

**May 17 2024**

**SC Court of Appeals**

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
COLUMBIA, SOUTH CAROLINA  
WCC FILE NO. 2207846

EMPLOYEE/CLAIMANT:               SONYA PARKS  
EMPLOYER:                            CINTAS CORPORATION  
INSURER:                              FARMINGTON CASUALTY COMPANY

SOUTH CAROLINA WORKERS' COMPENSATION HEARING

PURSUANT TO NOTICE OF WORKERS' COMPENSATION HEARING,  
THE WITHIN HEARING WAS TAKEN ON THE 25TH DAY OF OCTOBER,  
2022, COMMENCING AT THE HOUR OF 1:21 P.M., IN GREENVILLE,  
SOUTH CAROLINA, BEFORE THE HONORABLE AISHA TAYLOR, ATTENDED  
BY COUNSEL, AS FOLLOWS:

REPORTED BY  
SHELLY M. JONES

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">APPEARANCES</p> <p style="text-align: center;">FOR THE CLAIMANT          LOLA S. RICHEY, ESQUIRE          RICHEY AND RICHEY, PA          33 MARKET POINT DRIVE (29607)          POST OFFICE BOX 10916          GREENVILLE, SOUTH CAROLINA 29603          lolarichey@bellsouth.net</p> <p style="text-align: center;">FOR THE DEFENDANTS          MATTHEW C. LAFAVE, ESQUIRE          CROWE LAFAVE GARFIELD AND BAGLEY, LLC          2019 PARK STREET (29201)          POST OFFICE BOX 1149          COLUMBIA, SOUTH CAROLINA 29202          matt@crowelafave.com</p> <p style="text-align: center;">REPORTED BY          SHELLY M. JONES          BISHOP REPORTING SERVICES, LLC          POST OFFICE BOX 1207          GREENVILLE, SOUTH CAROLINA 29602          864-640-1634          Jill@BishopReporting.com</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">INDEX</p> <p>SONYA PARKS:          DIRECT EXAMINATION BY MS. RICHEY.....17          CROSS EXAMINATION BY MR. LAFAVE.....40          RE-DIRECT EXAMINATION BY MS. RICHEY.....50          RE-CROSS EXAMINATION BY MR. LAFAVE.....51          RE-DIRECT EXAMINATION BY MS. RICHEY.....53</p> <p>KAMI PHILLIPS:           DIRECT EXAMINATION BY MR. LAFAVE.....57           CROSS EXAMINATION BY MS. RICHEY.....61           RE-DIRECT EXAMINATION BY MR. LAFAVE.....70           RE-CROSS EXAMINATION BY MS. RICHEY.....73           CERTIFICATE.....78</p> <p>*DIGITALLY RECORDED AUDIO RETAINED FOR TWELVE (12) MONTHS FROM DATE OF CERTIFICATION.</p>
<p style="text-align: right;">Page 4</p> <p>1 PURSUANT TO NOTICE OF HEARING, THE WITHIN HEARING          2 WAS TAKEN BY THE ABOVE-NAMED COURT REPORTER, A NOTARY          3 PUBLIC FOR THE STATE OF SOUTH CAROLINA, IN GREENVILLE,          4 SOUTH CAROLINA.          5 - - - -          6 COMMISSIONER TAYLOR: Today is Tuesday October 25,          7 2022. We are here on workers' compensation file number          8 2207846.          9 This is the claim of Ms. Sonya Parks, who is          10 present here today and represented by Attorney Lola          11 Richey.          12 The employer is Cintas Corporation and the carrier          13 is Farmington Casualty Company. Both the employer and          14 carrier are represented today by Mr. Matthew LaFave.          15 We are here today on the Claimant's Form 50          16 Request for Hearing. I did have a relatively lengthy          17 pre-hearing conference with the parties where we did          18 review some of the proposed APA submissions as well as          19 some procedural issues with the case.          20 At this time, are there any objections to proposed          21 APAs, jurisdiction, venue or any other items?          22 Ms. Richey?          23 MS. RICHEY: Yes, ma'am. Your Honor, if it may          24 please the court. I do have some objections to the          25 defense's APAs that was just untimely submitted. Those</p>	<p style="text-align: right;">Page 5</p> <p>1 APAs were submitted on this past Friday. We just          2 received them.          3 And so, Your Honor, it's our position that          4 pursuant to the regulations that they were submitted          5 untimely. They were not submitted within ten days of          6 the hearing.          7 COMMISSIONER TAYLOR: Okay, thank you.          8 Mr. LaFave?          9 MR. LAFAVE: Commissioner, as I explained earlier,          10 Ms. Parks deposition in this case was taken on          11 September 22nd. It was only at that time that we          12 learned of these two particular providers whom she          13 treated with in 2021 unrelated to the claim that we're          14 here about today.          15 My office immediately sent subpoenas on 9/23,          16 obtained these records just last week on October 18th          17 for those from Powdersville and October 17th from          18 Easley Bone and Joint. And we thereafter supplemented          19 our APA submissions and sent them by email to Ms.          20 Richey.          21 COMMISSIONER TAYLOR: Okay. All right. And as we          22 discussed, because these are the claimant's treating          23 physicians, I do not believe there's any surprise. And          24 so, therefore, pursuant to my discretion in the          25 regulations, I will admit these records into evidence.</p>

Page 6

1 MS. RICHEY: Yes, ma'am, Your Honor.  
2 COMMISSIONER TAYLOR: All right. Any further  
3 objection, Ms. Richey?  
4 MS. RICHEY: No, ma'am, Your Honor. Just one last  
5 thing, it doesn't look like a Form 20 has been  
6 submitted in this matter.  
7 COMMISSIONER TAYLOR: Okay. And I will review the  
8 commission's file for that. Thank you.  
9 MS. RICHEY: Yes, ma'am, Your Honor.  
10 COMMISSIONER TAYLOR: All right. Any objections,  
11 Mr. LaFave?  
12 MR. LAFAVE: The only objections that I would  
13 have, Your Honor, are based on relevance. There's a  
14 lot of previous medicals in there related to the right  
15 shoulder.  
16 As we discussed in pre-hearing conference, Ms.  
17 Parks has a compensable right shoulder injury for which  
18 she's treating. I don't believe that those bear any  
19 relevance to the June 15, 2022, claim that she's  
20 presented for her left shoulder. And for those  
21 reasons, we would ask that those be removed from the  
22 record.  
23 COMMISSIONER TAYLOR: All right. With regard to  
24 the medical records regarding the right shoulder, I do  
25 find that since there is likely some overlap in the

Page 8

1 has been treating her. And he has opined, I think in  
2 his statements, that the April 2019 injuries did cause  
3 some acute injuries to her left arm.  
4 We have taken Sonya Parks' deposition in this  
5 matter in September of 2022. And she stated in her  
6 deposition that, right after her April 2019 injury, she  
7 started having trouble with her left shoulders. And it  
8 appears the admitted left arm injuries that happened  
9 when a 150-pound tub of large clothing basically ran  
10 into -- was slammed and pinned her left arm and left  
11 elbow against the table at work.  
12 And it was after that injury she started noticing  
13 -- she would testify in her deposition that she started  
14 noticing problems with regard to her left arm and left  
15 shoulder.  
16 And that since that time, she continued to work  
17 full duty. After she was released off light duty with  
18 regard to her April 2019 injury, she returned back to  
19 full duty for Cintas. And when she returned back to  
20 full duty, she noticed that her left shoulder was  
21 hurting.  
22 At that time, she did go to see Blue Ridge  
23 Orthopedic. Blue Ridge Orthopedic did note that she  
24 does a very heavy job at work and that her job requires  
25 a lot of heavy lifting, a lot of heavy pushing.

Page 7

1 medical records, it's possible that they do contain  
2 some admissible evidence or at least some relevant  
3 evidence. And so, for that reason, I'll admit them  
4 pursuant to my discretion to do so. All right.  
5 MR. LAFAVE: All right. Thank you.  
6 COMMISSIONER TAYLOR: Thank you. All right.  
7 Without further objection, the commission file becomes  
8 a part of the record with the exception of self-serving  
9 declarations and unstipulated medical reports.  
10 Ms. Richey, your position statement for the  
11 record, please.  
12 MS. RICHEY: Yes, ma'am, Your Honor. If it may  
13 please the Court, my name is Lola Richey. I represent  
14 the claimant in this matter, Ms. Sonya Parks.  
15 Ms. Sonya Parks started working for Cintas  
16 Corporation in 1998 as a loader and a unloader and a  
17 folder.  
18 And since that time, she has had multiple work-  
19 related injuries to her left and right shoulders. The  
20 first injury, particularly with regard to her left  
21 shoulder, dates back to 2010 when she was loading --  
22 unloading some heavy laundry at work when she injured  
23 both her left and right shoulders.  
24 And then she injured her left arm again April of  
25 2019 and Dr. Joel Smithwick with Occupational Health

Page 9

1 And they did, at that time, diagnose her with a  
2 left shoulder rotator cuff tear.  
3 It doesn't look like there was any other events  
4 within the medical notes that's been presented by my  
5 office nor by the defense counsel that says that her  
6 injuries to her left shoulder was caused by anything  
7 else other than that dates back to the 2010 to 2019.  
8 And then, fast-forward, she had a September 2021  
9 lifting injury where she was lifting a tub of clothes  
10 at work and putting it underneath the table when she  
11 tore a rotator cuff in her right shoulder.  
12 As you can see, she just had right rotator cuff  
13 surgery that also injured again and aggravated the  
14 underlying conditions in her left shoulder.  
15 She continued to work, and then around in November  
16 of 2021, while on light duty, she was lifting, pulling  
17 some file cabinets and doing some pulling of some  
18 goggles on light duty and looks like she had further  
19 injuries to her left shoulders. But even after that  
20 time, she continued to work.  
21 Mr. Kurtzy, in this matter, testified that she  
22 never complained about any problems with her left  
23 shoulder. She was working full duty without her left  
24 shoulder without any complications. But then, on June  
25 15th of 2022, she was working full duty without

Page 10

1 any restrictions.  
2 As Dr. Pill, the authorized treating physician on  
3 her right shoulder had noted, he had released her back  
4 to work and, Your Honor, if it may please the  
5 Commission one moment, I'll give you that page number  
6 where she was released back to full duty without  
7 restrictions.  
8 One moment, Your Honor, I'm sorry.  
9 It looks like that's Page 55 of the APAs. So she  
10 was working on June 15th without any complications of  
11 2022 when she was -- her supervisor had assigned her to  
12 work some heavy Baxter coveralls, which were 5XLs and  
13 4XLs, which are very heavy garments.  
14 And as she was pulling those garments across the  
15 table in awkward motion, that's when she heard a loud  
16 pop in her right -- in her left shoulder. And that was  
17 witnessed and corroborated by various co-workers at  
18 work, including Mr. Tanner Burton, Linda Jefferson,  
19 Linda Saniewski, Kami Phillips, as well as Mr. Kurtzy,  
20 Garrett Kurtzy.  
21 Kami Phillips, in this matter, did refer her over  
22 to Occupational Health, Dr. Joel Smithwick. He noted  
23 that she was lifting in an awkward motion and  
24 aggravated the underlying conditions in left shoulder.  
25 He stated that, to a reasonable degree of medical

Page 12

1 Mr. LaFave.  
2 MR. LAFAVE: Thank you, Your Honor. I will do my  
3 best to be brief. I know we covered a lot of this in  
4 the pre-hearing conference.  
5 But, again, it's the position of Cintas that there  
6 are two bases upon which this Commission should deny  
7 the claim that's being brought by Ms. Parks for her  
8 left shoulder injury.  
9 Again, I will -- just so the record is complete --  
10 reiterate the fact that we are here today to litigate  
11 one claim and one claim only. We're not here today to  
12 talk about something in 2019 or something from 2021.  
13 But I will reference to the court that, in her own  
14 deposition, Ms. Parks indicated that her left shoulder  
15 started bothering her in 2020 after she was discharged  
16 for whatever happened in 2019.  
17 When asked about her injuries in 2019, she never  
18 once pointed or referenced any problems with her  
19 shoulder. She said they started after she was  
20 discharged in 2019, they started in 2020.  
21 In our exhibits, the two bases, Your Honor, for  
22 our denial, we're not here today to dispute whether or  
23 not Ms. Parks was in the cleaning room and, at some  
24 point during the day of June 15th, felt a pop in her  
25 shoulder. Nobody heard the pop. She simply reported

Page 11

1 certainty, and that opinion is unrefuted. And that is  
2 stated at Page 8, 9, 10 of the APAs. And he stated to  
3 a reasonable degree of medical certainty that the  
4 awkward lifting injury of the heavy coveralls did cause  
5 some injuries to her left shoulder.  
6 And, Your Honor, we're here today asking for  
7 additional -- to find that there was a compensable  
8 injury to her left shoulder and that the additional  
9 medical treatment that Dr. Smithwick, the authorized  
10 treating physician in this case, has opined that she  
11 needs to have an orthopedic referral.  
12 Your Honor, we do bring to the Court's attention  
13 that, yes, she did have some underlying rotator cuff  
14 issues in the left shoulder, but my client has already  
15 testified and will testify in her deposition that, if  
16 it originated basically from the April 2019 injury,  
17 that was further aggravated by the September 2021  
18 injury, further aggravated by the November 2021 injury,  
19 and now is a new aggravation of the June 15, 2022,  
20 injury.  
21 So, Your Honor, we're asking that this -- based on  
22 the statute, that this injury be found compensable and  
23 there was a compensable aggravation to her left  
24 shoulder.  
25 COMMISSIONER TAYLOR: All right. Thank you.

Page 13

1 that to some of the other co-workers that were in the  
2 room. But it's a loud, noisy room and they've all  
3 testified that they didn't hear anything; they just  
4 reacted to her reaction.  
5 But it's not a contention of whether or not she  
6 was in the course and scope of her employment, Your  
7 Honor; it's whether she had an accident that arose out  
8 of her employment. And as we've discussed, in Douglas  
9 versus Spartan Mills 245-SC-265, which is a Supreme  
10 Court case, says the cause of danger must be peculiar  
11 to the work and not common to the neighborhood.  
12 The evidence that Ms. Richey just cited to  
13 reference Dr. Smithwick, as he said, she had an awkward  
14 lifting motion.  
15 On Page 65 of the Plaintiff's APAs, when she  
16 completed an incident report -- and this was her  
17 opportunity to write down specifically what happened --  
18 it says, "What happened? Tell us how the injury  
19 occurred." All Ms. Parks wrote was, "Lifting above  
20 shoulder."  
21 MS. PARKS: I didn't write -- sorry.  
22 MR. LAFAVE: Did not mention anything about the  
23 coveralls. She just simply said she was lifting above  
24 her shoulder. That's simply a motion. That motion can  
25 occur whether you're reaching over your head at the

Page 14

1 grocery store, reaching above your head to dust the  
2 ceiling fan, whatever it is. That motion is not unique  
3 to her employment with Cintas.  
4 I'd be remiss if I didn't, again, address the new  
5 assertion that she aggravated it in September of '21.  
6 In her investigative report that she, again -- if she  
7 didn't write it, she signed it -- that referenced the  
8 left shoulder was already hurting from a non-Cintas-  
9 related injury. These are not Cintas's words; these  
10 are Ms. Parks' words, Your Honor.  
11 So we believe that the incident itself, while  
12 occurring in the course of the employment, did not  
13 arise out of the employment. Secondly, as we've  
14 established, Ms. Parks, in 2021 -- and this is on Page  
15 159 of APA 2 for the Defendant's -- was diagnosed with  
16 chronic left shoulder pain and a non-traumatic complete  
17 tear of her left rotator cuff. The MRI was reviewed  
18 and found it demonstrated a full thickness tear of the  
19 supraspinatus and the infraspinatus. And she was, at  
20 that point in time, recommended for surgical  
21 intervention.  
22 She attempted, based on her testimony in her  
23 deposition, to schedule at three separate times, the  
24 third time coming approximately when the September of  
25 2021 right shoulder incident occurred.

Page 16

1 66, and 67 of the claimant's APAs. It clearly shows  
2 that she was lifting a garment above. So this is not  
3 something that, you know, that could have happened at  
4 home. She was actually in the course and scope of  
5 lifting the garment at work when her left shoulder  
6 popped.  
7 As far as whether or not there was an aggravation,  
8 Your Honor, if it may please the Court, their treating  
9 doctor in this case, Dr. Smithwick, Dr. Joel Anderson  
10 Smithwick at Prisma Health Occupational Health has  
11 opined that it did to a reasonable degree of medical  
12 certainty, and that is unrefuted. He clearly marked  
13 out it did happen to her arm, but to her left shoulder.  
14 He did state that it did cause aggravation and he  
15 referred her to an orthopedic, Your Honor.  
16 So, Your Honor, we believe that there was an acute  
17 aggravation, per their treating doctor, Your Honor, to  
18 a reasonable degree of medical certainty.  
19 COMMISSIONER TAYLOR: All right. Thank you.  
20 Madam Court Reporter, will you please place Ms. Parks  
21 under oath.  
22 THE WITNESS WAS DULY SWORN TO TELL THE TRUTH, THE  
23 WHOLE TRUTH, AND NOTHING BUT THE TRUTH CONCERNING THE  
24 MATTER HEREIN:  
25 SONYA PARKS,

Page 15

1 So we do not believe, under 42-9-35, in Murphy  
2 versus Owens Corning, that this was a dormant condition  
3 that became disabled. Certainly understand that she  
4 was working full duty, but that doesn't mean that the  
5 condition itself was dormant.  
6 And, obviously, if it was a condition that  
7 warranted surgery by her own belief and belief of her  
8 doctors, then certainly it was not a dormant condition.  
9 And there's no diagnostics that have been done relative  
10 to June 15th to establish that she has had an  
11 aggravation of her already torn rotator cuff.  
12 And so, for those reasons, we believe it's proper  
13 for the Commission to deny the claim.  
14 COMMISSIONER TAYLOR: Okay. All right.  
15 MS. RICHEY: Your Honor, just to be very brief --  
16 and I'll be very brief. Just to bring you to  
17 attention, South Carolina Code Annotated Section 42-1-  
18 160 is very clear. It must arise out of and in the  
19 course and scope of her employment. This is -- she  
20 clearly stated on her accident report that she was  
21 lifting a garment. The garment caused her to lift high  
22 when she was lifting the garment, and that's when her  
23 shoulder popped.  
24 So, Your Honor, she was actually lifting in the  
25 course and scope for employment. This is on Page 65,

Page 17

1 BEING FIRST DULY SWORN, TESTIFIED ON HER OATH AS  
2 FOLLOWS:  
3 COMMISSIONER TAYLOR: Okay. Ms. Richey.  
4 DIRECT EXAMINATION  
5 BY MS. RICHEY:  
6 Q Ms. Parks, just to let you know, this nice lady is  
7 going to be writing down every word you say. I know  
8 you speak kind of low, so, if you could, speak loudly  
9 and clearly; okay?  
10 A Uh-huh.  
11 Q And although you're nodding your head, she has to get a  
12 verbal response; okay, Sonya?  
13 A Yes.  
14 Q I mean, Ms. Parks, excuse me. Can I get your full  
15 legal name for the record just one more time.  
16 A Sonya Melissa Parks.  
17 Q And where do you currently work?  
18 A At Cintas clean room.  
19 Q And how long have you been working at Cintas?  
20 A Since 1998.  
21 Q Okay. Can you tell us, just for the Court, what do you  
22 essentially do at Cintas? What's the essential  
23 functions of your job? I realize you're in a sling,  
24 but, if you could, just let the court know what do you  
25 do.

Page 18

1 A We fold coveralls and frocks and pants and shirts. And  
2 we do goggles, clean goggles, and do hoods and boots  
3 and pack them in a plastic bag. And then they seal  
4 them for the pack-out room.  
5 Q Okay. And do your job involve any heavy lifting?  
6 A Well, we have to push, like, when we -- we push it down  
7 a table when we stack our garments stuff after we fold  
8 them.  
9 Q All right.  
10 A And it gets kind of heavy.  
11 Q Okay. And is there any pulling or overhead reaching or  
12 handling?  
13 A Yeah, but right now, while my arm has been bothering  
14 me, I try not to stack them up that high.  
15 Q Okay. All right.  
16 MS. RICHEY: And I know that -- Your Honor, I know  
17 you're going to be going back through her deposition.  
18 BY MS. RICHEY:  
19 Q But can you tell us, how many injuries have you had at  
20 Cintas before? Can you tell us your first injury that  
21 you had at Cintas?  
22 MR. LAFAVE: Objection.  
23 MS. RICHEY: I think it goes to relevancy since we  
24 are here for about an aggravation.  
25 COMMISSIONER TAYLOR: And I'll just make this

Page 20

1 COMMISSIONER TAYLOR: Okay.  
2 BY MS. RICHEY:  
3 Q And then did you have another injury there at Cintas?  
4 A It was in 2019 when I was training a lady named Fran.  
5 Q Yes, ma'am.  
6 A And I reached down to get a tub and the lady at the  
7 table next to me, she tried to get some more room --  
8 Q Yes, ma'am.  
9 A -- from what I did, and she just pushed a heavy cart of  
10 150 garments towards the table while I was lifting down  
11 at --  
12 Q Yes, ma'am.  
13 A -- and pinned my arm in between the cart and the table.  
14 Q Okay. And what body part did you hurt back in 2019?  
15 A It was right below my shoulder and all this area  
16 (indicating) up to my fingers.  
17 Q Okay.  
18 COMMISSIONER TAYLOR: And that was your left  
19 shoulder?  
20 THE WITNESS: My left shoulder.  
21 BY MS. RICHEY:  
22 Q Okay. And then, again, when is your --  
23 MS. RICHEY: And, Your Honor, I think I want to  
24 bring to your Court's attention, it looks like --  
25 BY MS. RICHEY:

Page 19

1 note. I'll allow limited evidence regarding the prior  
2 injuries into the record just because it's an  
3 aggravation claim.  
4 MS. RICHEY: It is an aggravation.  
5 COMMISSIONER TAYLOR: And so, it is relevant. But  
6 we don't need to go into every detail about every past  
7 injury.  
8 MS. RICHEY: Yes, ma'am.  
9 COMMISSIONER TAYLOR: That's fair. And I do have  
10 all the medical records.  
11 MS. RICHEY: Yes, ma'am.  
12 BY MS. RICHEY:  
13 Q Sonya -- I mean -- excuse me -- Ms. Parks, if you could  
14 be brief, just briefly tell us your first time that you  
15 got injured at Cintas to your shoulders?  
16 A In 2010, I was pulling out these wet clothes. It's  
17 like 150 pounds in each machine, and pulling out the  
18 clothes into, like, the carts, these big old carts.  
19 You've got to do them hand by hand. They didn't have  
20 any, kind of like, stick that you could pull them out  
21 with. And both of my shoulders, they got aggravated.  
22 Q Okay. All right.  
23 MS. RICHEY: And, Your Honor, I know you're going  
24 to be reading her deposition transcript, but this is  
25 Page 28 of her deposition transcript.

Page 21

1 Q Well, can you tell us the next injury that you had at  
2 Cintas?  
3 A My next injury?  
4 Q Yes, ma'am, to your shoulders.  
5 A June 15th.  
6 Q Okay. And I know that you've got your sling there. It  
7 looks like you had another one in September?  
8 A Yeah, I was trying to keep -- because my left shoulder  
9 always bothered me. Like, I didn't want to -- and I  
10 knew I had an injury over there. I didn't want to put  
11 all my weight when I took a tub. When I picked the tub  
12 up to put it down on the table --  
13 Q Yes, ma'am.  
14 A -- under the table because we had a new guy that was  
15 training and things was kind of slow in the room with  
16 him.  
17 Q Yes, ma'am.  
18 A And I had a lot of stuff stacked up on my table. So I  
19 took some garments and put them up under my table --  
20 Q Yes, ma'am.  
21 A -- and I leaned them on my right side and it popped.  
22 Q Okay. Alrighty then.  
23 MS. RICHEY: And, Your Honor, may it please the  
24 Commission. I know you're going to be reading the  
25 record, but the reference in her deposition

Page 22

1 transcript to the 2019 injury is Page 20 and 21.  
2 BY MS. RICHEY:  
3 Q And then, tell us, what about -- did you have any more  
4 injuries to your left arm there briefly at Cintas?  
5 A When I went on light duty -- well, when I went on light  
6 duty and I couldn't work my right arm, I had to do more  
7 with my left arm.  
8 Q Yes, ma'am.  
9 A And then, when they sent me to the other building for  
10 light duty because their file cabinet that I was  
11 pushing was kind of heavy, and I mentioned it to them.  
12 So they sent me away to the other building.  
13 And I was doing goggles and they're like -- you  
14 got to put, like, these rubber things in between these  
15 little bitty strings --  
16 Q Yes, ma'am.  
17 A -- with a tube -- well, they have, like, these little  
18 metal tubes and they're real hard to string in through  
19 there.  
20 Q Yes, ma'am.  
21 A And both from my arm started bothering me at that time.  
22 Q Okay. All righty then. And did you ever injure your  
23 arm again -- your left arm again? When was your last  
24 time you had your left arm injured?  
25 A That was on June the 15th.

Page 24

1 A Uh-huh.  
2 Q Okay. Did you sign this?  
3 A Yeah, that's my handwriting.  
4 Q Okay. And it looks like it was dated June 20th of  
5 2022.  
6 A Yes.  
7 Q And do you remember, what did you tell him?  
8 A About?  
9 Q Do you remember? It looks like you said, "What were  
10 you doing before the injury occurred?"  
11 A Yeah, I was the one who picked the garment, I lifted it  
12 up to -- it was high because I had to lift it up high  
13 because I couldn't -- we can't let the legs and stuff  
14 hit the floor because molecules and stuff to get on it  
15 --  
16 Q Yes, ma'am.  
17 A -- and dust and stuff. So I had to lift it up high  
18 enough on the table, and then that's when my arm  
19 popped.  
20 Q Okay. And so, can you tell us, how much did you feel  
21 like those garments weighted?  
22 A Those are one -- are heavier garments that we do. I  
23 know BMW garments are heavy, their paint department,  
24 but Baxter has a lot of heavy garments.  
25 Q Yes, ma'am.

Page 23

1 Q Can you tell us what happened on June 15h?  
2 A Well, when we be working, we have to pull these carts  
3 into the room to our table.  
4 Q Yes, ma'am.  
5 A And we had some new Baxter, a new Baxter company, come  
6 in. And they had like, in that particular batch, it  
7 had a lot of 4Xs, 3Xs, 2X, 5X. They went all the way  
8 up to a 8X.  
9 Q Yes, ma'am.  
10 A Or 6X.  
11 Q Yes, ma'am.  
12 A And I pulled it up towards the table real high. We was  
13 talking and laughing and I got far enough over my  
14 shoulder and my arm popped.  
15 Q Which arm popped?  
16 A The left one.  
17 Q Okay, your left. And it looks like you completed an  
18 accident report.  
19 MS. RICHEY: And, Your Honor, if it may please the  
20 Commission, this is Page 65, 66, 67, and 68 of the  
21 APAs, and Page 70.  
22 BY MS. RICHEY:  
23 Q It looks like -- is this your handwriting?  
24 A No. Garrett wrote it down.  
25 Q Garrett wrote it down?

Page 25

1 A When we finish doing them at the end of the day, I be  
2 tired.  
3 Q Okay. All right.  
4 A That's how heavy they be.  
5 Q And did you tell anybody at work that you injured your  
6 left shoulder again?  
7 A When it popped?  
8 Q Yes, ma'am.  
9 A Yeah, I screamed out loud. And see, it was hot in that  
10 room. It was like close to 92 degrees. It was real  
11 hot in there.  
12 So they was already complaining about it being hot  
13 in the room that they would be in when I was left. And  
14 I was talking, I was looking back, it fell over. And I  
15 pulled a garment up because she asked me a question.  
16 And then, I turned around, I pulled the garment  
17 up, my arm popped, and I screamed.  
18 Q Okay.  
19 A And everybody heard me because they come running over  
20 there to me.  
21 Q Yes, ma'am.  
22 A But they thought I was fainting because it was hot.  
23 Q Yes, ma'am.  
24 A And I told them that my arm had popped.  
25 Q Okay. And so, when your arm popped, tell us, how did

Page 26

1 that left arm feel?  
2 A It felt -- it was, like, tightening, like --  
3 Q Yes.  
4 A -- it just hurt.  
5 Q Okay.  
6 A And then they ran and got -- we went out of the room to  
7 the ironing room.  
8 Q Yes, ma'am.  
9 A And then they went and got my quality manager.  
10 Q Who's your quality manager?  
11 A Linda.  
12 Q Okay.  
13 A And she came in and then I told her what happened  
14 because she thought I was about to faint because the  
15 girls, they thought I was fainting.  
16 Q Yes, ma'am.  
17 Q And then she went and got Tanner and I told him.  
18 Q Who is Tanner?  
19 A My production manager.  
20 Q Yes, ma'am.  
21 A And so he told me -- first, he told us to sit down in  
22 the room, then he come back and told everybody to go  
23 out. And I told him I really didn't feel like taking  
24 off my garment.  
25 Q Why not?

Page 28

1 my left arm just started bothering me because I had to  
2 use it more.  
3 Q Yes, ma'am. Okay. And so, specifically, on June 15th  
4 of 2022, after you heard that pop, did you tell Kami in  
5 human resources?  
6 A I told -- well, Tanner told Kami. And I can't remember  
7 if Kami called me or I called her. I think she called  
8 me and asked me was I all right. And I said, "Kind of  
9 -- the girls kind of exaggerated when they was yelling  
10 and screaming because they thought I was fainting."  
11 Q Yes, ma'am.  
12 A And then she told me that I need to see a doctor. And  
13 I told them I'm going to rest for that day or something  
14 like that. And then, when I rested, you know, like  
15 when you sleep on it, it was paining. And I called --  
16 told her the next day I need to see the doctor.  
17 Q When it was paining, can you tell us what was different  
18 about this?  
19 A It's like a aching.  
20 Q Okay. Has it ever ached or --  
21 A Like a spasm.  
22 Q Okay.  
23 A Like a spasm.  
24 Q Have you had those kinds of spasms before?  
25 A Not before; it's just been dull ache.

Page 27

1 A Because it was hurting at the time and I just wanted to  
2 sit in there because we were going -- only going to  
3 take a ten-minute break.  
4 Q Can you tell us, just so that I can be clear for the  
5 court. We've already established it looks like a 2010,  
6 2011, 2019, 2022, 2021, that you were having left  
7 shoulder problems. What was the difference with this  
8 pain you were having in your left shoulder on June 15th  
9 of 2022? What was different about it?  
10 A It's never -- my arm, left arm never popped before.  
11 Q Okay.  
12 A It never did that kind of pop. Because doctor says  
13 it's going to pop sometime when you move, but there was  
14 a -- it was a real -- it was like a pop.  
15 Q Okay. And what else did you notice after you heard  
16 that pop?  
17 A It started hurting down from my shoulder down to my  
18 elbow.  
19 Q Okay. All righty. Had it done that before?  
20 A Not for a while. Because for a while, my arm wasn't  
21 bothering me because I usually use the most -- the  
22 right arm.  
23 Q Yes, ma'am.  
24 A And I was trying to stay with my right arm since that  
25 one hurting, you know, before. So, after this injury,

Page 29

1 Q Okay, but this time you had the spasm.  
2 A The spasms, like --  
3 Q And it was going down your arm.  
4 A Uh-huh.  
5 Q Okay.  
6 COMMISSIONER TAYLOR: Is that a yes?  
7 THE WITNESS: Yes. Yes. Yes.  
8 BY MS. RICHEY:  
9 Q Okay. And I'm sorry. It looks like --  
10 MS. RICHEY: And this is -- Your Honor, if it may  
11 please the Commission. It looks like on Page 71, 72 of  
12 the APAs.  
13 BY MS. RICHEY:  
14 Q It looks like you texted Kami, Kami Phillips?  
15 A Yes.  
16 Q And tell me, again, who is Kami Phillips?  
17 A My HR.  
18 Q Okay. Are these your texts to her?  
19 A Yes.  
20 Q Okay. And do you remember what did you tell her or  
21 what was said?  
22 A I told her that I really didn't feel like coming in  
23 Friday morning. Because before the day I got hurt,  
24 Tanner came back in the room, came back and told me  
25 that -- just to go home for the rest of the day.

Page 30

1 And I told him it's like 20 minutes to 1:00.  
2 I said, "Well, okay then." I just told him,  
3 "Okay, I'll just go home." And he told me to stay out  
4 all day Thursday and see how my arm feel.  
5 Q And how did it feel when you stayed out on the --  
6 A It was like that spasm.  
7 Q That spasm.  
8 A Uh-huh.  
9 Q And this was new.  
10 A Yes.  
11 Q Okay. And it looks like, again, there were some --  
12 looks like -- is this what you told Kami?  
13 A Uh-huh.  
14 Q What were you telling her? This is on Page 71.  
15 A I've got to get my glasses.  
16 Q Oh, okay. I'm sorry, I'm sorry. And I'm so sorry, Ms.  
17 Parks.  
18 A Okay.  
19 Q So do you remember what you told Kami?  
20 A Yeah. (As read) "Kami, my arm's still sore and I'm  
21 going to stay out today and see how I feel Monday. I  
22 can't sleep good at night unless I take a p.m. pill  
23 because it's sore."  
24 Q Okay. Alrighty then. And can you just -- just so that  
25 I'm clear. And it looks like you texted her again on

Page 32

1 Can you tell us, just in your own words, do you  
2 feel like your left arm has gotten worse since this  
3 June 15, 2022, injury?  
4 A Well, I have because I have to use it more because of  
5 the right one.  
6 Q Okay. Alrighty. But tell us in particularly after you  
7 were lifting those coveralls, how has the -- what's the  
8 difference?  
9 A There's a difference. I can't do a lot of stuff I was  
10 doing before then.  
11 Q Okay.  
12 A And I can't work my job. I couldn't do any overtime  
13 because of my arm and --  
14 Q Okay.  
15 A -- it's because of the arm injury. And it just done  
16 changed a lot because of my injury.  
17 Q Okay. Alrighty then. Now, just help me understand  
18 this because it looks like you've got a doctor that  
19 said early on that you had needed right ro- -- or you  
20 needed left rotator cuff surgery; is that correct?  
21 A Uh-huh.  
22 Q So --  
23 COMMISSIONER TAYLOR: Is that a yes?  
24 THE WITNESS: Yes. Yes, ma'am.  
25 BY MS. RICHEY:

Page 31

1 Page 72. Do you remember?  
2 A Uh-huh.  
3 Q What did that say?  
4 A (As read) "Hi Kami, Health Occupation sent me a  
5 referral for me to see my orthopedic doctor for follow-  
6 up, but I haven't heard anything yet."  
7 Q Okay. All right. So you told Kami Phillips, the HR,  
8 that Dr. Smithwick, which is Cintas' doctor, wanted you  
9 to see an orthopedic?  
10 A Yes.  
11 Q Okay. Alrighty then. And just so that I'm clear, on  
12 the day that you got hurt on June 15th, were you still  
13 working full duty? Were you working without  
14 restrictions?  
15 A I wasn't working with restrictions.  
16 Q Okay. All right. You were working -- I mean, on June  
17 15th of 2022, did you have any --  
18 A Moderate duty --  
19 Q Yeah.  
20 A -- for my right arm.  
21 Q Right. Did you have any restrictions?  
22 A Not with the left arm. I just did the moderate on both  
23 of them since this right one was hurting.  
24 Q Okay. Alrighty then. And so, after this happened -- I  
25 think I'm almost done.

Page 33

1 Q Okay. Yes, ma'am. And I am so sorry.  
2 Do you remember --  
3 MS. RICHEY: This is Page 55 of claimant's APAs.  
4 BY MS. RICHEY:  
5 Q Do you remember getting this note from Dr. Pill?  
6 A Yes.  
7 Q And this note, it basically returned you to work  
8 without restriction.  
9 A Yes.  
10 Q So, on June 15th of 2022, were you working with any  
11 restrictions?  
12 A Not on June the 15th.  
13 Q When you had your June 15, 2022 --  
14 A No, because he told me that what I was doing with the  
15 other end -- with the other work with my first time,  
16 they told me to go to the other building. It was more  
17 harsh than the work that I do, the folding.  
18 Q Okay.  
19 A Just when I come back, I can't do any, like, a lot of  
20 pushing and a lot of pulling.  
21 Q Okay. All right.  
22 A And I didn't pull much. I mostly scooted up with my  
23 belly when I had to pull a cart. So I didn't use most  
24 my arms at that time.  
25 Q Okay.

Page 34

1 COMMISSIONER TAYLOR: I have a question because I  
2 am not clear. Is that because you were already in this  
3 -- dealing with your right shoulder injury?  
4 THE WITNESS: When I dealt with my right shoulder  
5 injury, when they sent me to light duty over to the  
6 other building, the work that I was doing over there  
7 was more harsh than my regular duty. He said my arms  
8 was used to doing what I did in my regular duty.  
9 COMMISSIONER TAYLOR: Okay.  
10 THE WITNESS: So it helped me to heal a  
11 little bit on my right arm.  
12 COMMISSIONER TAYLOR: To go back to the --  
13 THE WITNESS: To go back to my regular duty.  
14 COMMISSIONER TAYLOR: Okay.  
15 MS. RICHEY: Okay.  
16 THE WITNESS: Because of light duty, it was real  
17 hard to do.  
18 COMMISSIONER TAYLOR: Okay.  
19 BY MS. RICHEY:  
20 Q All right. And just so -- it looks like -- just so  
21 that I'm clear.  
22 MS. RICHEY: Your Honor, if it may please the  
23 Commission. This is on Page 49, 50, and 51 of the  
24 claimant's APAs.  
25 BY MS. RICHEY:

Page 36

1 A -- during the time of light duty because of the  
2 goggles.  
3 Q Uh-huh.  
4 COMMISSIONER TAYLOR: And was that on the right or  
5 on the left?  
6 THE WITNESS: On the right.  
7 COMMISSIONER TAYLOR: Okay.  
8 THE WITNESS: And then I also had to go get a  
9 cortisone shot on my left one because I was pulling for  
10 both of them the strings through the goggles.  
11 COMMISSIONER TAYLOR: Okay. And then that was in  
12 November of 2021?  
13 THE WITNESS: That was shortly after November of  
14 2020. No, no. You're on November 2021?  
15 BY MS. RICHEY:  
16 Q Yeah, so this was after your September 2021 injuries,  
17 was the lifting the totes.  
18 A Yeah, that was right before I went back to my regular  
19 duty in November.  
20 Q Okay.  
21 MS. RICHEY: And this is Page 53 of the APAs.  
22 COMMISSIONER TAYLOR: Okay.  
23 MS. RICHEY: Modified duties actually causing more  
24 symptoms that was noted by Dr. Pill.  
25 Your Honor, I think I'm almost done. Just let me

Page 35

1 Q It looks like when you came back November of 2021, when  
2 you were on light duty for your shoulder injuries,  
3 particularly your right shoulder, it looks like -- it  
4 says that, (as read) "She reports to pulling goggles  
5 and making them tight with the jerking motion."  
6 A Uh-huh.  
7 Q And that was making your shoulders hurt.  
8 A Yes.  
9 MR. LAFAVE: Objection, Your Honor.  
10 MS. RICHEY: I'm sorry. I can let her read it.  
11 I'm sorry.  
12 MR. LAFAVE: Well, the records speak for  
13 themselves and Ms. Richey is not asking a question;  
14 she's testifying.  
15 COMMISSIONER TAYLOR: Correct, yes.  
16 MS. RICHEY: Okay. Okay, I'll rephrase.  
17 BY MS. RICHEY:  
18 Q So, when you were on light duty back in November 16th  
19 of 2021, what was happening to your shoulders?  
20 MS. RICHEY: And this is Page 49 and 50.  
21 THE WITNESS: Both my arms, they start bothering  
22 me. So I had to -- I had what they call a angry bicep  
23 muscle injury --  
24 BY MS. RICHEY:  
25 Q Yes, ma'am.

Page 37

1 look through one more thing.  
2 BY MS. RICHEY:  
3 Q So just so that I'm clear, do you think you need more  
4 additional treatment to your left shoulder? That was  
5 -- why do you believe from this June 15, 2022, lifting  
6 injury with the coveralls, why do you believe there's  
7 been any differences or why are you asking the  
8 Commission to provide additional treatment?  
9 A Because my doctor already said that I needed surgery on  
10 that arm to repair it.  
11 Q Okay.  
12 A But if I keep this one like this one (indicating  
13 throughout), I'm going to keep on using, you know --  
14 Q This one  
15 A -- this one and it's just going to get worse. I'm just  
16 going to keep injuring it if I go back to work with it  
17 like that; so...  
18 Q Okay. All righty. And it looks like you're kind of  
19 pulling or motioning down to your left.  
20 A Uh-huh.  
21 Q Is that right?  
22 A In my left arm.  
23 Q Okay. Alrighty then. And so what are you asking  
24 Commission today?  
25 A I'm asking to get help with my arm because I was

Page 38

1 injured at work.  
2 Q Which arm is that?  
3 A The left arm.  
4 Q And is that particularly your left shoulder?  
5 A My left shoulder.  
6 Q Okay. Alrighty, ma'am. And I'm going to probably come  
7 back once we get the deposition on the transcript. And  
8 we're going to -- well, before then, let me ask just so  
9 that I understand this.  
10 It looks like April of 2021, you had went to Dr.  
11 Pill for surgery. And then there was another note  
12 based on his deposition.  
13 MS. RICHEY: This is Page 83 of our APAs.  
14 BY MS. RICHEY:  
15 Q Why was there a gap? From April of 2021, it looks like  
16 Dr. Pill recommended surgery. And then September of  
17 2021 after your lifting injuries with the tote, why was  
18 there a gap? What happened?  
19 A Okay. In April -- I don't know how to say this, but I  
20 had told Matt that my fiancé has -- had fell off the  
21 porch and got hurt at my house. But it wasn't that he  
22 got hurt twice. It was when he was at a bar and these  
23 guys got to fighting and this 300-pound guy fell on him  
24 and broke both of his wrists, that was at that time. I  
25 had to remember it because he got -- then, shortly

Page 40

1 MR. LAFAVE: Thank you, Your Honor.  
2 CROSS EXAMINATION  
3 BY MR. LAFAVE:  
4 Q Ms. Parks, good afternoon.  
5 A Hey.  
6 Q To be clear, you were just asked a number of questions  
7 about a number of things that have happened prior to  
8 June 15 of the '22.  
9 A Yes.  
10 Q And you had an incident in 2019 where the cart hit your  
11 arm; is that right?  
12 A Yes.  
13 Q Okay. Are you claiming here today that that incident  
14 injured your shoulder, too?  
15 A Shortly after the doctor -- well, he has sent me to  
16 another doctor, an orthopedic doctor, Dr. Smithwick, at  
17 the end of my -- before they released me. And I told  
18 the doctor that I was still feeling pain, but he still  
19 released me and I don't -- I can't remember who that  
20 doctor was, but I remember it was on Augusta Road. And  
21 now that place now is Harris Teeter at the time.  
22 Q Okay. But my question to you is, are you claiming that  
23 your left shoulder was originally injured in 2019 --  
24 A My shoulder --  
25 Q -- when the incident --

Page 39

1 after that. That's when he fell off the porch. Soon  
2 as he healed, he had to have surgery on his right  
3 wrist. And then on the left one, he had physical  
4 therapy for a long time.  
5 They did not release him for a while. And so, I  
6 had to take care of him at that time. So, and then  
7 they got my other surgery date up and he was still hurt  
8 from the falling off the porch --  
9 Q Okay.  
10 A -- so I had to help him then.  
11 Q Okay. And so it looks like you got called back to Dr.  
12 Pill's office after your September 2021 injury; is that  
13 right?  
14 A Uh-huh.  
15 Q And I think, are you still seeing Dr. Pill with regard  
16 to your injuries to --  
17 A Yes.  
18 Q Okay. All right. Okay.  
19 A Cortisone shots at the time.  
20 Q Okay. Alrighty then.  
21 MS. RICHEY: Okay. I don't think I have any  
22 additional questions, but I may have some in follow-up.  
23 Okay.  
24 COMMISSIONER TAYLOR: Okay. All right. Mr.  
25 LaFave.

Page 41

1 A Shortly after that, it started bothering me. My  
2 shoulder.  
3 Q Okay. And it started bothering you in 2020; is that  
4 right?  
5 A Yeah.  
6 Q Okay.  
7 A Yes, shortly.  
8 Q And then you eventually started getting treatment and  
9 had an MRI done in 2021; is that correct?  
10 A Uh-huh, yes.  
11 Q Do you recall what the doctors found wrong with your  
12 shoulder in 2021?  
13 A Just a complete tear.  
14 Q Of?  
15 A Of my left shoulder.  
16 Q Okay. Did you pursue surgery for that?  
17 A They wanted -- that first time, they wanted me to have  
18 surgery in Easley. And I told him I didn't want to go  
19 all the way to Easley to have surgery because I stay in  
20 Greenville.  
21 Could you get me a doctor in Greenville? And then  
22 that's when they get me Dr. Pill at Steadman Hawkins.  
23 Q Okay. So you were recommended surgery once before you  
24 first started seeing Dr. Pill.  
25 A Yes.

Page 42

1 Q How many times did you try and get the surgery  
2 scheduled on your left shoulder before September of  
3 2021?  
4 A Before?  
5 Q Before the incident with your right shoulder.  
6 A Oh, it was three times or two times with Dr. Pill. And  
7 then that one time with her, but I already had told  
8 them before I left the office that I didn't want to  
9 have surgery down at Easley Baptist --  
10 Q Okay.  
11 A -- Hospital.  
12 Q But prior to September '21, do you know you had a  
13 complete tear of your left rotator cuff?  
14 A Yes.  
15 Q All right. And I'm going to show you --  
16 MR. LAFAVE: This is Page 37 of claimant's APAs,  
17 Commissioner.  
18 BY MR. LAFAVE:  
19 Q Is this a form that you completed?  
20 A I didn't complete -- yeah, he wrote it down.  
21 Q Who is he?  
22 A Garrett.  
23 Q Okay.  
24 A The safety manager.  
25 Q All right. And Garrett wrote the language that's in

Page 44

1 I don't recall saying that.  
2 Q Okay. But my question to you is, was the form  
3 completed before you signed it?  
4 A Yes.  
5 Q Did you have an opportunity to look over it to make  
6 sure that it was accurate before you signed it?  
7 A I didn't read all of it. I just signed it.  
8 Q But did you have an opportunity to read it before you  
9 sign it?  
10 A I had an opportunity, but he wrote it down as I was  
11 talking and then he told me to sign it.  
12 Q Okay. All right. And as you were working at Cintas,  
13 after September, did you have problems at Cintas and  
14 outside of Cintas doing overhead activities?  
15 A Not outside of Cintas. What do you mean?  
16 Q Did you have problems doing activities that required  
17 you to lift over your head or reach over your head?  
18 A Yes, I did. I stopped doing stuff that mostly had to  
19 lift over my head at the time.  
20 Q Okay. Was that before June 15th?  
21 A Before June 15th? Well, I try to stop doing it, but I  
22 had -- I was on regular duty, so I had to do things  
23 that's done for regular duty.  
24 Q Why did you stop doing things that required overhead  
25 lifting before June 15th?

Page 43

1 that form.  
2 A Yes.  
3 Q Okay. And do you see in that form where it asks about  
4 what happened?  
5 A Yes.  
6 Q All right. And do you see where it says the left  
7 shoulder was already hurting from non-Cintas-related  
8 injury?  
9 A Where?  
10 Q Under Number 2.  
11 MS. RICHEY: Right here (indicating).  
12 THE WITNESS: I didn't tell him nothing about my  
13 left shoulder was hurting me.  
14 BY MR. LAFAVE:  
15 Q Okay. But does that form say the left shoulder was --  
16 A Yes.  
17 Q -- hurting from a non-Cintas-related injury?  
18 A Yes.  
19 Q Okay. Was that form completed before you signed it?  
20 A Yes.  
21 Q Did you have an opportunity to read it before you  
22 signed it?  
23 A Well, he wrote it down as I was talking, but I did not  
24 say anything about I had to lift -- my arms already  
25 hurting me.

Page 45

1 A Well, most of the time, my arm would be bothering me.  
2 And I would try to stay out of that range of my arm  
3 bothering me.  
4 Q All right. Did folks at Cintas know that you've had  
5 issues, difficulties doing things overhead?  
6 A Yes.  
7 Q Did you ask for help?  
8 A I can't ask for help when we're on production.  
9 Q You can't ask for help?  
10 A No, we own different tables. I can't get anybody help  
11 me from -- with my production.  
12 Q All right. Do you recall giving a deposition in this  
13 case? You and I sat down --  
14 A Yes.  
15 Q -- at Ms. Richey's office. And do you recall me asking  
16 you about getting help from Cintas employees?  
17 A Like, what help?  
18 Q Hold on. Let me finish --  
19 A Okay.  
20 Q -- my question real quick. To prevent you from having  
21 to do overhead activities?  
22 A Yes.  
23 Q And do you recall telling me that most of the time you  
24 did?  
25 A Yes. When it comes to moving the buggies but not

Page 46

1 folding or moving stuff on my table. If I need them to  
2 move a cart for me, I ask them to move a cart up to the  
3 table for me if it's heavy.  
4 Q Okay. But I'm talking specifically about overhead  
5 activities.  
6 A They can't help me with my overhead activity. I got to  
7 do my folding on my own.  
8 Q Okay. Is there folding jobs that you can do within the  
9 clean room that don't require overhead activities?  
10 A I was -- at the time, I was on regular duty, so I had  
11 to do regular things.  
12 Q My question to you is, in the clean room, are there  
13 folding jobs that you can do that don't require you to  
14 lift overhead?  
15 A Okay. Let me -- I'm going to ask you this. Well, most  
16 -- some days, we have all coveralls or we have boots or  
17 we have hoods. And sometimes we do not have anything  
18 that I could do. You know, like, doing overhead. And  
19 that day of June the 15th, we had a room full of  
20 Baxter coveralls.  
21 Q Okay.  
22 A They were brand new.  
23 Q But before June 15th, you were having problems with  
24 your left shoulder lifting overhead; is that right?  
25 A No, not really. It would -- it depends on what I was

Page 48

1 Q -- with your left shoulder?  
2 Okay. Has any doctor that you've seen since June  
3 15th, told you that there is any difference in the tear  
4 of your left rotator cuff?  
5 A Well, I didn't get to get an MRI, so I don't know.  
6 They just told me that my arm was related to my rotator  
7 cuff injury.  
8 Q They told you it was related to your rotator cuff  
9 injury?  
10 A They told me that the injury that I had on June 15th  
11 was related to my rotator cuff injury because of the  
12 lifting. Overhead lifting.  
13 Q Okay.  
14 A But Dr. Smithwick ordered an MRI and Sedgewick wouldn't  
15 request the MRI for Dr. Pill's to get done. So, I  
16 really don't know how bad the injury is without the  
17 MRI.  
18 Q Okay. And I'm going to show you just this.  
19 MR. LAFAVE: Which is marked as Page 65 of  
20 claimant's APA.  
21 BY MR. LAFAVE:  
22 Q And this, again, is this Garrett's handwriting?  
23 A Yes.  
24 Q Okay. And Number 2, where you were asked what  
25 happened, do you see there, it says "lifting above

Page 47

1 working on.  
2 Q I'm talking generally speaking with your left shoulder.  
3 A On anything.  
4 MS. RICHEY: Objection. That's already been asked  
5 and answered. You've already asked this five different  
6 times. She's already answered.  
7 THE WITNESS: I'm not understanding what you --  
8 COMMISSIONER TAYLOR: Because I feel like it has  
9 been asked, but there's a different answer every time.  
10 So I don't know what the consistency is.  
11 THE WITNESS: I don't understand what -- let me  
12 ask you this question. What duties are you talking  
13 about? My job duties or at home or work duties?  
14 BY MR. LAFAVE:  
15 Q Let me ask you the question this way. When you were  
16 diagnosed with a traumatic tear of your left -- or non-  
17 traumatic tear of your left shoulder --  
18 A Yes.  
19 Q -- your rotator cuff.  
20 After that, did you have problems lifting overhead  
21 or reaching overhead using your left arm? I'm not  
22 talking about just Cintas; I'm talking about generally.  
23 A Generally, yes.  
24 Q You had problems reaching overhead --  
25 A Yes.

Page 49

1 head"?  
2 A It was over my shoulder.  
3 Q Okay. Is that your signature at the bottom of that  
4 page?  
5 A Yes.  
6 Q Was that form completed in your presence?  
7 A Yes.  
8 Q Did you have a chance to review this for accuracy  
9 before you signed it?  
10 A Yes.  
11 Q And you didn't make any changes or request any changes  
12 in the description of how the incident happened, did  
13 you?  
14 A He took off. I couldn't make any changes. He was  
15 writing for me.  
16 Q But you had it in your possession when you signed it.  
17 A Yes.  
18 Q And you could, at that time, have made changes  
19 yourself.  
20 A Yes.  
21 A And you didn't.  
22 A I didn't -- he didn't -- I didn't know I had to make  
23 changes on it. All I know is he wrote down everything.  
24 Q How high are the tables?  
25 A Well, we got the new tables. They are like right at my

Page 50

1 waist.  
2 But the old tables were up above my waist because  
3 I had to use two mats.  
4 Q How high is the table that you were using working at in  
5 2022?  
6 A On when?  
7 Q June 15th of 2022.  
8 A That was the long table. We don't have those anymore.  
9 They got short tables, and they're shorter. Now, the  
10 one that I used on June the 15th, it was a little  
11 higher than my waist because I had to use two mats to  
12 stand on.  
13 Q Okay. And you were using those two mats so that you  
14 could work at waist level.  
15 A Yes.  
16 Q Okay.  
17 MR. LAFAVE: All right. I don't have any other  
18 questions.  
19 THE WITNESS: All right. Thank you.  
20 Ms. Richey.  
21 MS. RICHEY: Very briefly. So I'm assuming you're  
22 not going to submit her deposition into testimony.  
23 MR. LAFAVE: (Shakes head.)  
24 MS. RICHEY: Okay. All right.  
25 RE-DIRECT EXAMINATION

Page 52

1 BY MR. LAFAVE:  
2 Q Despite the fact that Cintas did not send you for the  
3 MRI, you haven't sought out or obtained an MRI that's  
4 indicated anything further is wrong with your left  
5 shoulder than was in 2021; correct?  
6 A This year? When?  
7 Q Since the time this claim was denied after you were  
8 referred for an orthopedic evaluation, have you  
9 yourself obtained any MRI that indicates your shoulder  
10 is any worse than it was in 2021 when you needed a  
11 surgery?  
12 A Well, Melissa Crum, she -- I kept leaving her messages  
13 to let her know that Dr. Smithwick wanted me to have an  
14 MRI and she never did respond to me.  
15 Dr. Pill was out of the country at the time. And  
16 she supposed to get back with me to let me know that if  
17 they was going to send me for MRI because Dr. Smithwick  
18 had referred me to get an MRI.  
19 When I finally got in touch with her, she told me  
20 that I had a lawyer about my left shoulder.  
21 So that's who I had -- that's who she needed to  
22 talk to at the time, not me.  
23 Q Okay. But I need to ask you my question again because  
24 you didn't answer.  
25 A Okay, go ahead.

Page 51

1 BY MS. RICHEY:  
2 Q Just one last thing. I just want to be very clear. So  
3 it appears here that Dr. Smithwick, he referred you to  
4 an orthopedic; is that right?  
5 A Yes.  
6 MS. RICHEY: And I'm looking at Page 8 and 9 of  
7 the APA submissions.  
8 BY MS. RICHEY:  
9 Q And just one last thing, he wanted you to get a new MRI  
10 --  
11 A Yes.  
12 Q -- because of that June 15th injury?  
13 A Yes.  
14 Q Okay. And I think you testified in your deposition,  
15 although it's not in the record here, but I think you  
16 already testified earlier it started going down your  
17 arm more.  
18 A Yes.  
19 Q Since this June 15, 2022, injury; is that correct?  
20 A Yes.  
21 MS. RICHEY: Okay. I don't think I have any  
22 additional questions, Your Honor.  
23 THE WITNESS: Thank you.  
24 MR. LAFAVE: Just one.  
25 RE-CROSS EXAMINATION

Page 53

1 Q My question is, since June 15th of 2022, you have not  
2 gotten an MRI, you, yourself --  
3 A No.  
4 Q -- that indicates your shoulder is any worse than it  
5 was in 2021?  
6 A No.  
7 Q Okay.  
8 MR. LAFAVE: All right.  
9 RE-DIRECT EXAMINATION  
10 BY MS. RICHEY:  
11 Q And just to be clear, Dr. Smithwick, he has referred  
12 you for an MRI.  
13 A (Nods head.)  
14 Q I saw you nodding your head.  
15 A Yes, yes.  
16 Q Because of this June 15, 2022, injury; is that correct?  
17 A Yes, twice. He did it twice.  
18 Q Okay. And he has sent that to Cintas.  
19 A Yes.  
20 MS. RICHEY: Okay. All righty then. I have no  
21 further --  
22 COMMISSIONER TAYLOR: When you say he did twice --  
23 because he had already referred you even before the  
24 June 15th.  
25 THE WITNESS: June the 15th. When I went that

Page 54

1 Monday after the 15th, he referred me. Then when I  
2 came back from my post visit --  
3 COMMISSIONER TAYLOR: Okay.  
4 THE WITNESS: -- two weeks after that, I told him  
5 that they haven't gotten in touch with me for an MRI.  
6 And he reached out to him again, and he said he was  
7 going to do it personally.  
8 COMMISSIONER TAYLOR: Okay. Had you already been  
9 recommended for an MRI even before the June incident?  
10 THE WITNESS: I've already -- no.  
11 COMMISSIONER TAYLOR: No. Okay.  
12 THE WITNESS: Before June 15th? No.  
13 COMMISSIONER TAYLOR: You had not been recommended  
14 for one --  
15 THE WITNESS: I've been had --  
16 COMMISSIONER TAYLOR: -- in 2021?  
17 THE WITNESS: In 2021?  
18 COMMISSIONER TAYLOR: Yes, ma'am.  
19 THE WITNESS: No, I don't remember -- recalling I  
20 had one done.  
21 COMMISSIONER TAYLOR: Okay. So that was just the  
22 surgery recommendations in 2021.  
23 THE WITNESS: MRI. I done had so many -- I mean,  
24 on my right one. It was on my right.  
25 I don't know if Dr. Pill -- I can't remember Dr.

Page 56

1 THE WITNESS: Yes.  
2 MS. RICHEY: I'm sorry. I can show you --  
3 MR. LAFAVE: You've asked that question seven  
4 times.  
5 MS. RICHEY: I'm sorry. I'm just...  
6 COMMISSIONER TAYLOR: Yeah. Okay. It is in the  
7 record.  
8 MS. RICHEY: Okay. All right. And, Your Honor, I  
9 just want to bring your attention to Page 64. I think  
10 particularly, I think it's 72, 73, 74 with Kami's  
11 communication.  
12 COMMISSIONER TAYLOR: Okay. Thank you very much.  
13 MS. RICHEY: Okay. Thank you.  
14 COMMISSIONER TAYLOR: All right. Any other  
15 witnesses for the claimant?  
16 MS. RICHEY: No, ma'am, Your Honor.  
17 COMMISSIONER TAYLOR: All right. Any witnesses  
18 for the defendant?  
19 MR. LAFAVE: Just one, briefly.  
20 COMMISSIONER TAYLOR: Okay. All right. Ms.  
21 Phillips?  
22 MS. PHILLIPS: Yes, ma'am.  
23 COMMISSIONER TAYLOR: Thank you for being here  
24 today. We just took some testimony. And so, now,  
25 they've called you as a witness.

Page 55

1 Pill did an MRI. I think he did an X-ray on it --  
2 COMMISSIONER TAYLOR: Okay.  
3 THE WITNESS: -- before he gave me a cortisone  
4 shot.  
5 COMMISSIONER TAYLOR: In the left shoulder.  
6 THE WITNESS: Yes. I done got that about  
7 four times since my -- since this injury been bothering  
8 -- my left injury.  
9 COMMISSIONER TAYLOR: Since the --  
10 THE WITNESS: Right injury.  
11 COMMISSIONER TAYLOR: And this is the right  
12 shoulder injury.  
13 THE WITNESS: Yes. I done got three shot -- three  
14 or four shots on my left arm.  
15 COMMISSIONER TAYLOR: On your left shoulder?  
16 THE WITNESS: My left shoulder.  
17 COMMISSIONER TAYLOR: Okay. All right.  
18 COMMISSIONER TAYLOR: Okay. Any other questions  
19 for Ms. Parks?  
20 MS. RICHEY: No.  
21 BY MS. RICHEY:  
22 Q And just so I'm clear. It looks like you told Kami  
23 that Dr. Smithwick, their doctor, wanted you to go see  
24 an orthopedic and get the MRI.  
25 MR. LAFAVE: Objection

Page 57

1 And Madam Court Reporter, will you please place  
2 Ms. Phillips under oath.  
3 THE WITNESS WAS DULY SWORN TO TELL THE TRUTH, THE  
4 WHOLE TRUTH, AND NOTHING BUT THE TRUTH CONCERNING THE  
5 MATTER HEREIN:  
6 KAMI PHILLIPS,  
7 BEING FIRST DULY SWORN, TESTIFIED ON HER OATH AS  
8 FOLLOWS:  
9 DIRECT EXAMINATION  
10 BY MR. LAFAVE:  
11 Q Ms. Phillips, good afternoon. Where are you currently  
12 employed?  
13 A Cintas.  
14 Q And which Cintas facility are you at now?  
15 A 99K, Charlotte.  
16 Q Okay. And at one point, you were at the facility in  
17 Greenville; correct?  
18 A Correct.  
19 Q How long were you there?  
20 A Since February of 2021.  
21 Q And what was your role while you were there?  
22 A HR manager.  
23 Q How long have you been in HR with Cintas?  
24 A When I came to Greenville last February.  
25 Q We're here today about a June 15, 2022, incident

Page 58

1 involving Sonya Parks where she claims to have been  
2 injured on the job. Are you aware of that?  
3 A Yes.  
4 Q Okay. Are you aware of a previous incident involving  
5 Ms. Parks from 2021?  
6 A Yes.  
7 Q Okay. In September of 2021; is that right?  
8 A Correct.  
9 Q What body part did Ms. Parks report to you that she  
10 injured in September of 2021?  
11 A Her shoulder.  
12 Q Which shoulder?  
13 A Her right shoulder.  
14 Q Okay. Did she ever say anything to you in 2021 about  
15 her left shoulder?  
16 A I remember when I first came, she told me that she had  
17 a surgery that was scheduled when I first met her, but  
18 I don't know which shoulder it was.  
19 Q Okay. All right. And you said "when you first met  
20 her." Would that have been back when you started in  
21 February of 2021?  
22 A Yes. So, in February, she was telling -- when I was  
23 walking around meeting the partners, she was telling me  
24 that she had -- that she was going out and she was  
25 going to need my help with what she needed to do as far

Page 60

1 Q happened on June 15th? Did you speak to her between  
2 June 15th of 2022 and June 20th of 2022 when the form  
3 was filled out?  
4 A Yes.  
5 Q Okay. What is your understanding of what happened on  
6 June 15th of 2022 from your discussion with Ms. Parks?  
7 A That she was working on coveralls in the clean room.  
8 And I'm assuming they were tangled, and she was trying  
9 to untangle the garments out of the cart. And she  
10 reached above her head to, like, pull them apart.  
11 Q Okay. Did she ever tell you that they were tangled?  
12 A I can't say that she told me they were tangled.  
13 Q Okay. All right. Did she say anything else about the  
14 incident as far as the motion or movement as to what  
15 preceded the issue with her shoulder?  
16 A She just told me that she was working on the coveralls  
17 and she reached up too high above her head, trying to  
18 pull them apart. But that's when she told me she  
19 realized it was on her, she should have called Brent or  
20 production lead. And that was pretty much all we said.  
21 Q Who is Brent?  
22 A Brent is the production supervisor.  
23 Q What's his last name?  
24 A Private.  
25 Q Okay. And would he have been able to assist in

Page 59

1 as leave for her shoulder surgery.  
2 Q Okay. All right. What is your role as the HR manager  
3 with regards to handling workers' comp claims?  
4 A So I, initially, will call the partner and see, kind  
5 of, what happened. But we have a safety -- our M-team  
6 is kind of our safety partner that kind of handle that.  
7 So he did all the investigation as far as talk to  
8 witnesses and getting with partners to see actually  
9 what happened.  
10 Q And who is that?  
11 A Garrett.  
12 Q Okay. And is it Garrett that fills out the Partner  
13 Injury Investigation Report?  
14 A Correct.  
15 Q Okay. Are you present when that's filled out?  
16 A Not all the time.  
17 Q Okay. Do you recall if you were present June 20th of  
18 2022 when this form was filled out for Ms. Parks?  
19 A No, I was not with Garrett when he filled out the form.  
20 Q Okay. Did you speak to Ms. Parks between June 15th and  
21 June 20th when this form was filled out?  
22 A Of 2021?  
23 Q 2022, excuse me.  
24 A Ask me the question again.  
25 Q Sure. Did you speak to Ms. Parks about whatever

Page 61

1 limiting the amount of overhead lifting that Ms.  
2 Parks had to do?  
3 A Yes.  
4 Q Okay. Did Cintas, based on her history, take an active  
5 role in trying to keep her from working in areas that  
6 required overhead lifting?  
7 A Yes, I think she did some filing of papers. I think  
8 she worked on some goggles as well. But outside of  
9 that, I'm not sure what else they had her doing in the  
10 clean room.  
11 Q Okay.  
12 MR. LAFAVE: All right. Those are all the  
13 questions I have.  
14 CROSS EXAMINATION  
15 BY MS. RICHEY:  
16 Q Ms. Phillips, do you remember we took your deposition  
17 earlier this year in September?  
18 A Uh-huh.  
19 Q Do you remember, I think September 23rd, we took your  
20 30(b)(6) deposition; do you recall that?  
21 A Yes, ma'am.  
22 Q Okay. And I think in your 30(b)(6) deposition, I think  
23 you said that Sonya Parks reported an injury to you on  
24 June 15th.  
25 A Yes.

Page 62

1 Q To her left shoulder; is that correct?  
2 A I did not know it was her left shoulder until that  
3 Friday when we went to the doctor.  
4 Q Okay. And that Friday when she went to the doctor, why  
5 did she tell you? Did she tell you that she needed to  
6 go to the doctor?  
7 A Yeah. So she texts me -- this happened on a Wednesday.  
8 Q Okay.  
9 A She texts me that Wednesday and told me that she had  
10 changed her mind that she wanted to see a doctor.  
11 Q Okay. And why did she tell you that she needed to see  
12 a doctor after this June 15, 2022, injury; do you  
13 recall that?  
14 A Why did she want to see a doctor?  
15 Q Yes, do you -- I've got your text. I've got some text  
16 messages here.  
17 MS. RICHEY: This is Page 71 and 72 of the APA.  
18 BY MS. RICHEY:  
19 Q Do you remember these --  
20 A Yeah.  
21 Q -- text messages? Do you need me to give them to you  
22 to refresh your memory?  
23 A You can.  
24 Q Okay. Yes, ma'am  
25 A Yeah, I remember this.

Page 64

1 to send her back to Dr. Pill or...  
2 A Yeah. She said if I couldn't get Dr. Pill, that's when  
3 she told me to take her to Occupational Health.  
4 Q Okay.  
5 A I think that's what it's called.  
6 Q Yes, ma'am.  
7 A And then I met her there Friday morning.  
8 Q Okay. And so what happened next after that?  
9 A So I was filling out the paperwork --  
10 Q Yes, ma'am.  
11 A -- and I asked her, I said, "It's your right shoulder;  
12 correct?" And that's when she told me, "No, it's my  
13 other shoulder. It's my left shoulder."  
14 Q Okay. And it looks like, based on this text message,  
15 she said, "My arm is still hurting" that morning; is  
16 that correct?  
17 A Is that what the text message say?  
18 Q Yeah.  
19 A So what's the question?  
20 Q Yeah. My question is she was saying that her arm was  
21 hurting? Her left arm was hurting?  
22 A Yes.  
23 Q Okay. And then is it fair to say that, on June 15th of  
24 2022, was she working without any restrictions to her  
25 left shoulder? I've gone through your -- all the

Page 63

1 Q Okay. And can you tell us what happened?  
2 A With?  
3 Q Those testimonies. I think she had reported to you she  
4 was having problems sleeping?  
5 A Yeah. So she -- so this happened on Wednesday. We  
6 were going to --  
7 Q June 15th of 2022.  
8 A June 15, 2022.  
9 Q On Wednesday.  
10 A It was a Wednesday.  
11 Q Yes, ma'am.  
12 A So Thursday, she did not come in, so we didn't go  
13 Thursday. And then that Friday is when we ended up  
14 taking her to the doctor. We couldn't see Dr. Pill.  
15 Q Okay.  
16 A If I'm not mistaken, I think he was out of the country.  
17 Q And why did you want her to go see Dr. Pill?  
18 A That is the doctor that she had seen previously.  
19 Q Okay. And so you felt like she needed to go back to  
20 see Dr. Pill at that point?  
21 A At this point, when we have a safety injury, we reach  
22 out to our regional safety.  
23 Q Yes, ma'am. And who is your regional safety?  
24 A Shannon.  
25 Q And what did regional safety tell you? She advised you

Page 65

1 records for Cintas.  
2 A Not sure on that one.  
3 Q Okay. Was she working full duty without any problems  
4 with her left shoulder; do you recall?  
5 A Yes, I think she was full duty.  
6 Q Okay. So, on June 15th of 2022, had she come to you  
7 and say, "Hey, my left arm is hurting"? I mean, before  
8 then, had she come to you to say, "Hey, my left arm is  
9 hurting. I don't think I need to go see a doctor"?  
10 Does she come to you with that about that before June  
11 15th of 2022?  
12 A You asked a whole lot of questions at once. I'm sorry.  
13 Q And I'm sorry. And I'll rephrase.  
14 So, before June 15th --  
15 A Uh-huh.  
16 Q -- or prior to June 15th of 2022, did Ms. Parks report  
17 to you that she was having any problems with her left  
18 shoulder?  
19 A No, she did not.  
20 Q Okay. So, on June 15th of 2022, was Sonya Parks  
21 working without restrictions to her left shoulder on  
22 that day?  
23 A Again, I'm not sure on that.  
24 Q Okay. And I understand on June 15th of 2022, I think  
25 you testified earlier, she was working -- and I think

Page 66

1 she was working on the -- she was pulling some garments  
2 out of the bin --  
3 A Uh-huh.  
4 Q -- out of the cart, and that's when she had that big  
5 pop to her left shoulder; is that correct?  
6 A Don't know if it was a pop. I don't -- I can't say  
7 that she told me it popped.  
8 Q Okay. You remember doing an investigation?  
9 A Yep.  
10 Q Okay.  
11 MS. RICHEY: And, Your Honor, this is Page 73 and  
12 74 of the APAs.  
13 BY MS. RICHEY:  
14 Q Do you remember completing this report?  
15 A Yep.  
16 Q Is this your report?  
17 A It is.  
18 Q Okay. And it looks like you said that, on June 15th of  
19 2022, Sonya Parks was reaching too high trying to pull  
20 a coverall out of one of the bins in the clean room.  
21 And it looks like Linda Saniewski, the quality  
22 supervisor, notified Tanner Burton of the production  
23 manager that Sonya had hurt her shoulder. And she was  
24 pulled out of the clean room and report that to HR. Do  
25 you recall that?

Page 68

1 to go back to see the doctor or go see the orthopedic;  
2 is that fair, based on the text messages she told you?  
3 A She asked to see a doctor.  
4 Q Okay. And why did she ask to see a doctor?  
5 MR. LAFAVE: Objection.  
6 MS. RICHEY: I'm sorry.  
7 COMMISSIONER TAYLOR: Sustained.  
8 MS. RICHEY: Okay.  
9 COMMISSIONER TAYLOR: We kind of went backwards.  
10 MS. RICHEY: Okay. All right. And I'm almost  
11 done, and I just want to be very clear, because -- and  
12 I think I'm almost done.  
13 BY MS. RICHEY:  
14 Q But I want to be very clear. So the morning that she  
15 came here on Wednesday, June the 15th --  
16 A Uh-huh.  
17 Q -- of 2022, did she complain to you or any of the  
18 supervisors there about having any problems with her  
19 left shoulder?  
20 A She did not.  
21 Q Okay. But then after this lifting injury on June 15th  
22 of 2022, she complained of having injuries to her left  
23 shoulder; is that correct?  
24 A Correct.  
25 Q Okay. And is it fair to say after that point, she

Page 67

1 A Yes, ma'am.  
2 Q Okay. And it looks like -- I think it goes on to say  
3 she was pulling coveralls out of the room. And when  
4 she lifted her arm up overhead, that's when she had the  
5 injury; is that correct?  
6 A Yes.  
7 Q And it looks like she was going home to ice her  
8 shoulder at that point.  
9 A Uh-huh.  
10 Q Okay. And to get some pain pills. And it looks like  
11 it goes on to say, she was lifting these coveralls  
12 above her head.  
13 A Correct.  
14 Q Okay. And it looks like, do you know -- one last  
15 thing. Based on -- get your text message. So that I'm  
16 clear, it looks like she told you at this point, she  
17 wasn't -- she he was having trouble sleeping; is that  
18 fair to say?  
19 A Correct.  
20 Q Okay. And that's because the pain in her left shoulder  
21 had gotten worse.  
22 A That is what she said.  
23 Q Oh, that's what she told you.  
24 A Yeah.  
25 Q And so, at that point, you felt like she either needed

Page 69

1 requested to go see a doctor on June 15th of 2022; is  
2 that correct?  
3 A Correct.  
4 Q Okay. And is it fair to say then that there was a  
5 worsening or aggravation of something that she  
6 requested for additional treatment; is that fair?  
7 MR. LAFAVE: Objection.  
8 THE WITNESS: I can't answer that.  
9 COMMISSIONER TAYLOR: Sustained.  
10 MS. RICHEY: Okay.  
11 COMMISSIONER TAYLOR: That calls for speculation.  
12 MS. RICHEY: Okay. All right.  
13 COMMISSIONER TAYLOR: Giving a medical opinion.  
14 BY MS. RICHEY:  
15 Q Okay. But as an HR, and it looks like here, (As read)  
16 "Hey, Kami." Do you remember that she sent you a text  
17 message? And, basically, do you remember getting that  
18 text message from her -- from Ms. Parks?  
19 A Yes, I responded to it.  
20 Q And what does she request in that text message?  
21 A To see a orthopedic doctor.  
22 Q Okay. And it looks like it says here that, (As read)  
23 "Hey Kami, health occupational sent a referral to see  
24 my orthopedic doctor."  
25 So it looks like, I'm assuming, Occupational

Page 70

1 Health, which is the doctor you had sent her to?  
2 A What's the question?  
3 Q My question is she told you at this point that the text  
4 message that the occupational doctor wanted her to see  
5 an orthopedic doctor; do you remember getting that text  
6 message from her?  
7 A My response is under it.  
8 Q Okay. (As read) "Hey, Sonya. You'll need to call  
9 Sedgwick, Melissa." Is that right?  
10 A Correct.  
11 MS. RICHEY: Okay. All right. Okay. I have no  
12 further questions, Your Honor.  
13 COMMISSIONER TAYLOR: All right. Mr. LaFave,  
14 anything further?  
15 MR. LAFAVE: Just briefly. And this is, again,  
16 Page 73 of claimant's APAs.  
17 RE-DIRECT EXAMINATION  
18 BY MR. LAFAVE:  
19 Q And I'm going to show this to you because I didn't  
20 print out a copy of it.  
21 A Uh-huh.  
22 Q You have Section A Sonya Parks-folder. Is the  
23 information that you've included in that paragraph --  
24 well, let me ask you the question this way.  
25 Where did you get the information that you

Page 72

1 she didn't ask to leave, that Tanner had told her to go  
2 home. And I did ask Tanner about that and he said it  
3 was maybe 45 minutes to an hour left in her shift, and  
4 he did go ahead and send her home for the rest of the  
5 day.  
6 Q Okay. And just so we're clear, you were asked a  
7 question by Ms. Richey about sending Ms. Parks to Dr.  
8 Pill.  
9 A Uh-huh.  
10 Q What was the reason you all were trying to get her an  
11 appointment with Dr. Pill?  
12 A Well, originally, I was under the impression that it  
13 was still the same shoulder that he had seen her for.  
14 I didn't realize until that Friday when we actually  
15 went to the doctor that it was her other shoulder.  
16 Q Okay. And you were also asked some questions by Ms.  
17 Richey about whether or not Ms. Parks had complained to  
18 you of any left shoulder pain.  
19 A Uh-huh.  
20 Q Would that be a complaint that you would normally  
21 receive if it was not work-related?  
22 A No.  
23 Q Okay. But you were aware, I think you testified from  
24 the time he started --  
25 A Uh-huh.

Page 71

1 included in that paragraph?  
2 A I called Sonya on the 15th after speaking with Tanner.  
3 Q Okay.  
4 Q And does this paragraph say anything about garments  
5 being tangled?  
6 A No.  
7 Q Does this paragraph saying anything about the garments  
8 being heavy?  
9 A No.  
10 Q Does this paragraph say anything about the garments  
11 being too long?  
12 A No.  
13 Q Okay. What does it say that she did immediately before  
14 she felt the pain in that first sentence?  
15 A (As read) "Pulling the coveralls from a bin in the  
16 clean room, she lifted her arm above her head."  
17 Q Okay. And then it goes on where you've already talked  
18 about that she said it was her fault. She should have  
19 asked for help.  
20 A (Nods head.)  
21 Q Is that yes?  
22 A Yes. She should have called Brent or production lead.  
23 Q Okay. And what does that say about her being told on  
24 that day to go home?  
25 A So she -- when we were on the phone, she mentioned that

Page 73

1 Q -- that she was a surgical candidate, you just didn't  
2 know which shoulder; correct?  
3 A I did not know which shoulder. No.  
4 Q Okay. Who made you aware that she needed surgery on  
5 one of her shoulders?  
6 A She did.  
7 Q Okay. And if the records would indicate that in 2021,  
8 she was recommended for left shoulder surgery, any  
9 reason to dispute or refute those records?  
10 A No.  
11 MR. LAFAVE: Okay. That's it.  
12 RE-CROSS EXAMINATION  
13 BY MS. RICHEY:  
14 Q All right. And I'll try to be very brief. So this  
15 accident report --  
16 MS. RICHEY: This is Page 65 through 68 of the  
17 APAs.  
18 BY MS. RICHEY:  
19 Q And I think your attorney had asked you about this.  
20 Do you remember seeing this as a HR manager? Did  
21 you remember seeing that, the accident report, from  
22 June 15th?  
23 A I only put this in her personnel file.  
24 Q Okay. And can you read that top line as far as the XLS  
25 as to the accident?

<p style="text-align: right;">Page 74</p> <p>1 A Read "What were you doing just before the incident?"</p> <p>2 Q Yes, ma'am.</p> <p>3 A (As read) "Folding. Lifted a 5X or 4XL coverall above</p> <p>4 table."</p> <p>5 Q Okay. Is it fair to say those are the larger 5XLs --</p> <p>6 A I would --</p> <p>7 Q Is that fair to say?</p> <p>8 A I would assume 5XL is a larger size.</p> <p>9 Q Okay. And I've got one more question. So, after this</p> <p>10 injury, she was -- I think in your report that she had</p> <p>11 to go home and ice her arm; is that right?</p> <p>12 A Yes.</p> <p>13 Q Okay. All right.</p> <p>14 A You want this back?</p> <p>15 Q Yes, ma'am. Yes, ma'am. And just so that I am clear,</p> <p>16 this says on this report left shoulder.</p> <p>17 I think you had testified earlier, you wasn't sure</p> <p>18 what shoulder it was?</p> <p>19 A So Garrett was actually out of -- I took her to the</p> <p>20 doctor because Garrett was actually on vacation that</p> <p>21 day.</p> <p>22 Q Yes, ma'am.</p> <p>23 A So this whole left shoulder, this was done after we</p> <p>24 went on that Friday.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 75</p> <p>1 A So we did not know going into it Friday that it was the</p> <p>2 other shoulder.</p> <p>3 Q I'm just curious, though. Why did you not know it was</p> <p>4 the left shoulder? I mean, I'm just curious.</p> <p>5 A One, because I don't work in the clean room. And when</p> <p>6 I originally called her, she never said it was her left</p> <p>7 shoulder. She just said her shoulder and she said she</p> <p>8 was going to ice and she would be back Thursday, the</p> <p>9 16th.</p> <p>10 Q Okay.</p> <p>11 A And then it never came up that it was the left shoulder</p> <p>12 until I was filling out the paperwork.</p> <p>13 Q Okay. All righty then. So, I guess, is it the reason</p> <p>14 why you were -- and I'm speculating here.</p> <p>15 But is it fair to say then, she just really never</p> <p>16 complained about her left shoulder; is that fair to</p> <p>17 say? That you weren't sure what shoulder was hurting?</p> <p>18 A Again, you asked me multiple questions at once.</p> <p>19 Q Okay. All right.</p> <p>20 MS. RICHEY: I have no further questions, Your</p> <p>21 Honor.</p> <p>22 COMMISSIONER TAYLOR: All right. Anything</p> <p>23 further?</p> <p>24 MR. LAFAVE: Nothing further.</p> <p>25 COMMISSIONER TAYLOR: Any other witnesses on</p>
<p style="text-align: right;">Page 76</p> <p>1 behalf of the defendants?</p> <p>2 MR. LAFAVE: No.</p> <p>3 COMMISSIONER TAYLOR: All right. For the record,</p> <p>4 I do want to read the APA submissions into the record.</p> <p>5 For the claimant, I have APA Numbers 1 through 10,</p> <p>6 which are Pages 1 through 133. And then, for -- oh,</p> <p>7 well, wait a minute because then I also have exhibits</p> <p>8 for the deposition?</p> <p>9 MS. RICHEY: Yes, ma'am, Your Honor.</p> <p>10 COMMISSIONER TAYLOR: Okay. But those aren't</p> <p>11 listed on the --</p> <p>12 MS. RICHEY: No, ma'am.</p> <p>13 COMMISSIONER TAYLOR: Okay.</p> <p>14 MS. RICHEY: I just handed them up. I've listed</p> <p>15 them on there as my APAs.</p> <p>16 COMMISSIONER TAYLOR: Okay.</p> <p>17 MS. RICHEY: On my Form 58, that I'll be handing</p> <p>18 them up.</p> <p>19 COMMISSIONER TAYLOR: Okay. For the defendants,</p> <p>20 I have APA Numbers 1 and 2, which are Pages 134 through</p> <p>21 174.</p> <p>22 And then, do I have the Form 20? I do. Okay. So</p> <p>23 then I had Defendants' Exhibit 1, which is the Form 20.</p> <p>24 And then we did not introduce the claimant's</p> <p>25 deposition.</p>	<p style="text-align: right;">Page 77</p> <p>1 The claimant has also produced here at the hearing</p> <p>2 today, deposition testimony transcripts of Kami</p> <p>3 Phillips, which she just testified. So I don't know,</p> <p>4 do we need the deposition --</p> <p>5 MS. RICHEY: It's her 30(b)(6).</p> <p>6 COMMISSIONER TAYLOR: Oh, it's the 30(b)(6). I'm</p> <p>7 sorry.</p> <p>8 MS. RICHEY: Yes, ma'am.</p> <p>9 COMMISSIONER TAYLOR: The deposition transcript or</p> <p>10 Tanner Burton, Linda Saniewski, Wanda Jefferson, and</p> <p>11 then Garrett Curtis and Dr. Pill. And those matters</p> <p>12 will be marked as Claimant's Exhibit A, B, C, D, E, and</p> <p>13 F, and admitted into evidence at this time. That</p> <p>14 concludes this matter.</p> <p>15 (THERE BEING NO FURTHER QUESTIONS, THIS HEARING WAS</p> <p>16 CONCLUDED AT THE HOUR OF 2:35 P.M.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p>

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CERTIFICATE

I, Shelly M. Jones, a notary public for the State of South Carolina, duly commissioned and qualified as such do hereby certify that the foregoing 77 pages represents a true and accurate transcript of the foregoing hearing of Sonya Parks, taken on the 25th day of October, 2022.

That the witness was duly placed under oath and admonished to speak the whole truth. That the oral hearing was duly taken and transcribed as to the questions propounded and the answers given.

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

IN WITNESS WHEREOF I have hereunto set my hand and seal this 8th day of December, 2022.

\_\_\_\_\_  
SHELLY M. JONES  
Verbatim Reporter

Notary in and for the State of South Carolina  
My Commission Expires: November 7, 2023