazy. Because if I wouldn't have been hurting so  
10 bad, as God as my witness, I'd have been in jail.

11 Q What else was -- what other statements, if  
12 anything, were exchanged between you and Mr. Nelson?

13 A There wasn't nothing else to say. Well, he  
14 did say, Well, I'll come pick you up in the morning  
15 and bring you to work. And my wife said, No, the hell  
16 you ain't. He ain't coming to no work.

17 Q All right. Before your wife pulled up, did  
18 you and Mr. Nelson have any other exchanges?

19 A His exchange was trying to get away from me  
20 because I'm -- I'm about to lose all my composure.

21 Q All right. And before you were about to  
22 lose all your composure, when did Mr. Nelson invite --  
23 or offer to pick you up the next morning and take you  
24 to work?

25 A When my wife pulled up.

1 Q And then -- so nothing else was said, and  
2 then your wife pulled up and he offered to bring you  
3 to work the next morning?

4 A Yeah, he was going to --

5 Q And what did your wife say?

6 A -- come pick me up.

7 He ain't coming to no work.

8 Q All right. And then what happened next?

9 A Well, he went and got the medication and  
10 took me home. And I laid --

11 Q You rode with your wife, yeah?

12 A Yeah, I left my vehicle. And I laid there  
13 on the chair and suffered all night. And the next  
14 morning, I got up and went to the doctor, went to my  
15 doctor.

16 Q When you say you left your vehicle, what do  
17 you mean?

18 A I left my car at work. I never did return  
19 back to the job site. She picked me up and we went  
20 from CVS drugs to Columbia.

21 Q So you went to the CVS here in Newberry?

22 A Yes.

23 Q And Mr. Nelson filled your prescription?

24 A Yes.

25 Q Was it two prescriptions?

1 Q And then you went home?

2 A Yes.

3 Q When was the -- how long -- and the next day  
4 you went to see your regular doctor, right?

5 A Yes.

6 Q At Lexington Family?

7 A Yes.

8 Q And that was Cynthia Hutson?

9 A Yes.

10 Q And Cynthia Hutson ordered some tests,  
11 right?

12 A When? Yeah, she ordered all the tests. And  
13 I told her they're saying that I got some kind of STD  
14 disease, and she ordered all the tests to prove  
15 that -- she told me, she said, Mr. Wise, you ain't got  
16 that. You ain't got nothing.

17 Q And is it your understanding that her  
18 diagnosis was that you had a -- an infection but not a  
19 sexually transmitted infection?

20 A Right.

21 Q And --

22 A It's her understanding that my PS level had  
23 risen so high from me straining myself, and that it --  
24 it -- I think it's something like she said  
25 prostatitis.

1 Q Prostatitis?

2 A Yeah.

3 Q An infection of the prostate --

4 A Yeah.

5 Q -- right?

6 A Yeah.

7 Q So we agree that you did have an infection  
8 but it was not sexually transmitted, right?

9 A If prostatitis is an infection, yes, that's  
10 what I was diagnosed with. But instead of them  
11 treating the accident, all they was thinking about is  
12 that -- even all the peoples at the plant are thinking  
13 about, A, you've been out doing something. You've got  
14 some kind of transmitted disease, sexual transmitted  
15 disease. That was broadcast all up in the office.  
16 Instead of them putting the file up, they'd be  
17 discussing it.

18 Q Did you also -- you had several visits with  
19 Cynthia Hutson --

20 A Yes.

21 Q -- about to -- about treating this prostate  
22 infection, right?

23 A Yes.

24 Q Did you also see the company's doctor?

25 A No.

1 ankles, legs and all this, but yet still I was telling  
2 them this. And before I got with my knees and all  
3 this, I was up there running forklift at the planing  
4 mill again knowing that I suppose -- didn't supposed  
5 to be on it. And I had an attack and they had to rush  
6 me from the planer mill down to the emergency room in  
7 Richland.

8 Q Okay. And I understand that, I just -- I'm  
9 trying to focus my examination to help get us out of  
10 here faster.

11 All right. The date that you saw the  
12 occupational health center was January 2nd of 2018?

13 A Okay.

14 Q Is that right?

15 A I guess. That's what it says right there.

16 Q All right. And you were provided this  
17 document, right?

18 A Yes, I provided one for work.

19 Q So that you could give it back to West  
20 Fraser, right?

21 A Yes.

22 Q And the diagnosis said -- that the return to  
23 work says is the same as what Cynthia Hutson said, the  
24 prostatitis?

25 A Well, see, you don't understand. There was

1 two different -- there was two different diagnosis  
2 given. I was given this and another nurse from  
3 another company came in and she gave something, also.

4 Q Okay. Let me see if I can streamline that.  
5 You had the diagnosis for the prostate infection.  
6 That was one thing, right?

7 A Uh-huh.

8 Q And then there was another -- another injury  
9 that was the pulled groin, right?

10 A Uh-huh.

11 Q Is that right?

12 A Yeah, I guess so.

13 Q Okay. Is that what you're saying, there  
14 were two things?

15 A Yeah.

16 Q Okay. But the occupational health doctor  
17 concurred with what Cynthia Hutson said as far as the  
18 prostate infection diagnosis --

19 A Yeah.

20 Q -- right?

21 A Yes.

22 Q Okay.

23 A And he also did the groin thing. He gave  
24 that to another -- God, I can't remember that lady's  
25 name. But when I brought it back to work and

1           A     And they wanted -- they wanted her to sign  
2 off on it. And I'm pretty sure you've got a copy of  
3 the other one somewhere, you just ain't pulled it out  
4 from the other -- that it gave to the other doctor --  
5 the other doctor gave to the other woman. Same doctor  
6 with the pulled groin muscle and all of that.

7           Q     Okay. Let's talk about when you came back  
8 to work approximate a week after the November 7, 2017  
9 incident.

10          A     Uh-huh.

11          Q     And tell me -- you talked before about some  
12 things that were said to you and some things that you  
13 heard. Tell me the first person that made a comment  
14 to you about the alleged sexually transmitted disease  
15 diagnosis.

16          A     Chuck Price.

17          Q     All right. What did Chuck Price tell you?

18          A     Yeah, I heard you had some kind of disease  
19 or infection.

20          Q     Did he say anything about it being sexually  
21 related?

22          A     When you work with a bunch of men, that's  
23 what they mean. When you say disease, that's what  
24 they mean.

25          Q     All right. I understand that your testimony

1 is that's what he meant and that's what you understood  
2 him to mean. But I'm asking you did he actually say  
3 the words sexual?

4 A I can't -- I can't recall but I'm just  
5 telling you what he -- what I know he's saying.

6 Q All right. And you said he said I heard you  
7 had some kind of disease or infection?

8 A Yes.

9 Q And why do you believe, Mr. Wise, that that  
10 meant a sexually transmitted disease?

11 A Because when you a black man, that's all  
12 people think that you supposed to do. That's all they  
13 think you do. You got to be some kind of little whore  
14 or something like that. That's what people expect of  
15 you, but I ain't that man.

16 Q Did Chuck Price say or do anything else that  
17 caused you to believe that the statement he made was  
18 suggesting you had a sexually transmitted infection?

19 A Yeah, because when I handed him the paper, I  
20 said, I don't know who's telling all this bullshit,  
21 but read this.

22 Q Well, what paper -- because this is -- this  
23 is a week after the November 7 incident so --

24 A Yeah, when I -- I had -- I had a statement  
25 that I didn't have nothing and I had my whole doctor

1 A Yeah, for right there.

2 Q All right. Did you say the next person you  
3 talked to was George Wilson or Bruce?

4 A I talked to Big Bruce.

5 Q Is that Bruce Young?

6 A Yeah.

7 Q All right. What -- what was your  
8 conversation with Bruce Young?

9 A I was telling Bruce, Bruce, this SOB's  
10 saying that I got clap.

11 Q You said that? You told Bruce that?

12 A Yeah. And Bruce said, Yeah, I heard him say  
13 that. And how he had it, he said -- let me get it  
14 right now. He said, Oh, man, I know that ain't right.  
15 So I just got on the forklift and left. And as I went  
16 to the other shop, I run up on George Wilson and he  
17 got to ragging me about it and all this. Well, he  
18 didn't say nothing about the clap, he's just telling  
19 me about Keith there hollering across the parking lot  
20 and told him that I had some kind of infection and got  
21 an antibiotic and it wasn't due to the accident. And  
22 it went on and on and on from there from different  
23 people.

24 Q And the conversation that you had with  
25 George Wilson, you approached George Wilson, right?

1           A     No, he come asked me how I was doing, and --  
2     and he told me that.

3           Q     And what was your response?

4           A     I say, I'm doing all right. And then he --  
5     he told me, he said, Yeah, he hollered across the  
6     parking lot and told me that. Then after I came and  
7     calmed down a little bit, I went to the office.

8           Q     And before we finish with George Wilson,  
9     George told that you he heard Keith holler across  
10    the --

11          A     Keith holler across the parking lot and told  
12    him that I -- George asked him how I was doing. Keith  
13    hollered across the parking lot and said, He -- let's  
14    see. He got some antibiotic and he got an infection  
15    and it wasn't due to the accident.

16          Q     George told you that he asked Keith how you  
17    were doing?

18          A     Yeah.

19          Q     And Keith hollered across the parking lot --

20          A     Uh-huh.

21          Q     -- that you had an infection --

22          A     Yeah.

23          Q     -- and got an antibiotic --

24          A     Uh-huh.

25          Q     -- and it was not related to the accident?

1 A Right.

2 Q George didn't say that Keith said it was  
3 sexual in nature? He didn't come out and use those  
4 words, right?

5 A No, he -- you know --

6 Q When was -- sorry.

7 A You know, you keep trying to make a point  
8 about it ain't sexual in nature. But you don't  
9 understand, when mens talk like that, that's what they  
10 talking about, sex. They ain't talking about no just  
11 plain infection. Don't you know that?

12 Q Well, no, I don't know that but I do  
13 understand that that's your testimony. And I'm just  
14 trying to distinguish between what you -- what you're  
15 saying is assumed and what was said. That's the only  
16 purpose of these questions. And that's why I'm trying  
17 to be precise --

18 A Yeah.

19 Q -- so that I have it clear in my head.

20 A Okay.

21 MR. PARKER: Let's take a break.

22 THE WITNESS: And --

23 MR. PARKER: Hold on a minute. Let's take a  
24 break for a minute and we'll eat our sandwiches.

25 THE WITNESS: Yeah, you're going to ruin my

1 Nelson, is that what you're saying?

2 A Don't you know it's company policy, you  
3 can't be speeding people's health information and  
4 especially when it's a lie. Wasn't no truth about  
5 that.

6 Q Was it true that you got an antibiotic?

7 A Yeah, it's true about an antibiotic but I  
8 ain't had no damn -- I had a disease but there wasn't  
9 no transmitted disease. The way he was portraying it  
10 was that's what it was. In first place, what gave him  
11 the right to even open his mouth about that? What  
12 right did he have to say anything about it?

13 Q And the statements that Keith said saying  
14 that you had an infection and got an antibiotic that  
15 wasn't related to the accident --

16 A Uh-huh.

17 Q -- do you believe that it was Keith's  
18 intention to suggest that you had a sexually  
19 transmitted disease?

20 A I'm going to tell you one more time. When  
21 you're in an environment like that and you said  
22 infection, disease, what do you think? You got a --  
23 you got a bunch of old dirty ass men there. Now, what  
24 do you think?

25 Q Well, I think what your testimony has been,

1 But after this situation, I stayed away from him.

2 Q So prior to this you had no controversy or  
3 issues with Keith Nelson?

4 A No.

5 Q You guys never had a disagreement?

6 A No, I ain't disagreed with him. I talk to  
7 him just like I -- just like I just said, I talk to  
8 everybody.

9 Q Did he talk to you?

10 A Yeah, he talked to me. But after this  
11 incident, no, I was done.

12 Q All right. And so I'm going to just focus  
13 on before this incident. Before this incident were  
14 you and Keith friendly at work?

15 A Not friendly. We were just working  
16 companions.

17 Q All right. You were cordial at work?

18 A Yeah, he -- he would see me working and  
19 he'll come back and speak to me, Hopper. Because the  
20 part you don't understand is I'm a go-getter. I do a  
21 job. When I say I do a job, I do a job. You know,  
22 you've got people that go to work just to be at work  
23 for a paycheck. No, I'm there doing a job. I get  
24 paid for it so I do it.

25 Q You're a hard worker, right?

1 A Yeah.

2 Q A model employee, right?

3 A Yeah.

4 Q And Keith Nelson knew that, right?

5 A Yeah, everybody there knows that.

6 Q Everybody at West Fraser knew that, right.

7 A Yeah.

8 Q All right. So Keith Nelson never had any  
9 beef with you, he never had any reason to criticize  
10 you, right?

11 A No.

12 Q And you guys never exchanged any, I don't  
13 know, insults or name-calling, nothing like that?

14 A No, no, no, no, no, no, no, uh-uh.

15 Q No bad feelings that you're aware of --

16 A Not --

17 Q -- between you and --

18 A Not --

19 Q -- Keith Nelson?

20 A Not -- not on my part because, like I said,  
21 I try to live and let live. I don't be bothering  
22 people.

23 Q And you don't have any reason to believe or  
24 to testify that before this incident Keith Nelson had  
25 any bad feelings towards you, right?

1 A My mama loved her.

2 Q Did they visit or talk regularly?

3 A Yeah.

4 Q Do you know whether Pauline talked to your  
5 mom about this incident?

6 A I don't know. She ain't -- she ain't never  
7 said anything to me about it.

8 Q Is Keith Nelson the only West Fraser  
9 employee that you -- that you assign any fault to with  
10 regard to your defamation claim?

11 A Yes. It was his fault and the company.

12 Q And why do you believe it's the company's  
13 fault?

14 A He's an agent of the company. Therefore he  
15 represents the company. Now, if the company didn't  
16 have sense enough to do the right thing, it's their  
17 fault. So they just as much to blame as he is.

18 Q And by "the right thing" you're referring to  
19 what we already talked about about calling you and  
20 your wife in to meet --

21 A The right thing was -- you know, we wouldn't  
22 be sitting here if they had terminated him. I  
23 wouldn't have had a case.

24 Q All right. Your wife -- you've alluded to  
25 this but I haven't really asked you questions about

1 you about those specifically, but those are all of the  
2 categories of damages that you're claiming in the  
3 lawsuit, right?

4 A Uh-huh.

5 Q Right? Yes?

6 A Yes.

7 Q Okay.

8 A I'm sorry.

9 Q All right. How do you -- how do you claim  
10 that your reputation has been affected as a result of  
11 the alleged defamation?

12 A You know, it's like I told you earlier, I  
13 don't bother nobody. But now people looking at me in  
14 a different light. You're a damn cheat, you're no  
15 good, you run around on your wife and --

16 Q Who said that to you?

17 A That's -- that's -- that's what I'm -- I'm  
18 seeing. You know when -- when people start making  
19 their little accusations and all that, it's always  
20 something behind it whether you get it or you don't.

21 Q Well, some of these -- some of these people,  
22 for instance your co-workers that you identified on  
23 Page Number 2 of that same exhibit --

24 A Uh-huh.

25 Q -- you told me that some of them told you

1 that they didn't believe the rumors.

2 A Whether they believe it or not it's out  
3 there. It ain't -- whether -- whether -- it's more or  
4 less people lie all the time. And which one is easier  
5 to believe, the truth or a lie?

6 Q But if, in fact, the person did not believe  
7 the rumor --

8 A That's just --

9 Q -- your -- your reputation, at least in  
10 their eyes, hasn't been damaged, right?

11 A That's just what they say. That's what they  
12 say. You know, they can say anything just like  
13 they're likely to come in here and tell you anything  
14 now, but that don't necessarily make it true.

15 Q I understand. Is there anyone who has --  
16 who has told you -- because I think -- I think you've  
17 testified about what you believe people's opinions to  
18 be of you now, right?

19 A Yeah.

20 Q That's what you just described.

21 A Uh-huh.

22 Q Is there anyone who has expressed to you  
23 that they have a lower opinion of you or of your  
24 reputation since hearing the rumors about the STD  
25 diagnosis?

1           A     Well, let me tell you the one that really  
2 matters to me. The one that I live with every day.  
3 You know, I have to wake up in the morning and look in  
4 her face. And some mornings she have that frown on  
5 her face and I know that this is eating at her and  
6 what can I say if she knows it's not true but yet  
7 still that ain't stopping her from thinking all kind  
8 of crazy things.

9           Q     Before we move on to -- to your wife, is  
10 there -- has anybody, whether at West Fraser or  
11 otherwise in the community, has anybody expressed to  
12 you that their opinion of you or your reputation is  
13 lower because of this incident?

14          A     Do you actually believe somebody's going to  
15 come to you and say, Well, you know, I got a low  
16 opinion of you now?

17          Q     So the answer's no?

18          A     What I'm saying is that I don't know.

19          Q     You don't know --

20          A     I don't know -- like I tried to explain to  
21 you, I don't know what people think. They can tell  
22 you one thing and it'll be a whole different scenario.

23          Q     Fair enough, but no one has told you that,  
24 right?

25          A     Face to face?

1           regardless whether it's true or not. In this case it  
2           wasn't true.

3           Q     Is that what you believe?

4           A     Yeah.

5           Q     If you heard that a black man had an  
6           infection, would you assume it was a sexual infection?

7           A     No, I don't -- I don't like to assume  
8           things. When you assume, you make a fool of me and  
9           you, so I don't like to assume things.

10          Q     So you personally don't believe that and you  
11          personally would not assume that, right?

12          A     No, I ain't going to assume that. You know,  
13          in the first place, I wouldn't even try to think that  
14          because I know how I feel about it and it's not a good  
15          feeling.

16          Q     But nonetheless, you think that the majority  
17          of people, whether they're black or white, if they  
18          hear that a black man has an infection, they assume  
19          it's sexually --

20          MR. PARKER: I object. You're -- again,  
21          done the exact same thing. He didn't say what  
22          you're saying.

23          MS. MCCLURKIN: I didn't say he testified to  
24          it. I'm asking him what he thinks.

25          MR. PARKER: No, you didn't. You said --

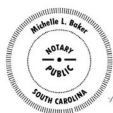
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CERTIFICATE OF REPORTER

I, MICHELLE BAKER LEE, Certified Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify:

That the foregoing deposition was taken before me on the date and at the time and location stated on page 1 of this transcript; that the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth; that the testimony of the deponent and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed; that the foregoing deposition as typed is a true, accurate and complete record of the testimony of the deponent and of all objections made at the time of the examination to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my signature this 19th day of January, 2020, at Taylors, Greenville County, South Carolina.



\_\_\_\_\_  
Michelle Baker Lee  
Court Reporter  
Notary Public  
State of South Carolina at Large  
My Commission Expires:  
October 29, 2028

STATE OF SOUTH CAROLINA )  
COUNTY OF NEWBERRY )  
ANTHONY WISE, )  
 )  
Plaintiff, )  
 )  
v. )  
KEITH E. LEAP, et al. )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO.: 2019-CP-36-00103

**DEFENDANT WEST FRASER, INC.’S  
MOTION FOR SUMMARY JUDGMENT**

**EXHIBIT 2**

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

3 ANTHONY WISE,  
4  
5 Plaintiff,

6 v.

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

---

10 VIDEOTAPED  
11 DEPOSITION OF: KEITH NELSON  
12 DATE: December 18, 2019  
13 TIME: 4:38 p.m.  
14 LOCATION: Pope Parker Jenkins, P.A.  
15 1508 College Street  
Newberry, South Carolina 29108  
16 TAKEN BY: ATTORNEYS FOR THE DEFENDANT  
WEST FRASER, INC.  
17  
18 REPORTED BY: MICHELLE BAKER LEE,  
Certified Court Reporter

---

19 A. WILLIAM ROBERTS, JR., & ASSOCIATES

20 Fast, Accurate & Friendly

21 Charleston, SC Hilton Head, SC Columbia, SC  
22 (843) 722-8414 (843) 785-3263 (803) 731-5224  
23 Greenville, SC Myrtle Beach, SC Charlotte, NC  
24 (864) 234-7030 (843) 839-3376 (704) 573-3919  
25 Asheville, NC  
(828) 123-9876

**EXHIBIT**  
**2**

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 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           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 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 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 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.)

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CERTIFICATE OF REPORTER

I, MICHELLE BAKER LEE, Certified Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify:

That the foregoing deposition was taken before me on the date and at the time and location stated on page 1 of this transcript; that the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth; that the testimony of the deponent and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed; that the foregoing deposition as typed is a true, accurate and complete record of the testimony of the deponent and of all objections made at the time of the examination to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, I have hereunto affixed my signature this 19th day of January, 2020, at Taylors, Greenville County, South Carolina.



\_\_\_\_\_  
Michelle Baker Lee  
Court Reporter  
Notary Public  
State of South Carolina at Large  
My Commission Expires:  
October 29, 2028

STATE OF SOUTH CAROLINA )  
COUNTY OF NEWBERRY )  
ANTHONY WISE, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
KEITH E. LEAP, et al. )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO.: 2019-CP-36-00103

**DEFENDANT WEST FRASER, INC.'S  
MOTION FOR SUMMARY JUDGMENT**

**EXHIBIT 3**

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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: ANTHONY CANNON  
DATE: December 19, 2019  
TIME: 2:17 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  
Fast, Accurate & Friendly  
Charleston, SC    Hilton Head, SC    Columbia, SC  
(843) 722-8414    (843) 785-3263    (803) 731-5224  
Greenville, SC    Myrtle Beach, SC    Charlotte, NC  
(864) 234-7030    (843) 839-3376    (704) 573-3919  
Asheville, NC  
(828) 398-1840

**EXHIBIT**  
**3**

1 November 7th, 2017, and I'm talking about the  
2 accident where Mr. Wise was hurt working on a  
3 forklift, you were coming off work at the  
4 nightshift, right?

5 A. Yes, ma'am.

6 Q. And about what time would that have  
7 been?

8 A. We get off at 6:00. So probably about  
9 five minutes after 6:00, something like that.

10 Q. And as you're leaving the mill, are  
11 other people leaving with you?

12 A. Just me and my lead man at the time.

13 Q. It was just you and your lead man?

14 A. Yeah. Uh-huh.

15 Q. And both of you saw Anthony Wise after  
16 he had been injured, right?

17 A. Yes.

18 Q. And could you tell -- did he appear to  
19 be in pain?

20 A. Couldn't really tell, but he was  
21 holding his self though, so you know...

22 Q. Was he holding himself in his groin  
23 area?

24 A. Yes.

25 Q. So it was clear to anyone who saw him

1 where he was hurt?

2 A. Yes.

3 Q. And when your lead man, Robert Johnson,  
4 when he cracked the joke, there's nothing wrong  
5 with you, you've probably just been with some  
6 woman --

7 A. Sorry.

8 Q. -- did -- he made that joke in response  
9 to seeing Anthony holding his groin?

10 A. Yes, but they always back and forth at  
11 one another. So, you know, I didn't seem to take  
12 it serious myself.

13 Q. No, I understand. But my question was:  
14 Robert saw Anthony holding his groin and then  
15 that's what led him to crack the joke?

16 A. Yes.

17 Q. Did he say it where Anthony could hear  
18 him?

19 A. Yeah, I would assume. I mean, he was  
20 standing right there with him, I walked off, ma'am.

21 Q. Okay. Did Anthony say anything in  
22 response?

23 A. I do not know.

24 MS. MCCLURKIN: Nothing else.

25 MR. PARKER: Thank you so much.

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CERTIFICATE OF REPORTER

I, Amy R. Cope, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 13th day of January, 2020 at Columbia, Richland County, South Carolina.



Amy R. Cope, Court Reporter  
My Commission expires  
June 14, 2028

STATE OF SOUTH CAROLINA )  
COUNTY OF NEWBERRY )  
ANTHONY WISE, )  
 )  
Plaintiff, )  
 )  
v. )  
KEITH E. LEAP, et al. )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO.: 2019-CP-36-00103

**DEFENDANT WEST FRASER, INC.'S  
MOTION FOR SUMMARY JUDGMENT**

**EXHIBIT 4**

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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

Fast, Accurate & Friendly

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	Asheville, NC	
	(828) 398-1840	

**EXHIBIT**  
**4**

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.)  
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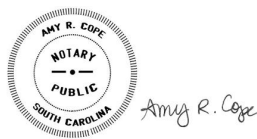
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CERTIFICATE OF REPORTER

I, Amy R. Cope, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 12th day of January, 2020 at Columbia, Richland County, South Carolina.



Amy R. Cope, Court Reporter  
My Commission expires  
June 14, 2028

STATE OF SOUTH CAROLINA )  
COUNTY OF NEWBERRY )  
ANTHONY WISE, )  
 )  
Plaintiff, )  
 )  
v. )  
KEITH E. LEAP, et al. )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO.: 2019-CP-36-00103

**DEFENDANT WEST FRASER, INC.'S  
MOTION FOR SUMMARY JUDGMENT**

**EXHIBIT 5**

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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: 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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	Asheville, NC	
	(828) 398-1840	

**EXHIBIT**  
**5**

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.)

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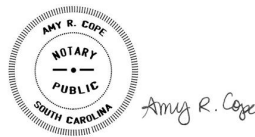
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-----  
Amy R. Cope, Court Reporter  
My Commission expires  
June 14, 2028



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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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	Asheville, NC	
	(828) 398-1840	

**EXHIBIT**  
**9**

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 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 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.

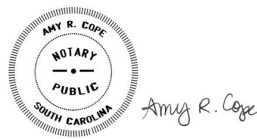
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CERTIFICATE OF REPORTER

I, Amy R. Cope, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 12th day of January, 2020 at Columbia, Richland County, South Carolina.



Amy R. Cope, Court Reporter  
My Commission expires  
June 14, 2028

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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-

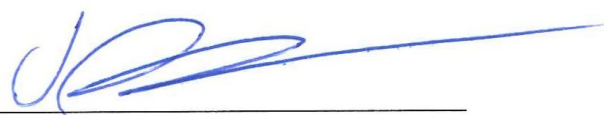
Kenneth E. Leap, Newberry Hospital, LLC d/b/a  
Newberry County Memorial Hospital, and West  
Fraser, Inc., Defendants,

Of Whom, West Fraser, Inc. is .....Respondent.

**CERTIFICATE OF COUNSEL**

The Undersigned hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

By: \_\_\_\_\_



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July 7, 2022

Supp. ROA-111