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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Letitia H. Verdin, Circuit Court Judge**

Appellate Case No. 2023-00044
C/A No. 2021-CP-23-01487

Kevin Dwayne Chavis.....Appellant,

v.

Vansy Saensane and Ra Cha, Inc. d/b/a
Bangkok Tokyo Restaurant a/k/a
Bangkok Thai Restaurant,

of whom

Ra Cha, Inc. d/b/a Bangkok Tokyo Restaurant
a/k/a Bangkok Thai Restaurant isRespondent.

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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

COURT OF COMMON PLEAS
C.A. No.: 2021-CP-23-01487

Kevin Dwayne Chavis,
Plaintiff,

v.

Vansy Saensane and
Bangkok Tokyo, LLC,
Defendants.

DEPOSITION OF
VANSY SAENSANE

Pursuant to Notice of Deposition and/or agreement in the above-entitled case, a deposition was taken on the 10th day of February 2022, beginning at approximately 9:59 a.m. attended by counsel as follows:

1 Appearances:

2 DANIEL DRAISEN, Esquire
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25 Attorney for Bangkok Tokyo, LLC

1 Also Present:

2 KEVIN DWAYNE CHAVIS, Plaintiff

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22 Deposition Reported by:

23

Melissa A. Hines, CR

24

Depositions And..., Inc.

25

(864) 235-3518

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9	(None)	

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1 Pursuant to Notice and/or agreement to take depositions,
2 the within deposition was taken by the above reporter, a
3 Notary Public, as required under the South Carolina Rules of
4 Civil Procedure, Rule 30, et al., by consent of all parties
5 via Zoom Conferencing.

6 BY THE COURT REPORTER: The attorneys participating
7 in this deposition acknowledge that I am not physically
8 present in the deposition room and that I am reporting this
9 deposition remotely. The parties and their counsel consent to
10 this arrangement and waive any objection to this manner of
11 reporting. Please indicate your agreement by stating your
12 name and your agreement on the record.

13 BY MR. DRAISEN: I'm Daniel Draisen on behalf of the
14 Plaintiff. I agree.

15 BY MR. KRAUSE: Steve Krause on behalf of the
16 Plaintiff; agree.

17 BY MS. SNYDER: Amy Snyder on behalf of the
18 Defendant, Ms. Vansy Saensane and I -- we agree.

19 BY MS. MCMILLAN: And I'm Beth McMillan on behalf of
20 Bangkok Tokyo. I, I agree.

21 The deponent and counsel agreed that both the reading over
22 and signing of the deposition are hereby NOT WAIVED.

23 ** ** *

24 The deponent was duly sworn to tell the truth, the
25 whole truth, and nothing but the truth concerning the matter

1 herein.

2 DIRECT EXAMINATION BY MR. DRAISEN:

3 Q. All right. My name is Daniel Draisen, uh, and I represent
4 Kevin Chavis in this matter that's been brought regarding
5 an automobile accident that occurred on September the
6 27th, 2019. And we've asked you here today -- this is
7 what we call a "Discovery Deposition." This is just an
8 opportunity for us to find out what you know and what you
9 would say in the event that this case goes to trial, okay?
10 Um, so, testifying today is very much like testifying in
11 court. You've been sworn to tell the truth, okay? And
12 so, there's a couple of basic rules that we have for
13 depositions. I'm going to go over those with you, okay?

14 A. (No response)

15 Q. Can you hear me?

16 A. Yes, sir. I'm listening.

17 Q. Okay. All right. So, uh, number one is, is that, as we
18 were talking about off the record, um, if you don't
19 understand the question that I'm asking you, uh, and it
20 may be that I've, I've poorly-worded a question or I've
21 made it too complicated or you just simply don't
22 understand it, I want to have your agreement that you're
23 gonna stop me and you're gonna tell us all that you didn't
24 understand, okay?

25 A. Yes, sir.

1 Q. If you answer the question, all of us are gonna assume you
2 understood it; is that fair?

3 A. Yes, sir.

4 Q. Okay. All right. Now, since you've been sworn, you know,
5 you're, kind of, like, on an island. You can't ask your
6 lawyer any questions, okay? Um, you have to ask the
7 questions, if you have any, to the lawyer who is, who is
8 asking you questions. So, initially, in this -- for the
9 first long part of this, I'm going to be the one asking
10 questions. And I think Ms. Snyder's told you that if you
11 have questions, you have to direct them to me, okay?

12 A. Yes, sir.

13 Q. All right. If we take any breaks at any time -- which
14 you're more than welcome to do -- this is not an endurance
15 contest. So, if you need something to drink, if you need
16 to go to the restroom, anything like that, you just tell
17 us and we'll stop, okay?

18 A. Yes, sir.

19 Q. But under our rules, you're not allowed to have a
20 discussion about your testimony with anybody during that
21 break, okay?

22 A. Yes, sir.

23 Q. All right. Um, and, basically, you know, if, if at any
24 point along the way during your testimony, um, you feel
25 like you need to, to ask me something, just, just

1 interrupt. Uh, also, if you give an answer to a question
2 and/or you don't remember something, that's perfectly
3 fine, but if you remember later, you can add to your
4 testimony at any point along the way. In other words, if
5 you tell me something and you left something out and then
6 you later remember when we ask another question, you can
7 add that at any point along the way, okay?

8 A. Okay.

9 Q. And if we don't know what you're referring to, we'll,
10 we'll ask you what you're referring to and make it clear
11 on the record. But you can supplement anything. Now, the
12 court reporter -- and this is particularly important
13 because we're doing this by video today -- the court
14 reporter is taking down everything we say and she's gonna
15 produce a type-written transcript that's word-for-word.
16 And because we're doing this by video, what we're gonna
17 need to do is make sure that we don't speak over each
18 other, don't talk over each other, okay?

19 A. Okay.

20 Q. And if you'll notice, when I ask you a question, I'm
21 pausing and specifically waiting for you to give an answer
22 and that's because we need to make sure that only one of
23 us is talking at a time. So, if you'll let me ask my
24 question and then pause a second and then you give your
25 answer, I'm gonna try to wait to say anything else until

1 you've finished your answer, okay?

2 A. Yes, sir.

3 Q. All right. Um, okay. Do you have anythi- -- any
4 questions about anything that I've asked you so far?

5 A. No, sir.

6 Q. All right. Let me tell you a little bit about how I like
7 to do these. I'm gonna start off by basically going
8 through some demographic information. I want to find out
9 a little bit about you ---

10 A. Yes, sir.

11 Q. --- and so I'm gonna ask you questions. And please
12 understand that just about every one of these questions we
13 ask is standard. We ask it if just about every deponent.
14 Uh, it will seem like we're prying into your life. I
15 apologize in advance for that. But we have to know a
16 little bit about the person who's involved in the case and
17 your background, your education, things of that nature.
18 Uh, we have to know who your family members are that are
19 within the counties because th- -- we could have to pick a
20 jury. It's not because I intend to contact your family
21 members or anything like that. But we have specific
22 reasons for asking the, the questions that, that we ask,
23 okay?

24 A. Yes, sir.

25 Q. All right. And then I'm gonna ask you a little bit about

1 your work and your business and then I'm probably gonna
2 ask you about the wreck, itself. And that's, that's kind
3 of how I plan to go through this today. Is that fair?

4 A. Yes, sir.

5 Q. All right. So, we'll start off with some basic
6 information about you. So, why don't you s- -- tell us
7 your full name and spell it for the record, because I have
8 a feeling that if you don't spell it, we're not gonna, not
9 gonna get it right.

10 A. My first name, Vansy, V-a-n-s-y. My last name, Saensane,
11 S-a-e-n-s-a-n-e.

12 Q. Okay. And is that your full, legal name?

13 A. Yes, sir.

14 Q. Okay. All right. And what is your current address?

15 A. 828 East Holloway Drive, Woodruff, South Carolina, 29388.

16 Q. And how long have you been there?

17 A. Um, 2014.

18 Q. Okay. Is that a house or a townhouse or a condominium?

19 A. It's a house.

20 Q. Okay. And who lives at the house with you?

21 A. Csaisana.

22 Q. You'll probably have to spell that for us.

23 A. Well, C-s-a-i-s-a-n-a. That's his first name. His last
24 name is Thammavongsa, T-h-a-m-m-a-v-o-n-g-s-a.

25 Q. Okay. And does he go by some shorter name so that we --

1 if we refer to him, we can call him something else?

2 A. Um, Chai, C-h-a-i.

3 Q. Okay. And do you h- -- do you go by "Vansy?"

4 A. Yes, sir.

5 Q. Would it be all right if we call you "Vansy" today for
6 purposes of the deposition just so that's a shorter name?

7 A. Yes, sir.

8 Q. Okay. And I don't mean to do that to be rude or impolite.
9 I'm just trying to make the record clear and easy. And I
10 think for the court reporter, you know, V-a-n-s-y is
11 probably much easier to spell, uh, and for us to keep
12 track of. If, if that's okay with you?

13 A. Yes, sir. That's fine.

14 Q. And I'm not, I'm not, I'm not calling you by your first
15 name to be rude, so please don't take it that way. I'm
16 just trying to make it easy on the court reporter.

17 A. Yes, sir. I understand.

18 Q. Okay. All right. So, when I refer to Chai, we'll be
19 talking about the gentleman that is -- resides with you at
20 828 East Holloway Drive; correct?

21 A. Yes, sir.

22 Q. Can you tell me, what is your relationship to Chai?

23 A. He's my, um, boyfriend at first and then we engaged the,
24 the same years that, um, I moved into his house.

25 Q. I didn't understand what you said the last part of that

1 was. You said he was your boyfriend and then?

2 A. We engaged after.

3 Q. Engaged.

4 A. Yes, sir.

5 Q. So you're -- you've been engaged for a number of years,
6 but not married?

7 A. No, sir.

8 Q. Okay. Do you have any children that live there in the
9 house?

10 A. No, sir.

11 Q. Okay. Um, and I -- where did you live before 828 East
12 Holloway Drive?

13 A. I lived in Charlotte with my father.

14 Q. Do you know the address there?

15 A. 6024 Paw Creek Road.

16 Q. Is that Paul, P-a-u-l?

17 A. P-a-w C-r-e-e-k Road in Charlotte, NC, 28214.

18 Q. All right. And what's your father's name?

19 A. Lek, L-e-k. And the last name is Saensane,
20 S-a-e-n-s-a-n-e.

21 Q. Okay. And how long did you live with your father in
22 Charlotte?

23 A. Um, since the year 2000 that my parent move to Charlotte
24 in -- I move in with them the year after, I think, yeah.

25 Q. Around, around 2001?

1 A. Yes, sir.

2 BY MS. SNYDER: Guys, um, they're gutting and
3 constructing in the space below us and, and we can hear it
4 in here. Hopefully, y'all can't hear it. But, but let me
5 know if that becomes a problem.

6 BY MR. DRAISEN: Thank you. Yeah, so far, I don't
7 hear anything but you guys. We're good so far.

8 BY MS. SNYDER: Good, good.

9 Q. All right. So, uh, prior to, uh, moving in with your
10 parents in 2001, where did you live?

11 A. 2001? Um, in Louisiana. I grow up there.

12 Q. Okay. And whereabouts in Louisiana?

13 A. Um, ---

14 Q. What town?

15 A. -- New Iberia.

16 Q. I'm sorry. What town?

17 A. New Iberia.

18 Q. I, I didn't understand that. I'm sorry.

19 BY MS. SNYDER: New Iberia, like, Iberia, like
20 Spain.

21 BY MR. KRAUSE: New Iberia.

22 BY MS. SNYDER: Iberian Peninsula.

23 Q. Okay. All right. And who did you live with down there?

24 A. My parents. They lived there before.

25 Q. Okay. Now, let me ask you th- -- are you a US citizen?

1 A. No, sir. I have a Green Card.

2 Q. Okay. And what, what country is it that you hail from?

3 A. Do you mean where I born?

4 Q. Yeah. Well, I mean, if you're here on a Green Card, where
5 is the country that you, uh, ---

6 A. Thailand.

7 Q. Thailand?

8 A. Yes, sir.

9 Q. Okay. And how long have you had a Green Card?

10 A. Since 1990.

11 Q. Is that when you first came over to the United States?

12 A. Yes, that year.

13 Q. 1990?

14 A. 1990.

15 Q. Okay. And what year -- what's your date of birth?

16 A. May 10, 1976.

17 Q. Okay. And do you have a Social Security number?

18 A. Yes, sir.

19 Q. Okay. Well, here's what I want to do with that. Give me
20 one second to explain, okay? I don't like having those
21 numbers on the record, so what I'm gonna ask you to do is
22 tell us the number and we're just gonna ask the court
23 reporter to put a bunch of X's and the last four (4)
24 digits, okay? That way, we don't have it on a, on a
25 record. But you tell it to us slowly so we can write it

1 down, then she'll just show the last four (4) digits,
2 okay?

3 A. Yes, sir.

4 Q. All right. Go ahead.

5 A. XXX-XX-9225.

6 Q. Okay. Thank you.

7 BY MR. DRAISEN: And, Madam Court Reporter, if
8 you'll just make sure you do that on the record, that we
9 just, uh, show the last four (4) digits, please.

10 BY THE COURT REPORTER: Yes, sir.

11 Q. All right. Now, if you've had a Green Card since 1990, I
12 assume, then, that you've had to reapply. Is it every ten
13 (10) years that you reapply?

14 A. Yes, sir. Every ten (10) year.

15 Q. So, the last time you would have reapplied would have been
16 in 2020?

17 A. I don't remember. Every time that I gonna re-, renew my
18 Green Card, you know, I just look through the, um, the
19 expiration date and then I get in contact with those
20 people, uh, with the Immigration and then I apply and --
21 to renew my Green Card, every ten (10) year.

22 Q. Right. Okay. Do you know when your current Green Card
23 expires?

24 A. No, sir. I still -- it expir- ---

25 Q. Do you have it ---

- 1 A. Can I, can I take it and look at it?
- 2 Q. Absolutely.
- 3 A. No?
- 4 Q. Yeah, yeah.
- 5 A. I can?
- 6 Q. Yeah, you can.
- 7 A. (Pause - retrieves card) You want to know the expiration
8 date?
- 9 Q. Sure.
- 10 A. (Reading from card) Okay. It's on, um, 07/19/28.
- 11 Q. Okay. Does that, does that card have, like, a number
12 that's different than your pass- -- than your, uh, Social
13 Security number?
- 14 A. Yes, sir. It's different.
- 15 Q. Can you give me the number that's on there?
- 16 A. The number is, um, -- USCIS number is 071-445-094.
- 17 Q. 09 -- what was the last number?
- 18 A. Four (4).
- 19 Q. Four (4). Okay. And, and while you're doing that, do you
20 have a driver's license?
- 21 A. Yes, sir. (Pause - retrieves driver's license)
- 22 Q. Is that a South Carolina Driver's License?
- 23 A. It's a South Carolina.
- 24 Q. Okay. And, um, can you give me the number, please?
- 25 A. (Reading from driver's license) The DL number is

1 104863415.

2 Q. Okay. And does -- if you look on there, are there any
3 restrictions on there, like, glasses or anything else?

4 A. No, sir.

5 Q. I see you're wearing glasses, but you're not required to
6 wear glasses when you drive?

7 A. Um, just recently, sir, because, um, the past two (2)
8 year, yeah, um, I can't see close, so I just wear these
9 when I read.

10 Q. And has that driver's license ever been suspended or
11 revoked?

12 A. Um, I don't understand, but, um, I'm not allowed to drive
13 after, you know, whatever happened. But I -- they didn't
14 ask me to return this. But I do ask Aaron. Aaron said at
15 the end, we will -- send me a letter to mail it back, but
16 I waiting for that.

17 Q. Okay. So, since the -- oh, okay. So, how long has it
18 been s- -- that you have not been driving?

19 A. Um, I've not been driving, um, since that -- after, um, I
20 got probation and, you know, I'm not allowed to drive.
21 But before, I, I drive to work.

22 Q. Did you have to -- did, did the, did the police ever take
23 your driver's license and you had to go get another one?

24 A. No, sir. He take it, but, um, he give it back to me.

25 Q. Okay. So, so the whole time, you've always had that same

1 driver's license?

2 A. Yes, sir.

3 Q. What's the expiration date on that driver's license?

4 A. Uh, 05/10/2024.

5 Q. Okay. And you, you didn't have to get -- you, you haven't
6 had to get a special, uh, driver's license that just
7 allows you a restricted license that allows you to drive
8 to and from work?

9 A. No, sir. I -- I didn't go, um, doing that. Because,
10 like, um, when I talked to Chai, I had to get some kind of
11 the, uh, insurance. That insurance is very high, so I
12 just decide not to drive and it ---

13 Q. Yeah. Yes, ma'am. I understand. I guess I was talking
14 about since the date of the accident until now, have you
15 ever had to, uh, get a, a, what they call a restricted
16 license, that only ---

17 A. No, sir.

18 Q. --- allows you to drive to and from work?

19 A. No, sir.

20 Q. Okay. Do you have any children?

21 A. No, sir.

22 Q. Okay. Do you have any relatives by blood or marriage, uh,
23 other than Chai, that you live with in Greenville County?
24 Do you have any other relatives in Greenville County?

25 A. No, sir.

1 Q. Not by blood or by marriage?

2 A. No, sir.

3 Q. Okay. And your -- so your dad is, is in Charlotte; is
4 that right?

5 A. Yes, sir.

6 Q. Okay. And so, you don't have any cousins or sisters or
7 aunts or uncles, uh, or anybody else related to you in
8 Greenville County; is that right?

9 A. No, sir. I don't have any.

10 Q. Okay. All right. Other than this most recent, uh,
11 criminal charge that you had related to this accident,
12 have you had any other criminal charges?

13 A. No, sir.

14 Q. Do you understand what I'm asking you?

15 A. You say after, uh, ---

16 Q. No, before.

17 A. --- the accident?

18 Q. Before.

19 A. I don't have ---

20 Q. Before. Sorry.

21 A. No, sir.

22 Q. Okay. Let me just make sure I'm clear, okay?

23 A. Yes, sir.

24 Q. So, s- -- how about we do it this way: Since nine- --
25 from 1990 until September of 2019, have you ever been

1 arrested for anything?

2 A. No, sir.

3 Q. Okay. And that would be -- you weren't arrested in
4 Louisiana or North Carolina or South Carolina; is that
5 right?

6 A. No, sir.

7 Q. All right. Have you ever -- and I have to ask this
8 question of everybody. Uh, have you ever had to be
9 treated for alcohol or drug abuse?

10 A. No, sir.

11 Q. Have you ever served in the military?

12 A. No, sir.

13 Q. Okay. Um, tell me a little bit about your education. Did
14 you graduate high school?

15 A. No, sir. I go to -- all the way to 11th grade.

16 Q. And where was that? In Louisiana?

17 A. In Louisiana. Martin High School.

18 Q. Okay. Have you had any education beyond high school, any
19 technical classes?

20 A. Um, I take a Nail Technician class.

21 BY MR. DRAISEN: Nail. (TO MR. KRAUSE)

22 BY MR. KRAUSE: Yeah, I figured that.

23 Q. Where did you do that?

24 A. In Charlotte.

25 Q. Did you get any kind of a certificate or degree or

1 license?

2 A. Yes, sir.

3 Q. What did you get?

4 A. A certificate that certified I graduate from the school.

5 Q. Did you then get any kind of a license from the state of
6 North Carolina?

7 A. Yes, sir.

8 Q. What, what was the license for?

9 A. For -- to work in the nail salon.

10 Q. And did you work in a nail salon?

11 A. Not anymore, sir.

12 Q. No. Did you?

13 A. I did.

14 Q. Okay. What was the name of the salon that you worked in?

15 A. Um, the last one is, um, -- I worked there, not every day.

16 Let me see. It's been a while. Uh, Nail Style in, um,
17 -- is that, uh, -- where is that? Off of Pelham. Not
18 Inman. (Pause) I don't know the city, but close to
19 Greenville.

20 Q. Close to ---

21 A. The nail place ---

22 Q. --- Greenville, South Carolina or North Carolina?

23 A. In South Carolina, sir.

24 Q. So, did you get a, a license in South Carolina to do
25 nails, as well?

- 1 A. Um, I have to transfer from North Carolina to get the
2 South Carolina license.
- 3 Q. Did you do that?
- 4 A. Yes, sir, I do.
- 5 Q. So, so you now have a South Carolina one?
- 6 A. I have South Carolina license, but I haven't renew- -- I
7 have to renew that every year and take uh, um, uh,
8 continue education to get renew.
- 9 Q. Okay. When's -- when did you last do nails? What year?
- 10 A. I believe, um, '16, '17?
- 11 Q. 2017?
- 12 A. I think so.
- 13 Q. Okay. Do you know when you started working with Bangkok
14 Tokyo?
- 15 A. Back in 2017; yes.
- 16 Q. You started with Bangkok Tokyo in 2017?
- 17 A. Yes, sir.
- 18 Q. All right. So, before I get into that, let me ask you,
19 what brought you to the Greenville area?
- 20 A. Um, I move in with Chai. He live here and he work here.
- 21 Q. Okay. All right. Now, since this all kind of started, I
22 want to ask you a few questions about Bangkok Tokyo. When
23 did the restaurant, Bangkok Tokyo first open, to your
24 knowledge?
- 25 A. I don't understand that.

1 Q. So, there's a restaurant that you work at called Bangkok
2 Tokyo?

3 A. Yes, sir.

4 Q. Okay. Do you know when that restaurant first started
5 operation?

6 A. You mean, like, first start open?

7 Q. When it first opened, first doors, first location.

8 A. They have so many generation, from what I heard, but I
9 don't remember. I don't know.

10 Q. In 2017, is that when you started working at the
11 restaurant?

12 A. Yes, sir, but not, uh, full time at that time. I just
13 kind of go in and learn how to work in there with other
14 coworker.

15 Q. Where was the restaurant located in 2017? Do you know
16 what the address was?

17 A. 599 Haywood Road.

18 Q. Okay. Now, as I understand it, Bangkok Tokyo Restaurant
19 is, is not the legal name of the business. Uh, the legal
20 name of the business is Ra Cha, that's R-a C-h-a,
21 Incorporated; is that correct?

22 A. Yes, sir.

23 Q. Okay. And Ra Cha, Inc. does business as Bangkok Tokyo
24 Restaurant; is that right?

25 A. Yes, sir.

1 Q. Okay. And, uh, do you know when Ra Cha, Incorporated
2 became -- when it first became incorporated?

3 A. No, sir.

4 Q. Okay. I've been provided some documents, just a little
5 bit of information about, um, Ra Cha, Incorporated. Can
6 you tell me who the shareholders -- and when I say
7 "shareholders," that's the legal term for the owners of
8 the company -- are?

9 A. One of the shareholder is myself and part of it's Chai and
10 Allison is the big holder.

11 Q. Did you say Allison?

12 A. Allison. That's what I call her.

13 Q. Would that be a lady by the name of Pouna, P-o-u-n-a,
14 middle initial "A," and last name Wannarat,
15 W-a-n-n-a-r-a-t?

16 A. Yes, sir. That's correct.

17 Q. That's Allison?

18 A. Yes, sir.

19 Q. Okay. All right. So, can you tell me how did the three
20 of you come to be partners, if you will, in Ra Cha,
21 Incorporated?

22 A. Okay. Uh, when I first moved to Green- -- to Greenville
23 in -- I hop around to find how where is a Thai restaurant
24 to eat, 'cause I'm Thai. And then Chai brought me to her
25 restaurant and then I get to know her. Like, you know,

1 like, we just start talking about, you know, life and
2 things. So, I heard she want to sell the restaurant and
3 then I talked to Chai. And during that time, he don't
4 have much money to buy the whole thing, and so that's how
5 the shareholder and become a partner in work. That's how I
6 know her, but we not a friend.

7 Q. So, can you tell me what year that you're talking about
8 that was that you became involved in the ownership?

9 A. The ownership, you mean like a shareholder?

10 Q. Yes, when did you ---

11 A. When I ---

12 Q. Yes. When did you become a shareholder?

13 A. The same year that I start work there.

14 Q. 2017?

15 A. Yes.

16 Q. So, is it correct for me to say that Ra Cha, Incorporated
17 existed prior to 2017, but it was owned solely by Allison?

18 A. Yes, sir.

19 Q. And that in 2017, you and Chai bought in an interest in
20 the company?

21 A. Yes, sir.

22 Q. Okay. And did you, did you pay a certain amount of money
23 to buy in?

24 A. No, I didn't pay. Chai paid.

25 Q. Okay. But that -- do you know how much Chai paid to buy

1 fifty percent (50%) interest for you?

2 A. I don't, I don't know, sir.

3 BY MS. SNYDER: Object to the form. I don't think
4 she has fifty percent (50%) interest. I think she has
5 twenty-five (25).

6 BY MR. DRAISEN: No, no, the two (2) of them. Yeah,
7 yeah, the two (2) of them, I meant.

8 Q. Well, the -- let me ask the -- let me rephrase the
9 question. As I understand it from the corporate records
10 that I see, uh, currently, and at least back in 2018, um,
11 Allison owns fifty percent (50%), you have twenty-five
12 percent (25%) and Chai has twenty-five percent (25%); is
13 that right?

14 A. Yes, sir.

15 Q. Okay. And when I asked you about buying in, you said that
16 you didn't pay anything, but Chai paid to buy in; is that
17 right?

18 A. Yes, sir. He paid to buy in. I worked there as a
19 employee.

20 Q. Okay. So, let me ask you this, because I want to make
21 sure I understand. So, in, uh, in 2017, did you have any
22 share interest in Ra Cha, Incorporated?

23 A. You mean, like, uh, the check and stuff?

24 Q. Shareholder. Were you a shareholder in 2017?

25 A. Yes, I am.

1 Q. Okay. So, when Chai paid the money that he paid, was he
2 paying to buy his twenty-five percent (25%) and your
3 twenty-five percent (25%)?

4 A. Yes, sir.

5 Q. Okay. Do you know how much he paid?

6 A. I don't know. I don't ask.

7 Q. Okay. Do you know if there was any paperwork that was
8 signed about the purchase?

9 A. They should have, you know, -- either Chai or Allison
10 should have all the paperwork.

11 Q. Do you remember signing papers? Did you have to go
12 somewhere?

13 A. I remember I signed a paper.

14 Q. Okay. All right. So, do you know if you had to go to a
15 lawyer's office to do that?

16 A. No. I remember, he come to the restaurant.

17 Q. Okay. Now, did Chai pay the money all at one time or d-
18 -- have y'all had to make payments to Allison?

19 A. I don't know, sir.

20 Q. You don't know anything about that?

21 A. He the one -- no.

22 Q. Okay. That's fine. Does Allison continue to work in the
23 business?

24 A. Yes, sir.

25 Q. So, are all three of you working in the business?

- 1 A. No, sir. Just me and Allison. Chai got his own job.
- 2 Q. Okay. And has Chai ever worked in the restaurant?
- 3 A. He come help sometime, but not all the time.
- 4 Q. Was that ever his ---
- 5 A. He's not on staff.
- 6 Q. I'm sorry. Was that ever his, his regular job?
- 7 A. No, sir.
- 8 Q. So, it's fair to say that Allison and you run the
- 9 restaurant?
- 10 A. Yes, sir.
- 11 Q. Okay. Now, do you -- does Allison have a job title?
- 12 A. Me and her are s- -- we are chef. We cook and, you know,
- 13 do pretty much everything. I don't know what you mean by
- 14 a title.
- 15 Q. Well, I mean, is there a manager or do one of you have a
- 16 designation as a manager?
- 17 A. I don't know. We do everything in there.
- 18 Q. Okay. Who hires employees?
- 19 A. Both of us. If Allison available, she will do, uh, the
- 20 interview. If I'm available, I will do the interview.
- 21 Q. Okay. Do you, uh, do you wait tables?
- 22 A. If they need help, I will come from the back and help.
- 23 Q. Okay. Um, does somebody take reservations, answer the
- 24 phone?
- 25 A. The staff.

1 Q. Okay. Does -- is there a bar in the restaurant?

2 A. Yes, sir.

3 Q. Okay. Was there a bar in the restaurant in 2019?

4 A. Yes, sir.

5 Q. Okay. Who runs the bar?

6 A. Other staff that work there.

7 Q. Okay. Do you, um, do you know who has the, the alcohol
8 and beer license for either Ra Cha, Incorporated or
9 Bangkok Tokyo?

10 A. I don't know. I think Bangkok Tokyo is in -- you know,
11 like the -- it's under the name Bangkok Tokyo. But
12 Allison handled the, um, the tax and the paperwork,
13 because I don't read very well.

14 Q. I guess what -- let me, let me ask a better question.

15 A. Okay.

16 Q. Do you know who applied with the South Carolina Department
17 of Revenue to get an alcohol and beer license for Bangkok
18 Tokyo?

19 A. Allison.

20 BY MS. MCMILLAN: Objection to the form.

21 BY MS. SNYDER: Don't, don't worry about that.

22 Q. Now, in the restaurant, is there a -- is there an alcohol
23 and beer license, uh, posted in the restaurant?

24 A. Yes, sir.

25 Q. Have you seen that piece of paper?

1 A. Yes, sir, at the bar.

2 Q. Okay. Does it have Allison's name on it?

3 A. I don't know. I didn't look. I just see the license and
4 then, the, um, occupants license, two of the license
5 posted on the bar. That's it.

6 Q. Do you know if that license, if -- let me, let me ask it
7 this way: In September of 2019, do you know if Allison or
8 Bangkok Tokyo or Ra Cha, Incorporated had a alcohol or
9 beer license?

10 A. Yes, I think so.

11 Q. Do you know if that alcohol and beer license has ever
12 lapsed?

13 BY MS. MCMILLAN: Objection to the form.

14 BY MR. DRAISEN: I'm sorry. I couldn't hear that
15 and somebody went silent and now there's ---

16 BY MS. MCMILLAN: This is, this is Beth. Objection
17 to the form.

18 BY MR. DRAISEN: Okay.

19 BY MS. SNYDER: I think she wants you to re-ask that
20 and explain the word "lapsed." Maybe use a different
21 word.

22 BY MR. DRAISEN: Okay. That's fine.

23 Q. Do, do you know -- okay. So, it's my understanding that
24 when someone applies for an alcohol and beer license that
25 it's good for a certain period of time and that after that

1 period of time, you have to renew the license. Is that --
2 do you understand that?

3 A. I understand that part, sir.

4 Q. Okay. Do, do you know if there was a period between 2017
5 and now that that license has, has expired?

6 A. Allison would handle that. And, you know, I don't, I
7 don't really know. I don't know.

8 Q. Okay. Do you, do you know if there was a period of time
9 between 2017 and September of 2019 that Bangkok Tokyo, Ra
10 Cha, Inc. or Allison did not have a license?

11 A. No, sir. They always have a license.

12 Q. Okay. And is the license at, uh, at Bangkok Tokyo, is it
13 for the service of both beer and wine and alcoholic
14 drinks?

15 A. Just beer and wine, sir. No hard liquor.

16 Q. To your knowledge, has it always been that way, just beer
17 and wine?

18 A. Yes, sir.

19 Q. Okay. So, is that right that y'all don't serve -- you
20 wouldn't serve a drink with vodka or whiskey or ---

21 A. No, sir.

22 Q. --- anything like that; is that right?

23 A. No, sir.

24 Q. Okay. All right. Now, let me ask you this: Are you, are
25 you an employee of Bangkok Tokyo?

1 A. Yes, sir.

2 Q. And how do you get paid, as an employee?

3 A. I get paid by monthly and it's depend on how the
4 restaurant make money, or some months I don't get paid.

5 Q. So, do you have an hourly rate of pay that you get paid?

6 A. Monthly, sir.

7 Q. Monthly.

8 A. Yes, sir.

9 Q. And is it a set amount per month?

10 A. It's a set amount that, um, they agree to pay if I work
11 there every day, six (6) days a week. Um, at first, we do
12 three thousand (\$3,000.00) and then dropped down and down
13 and down. And some month I don't even get paid.

14 Q. Okay. Let me back up and make sure I understood that.
15 So, initially, you were being paid three thousand dollars
16 (\$3,000.00) a month as a salary?

17 A. Yes.

18 Q. And over time, they've ha- -- your salary has been
19 reduced?

20 A. Yes.

21 Q. Okay. And -- all right. What do you currently make
22 there?

23 A. Currently, I don't, I don't have, like, a set amount that
24 I pay. We get paid by, you know, how the restaurant make
25 money. But from what I told you, the first, you know, we

- 1 set as three thousand (\$3,000.00).
- 2 Q. Is that still the official amount you're supposed to be
3 paid each month?
- 4 A. You mean it's three thousand (\$3,000.00)?
- 5 Q. Are you still supposed to be paid that, even if the
6 restaurant doesn't have the money?
- 7 A. No, I don't get paid that much.
- 8 Q. No. The question is, are you supposed to get paid that?
- 9 A. I supposed to if the restaurant make money.
- 10 Q. Let me ask you this: Does, does Chai get the same amount
11 of money that you get each month?
- 12 A. No, sir.
- 13 Q. So, what ev- -- how the restaurant does, that's how
14 Allison gets paid and that's how you get paid?
- 15 A. Yes, sir.
- 16 Q. And Chai doesn't get paid anything out of that?
- 17 A. He didn't get paid.
- 18 Q. Okay. Now, can you give me an example of, at the end of
19 the month, how you and Allison would settle up?
- 20 A. I don't understand that.
- 21 Q. Well, if you said that depending on how the restaurant
22 does each month, depends on how you get paid. Is that
23 right?
- 24 A. Yes.
- 25 Q. So, could you give me, like, an example for maybe last

- 1 month or the last time you got paid?
- 2 A. I -- fifteen. One thousand, five hundred (\$1,500.00).
- 3 Q. And did, did Allison decide how much you got paid?
- 4 A. We both decide. We both talk. 'Cause, um, you know, she
- 5 know, um, how much the restaurant made money, too, and it
- 6 -- we agree on that.
- 7 Q. Did she get paid the same amount you did?
- 8 A. If, if I get paid, uh, one thousand, five hundred
- 9 (\$1,500.00), Allison will get one thousand, five hundred
- 10 (\$1,500.00). If I get paid one thousand (\$1,000.00), she
- 11 get one thousand (\$1,000.00).
- 12 Q. So, y'all are splitting, y'all are splitting the net --
- 13 or, or the amount that you agree on, you're splitting that
- 14 50/50?
- 15 A. Yes, sir.
- 16 Q. (Pause) Do you get a, a W-2 form for taxes ---
- 17 A. Yes, sir.
- 18 Q. --- from Bangkok, Tokyo?
- 19 A. Yes, sir.
- 20 Q. And you've gotten one of those for each year, 2017 through
- 21 now?
- 22 A. You talking about ---
- 23 Q. A W-2 form.
- 24 A. You say, um, did I get the W-2 form 2017?
- 25 Q. Yeah. 2017, 2018, 2019, 2020?

1 A. Yes, sir.

2 Q. Okay. What's the average number of other staff members
3 that you have that work at the restaurant?

4 A. We have, lunchtime, at least, like, two (2). Before, it's
5 more than two (2). Since the Covid, only two (2) or one
6 (1), 'cause the business not that busy. And sometime, me
7 and Allison have to help the front, too. So, maybe four
8 (4) or five (5). But I don't know right now. I don't
9 work there anymore.

10 Q. You don't work there anymore?

11 A. No, sir.

12 BY MS. SNYDER: (Sneezes)

13 BY MR. DRAISEN: Bless you.

14 Q. When did you last work there?

15 A. Sometime last year.

16 Q. Can you give me an approximate month?

17 A. No, don't remember, sir. 'Cause since the Covid, the
18 restaurant's not that busy and, you know, off and on I go
19 in to help. So, we don't have much employee. They don't
20 have much customers. So, just a day if they need me. If
21 they don't need me, I just stay home.

22 Q. When's the last time you worked there full time?

23 A. The year before last year, I remember, but last year, I
24 don't, I don't think I was full time; no.

25 Q. Did you -- are you working somewhere else?

1 A. I try to go help at the other Thai restaurant, uh, on July
2 in Simpsonville. It's called Thai Cuisine. I worked there
3 a couple of month. And when I had to, um, to go to the
4 course and the probation and about the driver license,
5 it's kind of a little bit too far from the house and I
6 don't have a friend or a co-worker that live close to me.
7 So, it's kind of, like, far for me to travel to get a Uber
8 and cost more money. I just calculate it. I just tell
9 Chai, "Nah, it's not worth it."

10 Q. Okay. And how long did you try to work there?

11 A. For a couple of months, sir.

12 Q. All right. So, let's move on a little bit to September
13 the 27th, 2029. I assume you're familiar with that date?

14 A. Yes, sir.

15 Q. Okay.

16 BY MS. SNYDER: Dan, since you're moving onto a new
17 part. Would it be okay if we took a little break?

18 BY MR. DRAISEN: Absolutely.

19 BY MS. SNYDER: Okay.

20 BY MR. DRAISEN: Absolutely. Any time you need it.

21 BY MS. SNYDER: Okay. I just to run to restroom.

22 (BREAK @ 10:53 A.M. - 10:58 A.M.)

23 DIRECT EXAMINATION BY MR. DRAISEN (RESUMES):

24 Q. All right. Ms. Vansy, uh, you're still under oath. Are
25 you ready to go forward?

1 A. Yes, sir.

2 Q. Okay. All right. So, I want to, I want to skip ahead a
3 little bit and I want to go ahead and talk about September
4 the 27th, 2019, okay? And what I want to do is, kind of,
5 walk you through your day and then we'll get specifically
6 to the accident, some details about that, okay? Um, did
7 -- tell me about, uh, September 27, 2019, to your
8 recollection. Do you know, uh, what time you got up that
9 morning?

10 A. You mean the day that it happened, accident?

11 Q. Yes. Well, it would be the -- it would be the -- it would
12 be the day before because the accident was after midnight,
13 so probably would have been September the 26th, 2019
14 because the accident was after midnight on the 27th. So,
15 it'd probably be more accurate for me to ask you about
16 September 26, 2019.

17 A. So, you mean, like, if I woke up in the morning, what I'm
18 doing? What time?

19 Q. Yeah, do you recall at all what you did that morning?

20 A. It's my routine. I wake up at 6:30 in the morning.

21 Q. Okay. What do you do?

22 A. Drink coffee, read email, check what I have to go get at
23 the store before I head to the restaurant. After that,
24 jump in the shower, get ready.

25 Q. Okay. Do you, um, -- back in -- on September 26th, 2019,

1 were you taking any medications on a regular basis?

2 A. No, sir. I don't remember.

3 Q. You don't remember or you, you di- -- you don't recall
4 taking anything?

5 A. No. I'm, I'm not on a medication, so ---

6 Q. Okay. All right. So, after you did that, had your
7 coffee, made your list, um, what time would you -- would
8 you have gone to the store to get supplies?

9 A. Don't remember, but, um, I have to get to the restaurant
10 around -- before 11:00 'cause the restaurant open at
11 11:00. So, should probably be there at 10:00. That's my
12 normal regular -- like 10:00, 10:30. Had to get there
13 before restaurant op- -- um, open.

14 Q. Okay. So, you would have gotten to work on September 26th
15 2019 around 10:00 or 10:30 in the morning?

16 A. I believe, yeah, that's, you know, like, um, -- but it's
17 -- every day is not the same schedule.

18 Q. Okay. Well, I understand.

19 A. Okay.

20 Q. Do you, you specifically recall September 26th, 2019, what
21 time you got to work?

22 A. I don't know, 'cause I don't, I don't go in the same time,
23 so I don't remember, sir.

24 Q. Would it have been before 11:00?

25 A. Yes, but it's before 11:00.

1 Q. Okay. All right. So, what do you do when you get to the
2 restaurant?

3 A. Get stuff ready, um, prep water, turn on the wok, make the
4 soup.

5 Q. So, is that, basically, kitchen prep?

6 A. Yes, sir.

7 Q. So you, you said you turn on the wok?

8 A. Turn on the wok, make a stock, make the curry if I don't
9 have curry. You know, pretty much everything related to
10 the kitchen work.

11 Q. Now, is that just you or is that you and Allison doing
12 that?

13 A. Me and Allison.

14 Q. Anybody else? Just the two (2) of y'all in the kitchen?

15 A. Uh, I have another helper. He Chinese. Off and on, he
16 come help.

17 Q. And what's -- can you tell me what his name is?

18 A. We call him by "Ricky."

19 Q. Do you know what his real name is?

20 A. Since I worked there, everybody call him "Ricky," so he
21 just go by "Ricky."

22 Q. Okay. Does he work in the kitchen?

23 A. He help in the kitchen and the front if, um, the staff is
24 short in the front. So, he help at the front, too.

25 Q. Okay. Do you know if Ricky was working on September 26th,

1 that specific day?

2 A. I don't remember, sir.

3 Q. Okay. But in terms of the food prep, uh, it's usually
4 you, um, and ---

5 A. And Allison.

6 Q. And Allison. And then, sometimes, Ricky?

7 A. Ricky come helps.

8 Q. Okay. All right. So, you do the prep, um, you start
9 having customers come in around 11:00?

10 A. Yes, sir.

11 Q. Most days? I mean, you're open at 11:00?

12 A. Yes, sir.

13 Q. Okay. So, after 11:00, are you -- what do you do? Are
14 you cooking?

15 A. Cooking.

16 Q. What else do you do?

17 A. Uh, I help the front sometimes, like, bring the food out.

18 Q. Okay. All right. And is that -- that -- that's your
19 lunch service ---

20 A. Yes, sir.

21 Q. --- we're talking about?

22 A. Yes, sir.

23 Q. So, how long, typically, is lunch service? From 11:00 to
24 what hour?

25 A. 2:30 and close, uh, between 3:00 to 5:00.

1 Q. Okay. And so, tell me what, what happens between 3:00 and
2 5:00.

3 A. Sometime, I take a nap there 'cause, um, my house is, um,
4 in, uh, -- close to Duncan. Or I run the errands, like,
5 go pick up stuff like vegetable, meat or things.

6 Q. Okay. Is there any more kitchen prep that's done between
7 3:00 and 5:00?

8 A. No, sir, unless we have, like, uh, like, a party order.
9 But it's not happened often.

10 Q. Okay. So, is 3:00 to 5:00, then, just generally some
11 downtime?

12 A. Yeah, breaktime.

13 Q. Okay.

14 A. And open back at 5:00 again.

15 Q. Okay. Do you remember, on September 26th, 2019, what you
16 did from 3:00 to 5:00 that specific day?

17 A. No, sir.

18 Q. You don't remember if you took a nap that day or if you
19 ran errands?

20 A. I don't know, sir. I don't remember.

21 Q. Okay. Did you go back to work around 5:00?

22 A. Yes, sir.

23 Q. Okay. And at 5:00, um, who was working with you at 5:00?

24 A. Me and Allison, but I don't know who worked the front that
25 day because we have different waitress in and out all the

- 1 time.
- 2 Q. Okay. Do you remember if September 26th, 2019 was busy or
3 slow?
- 4 A. I don't remember, sir.
- 5 Q. Do you know how late you would have been open on September
6 26th, 2019?
- 7 A. I don't, I don't know, but it's -- the, uh, schedule is at
8 9:00. We close every -- you know, like restaurant operate
9 day, so 11:00, close at 3:00, 5:00 to 9:00.
- 10 Q. So, you typically close around 9:00?
- 11 A. Uh-huh. (Affirmative) Yes, sir.
- 12 Q. I assume if you have customers still in the restaurant,
13 you may not close exactly at 9:00; is that right?
- 14 A. That's correct. Sometimes they leave late if they have,
15 like, a big group or they have something to say, I just
16 stay there and -- until they leave.
- 17 Q. Okay. On September 26th, 2019, do you know whether or not
18 y'all had a big group that night?
- 19 A. I don't remember, sir.
- 20 Q. Do you know how long you stayed at the restaurant on
21 September 26th, 2019?
- 22 A. I don't know how long, but, um, my basic, um, routine and
23 schedule, um, after close, I have to get something done,
24 like do the closing, you know, like, do the paperwork,
25 count the money and wait for the, um, staff to finish

1 their cleanup and stuff, even though we close at 9:00.

2 But they leave before me because I have to do things in
3 there. But I don't know the exactly time.

4 Q. So, after you close sometime after 9:00, uh, do you have
5 an, an average time -- when do you normally get to leave
6 the restaurant?

7 A. Normally -- I don't have normally schedule to leave. I'm
8 -- be the one that leave last, pretty much, 'cause I have
9 to close, too.

10 Q. Do you know how many hours after 9:00 it takes you,
11 normally, to close?

12 A. Uh, just depends what I have to do.

13 Q. What's the shortest period of time you can get out of
14 there? How quickly can you get out of there if you needed
15 to get out right away?

16 A. I never have the time to be quick right away. Uh, don't
17 know. An hour or two (2)? I don't know, sir.

18 Q. Well, do you ever get out of there at 10:00?

19 A. Sometime after.

20 Q. It's usually later than 10:00?

21 A. Sometime.

22 Q. Okay. You ever -- are you there later than 11:00 any
23 times?

24 A. If I have to, you know, get the work done, like prep work
25 in the kitchen, but it's not often 10:00.

1 Q. So, not often is it after 11:00; is that fair?

2 A. Not often after 11:00.

3 Q. Okay. On September 26th, 2019, after you closed, after
4 9:00, do you recall what you did that evening?

5 A. Probably the same routine, like, uh, do the paperwork,
6 staying there.

7 Q. Okay. Do, do you recall who was there with you after
8 9:00?

9 BY MS. SNYDER: That night?

10 Q. Yeah, September 26th, 2019.

11 A. I don't remember who, exactly, there after the door
12 closed, the front door closed. But some of the staff have
13 to stay if they not finish mop the floor. I don't know
14 who.

15 Q. Okay. Well, are the events of September the 26th, 2019
16 clear in your mind?

17 A. What do you mean by "event?"

18 Q. Do you know what happened that evening before the wreck?

19 A. No, sir, 'cause I, I do the same thing all the time, like,
20 do the paperwork, get home. That's all I remember.

21 Q. Well, well, I mean -- let me ask you this: Do you drink
22 alcohol every night before you go home?

23 A. Not every day. I drink a glass of wine or two (2), like I
24 ---

25 Q. A glass of wine or two (2)?

- 1 A. Yes. But I don't know that day. I don't remember.
2 That's not my everyday thing.
- 3 Q. So, you -- okay. On September 26th, 2019, did you drink
4 alcohol that evening after close?
- 5 A. I do, sir. I drink alcohol that day.
- 6 Q. Okay. And what did you drink?
- 7 A. I drink some wine.
- 8 Q. Do you drink red or white or blush?
- 9 A. A red wine.
- 10 Q. Red?
- 11 A. Yes, sir.
- 12 Q. And do you have a particular brand that you like or a
13 particular bottle that you like to drink?
- 14 A. No. I just drink whatever we have in there that open.
- 15 Q. And do you know how many glasses of wine you drank on
16 September 26th, 2019?
- 17 A. That day, I don't remember, but, you know, if I drink, I
18 don't do past one (1) or two (2). But I don't drink
19 often, like I told you. But I don't remember that day. I
20 don't know.
- 21 Q. Okay. Was the, uh, wine that you drank, uh, wine that was
22 kept at the bar in the restaurant?
- 23 A. It's not kept at the bar 'cause we have two (2) section.
24 It's, uh, where we put the soda in the drink container.
- 25 Q. Let me rephrase the question.

1 A. Sure.

2 Q. Was the wine that you drank at the restaurant, was it part
3 of your stock?

4 A. Yes, sir.

5 Q. Let me ask you this: Is that the same red wine that you
6 would serve to customers?

7 A. Yes, sir. It's the same red wine.

8 Q. Do -- in, in September of 2019, um, do you know if there
9 was a specific, uh, brand or bottles of wine that you were
10 stocking at the restaurant?

11 A. No, sir.

12 Q. Who, who would have -- who would you have bought your, um,
13 wine supply from? Did you use a particular company?

14 A. Uh, Southern something. I cannot pronounce it.

15 Q. Can you spell it?

16 A. I can't spell it, sir. I can spell "South."

17 Q. Did you say "South?"

18 A. South something.

19 Q. Did they, did they just provide you with your beer and
20 wine or did they provide other food, too?

21 A. No, just beer and wine. That's before. But lately, we
22 pick it up at the, um, local wine store 'cause we don't
23 sell that much since, you know, business going down.

24 Q. But back in September, 2019, there was a supply company
25 that you were using to stock your beer and wine?

1 A. I don't remember. I think so, 'cause ---

2 Q. Do you know ---

3 A. I don't handle the, the beer and wine, the order, the
4 inventory, sir.

5 Q. That's what I was getting ready to ask you. Who, who, at
6 the restaurant, orders the beer and wine?

7 A. From -- I -- here, from Allison or either the girl that
8 work at the front. They would make a list.

9 Q. Yeah, who would actually ---

10 A. They would ---

11 Q. I guess my question is, who was dealing with the vendor
12 that provided you your beer and wine?

13 A. Okay. Like I told you, sometimes Allison, sometime it's
14 the girl at the front. But I don't know which one.

15 BY MR. KRAUSE: Southern Distributors.

16 Q. Would it be Southern Distributors who provided you your
17 beer and wine?

18 A. Something with "South." I don't know the rest, sir.

19 Q. Okay.

20 A. Southern something. I don't know.

21 BY MR. KRAUSE: Spartanburg.

22 Q. Okay. On September the 26th, 2019, that evening after
23 close, was anybody there drinking wine with you?

24 A. No, sir.

25 Q. You'd been drinking by yourself?

1 A. I just drink by myself and do the paperwork. That's -- I
2 remember.

3 Q. On the evening of September the 26th, 2019, did Allison
4 work the dinner kitchen shift with you?

5 A. She worked dinner shift with me, but most of the time, I
6 remember, she leave before me, 'cause she, she don't do
7 the paperwork.

8 Q. Did, um, did Allison ever, uh, stay with you and drink
9 wine at the restaurant?

10 A. No, sir.

11 Q. Did you ever see Allison drink any beer or wine at the
12 restaurant?

13 A. N- -- sometime when, you know, she have a company, but
14 she, she don't drink. Allison don't drink, sir.

15 Q. Has Allison been there, uh, at the restaurant on occasions
16 when you've had wine to drink?

17 A. I don't understand.

18 Q. What I'm asking you is, from 2017 through September 26th,
19 2019 at closing, has Allison been there at times when
20 you've had a glass of wine and you were doing the
21 paperwork?

22 A. Sometimes she saw and then she left, say, "Good-bye. I've
23 gotta go," okay? 'Cause she have kid. So, she leave
24 before me. But, you know, but most of the time, she not
25 with me.

1 Q. Yeah. So, the question I'm asking you is, is Allison has
2 seen that you drink wine sometimes in the evenings while
3 you're doing paperwork, right?

4 A. Yes, sir, sometime.

5 Q. Okay. And is -- does somebody keep track of the, the beer
6 and wine inventory? So, when you get a glass of wine from
7 a bottle there at the restaurant, do you have to put that
8 into the point-of-sale system and say that you took a
9 glass of wine?

10 A. No, sir. The only time I pay her, when, like, uh, I have
11 people that I know come visit. So, if they open a bottle
12 of wine, I pay, but employee price, like ten perc- ---

13 Q. Okay.

14 A. --- thirty percent (30%).

15 Q. So, when you're -- well, when you're drinking -- if you're
16 drinking, uh, some wine after close when you're doing
17 paperwork, you're not selling yourself a glass of wine and
18 putting it in the point-of-sale system and paying for it,
19 right?

20 A. No, sir.

21 Q. Okay. Is there -- then your, your bar would be short, um,
22 a number of pours for wine; is that right? Because you're
23 -- if you're drinking some and it's not being accounted
24 for on your point-of-sale system, you would come up short;
25 is that right?

1 A. It will be short, but it's not everyday thing. So, you
2 know? That don't -- it don't count that much.

3 Q. Well, do you allow other employees to, to pour ---

4 A. No, the employees cannot drink while they're working, sir.

5 Q. Okay. Do, um, -- if, if you're -- during your closing
6 procedures when the staff is cleaning up and the
7 restaurant is closed, do the employees ever have a drink,
8 sit down and have a drink while they're doing their
9 closing?

10 A. No, sir.

11 Q. Do you ever allow them to have a beer or anything like
12 that before they leave?

13 A. No. I, I tell them already, you know. Like, um, Allison
14 very strict on that, too. Like, if the employee work,
15 they cannot drink while they're working, even though they
16 clock out of the clock. But they do sometimes, like if
17 their birthday, you know? Like, uh, one glass of a beer
18 bottle, like, uh, the little bottle. That's it. But not
19 everyday thing. Not, like, uh, you clock out, you can
20 drink, you know?

21 Q. Yeah. I understand. So, if you have a birthday and you
22 give them a beer you, you don't ring that up to through
23 the point-of-sale, you just give it to them for no charge?

24 A. Just a -- yeah, just like, you know, as a gift, like a --
25 but most of them don't really drink that. They just,

1 like, head out, you know, to be with friend and family,
2 boyfriend, girlfriend. They, they don't -- you know, they
3 just go.

4 Q. Okay. All right. So, on September the 26th, 2019, do you
5 know where you went when you left the restaurant?

6 A. No, sir; I don't remember. I just know, like, I grabbed
7 the -- my purse, head to the car, just like every day that
8 I do.

9 Q. Okay. Um, according to the accident report, it looks like
10 around 12:56 a.m. was the time of the wreck. Does that
11 sound about right to you?

12 A. I don't know. It might be, sir.

13 Q. Okay. So, I -- I'm trying to figure out the timeline and
14 this is a little important to me, okay? So, the
15 restaurant closes at 9:00 and then you have a period of
16 time in which you're doing the closing procedures,
17 paperwork, uh, that kind of thing, and the staff is
18 cleaning up, right? You said that takes around an hour or
19 so, usually. Is that correct?

20 A. Yes, sir.

21 Q. So, that takes me to about 10:00 or 10:30. Does that
22 sound right?

23 A. I think so; yes.

24 Q. Okay. So, what I want to know is, is I want to know from
25 10:30-ish to 12:56 a.m., what you did.

1 A. I don't know. I don't remember, sir. I just know I get
2 in the car and drive. That's it.

3 Q. Okay. So, when you left the restaurant that night, did
4 you go somewhere else?

5 A. I don't remember, sir. I don't know.

6 Q. And I'm gonna ask you a question, not to be rude, but I
7 have to ask this question. Did you hit your head in the
8 wreck?

9 A. I don't know.

10 Q. Did you have a head injury of any kind?

11 A. I don't remember. I just don't remember. All I know is
12 just I hit something. I just hit -- I don't know what.
13 After that, I just blank.

14 Q. Did, did you have any kind of bleeding on the brain?

15 A. I don't know, sir.

16 Q. I mean, at the hospital, did the doctors tell you that you
17 had any kind of a head injury?

18 A. I don't know. He might have or he have. I don't ---

19 Q. Did you have to have any treatment for any kind of a head
20 injury after you left the hospital?

21 A. Soon as I left the hospital, I, I get hurt, but I don't go
22 back to follow up or anything. I just stay home.

23 Q. So, did you ever see anybody about your brain or any
24 problems with your head?

25 A. No, sir. I just stay at home, here by myself at home.

1 Q. Have you been having any memory problems since the wreck?

2 A. Yes.

3 Q. Tell me about that.

4 A. I don't remember a lot of stuff. Like you told me -- if
5 you don't tell me the day that the accident -- I don't
6 recall. I don't know.

7 Q. Are you having issues remembering things, even now? Not
8 just about the wreck, but in general, are you having
9 issues with memory?

10 A. Yes.

11 Q. So do, do you forget things regularly now?

12 A. Yes.

13 Q. Give me an example of what -- what's happening with you.

14 A. See, like, if I, um, -- like, dinnertime, I cook. Chai
15 went upstairs. I thought I turn off the stove. I know
16 that I turn it off, but I still walk downstair 'cause I
17 think I didn't turn it off. A lot of stuff, I don't
18 remember.

19 Q. And you haven't gone to see a doctor about it to see if
20 you have an actual brain injury?

21 A. No, sir. I talked to Chai. Chai say it's -- that
22 everybody forget things, not everybody remember things.

23 So ---

24 Q. Let me ask, let me ask you this: Have you had any trouble
25 with getting angry very easily?

1 A. No, I don't get angry, sir.

2 Q. Okay. Do you forget your keys?

3 A. I forget my key.

4 Q. Have you ever left a door unlocked since, since the wreck?

5 A. I locked myself once.

6 Q. You lost your cellphone?

7 A. I locked myself.

8 Q. Oh, you locked yourself -- out?

9 A. In the, um, the door before I go to the garage. And I
10 forgot the key to the car and then, um, I already locked
11 the door, so I can't get out.

12 Q. Okay. All right. So, is it correct that your testimony
13 today, under oath, is, is that you can't tell me, at all,
14 what you did from around 10:30 p.m. on September 26th,
15 2019 until the wreck at 12:56 a.m. on the 27th; is that
16 right?

17 A. Yes, sir.

18 Q. So, we just have about, uh, three (3) hours of unaccounted
19 time? You have three (3) hours that you can't tell me
20 anything about what happened?

21 A. I don't remember, sir.

22 Q. I, I -- I'm, I'm making sure I understand your testimony
23 that you, you have no recollection of that three-hour
24 period of time between, say, 10:30 p.m. and 12:56 a.m.; is
25 that right?

1 A. Yes. I don't remember.

2 Q. Okay. Is it possible that you went to a bar?

3 A. I don't know, sir. I don't go out m- -- far as I
4 remember. I don't really go places that much. I just
5 work, come home. That's it. That's all I remember.

6 Q. Okay. All right. So, at 12:56 a.m., what I do know is
7 that you were on North Pleasantburg; is that right?

8 A. I might have 'cause the -- after, Chai go get me from, you
9 know, bail me out. He drive me back there. He said -- he
10 asked me, "Do you remember that you have an accident right
11 here?" Because we go get the police report on the
12 accident. I say, "I don't know." If he don't tell me, if
13 he don't bring me there, I don't even know where I'm at
14 that night.

15 Q. All right. Here's what I want to do -- can you tell me --
16 so, so Chai took you back around where the scene of the
17 accident was; is that right?

18 A. Yes.

19 Q. Okay. Can you tell me -- and, and this is what I'm gonna
20 ask you -- so, you know where the restaurant is on Haywood
21 Road, right?

22 A. Yes.

23 Q. And you know where that spot was on North Pleasantburg
24 where Chai showed you the accident was?

25 A. No, I don't remember, sir.

1 Q. I'm trying to figure out why would you have gone from the
2 restaurant to North Pleasantburg.

3 A. I don't know, sir.

4 Q. Is North Pleasantburg Drive on the way to your home?

5 A. No, sir.

6 Q. That's not the way you would drive home from the
7 restaurant; is that right?

8 A. No, sir.

9 Q. Okay. How would you normally have, have gone from the
10 restaurant to your home? Tell me how you drive home.

11 What roads?

12 A. Um, off of 85 -- Haywood and go 85.

13 Q. 85 ---

14 A. And sometimes ---

15 Q. --- to Woodruff?

16 A. And sometimes after work, I don't go straight home. I
17 just driving around, you know, just clear my mind, 'cause,
18 like, Chai sleep early. We don't talk, so I just drive
19 around and, you know, think of things, listen to the music
20 before I head home.

21 Q. Okay. But, but, clearly, North Pleasantburg would not be
22 the normal way that you would drive to go home; is that
23 right?

24 A. No, sir, not normal way. But I just drive everywhere.
25 But if you're gonna ask me where, I don't know.

1 Q. Well, I'm trying to, I'm trying to figure out that three
2 (3) hours of time, is what I'm trying to figure out, is
3 what -- you know, what you would have, have done and
4 whether or not you would have stopped anywhere else.
5 Would you have visited a friend?

6 A. No. I don't have friends, sir.

7 Q. You have no friends?

8 A. No. I just work. Just work and home.

9 Q. Are you, are you not friendly with the people that work at
10 your restaurant, your staff?

11 A. We're friendly, but we don't hang out.

12 Q. Okay. So, you don't have any friends that live off of
13 North Pleasantburg Road in Greenville?

14 A. No, sir.

15 Q. Do you have any other boyfriends beside Chai?

16 A. No, sir. What kind of question is that?

17 Q. Okay. Is it possible that you stayed late at the
18 restaurant?

19 A. I don't remember if I stayed late and that. I remember I
20 grabbed the key and some of the paperwork and my purse and
21 I just get in the car.

22 Q. Okay. All right. Do you remember the collision at all?

23 A. No.

24 Q. The wreck.

25 A. No, sir.

- 1 Q. After -- what's the first thing that you remember after
2 the wreck happened?
- 3 A. I, I wake up in the hospital.
- 4 Q. Okay. W- -- did you lose consciousness at the wreck?
- 5 A. I don't understand that.
- 6 Q. Did you get knocked out?
- 7 A. I get -- I, I think so, yeah. I blanked. I don't know
8 nothing after that.
- 9 Q. So, the first thing ---
- 10 A. I don't think I ---
- 11 Q. --- you remember -- sorry. First thing you remember,
12 then, is waking up at the hospital?
- 13 A. Yeah, kind of blur a little bit and I don't know where I'm
14 at and I just, you know, kind of open my eyes and look.
- 15 Q. Do you know what hospital you were at?
- 16 A. I don't know. I -- it's in Greenville. I just don't know
17 the name.
- 18 Q. Do you know if it was Greenville Me- -- Hospital, Prisma
19 or if it was St. Francis?
- 20 A. It start with "P."
- 21 Q. "P" like Prisma?
- 22 A. I, I don't know. I think so, yeah. With a "P?" With the
23 colorful?
- 24 Q. Yeah. Colorful ---
- 25 A. Well, I -- yeah. The letter is -- I don't know how to

1 pronounce it.

2 Q. Okay. All right. When you woke up in the hospital, do
3 you know how long you stayed in the hospital before they
4 let you go?

5 A. I don't know how long, sir. I don't think that long.
6 'Cause, like, um, the police come see me and then take me
7 to the, um, prison after that. But I don't know the time
8 'cause I was kind of like in pain and stuff, too, you
9 know? Kind of like dizzy, too, from the accident.

10 Q. Okay. Let me back up a second and make sure I understand.
11 So, you went to the hospital ---

12 A. Uh-huh. (Affirmative)

13 Q. --- and you woke up at the hospital ---

14 A. After I ---

15 A. --- and the police came to see you at the hospital?

16 A. Yeah, he's there when I woke up. I see him, like, at the
17 front. He sit out there.

18 Q. Did you stay in the hospital overnight?

19 A. No, sir. Soon I woke up, you know, and they talked to me,
20 you know, like, asked me, like, um, did I know where I'm
21 at. I say, "At the hospital." And then they -- I don't
22 know after that. And then I just remember police come get
23 me and we go to the jail.

24 Q. So, then would you say you went to the jail that same
25 time, that, that evening? You didn't stay overnight at

1 the hospital?

2 A. I stay in there; yes, sir. When I woke up.

3 Q. So, did Chai come get you at the jail?

4 A. Not that day, huh? I think, yes. Yeah, he did come bail
5 me out, but I stay in there overnight.

6 Q. Did anybody ever tell you what your blood alcohol level
7 was?

8 A. No, sir. I don't remember that anyone tell me. They
9 might have.

10 Q. Well, you, you received some, some charges for the wreck;
11 is that right?

12 A. I think so, sir. I understand that.

13 Q. Did you get charged with a crime?

14 A. Yes, sir.

15 Q. What did you get charged with?

16 A. I don't know that I understand right, but, uh, something
17 like a felony?

18 Q. Okay. And at some point along the way, did, did your --
19 did anyone ever explain to you what the elements of the
20 charge are, what it, what it involves?

21 A. Yes. I understand, but, um, I don't fully understand, but
22 I kind of understand a little bit, that I, um, I caused a
23 wreck and I drink and drive. That's pretty much what I
24 understand.

25 Q. Okay. Did -- and do you know if anybody ever told you --

1 and did anybody test your blood or your breath or anything
2 like that? Do you remember them doing that?

3 A. I don't remember that, sir.

4 Q. Do you remember ever being told that you had a certain
5 blood alcohol level that was too high to drive?

6 A. They might have, but I don't remember.

7 Q. You don't have any idea what that number was?

8 A. I don't have the idea that number was.

9 Q. Now, I understand that either late last year or early this
10 year you went to the court and you pled guilty; is that
11 right?

12 A. Yes, sir.

13 Q. Okay. And that was -- you pled guilty to a charge of
14 Felony DUI with Great Bodily Injury.

15 A. Yes, that's far my understand.

16 Q. And what was the -- what, what sentence or punishment did
17 you get?

18 A. What do you mean?

19 Q. Well, what's -- what, what was your punishment?

20 A. I don't know how to answer you. That -- what the
21 punishment.

22 Q. Well, when you pled guilty in court, there was, there was
23 a consequence for that, right?

24 A. Yes. Um, okay. If I under- -- if I answer you right, um,
25 I on probation and I have to wear the ankle bracelet. I

1 can't go nowhere out from my house. If I go to work, I
2 have to let them know and I cannot work -- she told me, I
3 think, forty (40) hours a week or something. I don't
4 know. I have to go back and read it. And I cannot drive.

5 Q. And how long, how long are you gonna have to wear the
6 ankle bracelet and stay at home?

7 A. The ankle bracelet is, um, three (3) year. And after
8 that, um, two (2) year probation? So, total is five (5)
9 year.

10 Q. Did you have to pay a fine of any kind?

11 A. I just pay for the bracelet, the ankle bracelet, that I
12 wear.

13 Q. Did the, did the court -- does the court say you have to
14 pay any kind of a court fine?

15 A. I don't know. I don't think so. I don't know.

16 Q. Okay. All right. Give me just a minute, okay? I want to
17 confer with my client and I'll see how -- if I'm about
18 done, okay?

19 (OFF-THE-RECORD @ 11:42 A.M. - 11:48 A.M.)

20 DIRECT EXAMINATION BY MR. DRAISEN (RESUMES):

21 Q. Okay. So, I have just a few more follow-ups, uh, areas
22 that I want to cover with you. Um, I -- because I didn't
23 ask you this. Have you ever worked in the restaurant or
24 service industry before you worked at Bangkok Tokyo?

25 A. Long time ago in Louisiana with my family.

1 Q. And tell me about that.

2 A. I just worked and helped my family out. It's my father's
3 restaurant.

4 Q. So, your father ran a restaurant?

5 A. With my mother and I helped there.

6 Q. What kind of restaurant?

7 A. Thai and Chinese.

8 Q. And how long would you say that you helped out in the
9 restaurant? How many years?

10 A. How many years? Since the day that they open and we have
11 to close it down 'cause my mom got sick the year 2000, and
12 when she moved to, um, Charlotte.

13 Q. So, 1990 to 2000?

14 A. 1990? No, no, no, no. 1990, I still young. That's when
15 I get to America, in 1990. I -- yes. In, let's see, what
16 year was that Daddy have a restaurant? I don't remember
17 what year. I don't remember what year that restaurant
18 opened, sir. Um, I remember that they have the contract,
19 like, for five (5) year, but mom and dad didn't open for
20 five (5) years. She got sick first.

21 Q. So, if it closed in 2000, that'd be 1995 to 2000; does
22 that sound right?

23 A. I think so. Yeah, I don't -- yeah, I think so, 'cause the
24 contract's five (5) year. But we don't live up to five
25 (5) year, though.

1 Q. Did you help out the whole time the restaurant was open in
2 Louisiana?

3 A. Yes, sir. I helped out the whole time.

4 Q. What did you do?

5 A. Um, help out in the kitchen. That time, I don't know how
6 to cook that much and I helped around food, you know,
7 bring the food out to the buffet bar and answering the
8 phone and take the order.

9 Q. Okay. Did your ---

10 A. I don't know much that time, sir, 'cause I don't know how
11 to read good.

12 Q. Did your father's restaurant have a bar?

13 A. No, sir.

14 Q. All right.

15 A. We sell the canned drink.

16 Q. Okay. I couldn't understand that. Say it again.

17 A. We sell the canned drink, drink, like soda.

18 BY MS. SNYDER: Canned drinks. They sold canned
19 drinks.

20 BY MR. DRAISEN: Okay.

21 A. Okay.

22 Q. All right. Um, I asked you about, um, criminal charges
23 before. I didn't ask you about tickets. Have you ever
24 had any kind of, uh, moving violation, motor vehicle
25 tickets?

1 A. Any time that, uh, -- any year? That's what you mean?
2 The question?

3 Q. Yeah, in the last ten (10) years, let's say. Have you
4 gotten any speeding tickets or other tickets?

5 A. I got -- yeah, I got -- I remember one. I got the
6 speeding ticket, one in Greenville.

7 Q. Okay. Any, any other ones you remember?

8 A. What's that?

9 Q. Any other tickets that you remember?

10 A. No, sir.

11 Q. Okay. And I' gonna ask you a little bit about Bangkok
12 Tokyo, the restaurant, as well. Um, to run the
13 restaurant, um, and the kitchen and the bar, did any --
14 did you or -- I keep forgetting her name.

15 BY MR. KRAUSE: Allison.

16 Q. Allison. Did you or Allison have any, any kind of
17 training that you had to go through?

18 A. Allison, she worked in the restaurant listed as a owner
19 for a long time, longer than me. So, I kind of have, uh,
20 help from her to instruct me, even to cook and how to set
21 up the station. That's why it's so, um, -- people don't
22 believe that only two (2) of us beside each other that
23 work in the kitchen without manpower, but we did it.

24 Q. Okay. And what I'm asking you is, is do you recall ever
25 going to any classes or, uh, seminars or, uh, anything

1 that DHEC or any organizations would have provided, uh,
2 that would have given you any training to run a
3 restaurant?

4 A. No, sir.

5 BY MR. KRAUSE: ServSafe?

6 BY MR. DRAISEN: Yeah, I'm gonna ask her.

7 Q. Have you ever heard of, uh, ServSafe or Safe Serve?

8 A. No, sir.

9 Q. Do, do you know if anybody in your restaurant, you, uh, or
10 Allison are trained or certified, uh, by ServSafe?

11 A. No, I don't recall. I don't know, sir.

12 Q. Do you have any other, um, certificates on the wall on
13 your restaurant besides your beer and wine license and
14 your business license?

15 A. That's the only thing I see.

16 Q. I'm just asking you. I mean, it's -- a lot of times
17 people will put those certificates if they're trained,
18 they'll put them in a frame, you know, for the employees
19 that are trained.

20 A. No, I don't think I see any of those.

21 Q. Do you know that they offer, uh, and recommend training
22 for both the kitchen side, which has to do with, uh,
23 training for cleanliness, sanitation, things of that
24 nature, that DHEC requires and they also train on the
25 alcohol side? Are you aware of that?

1 BY MS. SNYDER: Objection. You can go ahead and
2 answer.

3 BY MS. MCMILLAN: Objection to the form.

4 A. They might have, but we don't attend any class, 'cause,
5 like, when the DHEC come, we pass the, uh, all the, uh,
6 whatever they inspect. So, I don't, I don't think we take
7 any class.

8 Q. Okay. That's fine. So, so you -- from 2017 to now,
9 though, you, you haven't attended or, or completed a Safe
10 Serve certification training?

11 BY MR. KRAUSE: ServSafe.

12 Q. ServSafe. I'm sorry.

13 A. you mean, like take class, any class?

14 Q. Yes.

15 A. No, sir.

16 Q. Okay. And do you know if Allison has taken any kind of
17 Safe Serve certification training?

18 A. She might, but I don't know. I don't really ask that
19 much. I just go there working, sir.

20 Q. Okay. All right. And, uh, we were talking about the wine
21 that you drank. This may seem silly, but what size glass
22 do you normally use when you drink wine?

23 A. I don't know what size. Just the glass that they serve it
24 in there.

25 Q. Can you describe the kind of glass that you use?

1 A. A wine glass.

2 BY MR. KRAUSE: How many ounces?

3 Q. Do you know how many ounces it is?

4 A. Don't know, sir.

5 Q. Does it have a long, skinny stem and a top?

6 A. Yes.

7 Q. So, it's not like, uh, just a glass, like a tea glass?

8 A. No. They have the long stem, clear.

9 BY MR. KRAUSE: How full is it?

10 Q. Do you -- and do you know how much you usually put in the
11 glass?

12 A. Don't remember, sir.

13 Q. Half, full or a full glass?

14 A. Half. No.

15 Q. You don't remember?

16 A. Half, but not full.

17 Q. Okay. All right.

18 BY MR. DRAISEN: I think that's all we have.

19 BY MS. SNYDER: Okay. Beth, do you have any?

20 BY MS. MCMILLAN: Yes.

21 EXAMINATION BY MS. MCMILLAN:

22 Q. Um, Ms. Vancy, my name is Beth McMillan and I represent
23 Bangkok of Tokyo or Ra Cha, Inc. and I just have a few
24 questions, um, with regard to the restaurant, itself. And
25 you said there was a bar. It's a small bar area; is that

1 right?

2 A. Yes, ma'am. It's not a big size. Um, it's not the large
3 size, but it's pretty comfortable size.

4 Q. Does it have about five (5) seats around it?

5 A. I believe so.

6 Q. Okay. Would, would it be unusual for you all to have a
7 lot of customers that just sat at the bar to drink?

8 A. No, ma'am. I don't know. Sometimes -- I don't know. I
9 don't come to the front that much.

10 Q. Okay. But are you awa- -- would, would you -- well, let
11 me ask you this -- because I didn't quite understand your
12 answer to that question. Do you have any knowledge of
13 whether people hung out at the bar just to drink as
14 opposed to eating and having a beer or a glass of wine
15 with their meal?

16 A. No, ma'am. We don't have, um, people that hang out at the
17 bar just to drink. So, most of the customer that come in
18 there, they order food. You know, mostly like a family,
19 the old customers for Allison. So, that's what she told
20 me.

21 Q. Okay. So, usually, if there was someone ordering beer or
22 wine, that would have been with their meal?

23 A. Yes, uh, pretty much.

24 Q. Okay. On the night of the accident, you don't -- uh, on
25 the night of the accident, do you have any belief that you

1 would have stayed past 10:00 or 10:30 on that night?

2 BY MR. DRAISEN: Object to the form of the question.

3 A. I don't remember.

4 Q. You can answer.

5 A. I might have.

6 Q. You what?

7 A. I said, "I might have." But I don't remember. The only
8 thing I remember, I just, like, um, grabbed the key,
9 grabbed my purse, get the paperwork and get in the car.
10 That's it. And after that, I just blank out and I don't
11 even know what happened.

12 Q. Do you have any reason to believe why you would have
13 stayed there past 10:00 or 10:30 on the night of the
14 accident?

15 BY MR. DRAISEN: Object to the form of the question.

16 BY MS. SNYDER: I'm gonna object to the form, also.
17 You can go ahead and answer.

18 A. I don't understand the question, ma'am.

19 Q. I'm trying to find out if you nor- -- you testified
20 earlier that you normally leave between 10:00 or 10:30 and
21 it would have been unusual for you to stay past 11:00.
22 So, I'm trying to understand was there any reason, that
23 you're aware of, that you would have stayed for any time
24 longer than you normally did on the night of the accident.

25 BY MR. DRAISEN: Object, object to the form of the

1 question.

2 A. I don't remember that I stayed longer than that, but only
3 sometime that I have to stay there and prep for when we
4 have, like, uh, the big order the next day. Um, it's not
5 often. Did I answer your question?

6 Q. Okay. I, I guess you did to some extent. Um, so, there
7 would be no reason for you to stay and do food prep unless
8 there was a big party that was lined up for the next day;
9 is that right?

10 A. Yes, ma'am. And then, um, like, uh, the door closed at
11 9:00 for real, but I stay there, you know, to finish up
12 things and wait for the staff while they, you know, try to
13 finish, after all the cleanup and stuff, you know?

14 Q. Okay. Is it likely that you would have left that
15 restaurant before 11:00 on the day of that accident?

16 BY MR. DRAISEN: Object to the form of the question.

17 A. I don't know that, that day. I don't remember.

18 Q. Okay. Do you recall telling your, um, boyfriend or
19 fiancé, Chai, that you went to Chili's after you left the
20 restaurant that night?

21 BY MR. DRAISEN: Object to the form of the question.

22 A. No, no. Chai didn't work there. Chai's at home.

23 Q. I understand. But do you recall telling him that you went
24 to Chili's on the night of that, that -- after you left
25 the restaurant that night and before the accident?

1 BY MR. DRAISEN: Object to the form of the question.

2 A. I don't, I don't remember, ma'am.

3 Q. Do you recall if you told Allison that you went to Chili's
4 after you ---

5 BY MR. DRAISEN: Object to the form of the question.

6 Q. --- left the restaurant? Excuse me. After you left the
7 restaurant and before the time of the accident.

8 A. I don't remember.

9 Q. Okay. Is it possible that you would have gone to Chili's
10 after you left the restaurant and before the accident?

11 BY MR. DRAISEN: Object to the form of the question.

12 A. I don't remember, ma'am. I don't know.

13 Q. You don't know if it's possible or not?

14 A. I don't remember.

15 Q. Well, is it possible ---

16 A. Chai told me that I call him. That's why. I don't even
17 know that I call him.

18 Q. But is it possible that you would have g- -- that you
19 could have gone to Chili's or somewhere else after you
20 left the restaurant that night and before the accident?

21 BY MR. DRAISEN: Object to the form of the question.

22 A. I ---

23 Q. What is your answer?

24 A. I said, "I don't know," ma'am.

25 Q. Do you have any, uh, knowledge of whether or not Allison

1 saw you drinking on the night of the accident?

2 BY MR. DRAISEN: Object to the form of the question.

3 A. No, I don't remember.

4 Q. Would it have been highly unusual if you had had more than
5 two (2) drinks, uh, while you were at the restaurant after
6 the restaurant had closed?

7 BY MR. DRAISEN: Object to the form of the question.

8 A. I don't know, ma'am. I don't remember, 'cause most of the
9 time if I drink, but I don't do that often, at least one
10 (1) or two (2).

11 Q. Did you -- do you recall if you ate anything, um, at the
12 restaurant before you left on the night of the accident?

13 A. I don't know. I don't remember that I eat.

14 Q. Did you normally eat a meal at the restaurant after it
15 closes?

16 A. No. I eat at home or I don't eat dinner.

17 BY MS. MCMILLAN: That's all the questions I have.

18 BY MS. SNYDER: Um, I don't have any questions.

19 BY MR. KRAUSE: I think we're good.

20 BY MR. DRAISEN: I don't think we have any others.

21 Thank you, ma'am. We appreciate your time.

22 BY MR. KRAUSE: Thank you very much.

23 BY MS. SNYDER: Melissa? We, we want to read and
24 sign.

25 BY THE COURT REPORTER: Yes, ma'am. No problem.

1 there being no further questions, the deposition
2 was concluded at approximately 12:03 p.m.
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CERTIFICATE

This is to certify that the foregoing deposition of VANSY SAENSANE was taken by the within court reporter, a Notary Public for the State of South Carolina, duly commissioned and qualified as such, on the 10th day of February 2022 via Zoom Conferencing.

That said court reporter is not a relative or employee of any of the parties or the attorneys, and further is not of-counsel or attorney for any of the parties to said action and is not in any manner interested in the cause, financial or otherwise.

That the oral deposition was duly taken and transcribed; that the foregoing 74 pages is a true, accurate and correct record of the testimony given together with such changes as said deponent may have made, if any, during the reading over and signing procedure.

That the court reporter has retained the original deposition transcript in her possession for the purpose of sealing and filing same with the proper official.

That all offered exhibits, stipulations and objections, if any, involved in this cause are duly attached or included herein.

1 In witness whereof, I have set my hand and official seal:

2

3 Date: 02/11/2022

4

5

Melissa A. Hines
6 Melissa A. Hines, Court Reporter



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Notary Public for South Carolina

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My Commission Expires 11/27/2022

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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.

RECEIVED
Dec 20 2023
SC Court of Appeals

s/Daniel L. Draisen
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December 20, 2023
Anderson, South Carolina