

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

Jan 29 2025

S.C. SUPREME COURT

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Unpublished Opinion No. 2024-UP-258
(S.C. Ct. App. Filed July 17, 2024)

Naomi Lynn Bridges, Claimant.....Petitioner,

v.

Harbour Town Surf Shop, LLC, Employer,
and the South Carolina Uninsured Employer's Fund.....Respondents.

APPENDIX VOLUME 4

Warren Paul Johnson
Joshua Reece Fester
Darrell Thomas Johnson, Jr., LLC
P.O. Box 1125
Hardeeville, SC 29927
(843) 784-2142
Attorneys For Petitioner

Other Counsel of Record:
Michael Mogil
Law Office of Michael W. Mogil, P.A.
2 Corpus Christie Place, Suite 303
Hilton Head Island, SC 29928
Attorney for Respondent Harbour Town Surf Shop
and

Timothy Blair Killen
Holder, Padgett Littlejohn & Prickett, LLC
945 Houston Northcutt Boulevard
Mt. Pleasant, SC 29464
Attorney for Respondent
South Carolina Uninsured Employers' Fund

INDEX

Record on Appeal.....	0001-2163
Final Brief of Appellant.....	2164-2197
Final Brief of Respondent.....	2198-2226
Appellant's Reply Brief.....	2227-2237
Opinion.....	2238-2242
Appellant's Petition for Rehearing.....	2243-2253
Respondents' Return to Petition for Rehearing.....	2254-2268
Order Denying Petition for Rehearing.....	2269-2270

Does the pain vary? ☒ Yes ☐ No	Does the pain vary? ☐ Yes ☐ No
Control measures (mark all that apply): ☒ Rest ☐ Massage ☐ Heat ☒ Cold ☒ Medication ☐ TENS Unit ☐ Relaxation ☐ Other:	Control measures (mark all that apply): ☐ Rest ☐ Massage ☐ Heat ☐ Cold ☐ Medication ☐ TENS Unit ☐ Relaxation ☐ Other:
Frequency of pain medication: As needed	Frequency of pain medication:
Last dose taken: About an hour Current pain management effective? ☒ Yes ☐ No	Last dose taken: Current pain management effective? ☐ Yes ☐ No
Comment: 10/10 worst; 6/10 best and 7/10 currently	Comment:

RESTING VITAL SIGNS

Pulse: **88** ☐ Apical ☒ Radial
Blood Pressure: **92/60** Position: **Sitting** ☒ Left ☐ Right
Temperature: **98.0** Method: **Temporal**
Respirations: **16**
Additional vital sign details:

Actual Weight: Reported Weight:
SPO₂ Sat: **98%** (order required)
Blood Sugar: ☐ Actual ☐ Reported

HOMEBOUND STATUS (Select Eligibility link below to select Homebound Status Items)

Eligibility

HOMEBOUND STATUS:

Ability to leave home is restricted related to s/p fall with injury with surgical repair of left tib condition, patient NWB left leg x 6 months, pain, requires assistance to leave home safely and frequent rest periods to recover, leaving home requires assistance of walker supportive device(s) and person(s) x1 Start Effective Date: 07/06/2018

Comments:

 = Cardiopulmonary  = Orthopedic
 = SafeStrides®  = Neuro

Physical Therapy Visit Note

© Kindred at Home
Form #KAH3030, revised 07/2018

This form has been electronically signed by:

THACKER, ANNETTE (PT) 08/08/2018 08:03:38 PM EDT

Bridges, N. 1492 ⁴²¹
1417

Patient Name (Last, First)
BRIDGES NAOMIClient No.
110500815

Visit #

SKILLED INTERVENTIONS THIS VISIT

Interventions

PT INTERVENTIONS:

Therapeutic Exercise Start Effective Date: 07/07/2018

Gait Training Start Effective Date: 07/07/2018

Home Exercise Program Start Effective Date: 07/07/2018

Pain Management Start Effective Date: 07/07/2018

Today's Interventions

Therex	Neuro Re-ed	Therapeutic Activities	Gait Training
☒ ROM/Flexibility ☒ Strength/Power ☐ Aerobic Conditioning ☐ Other:	☐ Sensory Integration ☒ Balance/Coordination ☐ Proprioceptive/Kinesthetic ☐ Posture ☐ Other:	☐ Task-Specific/Functional Training ☐ Activity Tolerance ☐ Wheelchair Training ☐ Other:	☒ Un/Even Surfaces ☐ Multi-direction ☐ Stair Climbing ☐ Speed Modulation ☐ Other:

Education

- ☒ HEP: ☒ Reviewed ☐ Progressed ☐ Risk Reduction ☐ Health Condition Management
☐ Pressure Relief/Skin Integrity ☒ Pain Management ☐ DME Training
☐ Other:

Response to Education

Person taught:

Describe response to education provided during today's visit:

☒ Patient☒ Verbalized understanding☐ Caregiver (name):☐ Appeared safe with return demonstration☐ Other:☒ Additional:Describe Today's Interventions/Response to Treatment - (Verbal/Tactile Cues, Activity Focus, Volume/Duration/Complexity, RPE) ☐ See Wound Addendum

Pt sitting up in couch bed elevating L LE. Pt reports being up to 72 deg on CPM. Pt agreeable to today's session. PT reviewed pain management techniques for pt including max acetaminophen use of 3000mg and not to exceed and use of ice for pain and inflammation. PT states that she understands. Initiated session with HEP/ex : L ankle pumpsx30; manual L calf stretch 30secx3 with pt feeling a good stretch in calf/heel cord; QS 5secx10 with tactile cues to facilitate VMO/QS; hip abd/add x20 with mini A; SAQ 2x10 ; then heel slides 2x10 to end range limit, pt with severe ERP in medial knee and firm endfeel with pt achieving 78 deg. Pt able to demonstrate good understanding of her HEP and verbalized that she performs her ex 2/daily. Initiated sitting on EOB with PT gently holding foot on floor to maintain neutral position as pt scooted forward to increase knee flexion and DF, performed 5x with pt holding 5 sec hold, pt able to get to 0deg DF and around 88-90deg of knee flexion. Then performed gait training with FWWx150ft in home and pt non-wt bearing. Pt with good tolerance. PT instructed pt to elevate L LE and put ice on knee d/t increased medial knee pain. Pt verbalized understanding. Pt denied increased pain after session except being mostly in "inside knee".

TESTS AND MEASURES (as applicable)

STRENGTH GRADES: N(5) = NORMAL G(4) = GOOD F(3) = FAIR P(2) = POOR T(1) = TRACE 0 = ZERO

ROM/MMT/Sensation

Upper/Lower Extremity Motor (complete sections for areas tested below)

Involved Extremities ☐ Left ☐ Right ☐ Bilateral			PROM				AROM				STRENGTH	
			Left	+/-	Right	+/-	Left	+/-	Right	+/-	Left	Right
SHOULDER:	Flexion	0 - 180										
	Abduction	0 - 180										
ELBOW:	Flexion	0 - 145										
	Extension	0 - 0										
WRIST:	Flexion	0 - 70										
	Extension	0 - 70										
HIP:	Flexion	0 - 120										
	Extension	0 - 25										
	Abduction	0 - 45										
KNEE: Arthroplasty:	Flexion	0 - 135										
	Extension	0										

Hand Dominance: ☐ L ☐ R

Semmes Weinstein Monofilament Testing:

Right: /5 ☐ NTLeft: /5 ☐ NT

Total Score:

Bridges, N.

1493

Neuropathic pain rating: 7/10

1422
1418

ANKLE:	Dorsiflexion	0 - 20													
	Plantarflexion	0 - 50													

ADDITIONAL IMPAIRMENT TESTS/MEASURES (occulomotor, lung sounds, visual fields, dynamic visual acuity, head thrust, positional testing, etc.)

TRANSFERS: ☐ N/A

Assist Code Key:

7 = Independent
4 = Minimal Assist

6 = Adapted Independent
3 = Moderate Assist

5 = Supervision
2 = Maximum Assist

1 = Total Assist

	Current Assist Code		Current Assist Code		Current Assist Code
Rolling/Scototing		Chair		Vehicle	
In/Out of Bed		Toilet/Commode		Floor	
Sit to Stand		Tub/Shower			

GAIT/LOCOMOTION: ☐ N/A

Assist Code Key:

7 = Independent
4 = Minimal Assist

6 = Adapted Independent
3 = Moderate Assist

5 = Supervision
2 = Maximum Assist

1 = Total Assist

SURFACE

Level
Uneven
Stairs

DEVICE
☐ None
RW/FWW
SW/Wx
QC
SPC

Crutches
w/c
Other: *(specify)*

☐ Weight-bearing Status

☐ Distance ☐ Number of Stairs

Propels w/c on:

☐ Level Surface ☐ Uneven Surface

☐ Ramps

w/c Management:

☐ Brakes

☐ Foot/Leg Rests

☒ = Cardiopulmonary ☒ = Orthopedic

☒ = SafeStrides® ☒ = Neuro

Physical Therapy Visit Note

© Kindred at Home
Form #KAH3030, revised 07/2018

Bridges, N. 1494

1423
1419

Patient: BRIDGES, NAOMI - 110500815

Clinician: THACKER, ANNETTE (PT)

Patient Name (Last, First)
BRIDGES NAOMIClient No.
110500815

Visit #

PHYSICAL PERFORMANCE MEASURES

Short Physical Performance Battery (SPPB) ☐ N/T Specify:			
	Test	Time (seconds)	Ordinal Score
	Feet together		Ordinal Score Key
	Semi-tandem		≥ 10 s = 1; < 10 s = 0
	Tandem stance		≥ 10 s = 1; < 10 s = 0
	Gait speed (13.12 feet)	Seconds	10 s = 2; 9.9-3 s = 1; < 3 s = 0
	Chair stand x 5	Seconds	< 4.82 s = 4; 4.82-6.20 s = 3; 6.21-8.70 s = 2; > 8.7 s = 1; unable = 0
			≤ 11.19 s = 4; 11.2-13.69 s = 3; 13.7-16.69 s = 2; ≥ 16.7 s = 1; > 60 s or unable = 0
	SUM (Ordinal Score)		

TUG Score: seconds ☐ Attempted - Failed, AT RISK for falls ☐ NT
Reasons TUG Not Performed: ☐ Inability to follow or remember simple commands ☐ Non-Weight Bearing ☐ Bed Bound ☐ N/A

Berg Previous /56 Current /56 ☐ NT due to:
Modified CTSIB:
Current: Position #1 ☐ NT Position #2 ☐ NT Position #3 ☐ NT Position #4 ☐ NT

Bridges, N. 1495

1424
1420

HOME HEALTH PATIENT TRACKING SHEET

(M0040) Patient Name: (First) (MI) (Last) (Suffix) NAOMI BRIDGES	
Patient Street Address: [REDACTED]	
City HILTON HEAD IS	
Patient Phone Number: [REDACTED]	
(M0050) Patient State of Residence: SC	(M0060) Patient ZIP Code: 29925
(M0010) CMS Certification Number: 427856	(M0014) Branch State: SC
(M0016) Branch ID Number: 42Q7856003	
(M0018) National Provider Identifier (NPI) for the attending physician who has signed the plan of care: 1295841278 ☐ UK - Unknown or Not Available	
(M0020) Patient ID Number: 110500815	(M0030) Start of Care Date: Certification Period month day year 07/06/2018 From: 09/04/2018 To: 11/02/2018
(M0063) Medicare Number: (including suffix) ☐ NA - No Medicare	(M0064) Social Security Number: ☐ UK - Unknown or Not Available [REDACTED]
(M0065) Medicaid Number: ☐ NA - No Medicaid	Effective Date: month day year
(M0066) Birth Date: month day year [REDACTED]	(M0069) Gender: ☐ 1 - Male ☒ 2 - Female
(M0140) Race/Ethnicity: (Mark all that apply.) ☐ 1 - American Indian or Alaska Native ☐ 3 - Black or African-American ☐ 5 - Native Hawaiian or Pacific Islander ☐ 2 - Asian ☐ 4 - Hispanic or Latino ☒ 6 - White	
Comments:	

The Outcome and Assessment Information Set (OASIS) is the intellectual property of the Center for Health Services Research, Denver, Colorado. It is used with permission

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information is 0938-1279. The time required to complete this information collection is estimated to average 52.8 minutes (0.9 minutes per item), including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

OMB # 0938-1279

© 2002 MED-PASS, INC

© Gentiva Health Services 2002

Form# GCL1355 (Rev. 08/15)

This form has been electronically signed by:

ROGERS, LORA J (RN) 08/31/2018 02:08:24 PM EDT, 09/14/2018 09:09:13 AM EDT
 Evans, Rhonda (RN, MCP/QA) RN 09/14/2018 10:13:14 AM EDT

Bridges, N. 1496

1425
1431

**Adult Re-Assessment, and
OASIS FOLLOW-UP ASSESSMENT**

Outcome and Assessment Information Set (OASIS C2, 01/2017)

COLOR GREEN Ink = OASIS Items = PPS Indicators
KEY: BLACK Ink = Additional Comprehensive Assessment Items

© 1999 MED-PASS, INC.

SKILLED NURSING

Items to be used at this Time Point: M0032, M0080-M0100, M0110, M0150, M1011, M1021-M1023, M1030, M1200, M1242, M1306, M1311, M1322-M1342, M1400, M1610, M1620, M1630, M1810-M1840, M1850, M1860, M2030, M2200

EMPLOYEE TIME SLIP		☒ Cert. ☐ Non-Cert.	Location Name Kindred at Home- BLUFFTON (3246)		Location No. 1105		Client No. 110500815	
Employee No. LR63100531		Employee Name (Last, First) ROGERS, LORA J (RN)			Patient Name (Last, First) BRIDGES NAOMI			
Pay/Bill Code		Shift	Date of Service	Service Time	Travel Time	Travel Duration	Mileage	
0009 - RN OASIS DISCHARGE, RECERT OR RESUBM VIS		D	08/31/2018	Start: 9:20 AM Stop: 10:08 AM	Start: 9:00 AM Stop: 9:18 AM	18	Mileage Bill Mileage ☐ Yes ☐ No	
Payer: 9687 - HIX BCBS SC								
Patient Time		Non-Billable Visit Duration (NBD)		Chart Time		Total Time		
Hrs	Min	Hrs	Min	Hrs	Min	Hrs	Min	
☒ Bill/Pay ☐ Bill ☐ Pay ☐ No Pay/No Bill		Primary Skill Provided: Therapy: ☐ Direct Patient Care ☐ Maintenance Therapy ☐ Reassessment Nursing: ☐ Direct Patient Care ☐ Education and Training ☐ Observation and Assessment ☐ Management and Evaluation						
Supervisory Visit Completed: ☐ Yes ☒ No Supervisory Visit: ☐ COTA ☐ HHA ☐ LVN ☐ PTA (Last Sup Visit: 08/02/2018) ☐ LPN (Last Sup Visit: 08/27/2018) ☐ LOTA ☐ Caregiver Present: (name/discipline):								
Following Plan of Care ☐ Yes ☐ No				Honors patient rights ☐ Yes ☐ No				
Reports changes in condition to case manager/supervisor ☐ Yes ☐ No				Demonstrates competency with assigned tasks ☐ Yes ☐ No ☐ NA Aide not present				
Maintains an open communication process with patient, representative (if any), caregivers and family ☐ Yes ☐ No				Follows infection prevention/control policies and procedures ☐ Yes ☐ No				
Actions taken/planned for areas of concern identified during visit:								
☐ Plan of Care changes made as a result of supervisory visit (specify):								
☐ Patient/Caregiver/Family and Representative (if any) updated on Plan of Care changes								
Supplies	Code	Supply Code 1:	Supply Code 2:	Supply Code 3:	Supply Code 4:	Supply Code 5:	Supply Code 6:	Patient's Signature
	Quantity							<i>Naomi Bridges</i> Signed on 08/31/2018 10:06:03 AM EDT

CLINICAL RECORD ITEMS

P (M0032) Resumption of Care Date: ☒ NA - Not Applicable A month day year	(M0080) Discipline of Person Completing Assessment: ☒ 1 - RN ☐ 2 - PT ☐ 3 - SLP/ST ☐ 4 - OT	(M0090) Date Assessment Completed: month day year 08/31/2018

(M0150) Current Payment Sources for Home Care: (Mark all that apply.)

☐ 0 - None; no charge for current services	☐ 7 - Other government (for example, TriCare, VA)
☐ 1 - Medicare (traditional fee-for-service)	☒ 8 - Private insurance
☐ 2 - Medicare (HMO/managed care/Advantage plan)	☐ 9 - Private HMO/managed care
☐ 3 - Medicaid (traditional fee-for-service)	☐ 10 - Self-pay
☐ 4 - Medicaid (HMO/managed care)	☐ 11 - Other (specify):
☐ 5 - Workers' compensation	☐ UK - Unknown
☐ 6 - Title programs (for example, Title III, V, or XX)	

Comments

(M0100) This Assessment is Currently Being Completed for the Following Reason: Follow-Up: ☒ 4 - Recertification (follow-up) reassessment [Go to M0110]	(M0110) Episode Timing: Is the Medicare home health payment episode for which this assessment will define a case mix group an "early" episode or a "later" episode in the patient's current sequence of adjacent Medicare home health payment episodes? ☒ 1 - Early ☐ UK - Unknown ☐ 2 - Later ☐ NA - Not Applicable: No Medicare case mix group to be defined by this assessment.	Bridges, N. 1497 1422

☐ 5 - Other follow-up [Go to **M0110**]

PATIENT HISTORY AND DIAGNOSES

(M1011) List each **Inpatient Diagnosis** and ICD-10-C M code at the level of highest specificity for only those conditions actively treated during an inpatient stay having a discharge date within the last 14 days (no V, W, X, Y, or Z codes or surgical codes):

Inpatient Facility Diagnosis

ICD-10-C M Code

Inpatient Facility Diagnosis

ICD-10-C M Code

a.	d.
b.	e.
c.	f.

☒ NA - Not applicable (patient was not discharged from an inpatient facility)

Has Medical or Treatment Regimen changed within the past 14 days? (Include any emergent care treatment) ☐ Yes ☒ No (please provide brief summary)

Name of Hospital /Facility:



QUALITY MEASURES KEY: = Outcomes P = Process = Potentially Avoidable Events = Home Health Compare

INDICATORS: = Non Routine Supplies = Cardiopulmonary = SafeStrides® = Orthopedic = Neuro

Follow-up - Skilled Nursing

© Kindred at Home

Form# KAH1357, revised 07/2018

PATIENT HISTORY AND DIAGNOSES (continued)

PRE (M1021/1023/1025) Diagnoses, Symptom Control, and Optional Diagnoses: List each diagnosis for which the patient is receiving home care in Column 1, and enter its ICD-10-C M code at the level of highest specificity in Column 2 (diagnosis codes only - no surgical or procedure codes allowed). Diagnoses are listed in the order that best reflects the seriousness of each condition and supports the disciplines and services provided. Rate the degree of symptom control for each condition in Column 2. ICD-10-C M sequencing requirements must be followed if multiple coding is indicated for any diagnoses. If a Z-code is reported in Column 2 in place of a diagnosis that is no longer active (a resolved condition), then optional item M1025 (Optional Diagnoses - Columns 3 and 4) may be completed. Diagnoses reported in M1025 will not impact payment.

Code each row according to the following directions for each column:

Column 1: Enter the description of the diagnosis. Sequencing of diagnoses should reflect the seriousness of each condition and support the disciplines and services provided.

Column 2: Enter the ICD-10-C M code for the condition described in Column 1 - no surgical or procedure codes allowed. Codes must be entered at the level of highest specificity and ICD-10-C M coding rules and sequencing requirements must be followed. Note that external cause codes (ICD-10-C M codes beginning with V, W, X, or Y) may not be reported in M1021 (Primary Diagnosis) but may be reported in M1023 (Secondary Diagnoses). Also note that when a Z-code is reported in Column 2, the code for the underlying condition can often be entered in Column 2, as long as it is an active on-going condition impacting home health care.

Rate the degree of symptom control for the condition listed in Column 1. Do not assign a symptom control rating if the diagnosis code is a V, W, X, Y or Z-code. Choose one value that represents the degree of symptom control appropriate for each diagnosis using the following scale:

- 0 - Asymptomatic, no treatment needed at this time
- 1 - Symptoms well controlled with current therapy
- 2 - Symptoms controlled with difficulty, affecting daily functioning; patient needs ongoing monitoring
- 3 - Symptoms poorly controlled; patient needs frequent adjustment in treatment and dose monitoring
- 4 - Symptoms poorly controlled; history of re-hospitalizations

Note that the rating for symptom control in Column 2 should not be used to determine the sequencing of the diagnoses listed in Column 1. These are separate items and sequencing may not coincide.

Column 3: (OPTIONAL) There is no requirement that HHAs enter a diagnosis code in M1025 (Columns 3 and 4). Diagnoses reported in M1025 will not impact payment.

Agencies may choose to report an underlying condition in M1025 (Columns 3 and 4) when:

- a Z-code is reported in Column 2 AND
- the underlying condition for the Z-code in Column 2 is a resolved condition. An example of a resolved condition is uterine cancer that is no longer being treated following a hysterectomy.

Column 4: (OPTIONAL) If a Z-code is reported in M1021/M1023 (Column 2) and the agency chooses to report a resolved underlying condition that requires multiple diagnosis codes under ICD-10-C M coding guidelines, enter the diagnosis descriptions and the ICD-10-C M codes in the same row in Columns 3 and 4. For example, if the resolved condition is a manifestation code, record the diagnosis description and ICD-10-C M code for the underlying condition in Column 3 of that row and the diagnosis description and ICD-10-C M code for the manifestation in Column 4 of that row. Otherwise, leave Column 4 blank in that row.

Update Diagnosis

(M1021) Primary Diagnosis & (M1023) Other Diagnoses		(M1025) Optional Diagnoses (OPTIONAL) not used for payment	
Column 1	Column 2	Column 3	Column 4
Diagnosis(Sequence of diagnosis should reflect the seriousness of each condition and support the disciplines and services provided)	ICD-10 and symptom control rating for each condition. Note that the sequencing of these ratings may not match sequencing of the diagnoses	May be completed if a Z-code is assigned to Column 2 and the underlying diagnosis is resolved	Complete only if the Optional Diagnosis is a multiple coding situation(for example: a manifestation code).
Description	ICD-10-C M / Symptom Control Rating	Description/ ICD-10-C M	Description/ ICD-10-C M
(M1021) Primary Diagnosis	V, W, X, Y codes NOT allowed	V, W, X, Y, Z codes NOT allowed	V, W, X, Y, Z codes NOT allowed
a. Displ bicondylar fx l tibia, subs for clos fx w routn heal 08/31/2018 E	a. (S82.142D) ○ 0 ○ 1 ○ 2 ☒ 3 ○ 4	a. ()	a. ()
(M1023) Other Diagnoses	All ICD-10-CM codes allowed	V, W, X, Y, Z codes NOT allowed	V, W, X, Y, Z codes NOT allowed
b. Other herpesviral disease of eye 08/31/2018 E	b. (B00.59) ○ 0 ○ 1 ☒ 2 ○ 3 ○ 4	b. ()	b. ()
c. Nicotine dependence, cigarettes, uncomplicated 08/31/2018 E	c. (F17.210) ○ 0 ○ 1 ☒ 2 ○ 3 ○ 4	c. ()	c. ()
d. Anemia, unspecified 08/31/2018 E	d. (D64.9) ○ 0 ○ 1 ☒ 2 ○ 3 ○ 4	d. ()	d. ()
e. Encounter for adjustment and management of VAD 08/31/2018 E	e. (Z45.2) ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	e. ()	e. ()
f. Long term (current) use of antibiotics 08/31/2018 E	f. (Z79.2) ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	f. ()	f. ()
g. History of falling 08/31/2018 E	g. (Z91.81) ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	g. ()	g. ()

Bridges, N. 1499 428

10/4

h.	h. () ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	h. ()	h. ()
i.	i. () ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	i. ()	i. ()
j.	j. () ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	j. ()	j. ()
k.	k. () ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	k. ()	k. ()
l.	l. () ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	l. ()	l. ()
m.	m. () ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	m. ()	m. ()
n.	n. () ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	n. ()	n. ()
o.	o. () ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	o. ()	o. ()
p.	p. () ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	p. ()	p. ()
q.	q. () ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	q. ()	q. ()
r.	r. () ○ 0 ○ 1 ○ 2 ○ 3 ○ 4	r. ()	r. ()

Surgical Diagnosis:

NRS (M1030) Therapies the patient receives at home: (Mark all that apply.) *For response 1 or 2 see Infusion Addendum as needed

- ☒ 1 - Intravenous or infusion therapy (excludes TPN)
- ☐ 2 - Parenteral nutrition (TPN or lipids)
- ☐ 3 - Enteral nutrition (nasogastric, gastrostomy, jejunostomy, or any other artificial entry into the alimentary canal)
- ☐ 4 - None of the above

Comments/Interventions



QUALITY MEASURES KEY: = Outcomes P = Process = Potentially Avoidable Events = Home Health Compare

INDICATORS: = Non Routine Supplies = Cardiopulmonary = SafeStrides® = Orthopedic = Neuro

Follow-up - Skilled Nursing

© Kindred at Home

Form# KAH1357, revised 07/2018

SENSORY STATUS

VISION ☒ Glasses ☐ Blurred Vision: ☐ R ☐ L ☐ Contacts: ☐ R ☐ L ☐ Other:

☐ Glaucoma: ☐ R ☐ L ☐ Cataracts: ☐ R ☐ L ☐ Macular Degeneration: ☐ R ☐ L

EARS / NOSE / THROAT ☒ Assessed: no deficits noted Nasal Condition: ☐ Congestion/Sinus Prob. ☐ Epistaxis ☐ Loss of smell

Hearing Loss? ☐ L ☐ R Aid Used? ☐ L ☐ R Pharyngeal: ☐ Hoarseness ☐ Sore throat

Ear Pain? ☐ L ☐ R Tinnitus? ☐ L ☐ R

Other: Other:

Describe impact sensory impairment has on implementation of Plan of Care:

(M1200) **Vision** (with corrective lenses if the patient usually wears them):

Comments

- ☒ 0 - Normal vision: sees adequately in most situations; can see medication labels, newsprint.
- ☐ 1 - Partially impaired: cannot see medication labels or newsprint, but can see obstacles in path, and the surrounding layout; can count fingers at arm's length.
- ☐ 2 - Severely impaired: cannot locate objects without hearing or touching them, or patient nonresponsive.

PAIN ☐ Patient reports no painPain location 1: **Leg** ☐ Right ☒ LeftPain location 2: ☐ Right ☐ LeftType: ☐ Acute ☒ Recent Onset ☐ ChronicType: ☐ Acute ☐ Recent Onset ☐ Chronic☒ ☒ Pain rating: **5/10** ☒ Numeric ☐ FLACC ☐ Faces☒ ☒ Pain rating: /10 ☐ Numeric ☐ FLACC ☐ FacesPain precipitated by: **Wound/activity**

Pain precipitated by:

Does the pain radiate? ☒ Yes ☐ NoDoes the pain radiate? ☐ Yes ☐ No

Please describe the pain (using patients own words):

Sharing aching

Please describe the pain (using patients own words):

What is the pain preventing the patient from doing?

Nothing

What is the pain preventing the patient from doing?

How long does the pain last?

Constant

How long does the pain last?

Are there times of the day/night when the pain is worse?

No

Are there times of the day/night when the pain is worse?

Is there a pattern to the pain? ☒ Yes ☐ NoIs there a pattern to the pain? ☐ Yes ☐ NoDoes the pain vary? ☒ Yes ☐ NoDoes the pain vary? ☐ Yes ☐ No

Control measures (mark all that apply):

☐ Rest ☐ Massage ☐ Heat ☐ Cold ☒ Medication

☐ TENS Unit ☐ Relaxation ☐ Other:

Control measures (mark all that apply):

☐ Rest ☐ Massage ☐ Heat ☐ Cold ☐ Medication

☐ TENS Unit ☐ Relaxation ☐ Other:

Frequency of pain medication: **As needed**

Frequency of pain medication:

Last dose taken: **12 pm** Current pain management effective? ☐ Yes ☐ NoLast dose taken: Current pain management effective? ☐ Yes ☐ No

Comment:

Worst 7/10. Best 4/10. Current pain 5/10. Average 5/10

Comment:

(M1242) ☒ Frequency of Pain Interfering with patient's activity or movement:

Comments

- ☐ 0 - Patient has no pain ☐ 2 - Less often than daily
- ☐ 1 - Patient has pain that does not interfere ☐ 3 - Daily, but not constantly

Bridges, N. 1501 **1430****1426**

with activity or movement

4 - All of the time



QUALITY MEASURES KEY: OM = Outcomes P = Process = Potentially Avoidable Events = Home Health Compare

Follow-up - Skilled Nursing

© Kindred at Home

INDICATORS: NRS = Non Routine Supplies = Cardiopulmonary = SafeStrides® = Orthopedic = Neuro

Form# KAH1357, revised 07/2018

Bridges, N. 1502 ¹⁴³¹
~~1427~~

INTEGUMENTARY STATUS

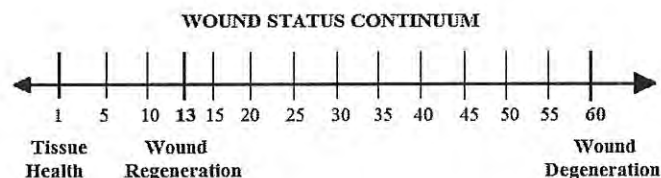
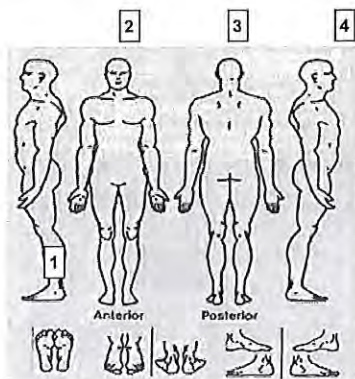
History of: ☐ Ulcer (specify) (including closed stage 3 and 4 pressure ulcers) Skin Color: ☒ Normal for patient ☐ Pale ☐ Flushed ☐ Ashen ☐ Jaundiced ☐ Cyanosis (location): ☐ Other: Skin Temperature: ☒ Warm ☐ Cool ☐ Hot ☐ Cold Wounds identified? ☐ No ☒ Yes (complete the following section(s))	Skin Turgor: ☒ Good ☐ Fair ☐ Poor Skin Moisture: ☒ Normal for Patient ☐ Dry ☐ Clammy ☐ Diaphoretic ☐ Other:

Surgical Wound (complete for closed surgical wound only; if surgical wound is open, complete wound assessment below):

Location: Appearance/size: ☐ Non-removable dressing intact

Incision closed with: ☐ Staples ☐ Sutures ☐ Steri-strips ☐ Skin/Surgical adhesive

Surgical wound comments:



Wound #1 ☐ Weekly Wound Measurement	Wound #2 ☐ Weekly Wound Measurement	Wound #3 ☐ Weekly Wound Measurement	Wound #4 ☐ Weekly Wound Measurement
Location: Leg ☐ Right ☒ Left	Location: ☐ Right ☐ Left	Location: ☐ Right ☐ Left	Location: ☐ Right ☐ Left
Etiology	Etiology	Etiology	Etiology
Surgical Dehiscence			
Measurements	Measurements	Measurements	Measurements
Length 5.0 cm	Length cm	Length cm	Length cm
Width 1.6 cm	Width cm	Width cm	Width cm
Square cm 8.00	Square cm	Square cm	Square cm
Size	Size	Size	Size
Length X Width 4 – 16 sq. cm			
Depth 1.5 cm	Depth cm	Depth cm	Depth cm
Depth Description	Depth Description	Depth Description	Depth Description
Full thickness skin loss involving damage or necrosis of subcutaneous tissue: may extend down to but not through underlying fascia: &/or mixed partial & full thickness &/or tissue layer obscured by granulation tissue			
Edges	Edges	Edges	Edges
Well-defined, not attached to base, rolled under, thickened			
Undermining	Undermining	Undermining	Undermining
None			
Necrotic Tissue Type	Necrotic Tissue Type	Necrotic Tissue Type	Necrotic Tissue Type
None visible			
Necrotic Tissue Amount	Necrotic Tissue Amount	Necrotic Tissue Amount	Necrotic Tissue Amount
None visible			
Exudate Type	Exudate Type	Exudate Type	Exudate Type
Serosanguineous: thin, watery, pale red/pink			
Exudate Amount	Exudate Amount	Exudate Amount	Exudate Amount
Small			
Skin Color Surrounding Wound	Skin Color Surrounding Wound	Skin Color Surrounding Wound	Skin Color Surrounding Wound
Pink or normal for ethnic group			

Peripheral Tissue Edema	Peripheral Tissue Edema	Peripheral Tissue Edema	Peripheral Tissue Edema
Non-pitting edema extends < 4 cm around wound			
Peripheral Tissue Induration	Peripheral Tissue Induration	Peripheral Tissue Induration	Peripheral Tissue Induration
Minimal firmness around wound			
Granulation Tissue	Granulation Tissue	Granulation Tissue	Granulation Tissue
Bright, beefy red: < 75% & > 25% of wound filled			
Epithelialization	Epithelialization	Epithelialization	Epithelialization
75% to < 100% wound covered &/or epithelial tissue extends > 0.5 cm into wound bed			
Wound care provided	Wound care provided	Wound care provided	Wound care provided
Cleansed with: ☐ Wound Cleanser or NS ☐ Gauze ☐ Other:	Cleansed with: ☐ Wound Cleanser or NS ☐ Gauze ☐ Other:	Cleansed with: ☐ Wound Cleanser or NS ☐ Gauze ☐ Other:	Cleansed with: ☐ Wound Cleanser or NS ☐ Gauze ☐ Other:
Apply:	Apply:	Apply:	Apply:
Cover/Secure with:	Cover/Secure with:	Cover/Secure with:	Cover/Secure with:
NPWT/dNPWT: ☒ Cleansed with Wound Cleanser or NS/Gauze. ☐ Applied: ☒ Drape cut to fit. ☒ Applied Skin sealant. ☒ Applied foam. ☒ Covered with drape. ☒ Track pad applied, suction applied: ☒ continuous ☐ intermittent @ 125 mm/Hg	NPWT/dNPWT: ☐ Cleansed with Wound Cleanser or NS/Gauze. ☐ Applied: ☐ Drape cut to fit. ☐ Applied Skin sealant. ☐ Applied foam. ☐ Covered with drape. ☐ Track pad applied, suction applied: ☐ continuous ☐ intermittent @ mm/Hg	NPWT/dNPWT: ☐ Cleansed with Wound Cleanser or NS/Gauze. ☐ Applied: ☐ Drape cut to fit. ☐ Applied Skin sealant. ☐ Applied foam. ☐ Covered with drape. ☐ Track pad applied, suction applied: ☐ continuous ☐ intermittent @ mm/Hg	NPWT/dNPWT: ☐ Cleansed with Wound Cleanser or NS/Gauze. ☐ Applied: ☐ Drape cut to fit. ☐ Applied Skin sealant. ☐ Applied foam. ☐ Covered with drape. ☐ Track pad applied, suction applied: ☐ continuous ☐ intermittent @ mm/Hg
#1 Wound Assessment Score 25	#2 Wound Assessment Score	#3 Wound Assessment Score	#4 Wound Assessment Score
Skin Tear - Payne Martin Category: (Use wound grid to document skin tear assessment.) Comments:			
Pressure redistribution devices in use: ☐ Foam mattress ☐ Gel or air overlay ☐ Air mattress ☐ Wheel chair cushion ☐ NA ☐ Other: Comments:		Additional non-pressure ulcer wound descriptors for coding: ☐ Limited to skin ☐ Tissue damage involving total loss of epidermis and dermis with subcutaneous fat visible, but bone, tendon or muscle are not exposed. ☐ Muscle involvement without evidence of necrosis ☐ Muscle necrosis ☐ Bone involvement without evidence of necrosis ☐ Bone necrosis	
Additional assessment findings: ☐ See Addendum			
Patient response to treatment: tolerated well			



QUALITY MEASURES KEY: = Outcomes P = Process = Potentially Avoidable Events = Home Health Compare

INDICATORS: = Non Routine Supplies = Cardiopulmonary = SafeStrides® = Orthopedic = Neuro

Follow-up - Skilled Nursing

© Kindred at Home

Form# KAH1357, revised 07/2018

INTEGUMENTARY STATUS (continued)

- (M1306)** Does this patient have at least one **Unhealed Pressure Ulcer at Stage 2 or Higher** or designated as Unstageable?
(Excludes Stage 1 pressure ulcers and healed Stage 2 pressure ulcers)
- ☒ 0 - No [Go to **M1322**]
☐ 1 - Yes

(M1311) Current Number of Unhealed Pressure Ulcers at Each Stage		Enter Number	Comments
A1.	Stage 2: Partial thickness loss of dermis presenting as a shallow open ulcer with red pink wound bed, without slough. May also present as an intact or open/ruptured blister. Number of Stage 2 pressure ulcers [If 0-Go to M1311 B1]		
A2.	Number of these Stage 2 pressure ulcers that were present at most recent SOC/ROC - enter how many were noted at the time of most recent SOC/ROC		
B1.	Stage 3: Full thickness tissue loss. Subcutaneous fat may be visible but bone, tendon, or muscle is not exposed. Slough may be present but does not obscure the depth of tissue loss. May include undermining and tunneling. Number of Stage 3 pressure ulcers [If 0-Go to M1311 C1]		
B2.	Number of these Stage 3 pressure ulcers that were present at most recent SOC/ROC - enter how many were noted at the time of most recent SOC/ROC		
C1.	Stage 4: Full thickness tissue loss with exposed bone, tendon, or muscle. Slough or eschar may be present on some parts of the wound bed. Often includes undermining and tunneling. Number of Stage 4 pressure ulcers [If 0-Go to M1311 D1]		
C2.	Number of these Stage 4 pressure ulcers that were present at most recent SOC/ROC - enter how many were noted at the time of most recent SOC/ROC		
D1.	Unstageable: Non-removable dressing: Known but not stageable due to non-removable dressing/device. Number of unstageable pressure ulcers due to non-removable dressing/device [If 0-Go to M1311 E1]		
D2.	Number of these unstageable pressure ulcers that were present at most recent SOC/ROC - enter how many were noted at the time of most recent SOC/ROC		
E1.	Unstageable: Slough and/or eschar: Known but not stageable due to coverage of wound bed by slough and/or eschar. Number of unstageable pressure ulcers due to coverage of wound bed by slough and/or eschar [If 0-Go to M1311 F1]		
E2.	Number of these unstageable pressure ulcers that were present at most recent SOC/ROC - enter how many were noted at the time of most recent SOC/ROC		
F1.	Unstageable: Deep tissue injury: Suspected deep tissue injury in evolution. Number of unstageable pressure ulcers with suspected deep tissue injury in evolution [If 0-Go to M1322]		
F2.	Number of these unstageable pressure ulcers that were present at most recent SOC/ROC - enter how many were noted at the time of most recent SOC/ROC		

- (M1322)** **Current Number of Stage 1 Pressure Ulcers:** Intact skin with non-blanchable redness of a localized area usually over a bony prominence. The area may be painful, firm, soft, warmer, or cooler as compared to adjacent tissue. Darkly pigmented skin may not have a visible blanching; in dark skin tones only it may appear with persistent blue or purple hues.
- ☒ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 or more

- (M1324)** **Stage of Most Problematic Unhealed Pressure Ulcer that is Stageable:** (Excludes pressure ulcer that cannot be staged due to a non-removable dressing/device, coverage of wound bed by slough and/or eschar, or suspected deep tissue injury.)
- ☐ 1 - Stage 1 ☐ 3 - Stage 3 ☒ NA - Patient has no pressure ulcers or no stageable pressure ulcers
- ☐ 2 - Stage 2 ☐ 4 - Stage 4

- (M1330)** Does this patient have a **Stasis Ulcer**?
- ☒ 0 - No [Go to **M1340**]
☐ 1 - Yes, patient has BOTH observable and unobservable stasis ulcers
☐ 2 - Yes, patient has observable stasis ulcers ONLY

- (M1332)** **Current Number of Stasis Ulcer(s) that are Observable:**
- ☐ 1 - One ☐ 2 - Two ☐ 3 - Three ☐ 4 - Four or more

- (M1334)** **Status of Most Problematic Stasis Ulcer that is Observable:**
- ☐ 1 - Fully granulating
☒ 2 - Early/partial granulation
☐ 3 - Not healing

- (M1340)** Does this patient have a **Surgical Wound**?
- ☐ 0 - No [Go to **M1400**]
☒ 1 - Yes, patient has at least one observable surgical wound
☐ 2 - Surgical wound known but not observable due to non-removable dressing/device [Go to **M1400**]

- (M1342)** **Status of Most Problematic Surgical Wound that is Observable**
- ☐ 0 - Newly epithelialized
☒ 1 - Early/partial granulation

Bridges, N. 1505431

1430

☐ 3 - Yes, patient has unobservable stasis ulcers ONLY (known but not observable due to non-removable dressing/device) [Go to M1340]

☐ 1 - Fully granulating ☐ 3 - Not healing

Comments:

RESPIRATORY STATUS

Breath Sounds: ☒ All Clear

	Right Upper	Right Lower	Left Upper	Left Lower
Clear	☐	☐	☐	☐
Diminished	☐	☐	☐	☐
Absent	☐	☐	☐	☐
Crackles	☐	☐	☐	☐
Wheezing	☐	☐	☐	☐

Respiratory ☒ Easy/Non-labored

Cough: ☐ Dry ☐ Productive

Sputum: Color: Consistency:

Incentive Spirometry: cc

☐ Orthopnea ☐ Hemoptysis

☐ Tracheostomy (size)

☐ Oxygen L/Min NC or ☐ % via Mask ☐ PRN ☐ Continuous

☐ Other:

(M1400). When is the patient dyspneic or noticeably **Short of Breath?** Comments

- ☒ 0 - Patient is not short of breath
- ☐ 1 - When walking more than 20 feet, climbing stairs
- ☒ 2 - With moderate exertion (for example, while dressing, using commode or bedpan, walking distances less than 20 feet)
- ☐ 3 - With minimal exertion (for example, while eating, talking, or performing other ADLs) or with agitation
- ☐ 4 - At rest (during day or night)

CARDIAC STATUS

RESTING VITAL SIGNS

Pulse: **93** ☒ Apical ☐ Radial ☒ Regular ☐ Irregular

Blood Pressure: **98/62** Position: **Sitting** ☒ Left ☐ Right

Temperature: **96.9** Method: **Oral**

Respirations: **16**

Patient/Caregiver self monitoring: ☐ Temp ☐ Pulse ☐ BP ☐ SPO2

Additional vital sign details:

Actual Weight: Reported Weight: **123**

SPO2 Sat: (order required)

Blood Sugar: ☐ Actual ☐ Reported

☐ Gained ☐ Loss ☐ No change(from last visit)



QUALITY MEASURES KEY: = Outcomes P = Process = Potentially Avoidable Events = Home Health Compare

INDICATORS: = Non Routine Supplies = Cardiopulmonary = SafeStrides® = Orthopedic = Neuro

Follow-up - Skilled Nursing

© Kindred at Home

Form# KAH1357, revised 07/2018

CARDIAC STATUS (continued)

© 1999 MED-PASS, INC.

Cardiovascular: ☒ Normal heart sounds S1/S2 ☐ S3 ☐ S4 ☐ Bruits ☐ Chest Pain ☐ Diaphoresis ☐ Fatigues easily
☐ JVD ☐ Lightheadedness ☐ Murmur ☐ Palpitations ☐ Vertigo

Capillary Refill ☒ Less than 3 secs ☐ Greater than 3 secs

Pedal pulses: Right: ☒ Present ☐ Weak ☐ Absent Left: ☒ Present ☐ Weak ☐ Absent

Edema/Swelling ☒ None ☒ Location: **Left lower leg no pitting** ☐ Dependent

Right Edema: ☐ 1+ ☐ 2+ ☐ 3+ ☐ 4+ ☐ ankle cm ☐ calf cm

Left Edema: ☐ 1+ ☐ 2+ ☐ 3+ ☐ 4+ ☐ ankle cm ☐ calf cm

Abdominal Girth: ☒ N/A cm Compression Stockings ☐ Yes ☒ No

Other:

Edema Scale: 1+ 0 - 1/4 inch depression (no pitting);

2+ 1/4 - 1/2 inch depression (disappears in 10-45 seconds);

3+ 1/2 - 1 inch depression (disappears in 1-2 minutes);

4+ greater than 1 inch depression (disappears in 3-5 minutes)

☒ Distance Walk Test: ☐ NT ☐ Patient attempted test but was unable to complete

Distance Walked: 2 Minutes ft 6 Minutes ft RPE Rating: Borg Dyspnea

POST VITAL SIGNS

Pulse: Blood Pressure: ☐ Left ☐ Right Respirations: SPO₂ Saturation (order required): %

Resting Vital Signs

Pulse: 93 Blood Pressure: 98/62 ☒ Left ☐ Right Respirations: 16 SPO₂ Saturation (order required): %

Describe physiologic performance, response and recovery details:

Reason not performed:

- ☐ Limiting orthopedic condition
- ☐ Needs assist with ambulation
- ☐ Unable to follow simple commands
- ☐ Non-weight bearing/bed bound status
- ☐ Insufficient cardiopulmonary reserve
- ☐ Other:

Previous Distance Walk Test: ☐ NT Distance Walked: ☐ 2 Minutes ft 6 Minutes ft

RPE Rating: Borg Dyspnea

URINARY STATUS

HISTORY OF: ☐ Chronic UTI ☐ Kidney stones ☐ Polycystic disease ☐ Renal disease ☐ Transplant

☐ Other:

☒ Assessed, no deficits noted

☐ Frequency ☐ Hesitancy ☐ Urgency ☐ Pain ☐ Retention ☐ Voiding at night frequency:

☐ Active urinary infection (specify organism if known) ☐ Related to catheter

Urine color: ☐ Clear ☐ Cloudy ☐ Yellow ☐ Dark Yellow ☐ Brownish Tea Color ☐ Pink/Red Amount: Urine odor:

Catheter types: ☐ Urethral ☐ Subra-pubic ☐ Condom catheter

Size: Balloon: Last changed:

Irrigation: Performed by:

Self Intermittent cath frequency: Size:

Bridges, N.

1507

1436
1432

Urostomy/ileoconduit: Location:

☐ **Peritoneal Dialysis:**

Access Site: ☐ Intact ☐ Without redness, swelling, drainage ☐ Redness ☐ Swelling ☐ Drainage

☐ **Hemodialysis:** Clinic Center Name: Days:

Access Site: Location: ☐ R ☐ L ☐ Intact ☐ (+) Bruits/Thrills

☐ Without redness, swelling, drainage ☐ Redness ☐ Swelling ☐ Drainage

Other:

NRS

(M1610) Urinary Incontinence or Urinary Catheter Presence:

Comments:

- ☒ 0 - No incontinence or catheter (includes anuria or ostomy for urinary drainage) **[Go to M1620]**
J
- ☐ 1 - Patient is incontinent
- ☐ 2 - Patient requires a urinary catheter (specifically: external, indwelling, intermittent, or suprapubic)
[Go to M1620]



QUALITY MEASURES KEY: OM = Outcomes P = Process ⚠ = Potentially Avoidable Events 🏠 = Home Health Compare

INDICATORS: NRS = Non Routine Supplies ♣ = Cardiopulmonary 🦶 = SafeStrides® 🦿 = Orthopedic 🧠 = Neuro

Follow-up - Skilled Nursing

© Kindred at Home

Form# KAH1357, revised 07/2018

GI STATUS

☒ Oral Hygiene: **DENIES ANY ISSUES**Swallowing: **DENIES ANY ISSUES**☒ Chewing: **DENIES ANY ISSUES**☒ Gum problems: **Denies**☐ Denture fit: Proper fit ☐ Yes ☐ NoAbdomen: ☒ Soft ☐ Flat ☐ Distended ☐ Indigestion ☐ Nauseated/VomitingBowel Sounds: ☒ Present ☐ Hyperactive ☐ Sluggish/Diminished ☐ Absent☐ Constipation ☐ Chronic ☐ Acute ☐ Occasional ☐ Diarrhea ☐ HemorrhoidsLast BM: **08/31/2018** BM frequency: ☒ Once a day ☐ x per day ☐ Every Other Day ☐ Other:Bowel Consistency and Color: ☐ Soft ☒ Formed ☐ Hard ☐ Fresh blood ☐ Mucous ☐ Black tarry ☐ Gray ☐ Other:☐ Laxative use - Type and frequency:Devices: ☐ Ileostomy ☐ Colostomy Location:Stoma assessment - ☐ Colostomy Stoma: ☐ Pink ☐ Red ☐ Moist ☐ Other: ☐ Performs Self-Management:Feeding Tubes: ☐ Gastrostomy Tubes ☐ PEG ☐ Other:Site: ☐ Intact ☐ Without redness, swelling, drainage ☐ Redness ☐ Swelling ☐ Drainage

Other:

NUTRITIONAL SCREENING	Yes
Patient has illness or condition that requires a change in the kind/amount of food eaten	2 ☐
Patient has fewer than 2 meals/day	2 ☐
Patient eats few fruits and vegetables or milk products	2 ☐
Patient consumes 3 or more drinks of alcohol almost every day	2 ☐
Patient has tooth or mouth problems that make it hard to eat	2 ☐
Patient does not have the resources to purchase needed food	3 ☐
Patient takes 3 or more medications per day	1 ☒
Patient has lost or gained > 10 lbs. in the past 6 months without dieting	1 ☐
There is no reliable caregiver to shop, cook, and/or feed patient if unable to do independently	1 ☐
Patient has inadequate/improper food storage/cooking facilities	2 ☐
Patient has significant memory loss and/or depression	2 ☐
Patient has been receiving enteral or parenteral nutrition	3 ☐
Patient has open wounds	3 ☒
Total Nutritional Score	4

Nutritional Screening:

(9) or more = high risk; potential referral to MSW or dietitian

(6-8) = moderate risk; provide education/further assessment

Comments

GM (M1620) Bowel Incontinence Frequency:

Comments

- ☒ 0 - Very rarely or never has bowel incontinence
☐ 1 - Less than once weekly
☐ 2 - One to three times weekly
☐ 3 - Four to six times weekly
☐ 4 - On a daily basis
☐ 5 - More often than once daily
☐ NA - Patient has ostomy for bowel elimination

GM (M1630) Ostomy for Bowel Elimination: Does this patient have an ostomy for bowel elimination that (within the last 14 days): a) was related to an inpatient facility stay; or b) necessitated a change in medical or treatment regimen?

Comments

- ☒ 0-Patient does not have an ostomy for bowel elimination.
☐ 1-Patient's ostomy was not related to an inpatient stay and did not necessitate change in medical or treatment regimen.
☐ 2-The ostomy was related to an inpatient stay or did necessitate change in medical or treatment regimen.

QUALITY MEASURES KEY: **GM** = Outcomes P = Process **A** = Potentially Avoidable Events **H** = Home Health Compare

Follow-up - Skilled Nursing

INDICATORS: **NRS** = Non Routine Supplies **C** = Cardiopulmonary **SS** = SafeStrides® **O** = Orthopedic **N** = Neuro

© Kindred at Home

Form# KAH1357, revised 07/2018

Bridges, N. 1509

1438
1434

ENDOCRINE

☒ Assessed, no deficits noted☐ How long had DM? ☐ Type I ☐ Type II Last Blood sugar: Usual range: Target glucose range:☐ Polyuria ☐ Polydipsia ☐ Polyphagia DM Treatments: ☐ Insulin ☐ Oral agents ☐ Diet:☐ Secondary diabetes (specify cause):☐ Diabetic complications (specified by MD) ☐ Neuropathy ☐ Retinopathy ☐ Nephropathy ☐ Circulatory ☐ Other:☐ Thyroid ☐ Other:

Self-management Skills Caregiver	☐ Patient	☐	Proficient/Knowledgeable	Comments:
Disease process & complications	☐ Yes	☐ No		
Finger stick / Glucometer	☐ Yes	☐ No	☐ N/A	
Foot care	☐ Yes	☐ No		
Diet	☐ Yes	☐ No		
Insulin prep / administration	☐ Yes	☐ No	☐ N/A	
Sick day management	☐ Yes	☐ No		

NEURO/EMOTIONAL/BEHAVIORAL STATUS

Oriented/Cognitive Status:	Comments
☒ No problems identified	
☒ Oriented: ☒ Person ☒ Place ☒ Time ☐ Disoriented ☐ PERRLA ☐ Dizziness: ☐ Loss of balance ☐ Headache (describe location, duration): ☐ Slurred speech ☒ Hand dominance: ☒ R ☐ L ☐ Changes in cognition ☐ Numbness/Tingling ☐ Facial droop Grip strength: ☐ Strong ☐ Weak ☒ Equal ☐ Unequal (specify): Weakness/Paralysis: ☐ R ☒ L Extremity: Lower ext Other:	
Describe deficits:	
PSYCHOLOGICAL STATUS ☒ Assessed no problems identified ☐ Change in body image ☐ Multiple stress factors ☐ Behavioural disturbance: ☐ Wandering ☐ Impaired judgment ☐ Danger to self or others (specify): ☐ Interpersonal conflict ☐ Grief ☐ Difficulty coping w/altered health status ☐ Other:	

MUSCULOSKELETAL STATUS

- ☐ Assessed: No deficits noted
- ☒ Limited ROM (given location): **left lower ext**
- ☒ Bone or Joint problems (specify): **left tib fib fracture**
- ☒ Weight bearing status **non weight bearing LLE**
- ☒ Redness, warmth, swelling (given location): **left leg secondary to surgery, non pitting**
- ☒ Decreased mobility/endurance (describe): **LOW ENDURANCE, OFF BALANCE**
- ☐ Tremors (given location):
- ☐ Amputation (given specific location(s)):
- ☐ Prosthesis/appliance (specify):
- ☐ Any injury relevant to plan of care (provide details):

Bridges, N. 1510

1439
1435

☐ Other:



QUALITY MEASURES KEY: = Outcomes = Process = Potentially Avoidable Events = Home Health Compare

INDICATORS: = Non Routine Supplies = Cardiopulmonary = SafeStrides® = Orthopedic = Neuro

Follow-up - Skilled Nursing
© Kindred at Home
Form# KAH1357, revised 07/2018

Bridges, N. 1511 ¹⁴⁴⁰
1436

ADL/IADLs

OM	(M1810) Current Ability to Dress Upper Body safely (with or without dressing aids) including undergarments, pullovers, front-opening shirts and blouses, managing zippers, buttons, and snaps: ☐ 0 - Able to get clothes out of closets and drawers, put them on and remove them from the upper body without assistance. ☒ 1 - <u>Able to dress upper body without assistance if clothing is laid out or handed to the patient.</u> ☐ 2 - <u>Someone must help the patient put on upper body clothing.</u> ☐ 3 - <u>Patient depends entirely upon another person to dress the upper body.</u>	Comments
OM	(M1820) Current Ability to Dress Lower Body safely (with or without dressing aids) including undergarments, slacks, socks or nylons, shoes: ☐ 0 - Able to obtain, put on, and remove clothing and shoes without assistance. ☐ 1 - <u>Able to dress lower body without assistance if clothing and shoes are laid out or handed to the patient.</u> ☒ 2 - <u>Someone must help the patient put on undergarments, slacks, socks or nylons, and shoes.</u> ☐ 3 - <u>Patient depends entirely upon another person to dress lower body.</u>	Comments
OM ⚠	(M1830) Bathing: Current ability to wash entire body safely. <u>Excludes grooming (washing face, washing hands, and shampooing hair).</u> ☐ 0 - Able to bathe self in <u>shower or tub</u> independently, including getting in and out of tub/shower. ☐ 1 - With the use of devices, is able to bathe self in shower or tub independently, including getting in and out of the tub/shower. ☐ 2 - <u>Able to bathe in shower or tub with the intermittent assistance of another person:</u> (a) for intermittent supervision or encouragement or reminders, <u>OR</u> (b) to get in and out of the shower or tub, <u>OR</u> (c) for washing difficult to reach areas. ☐ 3 - <u>Able to participate in bathing self in shower or tub, but requires presence of another person throughout the bath for assistance or supervision.</u> ☒ 4 - <u>Unable to use the shower or tub, but able to bathe self independently with or without the use of devices at the sink, in chair, or on commode.</u> ☐ 5 - <u>Unable to use the shower or tub, but able to participate in bathing self in bed, at the sink, in bedside chair, or on commode, with the assistance or supervision of another person.</u> ☐ 6 - <u>Unable to participate effectively in bathing and is bathed totally by another person.</u>	Comments
OM ⚠	(M1840) Toilet Transferring: Current ability to get to and from the toilet or bedside commode safely <u>and</u> transfer on and off toilet/commode. ☐ 0 - Able to get to and from the toilet and transfer independently with or without a device. ☐ 1 - When reminded, assisted, or supervised by another person, able to get to and from the toilet and transfer. ☒ 2 - <u>Unable to get to and from the toilet but is able to use a bedside commode (with or without assistance).</u> ☐ 3 - <u>Unable to get to and from the toilet or bedside commode but is able to use a bedpan/urinal independently.</u> ☐ 4 - <u>Is totally dependent in toileting.</u>	Comments
OM ⚠	(M1850) Transferring: Current ability to move safely from bed to chair, or ability to turn and position self in bed if patient is bedfast. ☐ 0 - Able to independently transfer. ☐ 1 - Able to transfer with minimal human assistance or with use of an assistive device. ☒ 2 - <u>Able to bear weight and pivot during the transfer process but unable to transfer self.</u> ☐ 3 - <u>Unable to transfer self and is unable to bear weight or pivot when transferred by another person.</u> ☐ 4 - <u>Bedfast, unable to transfer but is able to turn and position self in bed.</u> ☐ 5 - <u>Bedfast, unable to transfer and is unable to turn and position self.</u>	Comments
OM P ⚠		Comments patient uses walker to ambulate placing weight only on right leg.

(M1860) **Ambulation/Locomotion:** Current ability to walk safely, once in a standing position, or use a wheelchair, once in a seated position, on a variety of surfaces.

- ☐ 0 - Able to independently walk on even and uneven surfaces and negotiate stairs with or without railings (specifically: needs no human assistance or assistive device).
- ☐ 1 - With the use of a one-handed device (for example, cane, single crutch, hemi-walker), able to independently walk on even and uneven surfaces and negotiate stairs with or without railings.
- ☐ 2 - Requires use of a two-handed device (for example, walker or crutches) to walk alone on a level surface and/or requires human supervision or assistance to negotiate stairs or steps or uneven surfaces.
- ☒ 3 - Able to walk only with the supervision or assistance of another person at all times.
- ☐ 4 - Chairfast, unable to ambulate but is able to wheel self independently.
- ☐ 5 - Chairfast, unable to ambulate and is unable to wheel self.
- ☐ 6 - Bedfast, unable to ambulate or be up in a chair.

 TUG Score: seconds ☐ Attempted - Failed, AT RISK for falls ☐ NT 
 Reasons TUG Not Performed: ☐ Inability to follow or remember simple commands
☒ Non-Weight Bearing ☐ Bed Bound ☐ N/A

QUALITY MEASURES KEY:  = Outcomes P = Process  = Potentially Avoidable Events  = Home Health Compare

Follow-up - Skilled Nursing
© Kindred at Home

INDICATORS:  = Non Routine Supplies  = Cardiopulmonary  = SafeStrides®  = Orthopedic  = Neuro

Form# KAH1357, revised 07/2018

MEDICATIONS/EQUIPMENT MANAGEMENT

- ☒ Adheres to medication regimen ☒ Yes ☐ No Describe:
- ☒ New/changes in medications since last visit? ☐ Yes ☒ No ☐ Medication profile updated and review completed
- ☒ Medications available in home as ordered. ☒ Yes ☐ No Action taken:
- ☐ Adverse event/reaction/interaction/significant side effects reported. Describe:
- ☐ Changes in who manages medications. Describe:
- ☐ Medication administered: Name, Dose Route, Location (if IV use IV addendum): Patient Tolerated:
- Comments:

Caregiver psychosocial wellbeing: ☐ Caregiver verbalizes no concerns ☐ Caregiver verbalizes concerns of:

- (M2030) Management of Injectable Medications:** Patient's current ability to prepare and take all prescribed injectable medications reliably and safely, including administration of correct dosage at the appropriate times/intervals. **Excludes IV medications.** Comments
- ☐ 0 - Able to independently take the correct medication(s) and proper dosage(s) at the correct times.
- ☐ 1 - Able to take injectable medication(s) at the correct times if:
- (a) individual syringes are prepared in advance by another person; OR
- (b) another person develops a drug diary or chart.
- ☐ 2 - Able to take medication(s) at the correct times if given reminders by another person based on the frequency of the injection
- ☐ 3 - Unable to take injectable medication unless administered by another person.
- ☒ NA- No injectable medications prescribed.

EQUIPMENT: ☒ No problems identified Comments

☒ Patient/Caregivers able to use all equipment/supplies safely? ☒ Yes ☐ No If No, explain

Specific equipment and/or safety teaching provided:

Safety measures/additional equipment recommended to protect patient from injury:

THERAPY NEED

- (M2200) Therapy Need:** In the home health plan of care for the Medicare payment episode for which this assessment will define a case mix group, what is the indicated need for therapy visits (total of reasonable and necessary physical, occupational, and speech-language pathology visits combined)? (Enter zero ["000"] if no therapy visits indicated.)
- 014** Number of therapy visits indicated (total of physical, occupational and speech-language pathology combined).
- ☐ NA - Not Applicable: No case mix group defined by this assessment.

Eligibility

HOMEBOUND STATUS:

Ability to leave home is restricted related to NWB L LE condition, leaving home requires assistance of FWW supportive device(s) and person(s) Start Effective Date: 07/06/2018

Ability to leave home is restricted related to s/p fall with injury with surgical repair of left tib condition, patient NWB left leg x 6 months, pain, requires assistance to leave home safely and frequent rest periods to recover, leaving home requires assistance of walker supportive device(s) and person(s) x1 Start Effective Date: 07/06/2018

Infrequent absences from home are generally related to the need for health care and are of short duration. Pt is NWB on L LE, taxing effort for pt to ambulate, high fall risk. Start Effective Date: 07/07/2018

ADDITIONAL PHYSICIANS:

Additional orders may be received from: JOEL JOHNSON, DR TOBIN Start Effective Date: 07/06/2018

SN SUMMARY OF MEDICAL NECESSITY FOR HOME HEALTH:

Focus of Care (supporting clinical information, pertinent medical history, additional diagnosis, last rehospitalization, ER, or urgency care visit): Patient remains non weight bearing LLE. wound vac in place requiring changes by skilled nursing three times a week. patient continues on IV antibiotics daily with weekly PICC line dressing changes by skilled nursing. skilled nursing will focus on wound management, picc line management, medication teaching, pressure ulcer prevention, safety and fall precautions. Start Effective Date: 08/31/2018

Met/Discontinued Date: 11/02/2018



QUALITY MEASURES KEY: = Outcomes = Process = Potentially Avoidable Events = Home Health Compare

INDICATORS: = Non Routine Supplies = Cardiopulmonary = SafeStrides® = Orthopedic = Neuro

Follow-up - Skilled Nursing

© Kindred at Home

Form# KAH1357, revised 07/2018

SKILLED SERVICES/SKILLED TEACHING THIS VISIT

Skilled Instruction: key: 1 = Verbalizes Understanding 2 = Return Demonstration 3 = Needs Further Instruction

Patient/Caregiver Instruction	Specify what and who taught (include strategies for low health literacy patients):	1	2	3
☐ Disease Management		☐	☐	☐
☐ Vital Sign/Biometrics		☐	☐	☐
☐ S/S Disease complications		☐	☐	☐
☐ My Emergency Plan/Zone Tool		☐	☐	☐
☐ Personal Health Record		☐	☐	☐
☐ Medication Regimen		☐	☐	☐
☒ Nutrition/Fluid/Dehydration	patient educated increasing protien in diet can help wound heal faster	☒	☐	☐
☒ Pain Management	Patient and caregiver educated to report any new pain, worsening of pain or uncontrolled pain	☒	☐	☐
☐ Coping Stress Management		☐	☐	☐
☐ Activity/Exercise		☐	☐	☐
☐ IV/TPN		☐	☐	☐
☐ Enteral Management		☐	☐	☐
☐ Inhalation/SPO ₂ therapy		☐	☐	☐
☐ Diabetic Management		☐	☐	☐
☐ Wound Care		☐	☐	☐
☐ Foley/Ostomy Care		☐	☐	☐
☐ Bowel or Bladder Training		☐	☐	☐
☒ S/S Infection	Instructed about s/s of infection regarding surgical site which include: fever, increased drainage, increased redness, increased swelling, and foul odor and to report any symptoms.	☒	☐	☐
☒ Fall Risk Reduction/Prevention	Caregiver educated to avoid having patient leaning off center, avoid walkin backwards, use assistive device when walking, wear good fitting shoes, keep things you use frequently within easy reach, use a night light, wear corrective lens if you need them and have eyes examined once a year, remove throw rugs or use 2 sided tape to secure the edges down, call for assistance if needed	☒	☐	☐
☒ Skin Care/Pressure ulcer prevention	Patient educated on importance of getting up at least every two hours to reduce pressure and risk for developing pressure wound	☒	☐	☐
☐ Precautions (anticoagulant, seizure, SPO ₂)		☐	☐	☐
☐ Equipment: Care/Safety		☐	☐	☐
☒ Other:	Patient eduacted to call home health first for all non emergency issues and call 911 for true emergencies	☒	☐	☐
☐ Other:		☐	☐	☐

Skilled Care Provided this visit:

full assessment, wound assessment, wound vac change, teaching and education noted above.

Patient response to care provided: "i will let you know if my pain gets worse, i will let you know if i fall, i will let you know if my wound gets infected and i always call you first"

Nurse's Name: (First, MI, Last)
ROGERS, LORA J (RN)

Signature:

Date:

The Outcome and Assessment Information Set (OASIS) is the intellectual property of the Center for Health Services Research, Denver, Colorado. It is used with permission.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information is 0938-1279. The time required to complete this information collection is estimated to average 52.8 minutes (0.9 minutes per item), including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

Bridges, N. 1513440



QUALITY MEASURES KEY: OM = Outcomes P = Process A = Potentially Avoidable Events H = Home Health Compare

Follow-up - Skilled Nursing
© Kindred at Home

SKILLED NURSING PLAN

Prognosis	Rehab Potential	Advance Directives
PROGNOSIS: Good Start Effective Date: 07/18/2018	SN REHAB POTENTIAL: Rehabilitation potential for goal achievements Good Start Effective Date: 07/06/2018	ADVANCE DIRECTIVES: Full Code Start Effective Date: 07/06/2018 Patient doesn't have an advance directive Start Effective Date: 07/06/2018

Safety Measures

SAFETY MEASURES:

Emergency Plan Developed Start Effective Date: 07/06/2018
 Environmental Start Effective Date: 07/06/2018
 Fall Precautions Start Effective Date: 07/06/2018
 Keep Pathways Clear Start Effective Date: 07/06/2018
 Medication Management Start Effective Date: 07/06/2018
 Safety in ADLs Start Effective Date: 07/06/2018
 Slow Position Change Start Effective Date: 07/06/2018
 Standard Precautions and Infection Control Start Effective Date: 07/06/2018
 Support During Transfer and Ambulation Start Effective Date: 07/06/2018
 Use of Assistive Devices Start Effective Date: 07/06/2018

Nutritional Requirements

NUTRITIONAL REQUIREMENTS:

Regular Start Effective Date: 07/06/2018

Functional Limitations

FUNCTIONAL LIMITATIONS:

Ambulation Start Effective Date: 07/06/2018
 Balance Start Effective Date: 07/06/2018
 Endurance Start Effective Date: 07/06/2018
 Pain Start Effective Date: 07/06/2018
 Other: NWB left lower ext x 6 months Start Effective Date: 07/06/2018

Mental/Cognitive/Psychosocial Status

MENTAL/COGNITIVE/PSYCHOSOCIAL STATUS:

Oriented to: Person/Place/Time Start Effective Date: 07/06/2018

Activities Permitted

ACTIVITIES PERMITTED:

Home Exercise Program Start Effective Date: 07/06/2018
 Up As Tolerated Start Effective Date: 07/06/2018
 Up without restrictions with appropriate device Start Effective Date: 07/06/2018
 Walker Start Effective Date: 07/06/2018
 Weight bearing restrictions: NWB LLE X 6 MONTHS Start Effective Date: 07/06/2018
 With assistance from caregiver as needed Start Effective Date: 07/06/2018

DME/Supplies

DME:

Reacher Start Effective Date: 07/18/2018
 Ace Wrap Start Effective Date: 07/06/2018
 Dressing Supplies Start Effective Date: 07/06/2018
 Elevated Toilet Seat Start Effective Date: 07/06/2018
 Shower Bench/Chair Start Effective Date: 07/06/2018
 Walker Start Effective Date: 07/06/2018

INTERVENTION ORDERS/GOALS

Interventions

VITAL SIGN PARAMETERS: Notify Physician if;

Temp > 100.4 ° < 96.5 ° Start Effective Date: 07/18/2018
 Pulse Rate > 100 < 60 Start Effective Date: 07/18/2018
 Resp Rate > 24 < 12 Start Effective Date: 07/18/2018
 SPO2 < 90 % at rest 88 % with exertion Start Effective Date: 07/18/2018
 BP: Systolic > 160 < 90 Start Effective Date: 07/18/2018
 BP: Diastolic > 90 < 60 Start Effective Date: 07/18/2018
 Pain > 7 on a 0-10 scale Start Effective Date: 07/18/2018
 Temp > 100.4° < 96.5°
 Pulse Rate > 110 < 60
 Resp Rate > 28 < 10
 SPO2 < 90% at rest 88% with exertion
 BP: Systolic > 160 < 90
 BP: Diastolic > 90 < 60

Pain > 7 on a 0-10 scale Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

HOSPITALIZATION / ER DEPARTMENT RISK INTERVENTIONS

Patient's risks for emergency department visits and hospital readmissions is: LOW Start Effective Date: 07/06/2018

SN FALL RISK INTERVENTIONS:

Assess/Perform/Instruct Pt/Cg: Fall risk prevention Start Effective Date: 07/06/2018

SN INFUSION THERAPY INTERVENTIONS:

Assess/Perform/Instruct Pt/Cg: Central line dressing change using sterile technique; may cleanse site first with alcohol PRN. Prep with either povidone iodine swabs air dry for 2 minutes or chlorhexidine solution x 30 seconds scrub. Cover with transparent dressing and change q 7 days and PRN. May cover with anti-microbial dressing. If gauze dressing used with or without transparent dressing, change every 48 hours or 3 x per week and PRN. Start Effective Date: 07/25/2018

Perform/Instruct Pt/Cg: May secure infusion device with tape or securement device with dressing change and PRN. After dressing in place, may use roll gauze or TAPE to secure for safety as needed. Start Effective Date: 07/25/2018

Perform/Instruct Pt/Cg: Change injection cap q week and after blood draws and PRN Start Effective Date: 07/25/2018

Perform/Instruct Pt/Cg: Administer ROCEPHIN (med) 1 GRAM (dose) NS (diluent) 100 ML (volume) over 30 minutes; hours q; 24 HRS (frequency) per in line control device/clamp; gravity; elastomeric device; pump; other: EASY PUMP via peripheral IV; mid-line; PICC; non-tunneled CVC; tunneled CVC; implanted port. Start Effective Date: 07/27/2018

Perform/Instruct Pt/Cg: Administer VANCOMYCIN (med) 1 GRAM (dose) NS (diluent) 100 ML (volume) over 60 minutes; hours q; 24 (frequency) per in line control device/clamp; gravity; elastomeric device; pump; other: EASY PUMP via peripheral IV; mid-line; PICC; non-tunneled CVC; tunneled CVC; implanted port. Start Effective Date: 07/25/2018 Met/Discontinued Date: 07/25/2018

Bridges N 1516 1445

07/27/2018

Perform/Instruct Pt/Cg: SASH: Flush SINGLE lumen(s) with 10 ml 0.9% NS before and after access/administration and q DAY when not in use and PRN catheter troubleshooting followed by flush with 5 ml of 10 units/ml Heparin flush solution after final access following NS flush solution. Start Effective Date: 07/25/2018

Assess/Perform/Instruct Pt/Cg: Arm circumference above site of Peripherally Inserted Central Catheter (PICC) entry will be measured at SOC and weekly with site care and documented on clinical note. The physician will be notified of an increase in arm circumference. Start Effective Date: 07/25/2018

SN INTEGUMENTARY INTERVENTIONS:

Assess/Instruct Pt/Cg: s/s of complications, infection to include: increase in drainage, color, odor, pain, redness, warmth, or fever Start Effective Date: 07/06/2018

NPWT / dNPWT: location Left Lower Leg , frequency of dressing change M,W,F . Cleanse with: Wound Cleanser or NS / Gauze. Apply Black Foam . Cut drape to fit and protect periwound. May use skin sealant to protect. May use stoma paste/seals PRN air leaks. Apply appropriate foam. Cover with drape: apply track pad: attach suction as follows: continuous suction @ 125 mm/Hg Start Effective Date: 08/21/2018 Met/Discontinued Date: 09/10/2018

Generically equivalent wound care products may be dispensed Start Effective Date: 07/06/2018

Instruct Pt/Cg: Pressure ulcer prevention measures Start Effective Date: 07/06/2018

SN MEDICATION INTERVENTIONS:

Assess/Perform/Instruct Pt/Cg: Implement and assess knowledge of medication regimen, instruct as necessary Start Effective Date: 07/06/2018

Assess/Instruct Pt/Cg: Medication adherence Start Effective Date: 07/06/2018

SN PAIN MANAGEMENT INTERVENTIONS:

Assess/Instruct Pt/Cg: Pain Level Start Effective Date: 07/06/2018

Instruct Pt/Cg: Non pharmacological methods to reduce pain or discomfort Start Effective Date: 07/06/2018

Assess/Perform/Instruct Pt/Cg: Use of medications to reduce pain or discomfort Start Effective Date: 07/06/2018

Goals

SN PATIENT SPECIFIC GOALS:

Patient-Centered Goal(s): wound to heal Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 60% Status/Specify: Wound improving

SN FALL RISK GOALS:

Patient/caregiver will demonstrate/verbalize importance of documenting and reporting falls, circumstances involved, and a plan for getting help Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 90% Status/Specify: "I carry my cell phone everywhere just in case"

Patient/caregiver will verbalize understanding of safe footwear to lessen fall risk Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 90% Status/Specify:

Patient understands proper foot wear to reduce risk for falls.

SN INFUSION THERAPY GOALS:

Patient/caregiver will verbalize/demonstrate use and maintenance of equipment/monitor Start Effective Date: 11/02/2018 Progress Toward Goal: 60% Status/Specify: Patient infusing easy pump without difficulty, cues or questions.

Patient/caregiver will recognize signs and symptoms of complications to report, emergency management Start Effective Date: 11/02/2018 Progress Toward Goal: 60% Status/Specify: Patient understands to monitor picc line dressing for any changes in color, pain, temp or drainage.

Patient/caregiver will verbalize/demonstrate knowledge of monitoring and prevention of complications Start Effective Date: 11/02/2018 Progress Toward Goal: 60% Status/Specify: Patient understand to report any difficulty infusion, or swelling at picc line site

Patient/caregiver will verbalize/demonstrate strategies to reduce infection Start Effective Date: 11/02/2018 Progress Toward Goal: 60% Status/Specify: Patient understands washing hands before touching picc line and scrubbing hub with alcohol for 20 seconds between each step will reduce risk for infection.

SN INTEGUMENTARY GOALS:

Patient/caregiver will verbalize/demonstrate knowledge of symptoms to report Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Toward Goal: 70% Status/Specify: Patient understands reporting changes in condition and what s/s of infection are.

Patient/caregiver will verbalize/demonstrate knowledge of monitoring wound status and prevention of infection Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: Patient reports monitoring wound status daily

Patient/caregiver will verbalize/demonstrate knowledge of the importance of general health and nutrition to promote wound healing Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 80% Status/Specify: "I had my last cigarette today so i can have the muscle flap surgery"

Patient/caregiver will verbalize understanding and demonstrate safe and effective obtaining and storing supplies Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Toward Goal: 60% Status/Specify: All wound care supplies were gathered in one box and easy to access.

Patient/caregiver will verbalize understanding and demonstrate safe and effective monitoring for S/S of infection and deterioration of wound to report Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: "I will call my doctor or the nurse at Kindred if i have a sign or symptom of infection like, fever, chills or excess pain or redness around my incision"

Reduction in wound size Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 60% Status/Specify: wound improving

Patient will not have any new evidence of skin breakdown Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: no new open areas

Patient/caregiver will verbalize/demonstrate skin protection measures Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Toward Goal: 70% Status/Specify: Patient understands getting up and moving around reduces pressure and risk for developing a new wound.

SN MEDICATION GOALS:

PATIENT/CAREGIVER WILL VERBALIZE/DEMONSTRATE KNOWLEDGE OF AND ADHERENCE WITH MEDICATION MANAGEMENT: Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 60% Status/Specify: Patient adherent with medications.

Dose, route and schedule Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 50% Status/Specify: Patient educated on rocephin and is able to verbalize correctly dosage, route and frequency

Side effects/symptoms to report and emergency management Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 40% Status/Specify: Patient educated on side effects of rocephin today

SN PAIN MANAGEMENT GOALS:

Pain level will be improved to 2-3 on a 0-10 pain scale to maximize functional ability Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 30% Status/Specify: Pain averag 6/10 today

Patient/caregiver will verbalize/demonstrate understanding of medication management for comfort and relief Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 90% Status/Specify: Patient understands taking medication as needed to control her pain

Patient/caregiver will verbalize/demonstrate understanding of factors that intensify pain and modify behaviors as needed Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018

Progress Toward Goal: 20% Status/Specify: "When i stand or walk too much my legs hurts more"

Follow-up - Skilled Nursing

© Kindred at Home

Form# KAH1357, revised 07/2018

SN CARE COORDINATION/PLAN

☐ Changes made to Plan of Care (Specify):☐ Patient, along with Patient's Caregiver and Representative (if any and as appropriate), agrees with and participated in Plan of Care changes.Conference with: ☐ Physician ☒ MCP ☐ RN ☐ LPN ☒ PT ☒ PTA ☐ OT ☐ COTA ☐ SLP ☐ MSW ☐ HHA ☐ Other:Name(s) and details/outcomes of conference: **MICHELE MADIGAN MCP, ANNETTE THACKER PT, BENJI THREATT PTA**Date: **08/31/2018**

Time:

Discharge Plan Activities this visit:

☐ Changes were made to Discharge Plan, Patient, along with Patient's Caregiver and Representative (if any and as appropriate), agreed with and participated in changes to the discharge plan

Discharge Planning

SN DISCHARGE PLANS:

Discharge to care of: Physician / Caregiver / Family Start Effective Date: 07/06/2018

Plan for next visit:

☒ Assessment/Observation: **WOUND**☒ Procedures/Treatments:**WOUND VAC CHANGE/PICC LINE DRESSING CHANGE**☐ Education:☐ Preparation for discharge:☐ Other:Verbal Orders - Physician Name:
TOBIN, JOSEPH P (MD)VSOC Date
08/31/2018Physician Address
12 LAFAYETTE PLACECity
HILTON HEAD ISLState Zip
SC 29926Physician Phone #:
8433429100☒ Frequency/Duration:

SN: SN: 2 x week for 1 week starting 09/04/2018 (week 1), SN: 3 x week for 8 weeks starting 09/09/2018 (week 2), SN: (PRN) 3 visits starting 09/04/2018 (week 1) Reason for PRN: FALLS, SKIN BREAKDOWN, PICC LINE MANAGEMENT, WOUND VAC MANAGEMENT

Additional Discipline(s)
ordered: Frequency/Duration
and Services:
PT:

OT:

ST:

HHA:

MSS:

Other:

Physician estimated length of service for this patient is: **9 WEEKS**☐ NA, patient is not MedicarePhysician contacted and approved orders in plan? ☒ Yes ☐ NoName of Contact Person: **DR. TOBIN**PHYSICIAN NAME: **TOBIN, JOSEPH P (MD)**Contact Date: **08/31/2018** Bridges, N. 1518
Time1447
1443

EMPLOYEE TIME SLIP		☒ Cert. ☐ Non-Cert.	Location Name Kindred at Home- BLUFFTON (3246)		Location No. 1105		Client No. 110500815	
Employee No. LR63100531		Employee Name (Last, First) ROGERS, LORA J (RN)			Patient Name (Last, First) BRIDGES NAOMI			
Pay/Bill Code		Shift	Date of Service	Service Time	Travel Time	Travel Duration	Mileage	
0013 - RN HIGH TECH VISIT		D	09/06/2018	Start: 9:30 AM Stop: 10:20 AM	Start: 8:38 AM Stop: 8:54 AM	16	Mileage Bill Mileage ☐ Yes ☐ No	
Payer: 9687 - HIX BCBS SC								
Patient Time		Non-Billable Visit Duration (NBD)		Chart Time		Total Time		
Hrs	Min	Hrs	Min	Hrs	Min	Hrs	Min	
☒ Bill/Pay ☐ Bill ☐ Pay ☐ No Pay/No Bill		Primary Skill Provided:		Therapy: ☐ Direct Patient Care ☐ Maintenance Therapy ☐ Reassessment Nursing: ☐ Direct Patient Care ☐ Education and Training ☐ Observation and Assessment ☐ Management and Evaluation				
Supervisory Visit Completed: ☐ Yes ☒ No Supervisory Visit: ☐ COTA ☐ HHA ☐ LVN ☐ PTA (Last Sup Visit: 08/02/2018) ☐ LPN (Last Sup Visit: 08/27/2018) ☐ LOTA ☐ Caregiver Present: (name/discipline):								
Following Plan of Care ☐ Yes ☐ No Honors patient rights ☐ Yes ☐ No								
Reports changes in condition to case manager/supervisor ☐ Yes ☐ No Demonstrates competency with assigned tasks ☐ Yes ☐ No NA Aide not present								
Maintains an open communication process with patient, representative (if any), caregivers and family ☐ Yes ☐ No Follows infection prevention/control policies and procedures ☐ Yes ☐ No								
Actions taken/planned for areas of concern identified during visit:								
☐ Plan of Care changes made as a result of supervisory visit (specify):								
☐ Patient/Caregiver/Family and Representative (if any) updated on Plan of Care changes								
Supplies	Code	Supply Code 1:	Supply Code 2:	Supply Code 3:	Supply Code 4:	Supply Code 5:	Supply Code 6:	Patient's Signature
	Quantity							 Signed on 09/06/2018 10:18:47 AM EDT

VITAL SIGNS

Pulse: 80 ☒ Apical ☐ Radial ☒ Regular ☐ Irregular	Actual Weight:	Reported Weight:
Blood Pressure: 106/70 Position: Sitting ☒ Left ☐ Right	SPO ₂ Sat: (order required)	
Temperature: 97.0 Method: Oral	Blood Sugar: ☐ Actual ☐ Reported	
Respirations: 17	☐ Gained ☐ Loss ☐ No change (from last visit)	
Patient/Caregiver self monitoring: ☐ Temp ☐ Pulse ☐ BP ☐ SPO ₂		
Additional vital sign details:		

PAIN

☐ Patient reports no pain	
Pain location 1: LEG ☐ Right ☒ Left	Pain location 2: ☐ Right ☐ Left
Type: ☐ Acute ☒ Recent Onset ☐ Chronic	Type: ☐ Acute ☐ Recent Onset ☐ Chronic
Pain rating: 5/10 ☒ Numeric ☐ FLACC ☐ Faces	Pain rating: /10 ☐ Numeric ☐ FLACC ☐ Faces
Pain precipitated by: OPEN WOUND	Pain precipitated by:
Does the pain radiate? ☒ Yes ☐ No	Does the pain radiate? ☐ Yes ☐ No
Please describe the pain (using patients own words): SHARP	Please describe the pain (using patients own words):
What is the pain preventing the patient from doing? NOTHING	What is the pain preventing the patient from doing?
How long does the pain last? CONSTANT	How long does the pain last?
Are there times of the day/night when the pain is worse? DAYTIME	Are there times of the day/night when the pain is worse?
Is there a pattern to the pain? ☒ Yes ☐ No	Is there a pattern to the pain? ☐ Yes ☐ No
Does the pain vary? ☒ Yes ☐ No	Does the pain vary? ☐ Yes ☐ No
Control measures (mark all that apply): ☐ Rest ☐ Massage ☐ Heat ☐ Cold ☒ Medication ☐ TENS Unit ☐ Relaxation ☐ Other:	Control measures (mark all that apply): ☐ Rest ☐ Massage ☐ Heat ☐ Cold ☐ Medication ☐ TENS Unit ☐ Relaxation ☐ Other:

Bridges, N.

1520

1449

1445

Frequency of pain medication: AS NEEDED	Frequency of pain medication:
Last dose taken: THIS MORNING Current pain management effective? ☐ Yes ☐ No	Last dose taken: Current pain management effective? ☐ Yes ☐ No
Comment: WORST 6/10. BEST 4/10. CURRENT 6/10. AVERAGE 5/10	Comment:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

This form has been electronically signed by:
 ROGERS, LORA J (RN) 09/07/2018 11:18:42 AM EDT

Bridges, N. 1521 ¹⁴⁵⁰
~~1416~~

HOMEBOUND REVIEW (Select Eligibility link below to select Homebound Status Items)

Eligibility

HOMEBOUND STATUS:

Ability to leave home is restricted related to NWB L LE condition, leaving home requires assistance of FWW supportive device(s) and person(s) Start Effective Date: 07/06/2018
 Ability to leave home is restricted related to s/p fall with injury with surgical repair of left tib condition, patient NWB left leg x 6 months, pain, requires assistance to leave home safely and frequent rest periods to recover, leaving home requires assistance of walker supportive device(s) and person(s) x1 Start Effective Date: 07/06/2018
 Infrequent absences from home are generally related to the need for health care and are of short duration. Pt is NWB on L LE, taxing effort for pt to ambulate, high fall risk. Start Effective Date: 07/07/2018

Comments:

RESPIRATORY

Breath Sounds: ☒ All clear

	Right Upper	Right Lower	Left Upper	Left Lower
Clear	☐	☐	☐	☐
Diminished	☐	☐	☐	☐
Absent	☐	☐	☐	☐
Crackles	☐	☐	☐	☐
Wheezing	☐	☐	☐	☐

Respiratory: ☒ Easy/Non-labored

- ☐ Dyspnea at rest and/or Supine
☐ Dyspnea on minimal exertion with ADL and/or talking
☐ Dyspnea on moderate exertion feet/ Min

Cough: ☐ Dry ☐ Productive

Sputum: Color Consistency

Incentive Spirometry: cc

☐ Oxygen L / Min NC or ☐ % via Mask ☐ PRN ☐ Continuous

New findings and/or other comments:

CARDIOVASCULAR

Heart sounds & Rate:

- ☒ Normal Heart Sounds S1/S2 ☐ S3 ☐ S4 ☐ Murmur ☐ Palpitations ☐ Lightheadedness
☐ Chest Pain ☐ Neck vein distension ☐ Vertigo

Capillary Refill: ☒ Less than 3 secs ☐ Greater than 3 secsPedal pulses: Right: ☒ Present ☐ Weak ☐ Absent Left: ☒ Present ☐ Weak ☐ AbsentEdema/Swelling: ☒ None ☐ Location: ☐ DependentRight Edema: ☐ 1+ ☐ 2+ ☐ 3+ ☐ 4+ ☐ ankle cm ☐ calf cmLeft Edema: ☐ 1+ ☐ 2+ ☐ 3+ ☐ 4+ ☐ ankle cm ☐ calf cmAbdominal Girth ☒ N/A cm

New findings and/or other comments:

Edema Scale: 1+ 0 - 1/4 inch depression (no pitting); 2+ 1/4 - 1/2 inch depression (disappears in 10-45 seconds);
 3+ 1/2 - 1 inch depression (disappears in 1-2 minutes); 4+ greater than 1 inch depression (disappears in 3-5 minutes)

NEUROLOGICAL

☒ Oriented: ☒ Person ☒ Place ☒ Time ☐ Disoriented ☐ Alteration in mood/affect:☐ PERRLA: ☐ Other:Change in: ☐ Weakness ☐ Dizziness ☐ Loss of balance ☐ Facial droop ☐ Communication ☐ Cognition ☐ Numbness/TinglingGrip strength: ☐ Strong ☐ Weak ☒ Equal ☐ Unequal (specify)

New findings and/or other comments:

GENITOURINARY

☒ Voiding without problems☐ Anuria☐ Frequency ☐ Hesitancy☐ Urgency☐ Pain☐ Retention☐ Voiding at night frequency:Urine color: ☐ Clear☐ Cloudy☐ Yellow☐ Dark Yellow☐ Brownish Tea Color ☐ Pink/RedCatheter types: ☐ Urethral catheter☐ Subra-pubic catheter☐ Condom catheter☐ Bedside drainage bag☐ Leg bag☐ Self cath☐ Catheter change using sterile technique: Size: Balloon filled with: cc sterile water ☐ Patient tolerated procedure☐ Other (Urostomy/Ileostomy/Peritoneal dialysis/Hemodialysis):

New findings and/or other comments:

GASTROINTESTINAL

Last BM: 09/06/2018

Bowel Sounds: ☒ Present ☐ Hyperactive ☐ Sluggish/Diminished ☐ AbsentChange in bowel: ☐ Pattern ☐ Consistency ☐ Frequency Describe:

Swallowing concerns:

Abdomen: ☒ Soft ☐ Flat ☐ Distended ☐ Indigestion ☐ Nauseated/VomitingDevices: ☐ Ileostomy ☐ Colostomy Stoma: ☐ Pink ☐ Red ☐ Moist ☐ Performs Self Management☐ Ostomy appliance change Type: Size: Skin:

Bridges, N.

1522

1451
1447

Feeding Tubes: ☐ Gastrostomy Tube ☐ PEG ☐ Other:

Site: ☐ Intact ☐ Without redness, swelling, drainage ☐ Redness ☐ Swelling ☐ Drainage:

New findings and/or other comments:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

Bridges, N.

1523

1452
1448

NUTRITION

☒ Patient/Caregiver reports diet adherence: ☒ Good (adequate) ☐ Fair ☐ Poor

☒ Patient/Caregiver reports fluid adherence: ☒ Good (adequate) ☐ Fair ☐ Poor

☐ Change in appetite ☐ Change in skin turgor ☐ Other - Describe:

 Enteral Feeding: ☐ Continuous ☐ Pump ☐ Gravity ☐ Bolus Type: Rate: ☐ Tolerating enteral feedings

New findings and/or other comments:

ENDOCRINE

☒ N/A

☐ Performs own glucose monitoring without difficulty/concerns. Reports blood glucose range of (per caregiver/patient)

 Most recent blood sugar: mg/dl ☐ Fasting ☐ Random ☐ Clinician performed ☐ Patient/Caregiver performed

☐ Diabetic Foot Inspection: Findings and noted changes:

Describe observed symptoms of hypoglycemia:

Describe observed symptoms of hyperglycemia:

New findings and/or other comments:

MUSCULOSKELETAL AND FALL RISK

☒ Patient/Caregiver deny concerns or changes in mobility. Comments:

☐ No devices in use ☒ Safely uses assistive device(s) ☒ Yes ☐ No

☒ Fall since last visit: ☐ Yes ☒ No (describe): Dates: Communicated to:

Describe:

New findings and/or other comments:

INTEGUMENTARY

 Color: ☒ Normal for patient ☐ Pale ☐ Flushed ☐ Ashen ☐ Jaundice ☐ Cyanosis (location) ☐ Other:

 Turgor: ☒ Good ☐ Fair ☐ Poor

 Temperature: ☒ Warm ☐ Cool ☐ Hot ☐ Cold Moisture: ☒ Normal for patient ☐ Dry ☐ Clammy ☐ Diaphoretic ☐ Other:

☐ Patient/caregiver reports changes in skin integrity (describe):

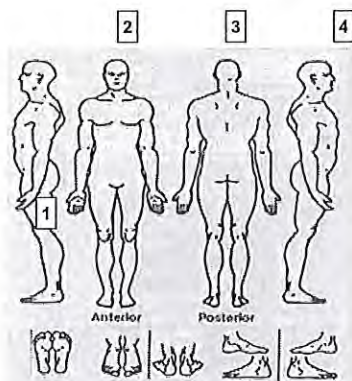
 Wounds identified? ☐ No ☒ Yes (complete the following section(s))

Surgical Wound (complete for closed surgical wound only; if surgical wound is open, complete wound assessment below):

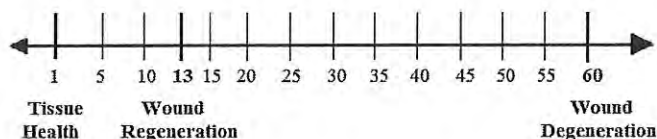
 Location: Appearance/size: ☐ Non-removable dressing intact

 Incision closed with: ☐ Staples ☐ Sutures ☐ Steri-strips ☐ Skin/Surgical adhesive

Surgical wound comments:



WOUND STATUS CONTINUUM


Wound #1 ☐ Weekly Wound Measurement

 Location: **LEG**
☐ Right ☒ Left

Etiology

Surgical Dehiscence
Measurements

 Length **5.0** cm

 Width **1.5** cm

 Square cm **7.50**

Size

 Length X Width **4 - 16 sq. cm**
Wound #2 ☐ Weekly Wound Measurement

Location:

☐ Right ☐ Left

Etiology

Measurements

Length cm

Width cm

Square cm

Size

Wound #3 ☐ Weekly Wound Measurement

Location:

☐ Right ☐ Left

Etiology

Measurements

Length cm

Width cm

Square cm

Size

Wound #4 ☐ Weekly Wound Measurement

Location:

☐ Right ☐ Left

Etiology

Measurements

Length cm

Width cm

Square cm

Size

Bridges, N. 1524

 1453
1419

Depth 1.5 cm	Depth cm	Depth cm	Depth cm
Depth Description	Depth Description	Depth Description	Depth Description
Edges	Edges	Edges	Edges
Well-defined, not attached wound base			
Undermining	Undermining	Undermining	Undermining
None			
Necrotic Tissue Type	Necrotic Tissue Type	Necrotic Tissue Type	Necrotic Tissue Type
None visible			
Necrotic Tissue Amount	Necrotic Tissue Amount	Necrotic Tissue Amount	Necrotic Tissue Amount
None visible			
Exudate Type	Exudate Type	Exudate Type	Exudate Type
Serosanguineous: thin, watery, pale red/pink			
Exudate Amount	Exudate Amount	Exudate Amount	Exudate Amount
Small			
Skin Color Surrounding Wound	Skin Color Surrounding Wound	Skin Color Surrounding Wound	Skin Color Surrounding Wound
Pink or normal for ethnic group			
Peripheral Tissue Edema	Peripheral Tissue Edema	Peripheral Tissue Edema	Peripheral Tissue Edema
Non-pitting edema extends < 4 cm around wound			
Peripheral Tissue Induration	Peripheral Tissue Induration	Peripheral Tissue Induration	Peripheral Tissue Induration
Minimal firmness around wound			
Granulation Tissue	Granulation Tissue	Granulation Tissue	Granulation Tissue
Bright, beefy red:< 75% & > 25% of wound filled			
Epithelialization	Epithelialization	Epithelialization	Epithelialization
<25% wound covered			
#1 Wound Assessment Score 24	#2 Wound Assessment Score	#3 Wound Assessment Score	#4 Wound Assessment Score

Skin Tear - Payne Martin Category:
(Use wound grid to document skin tear assessment.)
Comments:

Pressure redistribution devices in use:
☐ Foam mattress ☐ Gel or air overlay
☐ Air mattress ☐ Wheel chair cushion ☐ NA
☐ Other:

Comments:

Additional assessment findings: ☐ See Addendum

Patient response to treatment:

TOLERATED WELL

MEDICATION

☒ Adheres to medication regimen ☒ Yes ☐ No Describe:
☒ New/changes in medications since last visit? ☐ Yes ☒ No ☐ Medication profile updated and review completed
☒ Medications available in home as ordered. ☒ Yes ☐ No Action taken:
☐ Adverse event/reaction/interaction/significant side effects reported. Describe:
☐ Changes in who manages medications. Describe:
☐ Medication administered: Name, Dose, Route, Location (if IV use IV addendum): Patient Tolerated:

Comments:

Caregiver psychosocial wellbeing: ☒ Caregiver verbalizes no concerns ☐ Caregiver verbalizes concerns of:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

Bridges, N. 1525

1454
1450

IV NOTE

IV ACCESS

Number of Catheters in Place at the Beginning of Visit: **ONE**

Type of Access: ☐ Peripheral ☐ Midline ☐ Midclavicular ☒ PICC ☐ Tunnelled ☐ Non-Tunnelled
☐ Implanted Port ☐ Subcutaneous ☐ Implanted Pump ☐ Epidural/Intraspinal ☐ Other (describe):

Type of catheter: ☐ Groshong ☒ Non-Groshong External Length of Catheter (in cm): **0.2** Mid-Arm Circumference (in cm): **21**

Number of Lumens: **1** French Size: ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 IV Catheter Gauge: **18**

Site of Insertion/Exit: ☐ Antecubital Fossa ☐ Chest Wall ☐ Forearm ☒ Upper Arm ☐ Hand ☐ Other (specify):
☐ R ☐ L ☐ R ☐ L ☐ R ☐ L ☒ R ☐ L ☐ R ☐ L

Site Condition: ☒ No problems identified

☐ Dry ☐ Tender/Pain ☐ Drainage ☐ Edema ☐ Ecchymosis ☐ Erythema ☐ Sutures ☐ Other (describe):

Current Dressing Intact:

☒ Yes ☐ No

Type of Dressing: ☐ Occlusive ☐ Gauze/Occlusive ☐ Gauze/Tape
☐ Other (specify):

Securement device (if any): (type/brand if known)

Catheter Inserted During This Visit:

☒ No ☐ Yes

Local Anesthetic Used if Ordered by Physician:

☐ Yes (describe):

☐ Implanted port accessed this visit Gauge
 Inch Huber Needle

Attempt	Vein/Location	Catheter Brand/Type	Lot Number	Gauge	Length
1					
2					
3					

Infusion Site/Prep Dressing Procedure This Visit: ☒ No ☐ Yes (describe):

☐ Alcohol ☐ Betadine ☐ Chlorhexidine ☐ Occlusive Dressing ☐ Gauze ☐ Securement device (type/brand):
☐ Anti-microbial dressing (i.e., Bio Patch) ☐ Injection cap change ☐ Other (specify):

Catheter Discontinued During This Visit: ☐ No ☐ Yes - Describe Catheter Condition and Length:Length of catheter upon removal (cm) appearance of catheter ☐ Tip intact

Site prep before removal ; dressing after removal

Comments:

Reason: ☐ Site Rotated ☐ Infiltration ☐ Catheter Occlusion ☐ Physician Order ☐ Therapy/Infusion Completed
☐ Damaged Catheter ☐ Other (describe):

Premedication Given By: ☐ Nurse ☐ Patient ☐ Caregiver ☐ Medication/Dose/Route (specify): ☐ No premedication orderedTherapy/Infusion Administered By: ☐ Nurse ☐ Patient ☐ Caregiver with ☐ SN assistance ☐ Supervision ☐ Instruction

	Infusion/Therapy Administered this visit	Dose	Diluent Type	Infusion Volume	Route	Duration/rate	Gravity or Control Device	Tubing Change	Lot #
1									
2									
3									

Lumen/Line flushed: Pre: ☐ NS mLs ☐ Other Between: ☐ NS mLs ☐ Other Post: ☐ NS mLs ☐ Heparin unit/mL mLs ☐ Other

Lumen/Line flushed: Pre: ☐ NS mLs ☐ Other Between: ☐ NS mLs ☐ Other Post: ☐ NS mLs ☐ Heparin unit/mL mLs ☐ Other

Comments:

LAB

Labs Drawn (specify): Delivered to Lab (Name): Labs Drawn From: ☐ Peripheral Venipuncture
☐ Existing catheter: flush with NS mL; mL estimated blood discard; mL estimated blood withdrawn; flush with NS mL
☐ Heparin flush units/mL mL ☐ Injection cap change

PUMP INFORMATION

Brand/Model:

Pump Program Verified: ☐ No ☐ Yes - Enter BelowPump Programmed By: ☐ Nurse ☐ Patient/Caregiver ☐ Pharmacist

Res Vol	Give	Rate	Periods	Inter	KVO	Ramp Up	Ramp Down	CASS	Battery	Lock	Number Bolus
mLs	mLs			hr/doses	mL/hr	hr/min	hr/min	Change	Change	Level/Out	Given 24°

Pump Program Verified: ☐ No ☐ Yes - Enter BelowPump Programmed By: ☐ Nurse ☐ Patient/Caregiver ☐ Pharmacist

Res Vol	Give	Rate	Periods	Inter	KVO	Ramp Up	Ramp Down	CASS	Battery	Lock	Number Bolus
mLs	mLs			hr/doses	mL/hr	hr/min	hr/min	Change	Change	Level/Out	Given 24°

Patient response to treatment: ☐ Tolerated without complications/complaints☐ Other:

Bridges, N. 1526

SKILLED CARE PROVIDED THIS VISIT

Interventions

VITAL SIGN PARAMETERS: Notify Physician if;

Temp > 100.4 ° < 96.5 ° Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Temp > 100.4° < 96.5°

Pulse Rate > 110 < 60

Resp Rate > 28 < 10

SPO2 < 90% at rest 88% with exertion

BP: Systolic > 160 < 90

BP: Diastolic > 90 < 60

Pain > 7 on a 0-10 scale Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Pulse Rate > 100 < 60 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Resp Rate > 24 < 12 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

SPO2 < 90 % at rest 88 % with exertion Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

BP: Systolic > 160 < 90 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

BP: Diastolic > 90 < 60 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Pain > 7 on a 0-10 scale Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

SN INFUSION THERAPY INTERVENTIONS:

Assess/Perform/Instruct Pt/Cg: Arm circumference above site of Peripherally Inserted Central Catheter (PICC) entry will be measured at SOC and weekly with site care and documented on clinical note. The physician will be notified of an increase in arm circumference. Start Effective Date: 07/25/2018

SN INTEGUMENTARY INTERVENTIONS:

Assess/Instruct Pt/Cg: s/s of complications, infection to include: increase in drainage, color, odor, pain, redness, warmth, or fever Start Effective Date: 07/06/2018

NPWT / dNPWT: location Left Lower Leg , frequency of dressing change M,W,F . Cleanse with: Wound Cleanser or NS / Gauze. Apply Black Foam . Cut drape to fit and protect periwound.

May use skin sealant to protect. May use stoma paste/seals PRN air leaks. Apply appropriate foam. Cover with drape: apply track pad: attach suction as follows: continuous suction @ 125 mm/Hg Start Effective Date: 08/21/2018

Describe Interventions and response:

Full assessment, wound assessment, wound vac change. Patient alert and oriented times three. Verbal. Vitals within specified parameters. Arm circumference unchanged. PICC line shows no s/of infection of infiltration. Wound vac changed and patient tolerated well. Wound shows slow progress. Site shows no s/s of infection today. Patient tolerated well.

GOAL STATUS

Goals

SN INFUSION THERAPY GOALS:

Patient/caregiver will verbalize/demonstrate use and maintenance of equipment/monitor Start Effective Date: 11/02/2018 Progress Toward Goal: 60% Status/Specify: Patient infusing easy pump without difficulty, cues or questions.

Patient/caregiver will recognize signs and symptoms of complications to report, emergency management Start Effective Date: 11/02/2018 Progress Toward Goal: 60% Status/Specify:

Patient understands to monitor picc line dressing for any changes in color, pain, temp or drainage.

Patient/caregiver will verbalize/demonstrate knowledge of monitoring and prevention of complications Start Effective Date: 11/02/2018 Progress Toward Goal: 60% Status/Specify: Patient understand to report any difficulty infusion, or swelling at picc line site

Patient/caregiver will verbalize/demonstrate strategies to reduce infection Start Effective Date: 11/02/2018 Progress Toward Goal: 60% Status/Specify: Patient understands washing hands before touching picc line and scrubbing hub with alcohol for 20 seconds between each step will reduce risk for infection.

SN INTEGUMENTARY GOALS:

Patient/caregiver will verbalize/demonstrate knowledge of symptoms to report Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Toward Goal: 70%

Status/Specify: Patient understands reporting changes in condition and what s/s of infection are.

Patient/caregiver will verbalize/demonstrate knowledge of monitoring wound status and prevention of infection Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: Patient reports monitoring wound status daily

Patient/caregiver will verbalize/demonstrate knowledge of the importance of general health and nutrition to promote wound healing Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 80% Status/Specify: "I had my last cigarette today so i can have the muscle flap surgery"

Patient/caregiver will verbalize understanding and demonstrate safe and effective obtaining and storing supplies Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018

Progress Toward Goal: 60% Status/Specify: All wound care supplies were gathered in one box and easy to access.

Patient/caregiver will verbalize understanding and demonstrate safe and effective monitoring for S/S of infection and deterioration of wound to report Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: "I will call my doctor or the nurse at Kindred if I have a sign or symptom of infection like, fever, chills or excess pain or redness around my incision"

Reduction in wound size Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 60% Status/Specify: wound shows slow improvement

Patient will not have any new evidence of skin breakdown Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: no new open areas

Patient/caregiver will verbalize/demonstrate skin protection measures Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Toward Goal: 70% Status/Specify:

Patient understands getting up and moving around reduces pressure and risk for developing a new wound.

Comments:

CARE COORDINATION

☐ Changes made to Plan of Care (Specify) :☐ Patient, along with Patient's Caregiver and Representative (if any and as appropriate), agrees with and participated in Plan of Care changes.Conference with: ☐ Physician ☐ MCP ☐ RN ☐ LPN ☐ PT ☐ PTA ☐ OT ☐ COTA ☐ SLP ☐ MSW ☐ HHA ☐ Other:

Name(s) and details/outcomes of conference:

Date:

Bridges, N.

1527

1452

Discharge Plan Activities this visit:

☐ Changes were made to Discharge Plan, Patient, along with Patient's Caregiver and Representative (if any and as appropriate), agreed with and participated in changes to the discharge plan

Discharge Planning

SN DISCHARGE PLANS:

Discharge to care of: Physician / Caregiver / Family Start Effective Date: 07/06/2018

Plan for next visit:

☒ Assessment/Observation: **Wound**

☒ Procedures/Treatments: **Wound vac change**

☐ Education:

☐ Preparation for discharge:

☐ Other:

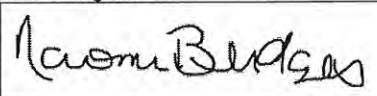
INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

Bridges, N. 1528

1457
7453

EMPLOYEE TIME SLIP				☒ Cert. ☐ Non-Cert.		Location Name Kindred at Home- BLUFFTON (3246)		Location No. 1105		Client No. 110500815	
Employee No. LR63100531		Employee Name (Last, First) ROGERS, LORA J (RN)				Patient Name (Last, First) BRIDGES NAOMI					
Pay/Bill Code 0013 - RN HIGH TECH VISIT				Shift D	Date of Service 09/07/2018	Service Time Start: 1:46 PM Stop: 2:27 PM		Travel Time Start: 1:31 PM Stop: 1:44 PM		Travel Duration 13	Mileage Bill Mileage ☐ Yes ☐ No
Payer: 9687 - HIX BCBS SC											
Patient Time		Non-Billable Visit Duration (NBD)			Chart Time			Total Time			
Hrs Min		Hrs Min			Hrs Min			Hrs Min			
☒ Bill/Pay ☐ Bill ☐ Pay ☐ No Pay/No Bill		Primary Skill Provided: Therapy: ☐ Direct Patient Care ☐ Maintenance Therapy ☐ Reassessment Nursing: ☐ Direct Patient Care ☐ Education and Training ☐ Observation and Assessment ☐ Management and Evaluation									
Supervisory Visit Completed: ☐ Yes ☒ No Supervisory Visit: ☐ COTA ☐ HHA ☐ LVN ☐ PTA (Last Sup Visit: 08/02/2018) ☐ LPN (Last Sup Visit: 08/27/2018) ☐ LOTA ☐ Caregiver Present: (name/discipline):											
Following Plan of Care ☐ Yes ☐ No Honors patient rights ☐ Yes ☐ No Reports changes in condition to case manager/supervisor ☐ Yes ☐ No Demonstrates competency with assigned tasks ☐ Yes ☐ No ☐ NA Aide not present Maintains an open communication process with patient, representative (if any), caregivers and family ☐ Yes ☐ No Follows infection prevention/control policies and procedures ☐ Yes ☐ No Actions taken/planned for areas of concern identified during visit:											
☐ Plan of Care changes made as a result of supervisory visit (specify): ☐ Patient/Caregiver/Family and Representative (if any) updated on Plan of Care changes											
Supplies	Code	Supply Code 1:	Supply Code 2:	Supply Code 3:	Supply Code 4:	Supply Code 5:	Supply Code 6:	Patient's Signature  Signed on 09/07/2018 02:24:08 PM EDT			
	Quantity										
VITAL SIGNS											
Pulse: 86 ☒ Apical ☐ Radial ☒ Regular ☐ Irregular Blood Pressure: 96/62 Position: Sitting ☒ Left ☐ Right Temperature: 97.0 Method: Oral Respirations: 16 Patient/Caregiver self monitoring: ☐ Temp ☐ Pulse ☐ BP ☐ SPO2 Additional vital sign details:						Actual Weight: Reported Weight: SPO2 Sat: (order required) Blood Sugar: ☐ Actual ☐ Reported ☐ Gained ☐ Loss ☐ No change (from last visit)					
PAIN											
☐ Patient reports no pain											
Pain location 1: Leg ☐ Right ☒ Left Type: ☐ Acute ☐ Recent Onset ☒ Chronic Pain rating: 4/10 ☒ Numeric ☐ FLACC ☐ Faces Pain precipitated by: Does the pain radiate? ☐ Yes ☐ No Please describe the pain (using patients own words): What is the pain preventing the patient from doing? How long does the pain last? Are there times of the day/night when the pain is worse? Is there a pattern to the pain? ☒ Yes ☐ No Does the pain vary? ☒ Yes ☐ No Control measures (mark all that apply): ☐ Rest ☐ Massage ☐ Heat ☐ Cold ☒ Medication ☐ TENS Unit ☐ Relaxation ☐ Other:						Pain location 2: ☐ Right ☐ Left Type: ☐ Acute ☐ Recent Onset ☐ Chronic Pain rating: /10 ☐ Numeric ☐ FLACC ☐ Faces Pain precipitated by: Does the pain radiate? ☐ Yes ☐ No Please describe the pain (using patients own words): What is the pain preventing the patient from doing? How long does the pain last? Are there times of the day/night when the pain is worse? Is there a pattern to the pain? ☐ Yes ☐ No Does the pain vary? ☐ Yes ☐ No Control measures (mark all that apply): ☐ Rest ☐ Massage ☐ Heat ☐ Cold ☐ Medication ☐ TENS Unit ☐ Relaxation ☐ Other:					

Bridges, N.

1529

1458
1454

Frequency of pain medication: As needed	Frequency of pain medication:
Last dose taken: Yesterday Current pain management effective? ☐ Yes ☐ No	Last dose taken: Current pain management effective? ☐ Yes ☐ No
Comment: Worst 6/10 best 3/10 current 3 1/0	Comment:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

This form has been electronically signed by:
ROGERS, LORA J (RN) 09/09/2018 07:15:33 PM EDT

Bridges, N. 1530

1459
~~1455~~

HOMEBOUND REVIEW (Select Eligibility link below to select Homebound Status Items)

Eligibility

HOMEBOUND STATUS:

Ability to leave home is restricted related to NWB L LE condition, leaving home requires assistance of FWW supportive device(s) and person(s) Start Effective Date: 07/06/2018
 Ability to leave home is restricted related to s/p fall with injury with surgical repair of left tib condition, patient NWB left leg x 6 months, pain, requires assistance to leave home safely and frequent rest periods to recover, leaving home requires assistance of walker supportive device(s) and person(s) x1 Start Effective Date: 07/06/2018
 Infrequent absences from home are generally related to the need for health care and are of short duration. Pt is NWB on L LE, taxing effort for pt to ambulate, high fall risk. Start Effective Date: 07/07/2018

Comments:

RESPIRATORY

Breath Sounds: ☒ All clear

	Right Upper	Right Lower	Left Upper	Left Lower
Clear	☐	☐	☐	☐
Diminished	☐	☐	☐	☐
Absent	☐	☐	☐	☐
Crackles	☐	☐	☐	☐
Wheezing	☐	☐	☐	☐

Respiratory: ☒ Easy/Non-labored

- ☐ Dyspnea at rest and/or Supine
☐ Dyspnea on minimal exertion with ADL and/or talking
☐ Dyspnea on moderate exertion feet/ Min

Cough: ☐ Dry ☐ Productive

Sputum: Color Consistency

Incentive Spirometry: cc

☐ Oxygen L / Min NC or ☐ % via Mask ☐ PRN ☐ Continuous

New findings and/or other comments:

CARDIOVASCULAR

Heart sounds & Rate:

- ☒ Normal Heart Sounds S1/S2 ☐ S3 ☐ S4 ☐ Murmur ☐ Palpitations ☐ Lightheadedness
☐ Chest Pain ☐ Neck vein distension ☐ Vertigo

Capillary Refill: ☒ Less than 3 secs ☐ Greater than 3 secsPedal pulses: Right: ☒ Present ☐ Weak ☐ Absent Left: ☒ Present ☐ Weak ☐ AbsentEdema/Swelling: ☒ None ☐ Location: ☐ DependentRight Edema: ☐ 1+ ☐ 2+ ☐ 3+ ☐ 4+ ☐ ankle cm ☐ calf cmLeft Edema: ☐ 1+ ☐ 2+ ☐ 3+ ☐ 4+ ☐ ankle cm ☐ calf cmAbdominal Girth ☒ N/A cm

New findings and/or other comments:

Edema Scale: 1+ 0 - 1/4 inch depression (no pitting); 2+ 1/4 - 1/2 inch depression (disappears in 10-45 seconds);
 3+ 1/2 - 1 inch depression (disappears in 1-2 minutes); 4+ greater than 1 inch depression (disappears in 3-5 minutes)

NEUROLOGICAL

☒ Oriented: ☒ Person ☒ Place ☒ Time ☐ Disoriented ☐ Alteration in mood/affect:☐ PERRLA: ☐ Other:Change in: ☐ Weakness ☐ Dizziness ☐ Loss of balance ☐ Facial droop ☐ Communication ☐ Cognition ☐ Numbness/TinglingGrip strength: ☐ Strong ☐ Weak ☒ Equal ☐ Unequal (specify)

New findings and/or other comments:

GENITOURINARY

☒ Voiding without problems☐ Anuria☐ Frequency ☐ Hesitancy☐ Urgency☐ Pain☐ Retention☐ Voiding at night frequency:Urine color: ☐ Clear☐ Cloudy☐ Yellow☐ Dark Yellow☐ Brownish Tea Color ☐ Pink/RedCatheter types: ☐ Urethral catheter☐ Subra-pubic catheter☐ Condom catheter☐ Bedside drainage bag ☐ Leg bag☐ Self cath☐ Catheter change using sterile technique: Size: Balloon filled with: cc sterile water ☐ Patient tolerated procedure☐ Other (Urostomy/Ileostomy/Peritoneal dialysis/Hemodialysis):

New findings and/or other comments:

GASTROINTESTINAL

Last BM: 09/07/2018

Bowel Sounds: ☒ Present ☐ Hyperactive ☐ Sluggish/Diminished ☐ AbsentChange in bowel: ☐ Pattern ☐ Consistency ☐ Frequency Describe:

Swallowing concerns:

Abdomen: ☒ Soft ☐ Flat ☐ Distended ☐ Indigestion ☐ Nauseated/VomitingDevices: ☐ Ileostomy ☐ Colostomy Stoma: ☐ Pink ☐ Red ☐ Moist ☐ Performs Self Management☐ Ostomy appliance change Type: Size: Skin:

Bridges, N. 1531

1460
1456

Feeding Tubes: ☐ Gastrostomy Tube ☐ PEG ☐ Other:

Site: ☐ Intact ☐ Without redness, swelling, drainage ☐ Redness ☐ Swelling ☐ Drainage:

New findings and/or other comments:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

Bridges, N. 1532

1461
1457

NUTRITION

☒ Patient/Caregiver reports diet adherence: ☒ Good (adequate) ☐ Fair ☐ Poor

☒ Patient/Caregiver reports fluid adherence: ☒ Good (adequate) ☐ Fair ☐ Poor

☐ Change in appetite ☐ Change in skin turgor ☐ Other - Describe:

Enteral Feeding: ☐ Continuous ☐ Pump ☐ Gravity ☐ Bolus Type: Rate: ☐ Tolerating enteral feedings

New findings and/or other comments:

ENDOCRINE

☒ N/A

☐ Performs own glucose monitoring without difficulty/concerns. Reports blood glucose range of (per caregiver/patient)

Most recent blood sugar: mg/dl ☐ Fasting ☐ Random ☐ Clinician performed ☐ Patient/Caregiver performed

☐ Diabetic Foot Inspection: Findings and noted changes:

Describe observed symptoms of hypoglycemia:

Describe observed symptoms of hyperglycemia:

New findings and/or other comments:

MUSCULOSKELETAL AND FALL RISK

☒ Patient/Caregiver deny concerns or changes in mobility. Comments:

☐ No devices in use ☒ Safely uses assistive device(s) ☒ Yes ☐ No

☒ Fall since last visit: ☐ Yes ☒ No (describe): Dates: Communicated to:

Describe:

New findings and/or other comments:

INTEGUMENTARY

Color: ☐ Normal for patient ☐ Pale ☐ Flushed ☐ Ashen ☐ Jaundice ☐ Cyanosis (location) ☐ Other:

Turgor: ☒ Good ☐ Fair ☐ Poor

Temperature: ☒ Warm ☐ Cool ☐ Hot ☐ Cold Moisture: ☒ Normal for patient ☐ Dry ☐ Clammy ☐ Diaphoretic ☐ Other:

☐ Patient/caregiver reports changes in skin integrity (describe):

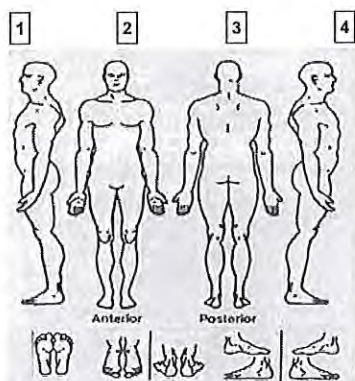
Wounds identified? ☐ No ☒ Yes (complete the following section(s))

Surgical Wound (complete for closed surgical wound only; if surgical wound is open, complete wound assessment below):

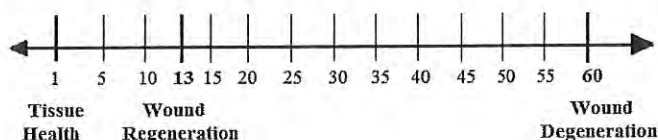
Location: Appearance/size: ☐ Non-removable dressing intact

Incision closed with: ☐ Staples ☐ Sutures ☐ Steri-strips ☐ Skin/Surgical adhesive

Surgical wound comments:



WOUND STATUS CONTINUUM



Wound #1 ☒ Weekly Wound Measurement	Wound #2 ☐ Weekly Wound Measurement	Wound #3 ☐ Weekly Wound Measurement	Wound #4 ☐ Weekly Wound Measurement
Location: Leg ☐ Right ☒ Left	Location: ☐ Right ☐ Left	Location: ☐ Right ☐ Left	Location: ☐ Right ☐ Left
Etiology	Etiology	Etiology	Etiology
Surgical Dehiscence			
Measurements	Measurements	Measurements	Measurements
Length 5.0 cm	Length cm	Length cm	Length cm
Width 1.5 cm	Width cm	Width cm	Width cm
Square cm 7.50	Square cm	Square cm	Square cm
Size	Size	Size	Size
Length X Width 4 – 16 sq. cm			

Bridges, N. 1533

1462
1458

Depth 1.5 cm	Depth cm	Depth cm	Depth cm
Depth Description	Depth Description	Depth Description	Depth Description
Partial thickness skin loss involving epidermis and/or dermis			
Edges	Edges	Edges	Edges
Well-defined, not attached wound base			
Undermining	Undermining	Undermining	Undermining
None			
Necrotic Tissue Type	Necrotic Tissue Type	Necrotic Tissue Type	Necrotic Tissue Type
None visible			
Necrotic Tissue Amount	Necrotic Tissue Amount	Necrotic Tissue Amount	Necrotic Tissue Amount
None visible			
Exudate Type	Exudate Type	Exudate Type	Exudate Type
Serosanguineous: thin, watery, pale red/pink			
Exudate Amount	Exudate Amount	Exudate Amount	Exudate Amount
Small			
Skin Color Surrounding Wound	Skin Color Surrounding Wound	Skin Color Surrounding Wound	Skin Color Surrounding Wound
Pink or normal for ethnic group			
Peripheral Tissue Edema	Peripheral Tissue Edema	Peripheral Tissue Edema	Peripheral Tissue Edema
None			
Peripheral Tissue Induration	Peripheral Tissue Induration	Peripheral Tissue Induration	Peripheral Tissue Induration
Minimal firmness around wound			
Granulation Tissue	Granulation Tissue	Granulation Tissue	Granulation Tissue
Bright, beefy red: < 75% & > 25% of wound filled			
Epithelialization	Epithelialization	Epithelialization	Epithelialization
<25% wound covered			
#1 Wound Assessment Score 25	#2 Wound Assessment Score	#3 Wound Assessment Score	#4 Wound Assessment Score

Skin Tear - Payne Martin Category:

(Use wound grid to document skin tear assessment.)

Comments:

Pressure redistribution devices in use:

- ☐ Foam mattress ☐ Gel or air overlay
☐ Air mattress ☐ Wheel chair cushion ☐ NA
☐ Other:

Comments:

Additional assessment findings: ☐ See Addendum

Patient response to treatment:

tolerated well

MEDICATION

- ☒ Adheres to medication regimen ☒ Yes ☐ No Describe:
☒ New/changes in medications since last visit? ☐ Yes ☒ No ☐ Medication profile updated and review completed
☒ Medications available in home as ordered. ☒ Yes ☐ No Action taken:
☐ Adverse event/reaction/interaction/significant side effects reported. Describe:
☐ Changes in who manages medications. Describe:
☐ Medication administered: Name, Dose, Route, Location (if IV use IV addendum): Patient Tolerated:

Comments:

Caregiver psychosocial wellbeing: ☒ Caregiver verbalizes no concerns ☐ Caregiver verbalizes concerns of:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

Bridges, N. 1534

1439

IV NOTE

IV ACCESS

Number of Catheters in Place at the Beginning of Visit: **One**

Type of Access: ☐ Peripheral ☐ Midline ☐ Midclavicular ☒ PICC ☐ Tunnelled ☐ Non-Tunnelled
☐ Implanted Port ☐ Subcutaneous ☐ Implanted Pump ☐ Epidural/Intraspinal ☐ Other (describe):

Type of catheter: ☐ Groshong ☒ Non-Groshong External Length of Catheter (in cm): **0.2** Mid-Arm Circumference (in cm): **21**

Number of Lumens: **1** French Size: ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 IV Catheter Gauge: **18**

Site of Insertion/Exit: ☐ Antecubital Fossa ☐ Chest Wall ☐ Forearm ☐ Upper Arm ☐ Hand ☐ Other (specify):
☐ R ☐ L ☐ R ☐ L ☐ R ☐ L ☒ R ☐ L ☐ R ☐ L

Site Condition: ☐ No problems identified

☐ Dry ☐ Tender/Pain ☐ Drainage ☐ Edema ☐ Ecchymosis ☐ Erythema ☐ Sutures ☐ Other (describe):

Current Dressing Intact:

☐ Yes ☐ No

Type of Dressing: ☐ Occlusive ☐ Gauze/Occlusive ☐ Gauze/Tape
☐ Other (specify):

Securement device (if any): (type/brand if known)

Catheter Inserted During This Visit:

☒ No ☐ Yes

Local Anesthetic Used if Ordered by Physician:

☐ Yes (describe):☐ Implanted port accessed this visit Gauge
Inch Huber Needle

Attempt	Vein/Location	Catheter Brand/Type	Lot Number	Gauge	Length
1					
2					
3					

Infusion Site/Prep Dressing Procedure This Visit: ☒ No ☐ Yes (describe):

☐ Alcohol ☐ Betadine ☐ Chlorhexidine ☐ Occlusive Dressing ☐ Gauze ☐ Securement device (type/brand):
☐ Anti-microbial dressing (i.e., Bio Patch) ☐ Injection cap change ☐ Other (specify):

Catheter Discontinued During This Visit: ☒ No ☐ Yes - Describe Catheter Condition and Length:Length of catheter upon removal (cm) appearance of catheter ☐ Tip intact

Site prep before removal ; dressing after removal

Comments:

Reason: ☐ Site Rotated ☐ Infiltration ☐ Catheter Occlusion ☐ Physician Order ☐ Therapy/Infusion Completed
☐ Damaged Catheter ☐ Other (describe):

Premedication Given By: ☐ Nurse ☐ Patient ☐ Caregiver ☐ Medication/Dose/Route (specify): ☐ No premedication orderedTherapy/Infusion Administered By: ☐ Nurse ☐ Patient ☐ Caregiver with ☐ SN assistance ☐ Supervision ☐ Instruction

	Infusion/Therapy Administered this visit	Dose	Diluent Type	Infusion Volume	Route	Duration/rate	Gravity or Control Device	Tubing Change	Lot #
1									
2									
3									

Lumen/Line flushed: Pre: ☐ NS mLs ☐ Other Between: ☐ NS mLs ☐ Other Post: ☐ NS mLs ☐ Heparin unit/mL mLs ☐ Other

Lumen/Line flushed: Pre: ☐ NS mLs ☐ Other Between: ☐ NS mLs ☐ Other Post: ☐ NS mLs ☐ Heparin unit/mL mLs ☐ Other

Comments:

LAB

Labs Drawn (specify): Delivered to Lab (Name): Labs Drawn From: ☐ Peripheral Venipuncture
☐ Existing catheter: flush with NS mL; mL estimated blood discard; mL estimated blood withdrawn; flush with NS mL
☐ Heparin flush units/mL mL ☐ Injection cap change

PUMP INFORMATION

Brand/Model:

Pump Program Verified: ☐ No ☐ Yes - Enter BelowPump Programmed By: ☐ Nurse ☐ Patient/Caregiver ☐ Pharmacist

Res Vol	Give	Rate	Periods	Inter	KVO	Ramp Up	Ramp Down	CASS	Battery	Lock	Number Bolus
mLs	mLs			hr/doses	mL/hr	hr/min	hr/min	Change	Change	Level/Out	Given 24°

Pump Program Verified: ☐ No ☐ Yes - Enter BelowPump Programmed By: ☐ Nurse ☐ Patient/Caregiver ☐ Pharmacist

Res Vol	Give	Rate	Periods	Inter	KVO	Ramp Up	Ramp Down	CASS	Battery	Lock	Number Bolus
mLs	mLs			hr/doses	mL/hr	hr/min	hr/min	Change	Change	Level/Out	Given 24°

Patient response to treatment: ☐ Tolerated without complications/complaints☐ Other:

Bridges, N. 1535

SKILLED CARE PROVIDED THIS VISIT

Interventions

VITAL SIGN PARAMETERS: Notify Physician if;

Temp > 100.4 ° < 96.5 ° Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Pulse Rate > 100 < 60 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Resp Rate > 24 < 12 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

SPO2 < 90 % at rest 88 % with exertion Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

BP: Systolic > 160 < 90 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

BP: Diastolic > 90 < 60 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Pain > 7 on a 0-10 scale Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

SN INFUSION THERAPY INTERVENTIONS:

Assess/Perform/Instruct PICG: Arm circumference above site of Peripherally Inserted Central Catheter (PICC) entry will be measured at SOC and weekly with site care and documented on clinical note. The physician will be notified of an increase in arm circumference. Start Effective Date: 07/25/2018

SN INTEGUMENTARY INTERVENTIONS:

Assess/Instruct PICG: s/s of complications, infection to include: increase in drainage, color, odor, pain, redness, warmth, or fever Start Effective Date: 07/06/2018

NPWT / dNPWT: location Left Lower Leg, frequency of dressing change M,W,F. Cleanse with: Wound Cleanser or NS / Gauze. Apply Black Foam. Cut drape to fit and protect periwound.

May use skin sealant to protect. May use stoma paste/seals PRN air leaks. Apply appropriate foam. Cover with drape: apply track pad: attach suction as follows: continuous suction @ 125 mm/Hg Start Effective Date: 08/21/2018

Describe Interventions and response:

full assessment, wound assessment, wound vac change. patient alert and oriented times three. verbal. able to voice needs. skilled nursing changed wound vac this visit. no s/s of infection. arm circumference unchanged

GOAL STATUS

Goals

SN INTEGUMENTARY GOALS:

Patient/caregiver will verbalize/demonstrate knowledge of symptoms to report Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Toward Goal: 70%

Status/Specify: Patient understands reporting changes in condition and what s/s of infection are.

Patient/caregiver will verbalize/demonstrate knowledge of monitoring wound status and prevention of infection Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress

Toward Goal: 70% Status/Specify: Patient reports monitoring wound status daily

Patient/caregiver will verbalize/demonstrate knowledge of the importance of general health and nutrition to promote wound healing Achieve By Date: 11/02/2018 Start Effective Date:

07/06/2018 Progress Toward Goal: 80% Status/Specify: "I had my last cigarette today so i can have the muscle flap surgery"

Patient/caregiver will verbalize understanding and demonstrate safe and effective obtaining and storing supplies Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018

Progress Toward Goal: 60% Status/Specify: All wound care supplies were gathered in one box and easy to access.

Patient/caregiver will verbalize understanding and demonstrate safe and effective monitoring for S/S of infection and deterioration of wound to report Achieve By Date: 11/02/2018 Start

Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: "I will call my doctor or the nurse at Kindred if i have a sign or symptom of infection like, fever, chills or excess pain or redness around my incision"

Reduction in wound size Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 60% Status/Specify: wound shows slow improvement

Patient will not have any new evidence of skin breakdown Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: no new open areas

Patient/caregiver will verbalize/demonstrate skin protection measures Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Toward Goal: 70% Status/Specify:

Patient understands getting up and moving around reduces pressure and risk for developing a new wound.

Comments:

CARE COORDINATION

☐ Changes made to Plan of Care (Specify):☐ Patient, along with Patient's Caregiver and Representative (if any and as appropriate), agrees with and participated in Plan of Care changes.Conference with: ☐ Physician ☐ MCP ☐ RN ☐ LPN ☐ PT ☐ PTA ☐ OT ☐ COTA ☐ SLP ☐ MSW ☐ HHA ☐ Other:

Name(s) and details/outcomes of conference:

Date:

Time:

Discharge Plan Activities this visit:

☐ Changes were made to Discharge Plan, Patient, along with Patient's Caregiver and Representative (if any and as appropriate), agreed with and participated in changes to the discharge plan

Discharge Planning

SN DISCHARGE PLANS:

Discharge to care of: Physician / Caregiver / Family Start Effective Date: 07/06/2018

Bridges, N. 1536

1465
1461

Plan for next visit:

☒ Assessment/Observation: **wound**

☐ Procedures/Treatments: **WOUND VAC CHANGE/PICC LINE DRESSING CHANGE**

☐ Education:

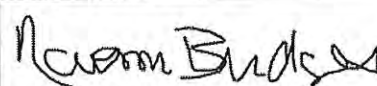
☐ Preparation for discharge:

☐ Other:

INFUSION CLINICAL NOTE

© Kindred at Home
Form# KAH1264, revised 07/2018

Bridges, N. 1537 ¹⁴⁶⁶
1462

EMPLOYEE TIME SLIP		☒ Cert. ☐ Non-Cert.	Location Name Kindred at Home- BLUFFTON (3246)		Location No. 1105		Client No. 110500815	
Employee No. LR63100531		Employee Name (Last, First) ROGERS, LORA J (RN)			Patient Name (Last, First) BRIDGES NAOMI			
Pay/Bill Code 0013 - RN HIGH TECH VISIT		Shift D	Date of Service 09/10/2018	Service Time Start: 10:45 AM Stop: 11:40 AM	Travel Time Start: 10:34 AM Stop: 10:43 AM	Travel Duration 9	Mileage Bill Mileage ☐ Yes ☐ No	
Payer: 9687 - HIX BCBS SC								
Patient Time		Non-Billable Visit Duration (NBD)		Chart Time		Total Time		
Hrs	Min	Hrs	Min	Hrs	Min	Hrs	Min	
☒ Bill/Pay ☐ Bill ☐ Pay ☐ No Pay/No Bill		Primary Skill Provided:		Therapy: ☐ Direct Patient Care ☐ Maintenance Therapy ☐ Reassessment Nursing: ☐ Direct Patient Care ☐ Education and Training ☐ Observation and Assessment ☐ Management and Evaluation				
Supervisory Visit Completed: ☐ Yes ☒ No								
Supervisory Visit:		☐ COTA ☐ HHA ☐ LVN ☐ PTA (Last Sup Visit: 08/02/2018)		☐ LPN (Last Sup Visit: 08/27/2018)		☐ LOTA ☐ Caregiver Present: (name/discipline):		
Following Plan of Care ☐ Yes ☐ No				Honors patient rights ☐ Yes ☐ No		☐ Yes ☐ No		
Reports changes in condition to case manager/supervisor ☐ Yes ☐ No				Demonstrates competency with assigned tasks ☐ Yes ☐ No		NA Aide not present ☐ Yes ☐ No		
Maintains an open communication process with patient, representative (if any), caregivers and family ☐ Yes ☐ No				Follows infection prevention/control policies and procedures ☐ Yes ☐ No				
Actions taken/planned for areas of concern identified during visit:								
☐ Plan of Care changes made as a result of supervisory visit (specify):								
☐ Patient/Caregiver/Family and Representative (if any) updated on Plan of Care changes								
Supplies	Code	Supply Code 1:	Supply Code 2:	Supply Code 3:	Supply Code 4:	Supply Code 5:	Supply Code 6:	Patient's Signature  Signed on 09/10/2018 11:39:20 AM EDT
	Quantity							

VITAL SIGNS

Pulse: **80** ☒ Apical ☐ Radial ☒ Regular ☐ Irregular

Blood Pressure: **96.64** Position: **Sitting** ☒ Left ☐ Right

Temperature: **96.9** Method: **Oral**

Respirations: **17**

Patient/Caregiver self monitoring: ☐ Temp ☐ Pulse ☐ BP ☐ SPO2

Additional vital sign details:

Actual Weight: **Reported Weight:**

SPO2 Sat: (order required)

Blood Sugar: ☐ Actual ☐ Reported

☐ Gained ☐ Loss ☐ No change (from last visit)

PAIN

☐ Patient reports no pain	
Pain location 1: Leg ☐ Right ☒ Left	Pain location 2: ☐ Right ☐ Left
Type: ☐ Acute ☒ Recent Onset ☐ Chronic	Type: ☐ Acute ☐ Recent Onset ☐ Chronic
Pain rating: 3/10 ☒ Numeric ☐ FLACC ☐ Faces	Pain rating: /10 ☐ Numeric ☐ FLACC ☐ Faces
Pain precipitated by: Open wound/wound vac	Pain precipitated by:
Does the pain radiate? ☒ Yes ☐ No	Does the pain radiate? ☐ Yes ☐ No
Please describe the pain (using patients own words): Sharp	Please describe the pain (using patients own words):
What is the pain preventing the patient from doing? Nothing	What is the pain preventing the patient from doing?
How long does the pain last? Comes and goes	How long does the pain last?
Are there times of the day/night when the pain is worse? No	Are there times of the day/night when the pain is worse?
Is there a pattern to the pain? ☐ Yes ☒ No	Is there a pattern to the pain? ☐ Yes ☐ No
Does the pain vary? ☒ Yes ☐ No	Does the pain vary? ☐ Yes ☐ No
Control measures (mark all that apply): ☐ Rest ☐ Massage ☐ Heat ☐ Cold ☒ Medication ☐ TENS Unit ☐ Relaxation ☐ Other:	Control measures (mark all that apply): ☐ Rest ☐ Massage ☐ Heat ☐ Cold ☐ Medication ☐ TENS Unit ☐ Relaxation ☐ Other:

Bridges, N. 1538

1467
1463

Frequency of pain medication: As needed	Frequency of pain medication:
Last dose taken: Two days ago Current pain management effective? ☒ Yes ☐ No	Last dose taken: Current pain management effective? ☐ Yes ☐ No
Comment: Worst 6/10. Best 0/10. Current 4/10. Average 3/10	Comment:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

This form has been electronically signed by:
ROGERS, LORA J (RN) 09/11/2018 10:02:43 AM EDT

Bridges, N. 1539

1468
~~1464~~

HOMEBOUND REVIEW (Select Eligibility link below to select Homebound Status Items)

Eligibility

HOMEBOUND STATUS:

Ability to leave home is restricted related to NWB L LE condition, leaving home requires assistance of FWW supportive device(s) and person(s) Start Effective Date: 07/06/2018
 Ability to leave home is restricted related to s/p fall with injury with surgical repair of left tib condition, patient NWB left leg x 6 months, pain, requires assistance to leave home safely and frequent rest periods to recover, leaving home requires assistance of walker supportive device(s) and person(s) x1 Start Effective Date: 07/06/2018
 Infrequent absences from home are generally related to the need for health care and are of short duration. Pt is NWB on L LE, taxing effort for pt to ambulate, high fall risk. Start Effective Date: 07/07/2018

Comments:

RESPIRATORY

Breath Sounds: ☐ All clearRespiratory: ☐ Easy/Non-labored

☐ Dyspnea at rest and/or Supine
☐ Dyspnea on minimal exertion with ADL and/or talking
☐ Dyspnea on moderate exertion feet/ Min

Cough: ☐ Dry ☐ Productive

Sputum: Color Consistency

Incentive Spirometry: cc

☐ Oxygen L / Min NC or ☐ % via Mask ☐ PRN ☐ Continuous

New findings and/or other comments:

	Right Upper	Right Lower	Left Upper	Left Lower
Clear	☐	☐	☐	☐
Diminished	☐	☐	☐	☐
Absent	☐	☐	☐	☐
Crackles	☐	☐	☐	☐
Wheezing	☐	☐	☐	☐

CARDIOVASCULAR

Heart sounds & Rate: ☐ Normal Heart Sounds S1/S2 ☐ S3 ☐ S4 ☐ Murmur ☐ Palpitations ☐ Lightheadedness
☐ Chest Pain ☐ Neck vein distension ☐ Vertigo

Capillary Refill: ☐ Less than 3 secs ☐ Greater than 3 secsPedal pulses: Right: ☐ Present ☐ Weak ☐ Absent Left: ☐ Present ☐ Weak ☐ AbsentEdema/Swelling: ☐ None ☐ Location: ☐ DependentRight Edema: ☐ 1+ ☐ 2+ ☐ 3+ ☐ 4+ ☐ ankle cm ☐ calf cmLeft Edema: ☐ 1+ ☐ 2+ ☐ 3+ ☐ 4+ ☐ ankle cm ☐ calf cmAbdominal Girth ☐ N/A cm

New findings and/or other comments:

Edema Scale: 1+ 0 - 1/4 inch depression (no pitting); 2+ 1/4 - 1/2 inch depression (disappears in 10-45 seconds);
 3+ 1/2 - 1 inch depression (disappears in 1-2 minutes); 4+ greater than 1 inch depression (disappears in 3-5 minutes)

NEUROLOGICAL

☐ Oriented: ☐ Person ☐ Place ☐ Time ☐ Disoriented ☐ Alteration in mood/affect:☐ PERRLA: ☐ Other:Change in: ☐ Weakness ☐ Dizziness ☐ Loss of balance ☐ Facial droop ☐ Communication ☐ Cognition ☐ Numbness/TinglingGrip strength: ☐ Strong ☐ Weak ☐ Equal ☐ Unequal (specify)

New findings and/or other comments:

GENITOURINARY

☐ Voiding without problems☐ Anuria☐ Frequency ☐ Hesitancy☐ Urgency☐ Pain☐ Retention☐ Voiding at night frequency:Urine color: ☐ Clear☐ Cloudy☐ Yellow☐ Dark Yellow☐ Brownish Tea Color ☐ Pink/RedCatheter types: ☐ Urethral catheter☐ Sub-a-pubic catheter☐ Condom catheter☐ Bedside drainage bag☐ Leg bag☐ Self cath☐ Catheter change using sterile technique: Size: Balloon filled with: cc sterile water ☐ Patient tolerated procedure☐ Other (Urostomy/Ileostomy/Peritoneal dialysis/Hemodialysis):

New findings and/or other comments:

GASTROINTESTINAL

Last BM:

Bowel Sounds: ☐ Present ☐ Hyperactive ☐ Sluggish/Diminished ☐ AbsentChange in bowel: ☐ Pattern ☐ Consistency ☐ Frequency Describe:

Swallowing concerns:

Abdomen: ☐ Soft ☐ Flat ☐ Distended ☐ Indigestion ☐ Nauseated/VomitingDevices: ☐ Ileostomy ☐ Colostomy Stoma: ☐ Pink ☐ Red ☐ Moist ☐ Performs Self Management☐ Ostomy appliance change Type: Size: Skin:

Bridges, N. 1540

1469
1465

Feeding Tubes: ☐ Gastrostomy Tube ☐ PEG ☐ Other:

Site: ☐ Intact ☐ Without redness, swelling, drainage ☐ Redness ☐ Swelling ☐ Drainage:

New findings and/or other comments:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

Bridges, N. 1541 ¹⁴⁷⁰
~~1466~~

NUTRITION

- ☐ Patient/Caregiver reports diet adherence: ☐ Good (adequate) ☐ Fair ☐ Poor
- ☐ Patient/Caregiver reports fluid adherence: ☐ Good (adequate) ☐ Fair ☐ Poor
- ☐ Change in appetite ☐ Change in skin turgor ☐ Other - Describe:

Enteral Feeding: ☐ Continuous ☐ Pump ☐ Gravity ☐ Bolus Type: Rate: ☐ Tolerating enteral feedings

New findings and/or other comments:

ENDOCRINE

- ☐ N/A
- ☐ Performs own glucose monitoring without difficulty/concerns. Reports blood glucose range of (per caregiver/patient)
- Most recent blood sugar: mg/dl ☐ Fasting ☐ Random ☐ Clinician performed ☐ Patient/Caregiver performed
- ☐ Diabetic Foot Inspection: Findings and noted changes:

Describe observed symptoms of hypoglycemia:

Describe observed symptoms of hyperglycemia:

New findings and/or other comments:

MUSCULOSKELETAL AND FALL RISK

- ☐ Patient/Caregiver deny concerns or changes in mobility. Comments:
- ☐ No devices in use ☐ Safely uses assistive device(s) ☐ Yes ☐ No
- ☐ Fall since last visit: ☐ Yes ☐ No (describe): Dates: Communicated to:

Describe:

New findings and/or other comments:

INTEGUMENTARY

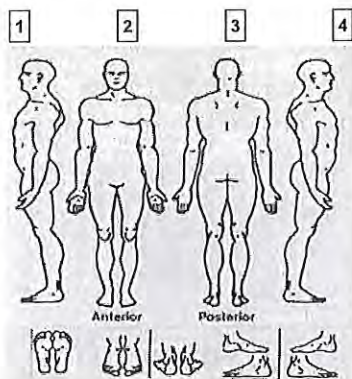
- Color: ☐ Normal for patient ☐ Pale ☐ Flushed ☐ Ashen ☐ Jaundice ☐ Cyanosis (location) ☐ Other:
- Turgor: ☐ Good ☐ Fair ☐ Poor
- Temperature: ☐ Warm ☐ Cool ☐ Hot ☐ Cold Moisture: ☐ Normal for patient ☐ Dry ☐ Clammy ☐ Diaphoretic ☐ Other:
- ☐ Patient/caregiver reports changes in skin integrity (describe):
- Wounds identified? ☐ No ☐ Yes (complete the following section(s))

Surgical Wound (complete for closed surgical wound only; if surgical wound is open, complete wound assessment below):

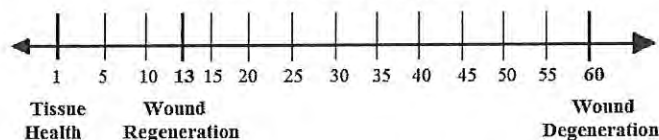
Location: Appearance/size: ☐ Non-removable dressing intact

Incision closed with: ☐ Staples ☐ Sutures ☐ Steri-strips ☐ Skin/Surgical adhesive

Surgical wound comments:



WOUND STATUS CONTINUUM



Wound #1 ☐ Weekly Wound Measurement	Wound #2 ☐ Weekly Wound Measurement	Wound #3 ☐ Weekly Wound Measurement	Wound #4 ☐ Weekly Wound Measurement
Location: ☐ Right ☐ Left	Location: ☐ Right ☐ Left	Location: ☐ Right ☐ Left	Location: ☐ Right ☐ Left
Etiology	Etiology	Etiology	Etiology
Measurements	Measurements	Measurements	Measurements
Length 4.5 cm	Length cm	Length cm	Length cm
Width 1.2 cm	Width cm	Width cm	Width cm
Square cm 5.40	Square cm	Square cm	Square cm
Size	Size	Size	Size
Depth 1.3 cm	Depth cm	Depth cm	Depth cm
Depth Description	Depth Description	Depth Description	Depth Description

Bridges, N. 15421471

1467

Edges	Edges	Edges	Edges
Undermining	Undermining	Undermining	Undermining
Necrotic Tissue Type	Necrotic Tissue Type	Necrotic Tissue Type	Necrotic Tissue Type
Necrotic Tissue Amount	Necrotic Tissue Amount	Necrotic Tissue Amount	Necrotic Tissue Amount
Exudate Type	Exudate Type	Exudate Type	Exudate Type
Exudate Amount	Exudate Amount	Exudate Amount	Exudate Amount
Skin Color Surrounding Wound	Skin Color Surrounding Wound	Skin Color Surrounding Wound	Skin Color Surrounding Wound
Peripheral Tissue Edema	Peripheral Tissue Edema	Peripheral Tissue Edema	Peripheral Tissue Edema
Peripheral Tissue Induration	Peripheral Tissue Induration	Peripheral Tissue Induration	Peripheral Tissue Induration
Granulation Tissue	Granulation Tissue	Granulation Tissue	Granulation Tissue
Epithelialization	Epithelialization	Epithelialization	Epithelialization
#1 Wound Assessment Score	#2 Wound Assessment Score	#3 Wound Assessment Score	#4 Wound Assessment Score

Skin Tear - Payne Martin Category:

(Use wound grid to document skin tear assessment.)

Comments:

Pressure redistribution devices in use:

- ☐ Foam mattress ☐ Gel or air overlay
☐ Air mattress ☐ Wheel chair cushion ☐ NA
☐ Other:

Comments:

Additional assessment findings: ☐ See Addendum

Patient response to treatment:

MEDICATION

- ☐ Adheres to medication regimen ☐ Yes ☐ No Describe:
☐ New/changes in medications since last visit? ☐ Yes ☐ No ☐ Medication profile updated and review completed
☐ Medications available in home as ordered. ☐ Yes ☐ No Action taken:
☐ Adverse event/reaction/interaction/significant side effects reported. Describe:
☐ Changes in who manages medications. Describe:
☐ Medication administered: Name, Dose, Route, Location (if IV use IV addendum): Patient Tolerated:

Comments:

Caregiver psychosocial wellbeing: ☐ Caregiver verbalizes no concerns ☐ Caregiver verbalizes concerns of:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

Bridges, N. 1543

1472
1468

IV NOTE

IV ACCESS

Number of Catheters in Place at the Beginning of Visit:

Type of Access: ☐ Peripheral ☐ Midline ☐ Midclavicular ☐ PICC ☐ Tunnelled ☐ Non-Tunnelled
☐ Implanted Port ☐ Subcutaneous ☐ Implanted Pump ☐ Epidural/Intraspinal ☐ Other (describe):

Type of catheter: ☐ Groshong ☐ Non-Groshong

External Length of Catheter (in cm):

Mid-Arm Circumference (in cm):

Number of Lumens:

French Size: ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9

IV Catheter Gauge:

Site of Insertion/Exit: ☐ Antecubital Fossa
☐ R ☐ L

☐ Chest Wall
☐ R ☐ L

☐ Forearm
☐ R ☐ L

☐ Upper Arm
☐ R ☐ L

☐ Hand
☐ R ☐ L

☐ Other (specify):

Site Condition: ☐ No problems identified

☐ Dry ☐ Tender/Pain ☐ Drainage ☐ Edema ☐ Ecchymosis ☐ Erythema ☐ Sutures ☐ Other (describe):

Current Dressing Intact:
☐ Yes ☐ No

Type of Dressing: ☐ Occlusive ☐ Gauze/Occlusive ☐ Gauze/Tape
☐ Other (specify):

Securement device (if any): (type/brand if known)

Catheter Inserted During This Visit:
☐ No ☐ Yes

Local Anesthetic Used if Ordered by Physician:
☐ Yes (describe):

☐ Implanted port accessed this visit Gauge
 Inch Huber Needle

Attempt	Vein/Location	Catheter Brand/Type	Lot Number	Gauge	Length
1					
2					
3					

Infusion Site/Prep Dressing Procedure This Visit: ☐ No ☐ Yes (describe):

☐ Alcohol ☐ Betadine ☐ Chlorhexidine ☐ Occlusive Dressing ☐ Gauze ☐ Securement device (type/brand):
☐ Anti-microbial dressing (i.e., Bio Patch) ☐ Injection cap change ☐ Other (specify):

Catheter Discontinued During This Visit: ☐ No ☐ Yes - Describe Catheter Condition and Length:

Length of catheter upon removal (cm) appearance of catheter ☐ Tip intact

Site prep before removal ; dressing after removal

Comments:

Reason: ☐ Site Rotated ☐ Infiltration ☐ Catheter Occlusion ☐ Physician Order ☐ Therapy/Infusion Completed
☐ Damaged Catheter ☐ Other (describe):

Premedication Given By: ☐ Nurse ☐ Patient ☐ Caregiver ☐ Medication/Dose/Route (specify): ☐ No premedication ordered

Therapy/Infusion Administered By: ☐ Nurse ☐ Patient ☐ Caregiver with ☐ SN assistance ☐ Supervision ☐ Instruction

	Infusion/Therapy Administered this visit	Dose	Diluent Type	Infusion Volume	Route	Duration/rate	Gravity or Control Device	Tubing Change	Lot #
1									
2									
3									

Lumen/Line flushed: Pre: ☐ NS mLs ☐ Other Between: ☐ NS mLs ☐ Other Post: ☐ NS mLs ☐ Heparin unit/mL mLs ☐ Other

Lumen/Line flushed: Pre: ☐ NS mLs ☐ Other Between: ☐ NS mLs ☐ Other Post: ☐ NS mLs ☐ Heparin unit/mL mLs ☐ Other

Comments:

LAB

Labs Drawn (specify):

Delivered to Lab (Name):

Labs Drawn From:

☐ Peripheral Venipuncture

☐ Existing catheter: flush with NS mL; mL estimated blood discard; mL estimated blood withdrawn; flush with NS mL
☐ Heparin flush units/mL mL ☐ Injection cap change

PUMP INFORMATION

Brand/Model:

Pump Program Verified: ☐ No ☐ Yes - Enter Below

Pump Programmed By: ☐ Nurse ☐ Patient/Caregiver ☐ Pharmacist

Res Vol	Give	Rate	Periods	Inter	KVO	Ramp Up	Ramp Down	CASS	Battery	Lock	Number Bolus
mLs	mLs			hr/doses	mL/hr	hr/min	hr/min	Change	Change	Level/Out	Given 24°

Pump Program Verified: ☐ No ☐ Yes - Enter Below

Pump Programmed By: ☐ Nurse ☐ Patient/Caregiver ☐ Pharmacist

Res Vol	Give	Rate	Periods	Inter	KVO	Ramp Up	Ramp Down	CASS	Battery	Lock	Number Bolus
mLs	mLs			hr/doses	mL/hr	hr/min	hr/min	Change	Change	Level/Out	Given 24°

Patient response to treatment: ☐ Tolerated without complications/complaints

☐ Other:

Bridges, N. 1544

1473
1469

SKILLED CARE PROVIDED THIS VISIT

Interventions

VITAL SIGN PARAMETERS: Notify Physician if;

Temp > 100.4 ° < 96.5 ° Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Pulse Rate > 100 < 60 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Resp Rate > 24 < 12 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

SPO2 < 90 % at rest 88 % with exertion Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

BP: Systolic > 160 < 90 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

BP: Diastolic > 90 < 60 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Pain > 7 on a 0-10 scale Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

SN INFUSION THERAPY INTERVENTIONS:

Assess/Perform/Instruct Pt/Cg: Central line dressing change using sterile technique; may cleanse site first with alcohol PRN. Prep with either povidone iodine swabs air dry for 2 minutes or chlorhexidine solution x 30 seconds scrub. Cover with transparent dressing and change q 7 days and PRN. May cover with anti-microbial dressing. If gauze dressing used with or without transparent dressing, change every 48 hours or 3 x per week and PRN. Start Effective Date: 07/25/2018

Perform/Instruct Pt/Cg: Change injection cap q week and after blood draws and PRN Start Effective Date: 07/25/2018

Assess/Perform/Instruct Pt/Cg: Arm circumference above site of Peripherally Inserted Central Catheter (PICC) entry will be measured at SOC and weekly with site care and documented on clinical note. The physician will be notified of an increase in arm circumference. Start Effective Date: 07/25/2018

SN INTEGUMENTARY INTERVENTIONS:

Assess/Instruct Pt/Cg: s/s of complications, infection to include: increase in drainage, color, odor, pain, redness, warmth, or fever Start Effective Date: 07/06/2018

NPWT / dNPWT: location Left Lower Leg, frequency of dressing change M,W,F. Cleanse with: Wound Cleanser or NS / Gauze. Apply Black Foam. Cut drape to fit and protect periwound.

May use skin sealant to protect. May use stoma paste/seals PRN air leaks. Apply appropriate foam. Cover with drape: apply track pad: attach suction as follows: continuous suction @ 125 mm/Hg Start Effective Date: 08/21/2018

Describe Interventions and response:

Full assessment, wound assessment, wound vac change, PICC line dressing change. Patient alert and oriented times three. Verbal. Able to voice needs. Vitals within specified parameters. PICC line dressing change. Sterile technique used. Patient tolerated well. Wound vac change this visit. Wound shows no s/s of redness, warmth, swelling, increase pain, increase drainage, odor or fever. Patient tolerated wound vac change well. Arm circumference unchanged.

GOAL STATUS

Goals

SN INFUSION THERAPY GOALS:

Patient/caregiver will verbalize/demonstrate use and maintenance of equipment/monitor Start Effective Date: 11/02/2018 Progress Toward Goal: 60% Status/Specify: Patient infusing easy pump without difficulty, cues or questions.

Patient/caregiver will recognize signs and symptoms of complications to report, emergency management Start Effective Date: 11/02/2018 Progress Toward Goal: 60% Status/Specify:

Patient understands to monitor picc line dressing for any changes in color, pain, temp or drainage.

Patient/caregiver will verbalize/demonstrate knowledge of monitoring and prevention of complications Start Effective Date: 11/02/2018 Progress Toward Goal: 60% Status/Specify: Patient understand to report any difficulty infusion, or swelling at picc line site

Patient/caregiver will verbalize/demonstrate strategies to reduce infection Start Effective Date: 11/02/2018 Progress Toward Goal: 60% Status/Specify: Patient understands washing hands before touching picc line and scrubbing hub with alcohol for 20 seconds between each step will reduce risk for infection.

SN INTEGUMENTARY GOALS:

Patient/caregiver will verbalize/demonstrate knowledge of symptoms to report Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Toward Goal: 70%

Status/Specify: Patient understands reporting changes in condition and what s/s of infection are.

Patient/caregiver will verbalize/demonstrate knowledge of monitoring wound status and prevention of infection Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: Patient reports monitoring wound status daily

Patient/caregiver will verbalize/demonstrate knowledge of the importance of general health and nutrition to promote wound healing Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 80% Status/Specify: "I had my last cigarette today so i can have the muscle flap surgery"

Patient/caregiver will verbalize understanding and demonstrate safe and effective obtaining and storing supplies Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018

Progress Toward Goal: 60% Status/Specify: All wound care supplies were gathered in one box and easy to access.

Patient/caregiver will verbalize understanding and demonstrate safe and effective monitoring for S/S of infection and deterioration of wound to report Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: "I will call my doctor or the nurse at Kindred if i have a sign or symptom of infection like, fever, chills or excess pain or redness around my incision"

Reduction in wound size Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 60% Status/Specify: wound shows slow improvement

Patient will not have any new evidence of skin breakdown Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: no new open areas

Patient/caregiver will verbalize/demonstrate skin protection measures Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Toward Goal: 70% Status/Specify:

Patient understands getting up and moving around reduces pressure and risk for developing a new wound.

Comments:

CARE COORDINATION

☐ Changes made to Plan of Care (Specify):☐ Patient, along with Patient's Caregiver and Representative (if any and as appropriate), agrees with and participated in Plan of Care changes.Conference with: ☐ Physician ☐ MCP ☐ RN ☐ LPN ☐ PT ☐ PTA ☐ OT ☐ COTA ☐ SLP ☐ MSW ☐ HHA ☐ Other:

Name(s) and details/outcomes of conference:

Date:

Time:

Bridges, N. 1545

1474
1470

Discharge Plan Activities this visit:

☐ Changes were made to Discharge Plan, Patient, along with Patient's Caregiver and Representative (if any and as appropriate), agreed with and participated in changes to the discharge plan

Discharge Planning

SN DISCHARGE PLANS:

Discharge to care of; Physician / Caregiver / Family Start Effective Date: 07/06/2018

Plan for next visit:

☐ Assessment/Observation:

☒ Procedures/Treatments: **Wound vac change**

☐ Education:

☐ Preparation for discharge:

☐ Other:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

Bridges, N. 1546

1475
1471

EMPLOYEE TIME SLIP		☒ Cert. ☐ Non-Cert.		Location Name Kindred at Home- BLUFFTON (3246)		Location No. 1105		Client No. 110500815	
Employee No. LR63100531		Employee Name (Last, First) ROGERS, LORA J (RN)			Patient Name (Last, First) BRIDGES NAOMI				
Pay/Bill Code		Shift	Date of Service	Service Time		Travel Time		Travel Duration	Mileage
0013 - RN HIGH TECH VISIT		D	09/11/2018	Start: 10:00 AM Stop: 11:25 AM		Start: 9:30 AM Stop: 9:55 AM		25	Mileage Bill Mileage ☐ Yes ☐ No
Payer: 9687 - HIX BCBS SC									
Patient Time		Non-Billable Visit Duration (NBD)		Chart Time		Total Time			
Hrs	Min	Hrs	Min	Hrs	Min	Hrs Min			
☒ Bill/Pay ☐ Bill ☐ Pay ☐ No Pay/No Bill		Primary Skill Provided:		Therapy: ☐ Direct Patient Care ☐ Maintenance Therapy ☐ Reassessment		☐ Observation and Assessment ☐ Management and Evaluation			
		Nursing: ☐ Direct Patient Care ☐ Education and Training							
Supervisory Visit Completed: ☐ Yes ☒ No Supervisory Visit: ☐ COTA ☐ HHA ☐ LVN ☐ PTA (Last Sup Visit: 08/02/2018) ☐ LPN (Last Sup Visit: 08/27/2018) ☐ LOTA ☐ Caregiver Present: (name/discipline):									
Following Plan of Care ☐ Yes ☐ No Honors patient rights ☐ Yes ☐ No									
Reports changes in condition to case manager/supervisor ☐ Yes ☐ No Demonstrates competency with assigned tasks ☐ Yes ☐ No ☐ NA Aide not present									
Maintains an open communication process with patient, representative (if any), caregivers and family ☐ Yes ☐ No Follows infection prevention/control policies and procedures ☐ Yes ☐ No									
Actions taken/planned for areas of concern identified during visit:									
☐ Plan of Care changes made as a result of supervisory visit (specify):									
☐ Patient/Caregiver/Family and Representative (if any) updated on Plan of Care changes									
Supplies	Code	Supply Code 1:	Supply Code 2:	Supply Code 3:	Supply Code 4:	Supply Code 5:	Supply Code 6:	Patient's Signature	
	Quantity							Signed on 09/11/2018 11:23:24 AM EDT	

VITAL SIGNS

Pulse: ☒ Apical ☐ Radial ☒ Regular ☐ Irregular	Actual Weight:	Reported Weight:
Blood Pressure: Position: Sitting ☐ Left ☐ Right	SPO ₂ Sat: (order required)	
Temperature: Method: Oral	Blood Sugar: ☐ Actual ☐ Reported	
Respirations:	☐ Gained ☐ Loss ☐ No change (from last visit)	
Patient/Caregiver self monitoring: ☐ Temp ☐ Pulse ☐ BP ☐ SPO ₂		
Additional vital sign details:		

PAIN

☐ Patient reports no pain	
Pain location 1: Leg ☐ Right ☒ Left	Pain location 2: ☐ Right ☐ Left
Type: ☐ Acute ☒ Recent Onset ☐ Chronic	Type: ☐ Acute ☐ Recent Onset ☐ Chronic
Pain rating: /10 ☒ Numeric ☐ FLACC ☐ Faces	Pain rating: /10 ☐ Numeric ☐ FLACC ☐ Faces
Pain precipitated by: Open wound	Pain precipitated by:
Does the pain radiate? ☐ Yes ☒ No	Does the pain radiate? ☐ Yes ☐ No
Please describe the pain (using patients own words): Sharp	Please describe the pain (using patients own words):
What is the pain preventing the patient from doing? Nothing	What is the pain preventing the patient from doing?
How long does the pain last? Comes and goes	How long does the pain last?
Are there times of the day/night when the pain is worse? No	Are there times of the day/night when the pain is worse?
Is there a pattern to the pain? ☒ Yes ☐ No	Is there a pattern to the pain? ☐ Yes ☐ No
Does the pain vary? ☒ Yes ☐ No	Does the pain vary? ☐ Yes ☐ No
Control measures (mark all that apply): ☐ Rest ☐ Massage ☐ Heat ☐ Cold ☒ Medication ☐ TENS Unit ☐ Relaxation ☐ Other:	Control measures (mark all that apply): ☐ Rest ☐ Massage ☐ Heat ☐ Cold ☐ Medication ☐ TENS Unit ☐ Relaxation ☐ Other:

Bridges, N.

1547

1476
1472

Frequency of pain medication: As needed	Frequency of pain medication:
Last dose taken: This morning Current pain management effective? ☐ Yes ☐ No	Last dose taken: Current pain management effective? ☐ Yes ☐ No
Comment: Worst 7/10. Best 0/10. Current 6/10	Comment:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

This form has been electronically signed by:
ROGERS, LORA J (RN) 09/14/2018 12:56:46 PM EDT

Bridges, N. 1548 ¹⁴⁷⁷
1473

HOMEBOUND REVIEW (Select Eligibility link below to select Homebound Status Items)

Eligibility

HOMEBOUND STATUS:

Ability to leave home is restricted related to NWB L LE condition, leaving home requires assistance of FWW supportive device(s) and person(s) Start Effective Date: 07/06/2018
 Ability to leave home is restricted related to s/p fall with injury with surgical repair of left tib condition, patient NWB left leg x 6 months, pain, requires assistance to leave home safely and frequent rest periods to recover, leaving home requires assistance of walker supportive device(s) and person(s) x1 Start Effective Date: 07/06/2018
 Infrequent absences from home are generally related to the need for health care and are of short duration. Pt is NWB on L LE, taxing effort for pt to ambulate, high fall risk. Start Effective Date: 07/07/2018

Comments:

RESPIRATORY

Breath Sounds: ☒ All clear

	Right Upper	Right Lower	Left Upper	Left Lower
Clear	☐	☐	☐	☐
Diminished	☐	☐	☐	☐
Absent	☐	☐	☐	☐
Crackles	☐	☐	☐	☐
Wheezing	☐	☐	☐	☐

Respiratory: ☒ Easy/Non-labored

- ☐ Dyspnea at rest and/or Supine
☐ Dyspnea on minimal exertion with ADL and/or talking
☐ Dyspnea on moderate exertion feet/ Min

Cough: ☐ Dry ☐ Productive

Sputum: Color Consistency

Incentive Spirometry: cc

☐ Oxygen L / Min NC or ☐ % via Mask ☐ PRN ☐ Continuous

New findings and/or other comments:

CARDIOVASCULAR

Heart sounds & Rate:

- ☒ Normal Heart Sounds S1/S2 ☐ S3 ☐ S4 ☐ Murmur ☐ Palpitations ☐ Lightheadedness
☐ Chest Pain ☐ Neck vein distension ☐ Vertigo

Capillary Refill: ☒ Less than 3 secs ☐ Greater than 3 secsPedal pulses: Right: ☒ Present ☐ Weak ☐ Absent Left: ☒ Present ☐ Weak ☐ AbsentEdema/Swelling: ☐ None ☐ Location: ☐ DependentRight Edema: ☐ 1+ ☐ 2+ ☐ 3+ ☐ 4+ ☐ ankle cm ☐ calf cmLeft Edema: ☐ 1+ ☐ 2+ ☐ 3+ ☐ 4+ ☐ ankle cm ☐ calf cmAbdominal Girth ☒ N/A cm

New findings and/or other comments:

Edema Scale: 1+ 0 - 1/4 inch depression (no pitting); 2+ 1/4 - 1/2 inch depression (disappears in 10-45 seconds);
 3+ 1/2 - 1 inch depression (disappears in 1-2 minutes); 4+ greater than 1 inch depression (disappears in 3-5 minutes)

NEUROLOGICAL

☒ Oriented: ☒ Person ☒ Place ☒ Time ☐ Disoriented ☐ Alteration in mood/affect:☐ PERRLA: ☐ Other:Change in: ☐ Weakness ☐ Dizziness ☐ Loss of balance ☐ Facial droop ☐ Communication ☐ Cognition ☐ Numbness/TinglingGrip strength: ☐ Strong ☐ Weak ☒ Equal ☐ Unequal (specify)

New findings and/or other comments:

GENITOURINARY

☒ Voiding without problems☐ Anuria☐ Frequency ☐ Hesitancy☐ Urgency☐ Pain☐ Retention☐ Voiding at night frequency:Urine color: ☐ Clear☐ Cloudy☐ Yellow☐ Dark Yellow☐ Brownish Tea Color ☐ Pink/RedCatheter types: ☐ Urethral catheter☐ Subra-pubic catheter☐ Condom catheter☐ Bedside drainage bag☐ Leg bag☐ Self cath☐ Catheter change using sterile technique: Size: Balloon filled with: cc sterile water ☐ Patient tolerated procedure☐ Other (Urostomy/Ileostomy/Peritoneal dialysis/Hemodialysis):

New findings and/or other comments:

GASTROINTESTINAL

Last BM: 09/11/2018

Bowel Sounds: ☒ Present ☐ Hyperactive ☐ Sluggish/Diminished ☐ AbsentChange in bowel: ☐ Pattern ☐ Consistency ☐ Frequency Describe:

Swallowing concerns:

Abdomen: ☒ Soft ☐ Flat ☐ Distended ☐ Indigestion ☐ Nauseated/VomitingDevices: ☐ Ileostomy ☐ Colostomy Stoma: ☐ Pink ☐ Red ☐ Moist ☐ Performs Self Management☐ Ostomy appliance change Type: Size: Skin:

Bridges, N.

1549

1478
1474

Feeding Tubes: ☐ Gastrostomy Tube ☐ PEG ☐ Other:

Site: ☐ Intact ☐ Without redness, swelling, drainage ☐ Redness ☐ Swelling ☐ Drainage:

New findings and/or other comments:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

Bridges, N.

1550

1479
1475

NUTRITION

☒ Patient/Caregiver reports diet adherence: ☒ Good (adequate) ☐ Fair ☐ Poor

☒ Patient/Caregiver reports fluid adherence: ☒ Good (adequate) ☐ Fair ☐ Poor

☐ Change in appetite ☐ Change in skin turgor ☐ Other - Describe:

 Enteral Feeding: ☐ Continuous ☐ Pump ☐ Gravity ☐ Bolus Type: Rate: ☐ Tolerating enteral feedings

New findings and/or other comments:

ENDOCRINE

☒ N/A

☐ Performs own glucose monitoring without difficulty/concerns. Reports blood glucose range of (per caregiver/patient)

 Most recent blood sugar: mg/dl ☐ Fasting ☐ Random ☐ Clinician performed ☐ Patient/Caregiver performed

☐ Diabetic Foot Inspection: Findings and noted changes:

Describe observed symptoms of hypoglycemia:

Describe observed symptoms of hyperglycemia:

New findings and/or other comments:

MUSCULOSKELETAL AND FALL RISK

☒ Patient/Caregiver deny concerns or changes in mobility. Comments:

☐ No devices in use ☒ Safely uses assistive device(s) ☒ Yes ☐ No

☒ Fall since last visit: ☐ Yes ☒ No (describe): Dates: Communicated to:

Describe:

New findings and/or other comments:

INTEGUMENTARY

 Color: ☒ Normal for patient ☐ Pale ☐ Flushed ☐ Ashen ☐ Jaundice ☐ Cyanosis (location) ☐ Other:

 Turgor: ☒ Good ☐ Fair ☐ Poor

 Temperature: ☒ Warm ☐ Cool ☐ Hot ☐ Cold Moisture: ☒ Normal for patient ☐ Dry ☐ Clammy ☐ Diaphoretic ☐ Other:

☐ Patient/caregiver reports changes in skin integrity (describe):

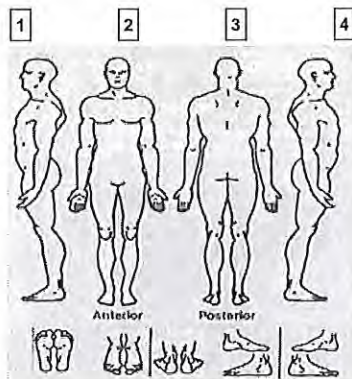
 Wounds identified? ☐ No ☒ Yes (complete the following section(s))

Surgical Wound (complete for closed surgical wound only; if surgical wound is open, complete wound assessment below):

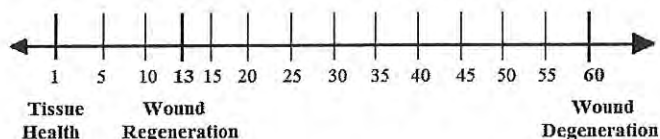
 Location: Appearance/size: ☐ Non-removable dressing intact

 Incision closed with: ☐ Staples ☐ Sutures ☐ Steri-strips ☐ Skin/Surgical adhesive

Surgical wound comments:



WOUND STATUS CONTINUUM



Wound #1 ☐ Weekly Wound Measurement	Wound #2 ☐ Weekly Wound Measurement	Wound #3 ☐ Weekly Wound Measurement	Wound #4 ☐ Weekly Wound Measurement
Location: Leg ☐ Right ☒ Left	Location: ☐ Right ☐ Left	Location: ☐ Right ☐ Left	Location: ☐ Right ☐ Left
Etiology	Etiology	Etiology	Etiology
Surgical Dehiscence			
Measurements	Measurements	Measurements	Measurements
Length 5.0 cm	Length cm	Length cm	Length cm
Width 1.6 cm	Width cm	Width cm	Width cm
Square cm 8.00	Square cm	Square cm	Square cm
Size	Size	Size	Size
Depth 1.2 cm	Depth cm	Depth cm	Depth cm

Bridges, N. 1551

 1480
1476

Depth Description	Depth Description	Depth Description	Depth Description
Edges	Edges	Edges	Edges
Undermining	Undermining	Undermining	Undermining
Necrotic Tissue Type	Necrotic Tissue Type	Necrotic Tissue Type	Necrotic Tissue Type
Necrotic Tissue Amount	Necrotic Tissue Amount	Necrotic Tissue Amount	Necrotic Tissue Amount
Exudate Type	Exudate Type	Exudate Type	Exudate Type
Exudate Amount	Exudate Amount	Exudate Amount	Exudate Amount
Skin Color Surrounding Wound	Skin Color Surrounding Wound	Skin Color Surrounding Wound	Skin Color Surrounding Wound
Peripheral Tissue Edema	Peripheral Tissue Edema	Peripheral Tissue Edema	Peripheral Tissue Edema
Peripheral Tissue Induration	Peripheral Tissue Induration	Peripheral Tissue Induration	Peripheral Tissue Induration
Granulation Tissue	Granulation Tissue	Granulation Tissue	Granulation Tissue
Epithelialization	Epithelialization	Epithelialization	Epithelialization
#1 Wound Assessment Score	#2 Wound Assessment Score	#3 Wound Assessment Score	#4 Wound Assessment Score

Skin Tear - Payne Martin Category:

(Use wound grid to document skin tear assessment.)

Comments:

Pressure redistribution devices in use:

- ☐ Foam mattress ☐ Gel or air overlay
☐ Air mattress ☐ Wheel chair cushion ☐ NA
☐ Other:

Comments:

Additional assessment findings: ☐ See Addendum

Patient response to treatment:

Tolerated well

MEDICATION

- ☒ Adheres to medication regimen ☒ Yes ☐ No Describe:
☐ New/changes in medications since last visit? ☐ Yes ☐ No ☐ Medication profile updated and review completed
☒ Medications available in home as ordered. ☒ Yes ☐ No Action taken:
☐ Adverse event/reaction/interaction/significant side effects reported. Describe:
☐ Changes in who manages medications. Describe:
☐ Medication administered: Name, Dose, Route, Location (if IV use IV addendum): Patient Tolerated:

Comments:

Caregiver psychosocial wellbeing: ☒ Caregiver verbalizes no concerns ☐ Caregiver verbalizes concerns of:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

Bridges, N.

1552

1481
1477

IV NOTE

IV ACCESS

Number of Catheters in Place at the Beginning of Visit: **One**

Type of Access: ☐ Peripheral ☐ Midline ☐ Midclavicular ☒ PICC ☐ Tunnelled ☐ Non-Tunnelled
☐ Implanted Port ☐ Subcutaneous ☐ Implanted Pump ☐ Epidural/Intraspinal ☐ Other (describe):

Type of catheter: ☐ Groshong ☒ Non-Groshong External Length of Catheter (in cm): **0.2** Mid-Arm Circumference (in cm): **21**

Number of Lumens: **1** French Size: ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 IV Catheter Gauge:

Site of Insertion/Exit: ☐ Antecubital Fossa ☐ Chest Wall ☐ Forearm ☒ Upper Arm ☐ Hand ☐ Other (specify):
☐ R ☐ L ☐ R ☐ L ☐ R ☐ L ☒ R ☐ L ☐ R ☐ L

Site Condition: ☒ No problems identified

☐ Dry ☐ Tender/Pain ☐ Drainage ☐ Edema ☐ Ecchymosis ☐ Erythema ☐ Sutures ☐ Other (describe):

Current Dressing Intact:

☒ Yes ☐ No

Type of Dressing: ☐ Occlusive ☐ Gauze/Occlusive ☐ Gauze/Tape
☐ Other (specify):

Securement device (if any): (type/brand if known)

Catheter Inserted During This Visit:

☐ No ☒ Yes

Local Anesthetic Used if Ordered by Physician:

☐ Yes (describe):☐ Implanted port accessed this visit Gauge
Inch Huber Needle

Attempt	Vein/Location	Catheter Brand/Type	Lot Number	Gauge	Length
1					
2					
3					

Infusion Site/Prep Dressing Procedure This Visit: ☒ No ☐ Yes (describe):

☐ Alcohol ☐ Betadine ☐ Chlorhexidine ☐ Occlusive Dressing ☐ Gauze ☐ Securement device (type/brand):
☐ Anti-microbial dressing (i.e., Bio Patch) ☐ Injection cap change ☐ Other (specify):

Catheter Discontinued During This Visit: ☐ No ☒ Yes - Describe Catheter Condition and Length:Length of catheter upon removal (cm) appearance of catheter ☐ Tip intact

Site prep before removal ; dressing after removal

Comments:

Reason: ☐ Site Rotated ☐ Infiltration ☐ Catheter Occlusion ☐ Physician Order ☐ Therapy/Infusion Completed
☐ Damaged Catheter ☐ Other (describe):

Premedication Given By: ☐ Nurse ☐ Patient ☐ Caregiver ☐ Medication/Dose/Route (specify): ☐ No premedication orderedTherapy/Infusion Administered By: ☐ Nurse ☐ Patient ☐ Caregiver with ☐ SN assistance ☐ Supervision ☐ Instruction

	Infusion/Therapy Administered this visit	Dose	Diluent Type	Infusion Volume	Route	Duration/rate	Gravity or Control Device	Tubing Change	Lot #
1									
2									
3									

Lumen/Line flushed: Pre: ☐ NS mLs ☐ Other Between: ☐ NS mLs ☐ Other Post: ☐ NS mLs ☐ Heparin unit/mL mLs ☐ Other

Lumen/Line flushed: Pre: ☐ NS mLs ☐ Other Between: ☐ NS mLs ☐ Other Post: ☐ NS mLs ☐ Heparin unit/mL mLs ☐ Other

Comments:

LAB

Labs Drawn (specify): Delivered to Lab (Name): Labs Drawn From:
☐ Peripheral Venipuncture

☐ Existing catheter: flush with NS mL; mL estimated blood discard; mL estimated blood withdrawn; flush with NS mL
☐ Heparin flush units/mL mL ☐ Injection cap change

PUMP INFORMATION

Brand/Model:

Pump Program Verified: ☐ No ☐ Yes - Enter BelowPump Programmed By: ☐ Nurse ☐ Patient/Caregiver ☐ Pharmacist

Res Vol	Give	Rate	Periods	Inter	KVO	Ramp Up	Ramp Down	CASS	Battery	Lock	Number Bolus
mLs	mLs			hr/doses	mL/hr	hr/min	hr/min	Change	Change	Level/Out	Given 24°

Pump Program Verified: ☐ No ☐ Yes - Enter BelowPump Programmed By: ☐ Nurse ☐ Patient/Caregiver ☐ Pharmacist

Res Vol	Give	Rate	Periods	Inter	KVO	Ramp Up	Ramp Down	CASS	Battery	Lock	Number Bolus
mLs	mLs			hr/doses	mL/hr	hr/min	hr/min	Change	Change	Level/Out	Given 24°

Patient response to treatment: ☒ Tolerated without complications/complaints☐ Other:

Bridges, N. 1553

SKILLED CARE PROVIDED THIS VISIT

Interventions

VITAL SIGN PARAMETERS: Notify Physician if;

Temp > 100.4 ° < 96.5 ° Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Pulse Rate > 100 < 60 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Resp Rate > 24 < 12 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

SPO2 < 90 % at rest 88 % with exertion Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

BP: Systolic > 160 < 90 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

BP: Diastolic > 90 < 60 Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

Pain > 7 on a 0-10 scale Start Effective Date: 07/18/2018 Met/Discontinued Date: 07/18/2018

SN INTEGUMENTARY INTERVENTIONS:

Assess/Perform/Instruct Pt/Cg: Wound Care; Site: left lower leg Frequency: twice a day Cleanse with: normal saline Apply: saline moist sterile gauze Cover/Secure with: tefla then dry gauze then wrap with kerlix then ace wrap Start Effective Date: 09/10/2018

Assess/Instruct Pt/Cg: s/s of complications, infection to include: increase in drainage, color, odor, pain, redness, warmth, or fever Start Effective Date: 07/06/2018

Describe Interventions and response:

full assessment, wound assessment, teaching and education. patient alert and oriented times three. verbal. able to voice needs. vitals within specified parameters. pain improving since wound vac dc for evacuation. patient wound unchanged. md aware. wet to dry dressing performed. patient educated to change dressing twice a day. washing hands before removing old dressing. washing hands before applying new dressing and washing hands after wound care completed. patient educated to monitor for s/s of infection and report ANY redness, warmth, swelling, increased drainage, increased pain, odor or fever. patient tolerated well. picc line will continue. md will order more antibiotics for patient.

GOAL STATUS

Goals

SN INTEGUMENTARY GOALS:

Patient/caregiver will verbalize/demonstrate knowledge of symptoms to report Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Toward Goal: 70%

Status/Specify: Patient understands reporting changes in condition and what s/s of infection are.

Patient/caregiver will verbalize/demonstrate knowledge of monitoring wound status and prevention of infection Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress

Toward Goal: 70% Status/Specify: Patient reports monitoring wound status daily

Patient/caregiver will verbalize/demonstrate knowledge of the importance of general health and nutrition to promote wound healing Achieve By Date: 11/02/2018 Start Effective Date:

07/06/2018 Progress Toward Goal: 80% Status/Specify: "I had my last cigarette today so i can have the muscle flap surgery"

Patient/caregiver will verbalize understanding and demonstrate safe and effective obtaining and storing supplies Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018

Progress Toward Goal: 60% Status/Specify: All wound care supplies were gathered in one box and easy to access.

Patient/caregiver will verbalize understanding and demonstrate safe and effective monitoring for S/S of infection and deterioration of wound to report Achieve By Date: 11/02/2018 Start

Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: "I will call my doctor or the nurse at Kindred if i have a sign or symptom of infection like, fever, chills or excess pain or

redness around my incision"

Reduction in wound size Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 60% Status/Specify: wound shows slow improvement

Patient will not have any new evidence of skin breakdown Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Toward Goal: 70% Status/Specify: no new open areas

Patient/caregiver will verbalize/demonstrate skin protection measures Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Toward Goal: 70% Status/Specify:

Patient understands getting up and moving around reduces pressure and risk for developing a new wound.

Comments:

CARE COORDINATION

☐ Changes made to Plan of Care (Specify):☐ Patient, along with Patient's Caregiver and Representative (if any and as appropriate), agrees with and participated in Plan of Care changes.Conference with: ☐ Physician ☐ MCP ☐ RN ☐ LPN ☐ PT ☐ PTA ☐ OT ☐ COTA ☐ SLP ☐ MSW ☐ HHA ☐ Other:

Name(s) and details/outcomes of conference:

Date:

Time:

Discharge Plan Activities this visit:

☐ Changes were made to Discharge Plan, Patient, along with Patient's Caregiver and Representative (if any and as appropriate), agreed with and participated in changes to the discharge plan

Discharge Planning

SN DISCHARGE PLANS:

Discharge to care of; Physician / Caregiver / Family Start Effective Date: 07/06/2018

Bridges, N. 1554

1483

1474

Plan for next visit:

☒ Assessment/Observation: **wound care**

☐ Procedures/Treatments:

☐ Education:

☐ Preparation for discharge:

☐ Other:

INFUSION CLINICAL NOTE

© Kindred at Home

Form# KAH1264, revised 07/2018

Bridges, N. 1555 ¹⁴⁸⁴
1780

ADDITIONAL DISCIPLINE RECERTIFICATION ORDER

Patient: BRIDGES, NAOMI - 110500815

Clinician: THACKER, ANNETTE (PT) Date: 08/30/2018

Office Kindred at Home-BLUFFTON (3246)

Patient Name (Last, First) **BRIDGES NAOMI**
 Physician Name **TOBIN, JOSEPH P (MD)**
 Physician Street Address **12 LAFAYETTE PLACE**

Patient DOB [REDACTED] Patient Number **110500815**
 Physician Phone **8433429100**
 City **HILTON HEAD ISL** State **SC** Zip Code **29926**

COMMUNICATION WITH PHYSICIAN

VORB, Katina, RN/Dr Tobin, Annette Thacker, MPT to continue PT per POC. Pt to continue as NWBing

PHYSICIAN INTERIM ORDERS

Date Order Obtained **08/30/2018** Time Order Obtained: **1:40 PM** Date Interim Order is to be Discontinued (if known)

Name of Contact Person: **Katina, Rn**

Visit Frequency

SN:		OT:	
PT:	PT: 1 x week for 4 weeks starting 09/04/2018 (week 1), PT: 2 x week for 5 weeks starting 09/30/2018 (week 5)	ST:	
MSW:		HHA:	
RD:		Other:	

Orders:

ELIGIBILITY

PT SUMMARY OF MEDICAL NECESSITY FOR HOME HEALTH:
 Focus of Care (supporting clinical information, pertinent medical history, additional diagnosis, last rehospitalization, ER, or urgency care visit): Pt is 58 y/o female referred to HH PT s/p rehab stay recovering from L tibial plateau fracture resulting in L ORIF. Pt is NWB for 6 months. Surgical intervention per Dr. Tobin on 6/16/18. PMH significant for anemia. Sustained L fracture from falling off ladder. Pt was independent prior to accident. Pt has 2 sets of 14 stairs to return to normal residence. Continues to present as high fall risk with ROM and strength deficits. Would benefit from skilled services to improve overall mobility and reduce risk of further falls. Start Effective Date: 08/30/2018

INTERVENTIONS

PT INTERVENTIONS:
 PT PROCEDURAL/MODALITY INTERVENTIONS (select all that apply): Start Effective Date: 07/07/2018
 Therapeutic Exercise Start Effective Date: 07/07/2018
 Therapeutic Activities / Functional Mobility Training Start Effective Date: 07/07/2018
 Neuromuscular Re-education Start Effective Date: 07/07/2018
 Transfer Training Start Effective Date: 07/07/2018
 Gait Training Start Effective Date: 07/07/2018
 PT EDUCATIONAL INTERVENTIONS (select all that apply): Start Effective Date: 07/07/2018
 Home Safety Measures Start Effective Date: 07/07/2018
 Posture / Body Mechanics Start Effective Date: 07/07/2018
 Use of Assistive Devices / Orthotics / DME Start Effective Date: 07/07/2018
 Home Exercise Program Start Effective Date: 07/07/2018
 NWB on L LE extremity Start Effective Date: 07/07/2018
 Fall Prevention Measures Start Effective Date: 07/07/2018
 Pain Management Start Effective Date: 07/07/2018

GOALS

PT SHORT & LONG TERM GOALS
 LTG: PATIENT-CENTERED GOAL: to be independent and walk again Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Toward Goal: 20% Status/Specify: Pt able to ambulate with 2-point gait pattern with FWW and supervision at this time
 STG: HEP, patient will accurately and safely demonstrate home activity program with/without caregiver assistance and < 25% cueing (e.g., verbal, tactile, visual) Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Toward Goal: 70% Status/Specify: Pt requires min cues for completion of HEP
 STG: FALL RISK REDUCTION, patient/caregiver will verbalize understanding/implement strategies to reduce risk of repeated falls/injuries, requiring <25% cueing (e.g., verbal, tactile, visual). Strategy examples: identify/address home safety hazards; ensure sufficient lighting follow time for eyes to adjust to lighting changes; allow time for BP to stabilize during position changes; schedule periodic medication review by physician/pharmacist; identify a plan for help in event of a fall. Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Toward Goal: 30% Status/Specify: Pt has had no falls and utilizes walker safely
 LTG: PAIN, patient will report decrease during functional activities: < 3-4/10 L LE Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Toward Goal: 20% Status/Specify: Pt continues to rate pain >7/10 on average
 LTG: FLEXIBILITY, improve range of motion to increase capacity for functional mobility: L knee AROM <-10 extension, >60 flexion Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Toward Goal: 60% Status/Specify: Pt achieved 72deg PROM knee flexion with ERP but need to monitor for consistency
 LTG: STRENGTH, improve manual muscle test performance to increase capacity for task-specific functional activities: >3+/5 L LE Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Toward Goal: 30% Status/Specify: Improving with L quad strength—pt able to perform independent SLR today
 LTG: TRANSFER between varied surface heights and types (e.g., bed<->chair; commode; vehicle) with optimized task-specific skill (e.g., consistent, efficient, flexible): 6 with FWW Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Toward Goal: 50% Status/Specify: Pt performs bed mobility and sit to stand transfers safely and w/o increased pain. Pt does require supervision
 LTG: AMBULATE functional distances on varied surface types (e.g., carpet, grass, gravel etc.) to better engage in daily activities, family and societal roles: 6 with FWW, >50ft, maintain NWB L LE Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Toward Goal: 50% Status/Specify: Pt walked 150' inside/outside with rolling walker across uneven terrain

Additional Discipline Recertification Order

© Kindred at Home revised 2018 KAH1321ADR

This form has been electronically signed by:

THACKER, ANNETTE (PT) 08/30/2018 08:05:16 PM EDT
 Evans, Rhonda (RN, MCP/QA) RN 09/14/2018 10:09:14 AM EDT

Physician Signature:

Date:

Bridges, N.

1556

1485
1481

PLAN OF CARE

Patient: BRIDGES, NAOMI - 110500815

Date: 09/04/2018

Chart: 1 Episode: 2

Patient's HI Claim No ZCF205605957287	Start of Care Date 07/06/2018	Certification Period 09/04/2018 - 11/02/2018	Medical Record No 110500815	Provider No 427856
Patient's Name and Address BRIDGES, NAOMI [REDACTED] HILTON HEAD IS, 29925 Phone: (704)466-2910			Provider's Name Address and Telephone Number Kindred at Home-BLUFFTON (3246) 2 WESTBURY PARKWAY Suite/Apt #SUITE 102 BLUFFTON, SC 29910 Phone: 843-815-2549 Fax: 913-689-7809	
Date of Birth: [REDACTED]			Sex ☐ Male ☒ Female	
Summary of Changes Since Last Plan of Care Update Physician Name: TOBIN, JOSEPH P (MD) Date Order Received: 07/13/2018 Time Order Received: 11:00 AM Frequencies: OT: 1 x week for 1 week starting 07/15/2018 (week 3) Skilled Services: OT eval Physician Name: TOBIN, JOSEPH P (MD) Date Order Received: 07/23/2018 Time Order Received: 1:00 PM Physician Name: TOBIN, JOSEPH P (MD) Date Order Received: 07/25/2018 Time Order Received: 2:30 PM Frequencies: SN: 2 x week for 1 week starting 07/25/2018 (week 4) SN: 3 x week for 5 weeks starting 07/29/2018 (week 5) INTERVENTIONS: SN INFUSION THERAPY INTERVENTIONS: Assess/Perform/Instruct P/Cg: Central line dressing change using sterile technique; may cleanse site first with alcohol PRN. Prep with either povidone iodine swabs air dry for 2 minutes or chlorhexidine solution x 30 seconds scrub. Cover with transparent dressing and change q 7 days and PRN. May cover with anti-microbial dressing. If gauze dressing used with or without transparent dressing, change every 48 hours or 3 x per week and PRN. Start Effective Date: 07/25/2018 Perform/Instruct P/Cg: May secure infusion device with tape or securement device with dressing change and PRN. After dressing in place, may use roll gauze or TAPE to secure for safety as needed. Start Effective Date: 07/25/2018 Perform/Instruct P/Cg: Change injection cap q week and after blood draws and PRN Start Effective Date: 07/25/2018 Perform/Instruct P/Cg: Administer VANCOMYCIN (med) 1 GRAM (dose) NS (diluent) 100 ML (volume) over 60 minutes; hours q; 24 (frequency) per in line control device/clamp; gravity; elastomeric device; pump; other: EASY PUMP via peripheral IV; mid-line; PICC; non-tunneled CVC; tunneled CVC; implanted port. Start Effective Date: 07/25/2018 Perform/Instruct P/Cg: SASH: Flush SINGLE lumen(s) with 10 ml 0.9% NS before and after access/administration and q DAY when not in use and PRN catheter troubleshooting followed by flush with 5 ml of 10 units/ml Heparin flush solution after final access following NS flush solution. Start Effective Date: 07/25/2018 Assess/Perform/Instruct P/Cg: Arm circumference above site of Peripherally Inserted Central Catheter (PICC) entry will be measured at SOC and weekly with site care and documented on clinical note. The physician will be notified of an increase in arm circumference. Start Effective Date: 07/25/2018 SN INTEGUMENTARY INTERVENTIONS: NPWT / dNPWT: location left lower leg , frequency of dressing change MWF . Cleanse with: Wound Cleanser or NS / Gauze. Apply BLACK GRANUFOAM . Cut drape to fit and protect periwound. May use skin sealant to protect. May use stoma paste/seals PRN air leaks. Apply appropriate foam. Cover with drape; apply track pad; attach suction as follows: continuous suction / intermittent suction@ 125 mm/Hg 24 hours/day Start Effective Date: 07/25/2018 If NPWT / dNPWT malfunctions and can not be resolved, SN or Caregiver(s) to remove NPWT dressing and perform the following wound treatment until the problem can be resolved; cleanse with normal saline or wound cleanser, gently pack with normal saline moistened gauze, cover with dry dressing, change daily. Start Effective Date: 07/25/2018 Assess/Perform/Instruct P/Cg: Incisional care: LEFT LB, cover with dry dressing, wrap with ace wrap. change daily or as needed Start Effective Date: 07/06/2018 Met/Discontinued Date: 07/25/2018 Physician Name: TOBIN, JOSEPH P (MD) Date Order Received: 07/27/2018 Time Order Received: 11:00 AM INTERVENTIONS: SN INFUSION THERAPY INTERVENTIONS: Perform/Instruct P/Cg: Administer ROCEPHIN (med) 1 GRAM (dose) NS (diluent) 100 ML (volume) over 30 minutes; hours q; 24 HRS (frequency) per in line control device/clamp; gravity; elastomeric device; pump; other: EASY PUMP via peripheral IV; mid-line; PICC; non-tunneled CVC; tunneled CVC; implanted port. Start Effective Date: 07/27/2018 Perform/Instruct P/Cg: Administer VANCOMYCIN (med) 1 GRAM (dose) NS (diluent) 100 ML (volume) over 60 minutes; hours q; 24 (frequency) per in line control device/clamp; gravity; elastomeric device; pump; other: EASY PUMP via peripheral IV; mid-line; PICC; non-tunneled CVC; tunneled CVC; implanted port. Start Effective Date: 07/25/2018 Met/Discontinued Date: 07/27/2018				
Nurse's Signature and Date Of Verbal SOC Where Applicable (see below): Electronically Signed by: ROGERS, LORA J (RN) 08/31/2018 02:08:24 PM EDT			Date HHA Received Signed POT 08/31/2018	
Physician's Name and Address TOBIN, JOSEPH P (MD) 12 LAFAYETTE PLACE Suite/Apt #STE A HILTON HEAD ISL SC, 29926			Physician's Phone # 8433429100 Physician's Fax # 8433429101 Physician's NPI # 1295841278	
Attending Physician's Signature and Date Signed			Anyone who misrepresents, falsifies, or conceals essential information required for payment of Federal funds may be subject to fine, imprisonment, or civil penalty under applicable Federal laws.	
This form has been electronically signed by: Evans, Rhonda (RN, MCP/QA) RN 09/14/2018 10:15:23 AM EDT				

Bridges, N.

1557

1486
1482

Summary of Changes Since Last Plan of Care Update

GOALS:

SN INFUSION THERAPY GOALS:

Patient/caregiver will verbalize/demonstrate use and maintenance of equipment/monitor Start Effective Date: 07/27/2018
Patient/caregiver will recognize signs and symptoms of complications to report, emergency management Start Effective Date: 07/27/2018
Patient/caregiver will verbalize/demonstrate knowledge of monitoring and prevention of complications Start Effective Date: 07/27/2018
Patient/caregiver will verbalize/demonstrate strategies to reduce infection Start Effective Date: 07/27/2018

SN INTEGUMENTARY GOALS:

Patient/caregiver will verbalize/demonstrate knowledge of symptoms to report Start Effective Date: 07/27/2018
Patient/caregiver will verbalize understanding and demonstrate safe and effective obtaining and storing supplies Start Effective Date: 07/27/2018
Patient/caregiver will verbalize/demonstrate skin protection measures Start Effective Date: 07/27/2018

Physician Name: TOBIN, JOSEPH P (MD) Date Order Received: 08/03/2018 Time Order Received: 12:58 AM

Frequencies:

PT: 2 x week for 4 weeks starting 08/06/2018 (week 6)

Physician Name: KLENKE, AUDREY A (MD) Date Order Received: 08/16/2018 Time Order Received: 9:00 AM

INTERVENTIONS:

SN INTEGUMENTARY INTERVENTIONS:

Assess/Perform/Instruct P/Cg: Wound Care: Site: LEFT LE Frequency: TWICE DAILY AND PRN Cleanse with: NORMAL SALINE Apply: SALINE
MOISTENED GAUZE, NON ADHERENT PAD Cover/Secure with: ROLLED GAUZE AND ACE WRAP - NO TAPE TO SKIN Start Effective Date: 08/16/2018
NPWT / dNPWT: location left lower leg, frequency of dressing change MWF. Cleanse with: Wound Cleanser or NS / Gauze. Apply BLACK
GRANUFOAM. Cut drape to fit and protect periwound. May use skin sealant to protect. May use stoma paste/seals PRN air leaks. Apply
appropriate foam. Cover with drape; apply track pad; attach suction as follows: continuous suction / intermittent suction @ 125 mm/Hg 24
hours/day Start Effective Date: 07/25/2018 Met/Discontinued Date: 08/16/2018
IFNPWT / dNPWT malfunctions and can not be resolved, SN or Caregiver(s) to remove NPWT dressing and perform the following wound treatment
until the problem can be resolved; cleanse with normal saline or wound cleanser, gently pack with normal saline moistened gauze, cover
with dry dressing, change daily. Start Effective Date: 07/25/2018 Met/Discontinued Date: 08/16/2018

Physician Name: KLENKE, AUDREY A (MD) Date Order Received: 08/21/2018 Time Order Received: 4:45 PM

INTERVENTIONS:

SN INTEGUMENTARY INTERVENTIONS:

NPWT / dNPWT: location Left Lower Leg, frequency of dressing change M,W,F. Cleanse with: Wound Cleanser or NS / Gauze. Apply Black Foam
. Cut drape to fit and protect periwound. May use skin sealant to protect. May use stoma paste/seals PRN air leaks. Apply appropriate
foam. Cover with drape; apply track pad; attach suction as follows: continuous suction @ 125 mm/Hg Start Effective Date: 08/21/2018

Physician Name: TOBIN, JOSEPH P (MD) Date Order Received: 08/30/2018 Time Order Received: 1:40 PM

Frequencies:

PT: 1 x week for 4 weeks starting 09/04/2018 (week 1)

PT: 2 x week for 5 weeks starting 09/30/2018 (week 5)

ELIGIBILITY:

PT SUMMARY OF MEDICAL NECESSITY FOR HOME HEALTH:

Focus of Care (supporting clinical information, pertinent medical history, additional diagnosis, last rehospitalization, ER, or urgency
care visit): Pt is 58 y.o female referred to HPT PT s/p rehab stay recovering from L tibial plateau fracture resulting in L ORIF. Pt is NWB
for 6 months. Surgical intervention per Dr. Tobin on 6/16/18. PMH significant for anemia. Sustained L fracture from falling off ladder. Pt
was independent prior to accident. Pt has 2 sets of 14 stairs to return to normal residence. Continues to present as high fall risk with
ROM and strength deficits. Would benefit from skilled services to improve overall mobility and reduce risk of further falls. Start
Effective Date: 08/30/2018

INTERVENTIONS:

PT INTERVENTIONS:

PT PROCEDURAL/MODALITY INTERVENTIONS (select all that apply): Start Effective Date: 07/07/2018

Therapeutic Exercise Start Effective Date: 07/07/2018

Therapeutic Activities / Functional Mobility Training Start Effective Date: 07/07/2018

Neuromuscular Re-education Start Effective Date: 07/07/2018

Transfer Training Start Effective Date: 07/07/2018

Gait Training Start Effective Date: 07/07/2018

PT EDUCATIONAL INTERVENTIONS (select all that apply): Start Effective Date: 07/07/2018

Home Safety Measures Start Effective Date: 07/07/2018

Posture / Body Mechanics Start Effective Date: 07/07/2018

Use of Assistive Devices / Orthotics / DME Start Effective Date: 07/07/2018

Home Exercise Program Start Effective Date: 07/07/2018

NWB on L LE extremity Start Effective Date: 07/07/2018

Fall Prevention Measures Start Effective Date: 07/07/2018

Pain Management Start Effective Date: 07/07/2018

GOALS:

PT SHORT & LONG TERM GOALS

LTG: PATIENT-CENTERED GOAL: to be independent and walk again Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress

Toward Goal: 20% Status/Specify: Pt able to ambulate with 2-point gait pattern with FWW and supervision at this time

STG: HEP, patient will accurately and safely demonstrate home activity program with/without caregiver assistance and < 25% cueing (e.g.,
verbal, tactile, visual) Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Toward Goal: 70% Status/Specify: Pt
requires min cues for completion of HEP

STG: FALL RISK REDUCTION, patient/caregiver will verbalize understanding/implement strategies to reduce risk of repeated falls/injuries,
requiring <25% cueing (e.g., verbal, tactile, visual). Strategy examples: identify/address home safety hazards; ensure sufficient
lighting /allow time for eyes to adjust to lighting changes; allow time for BP to stabilize during position changes; schedule periodic
medication review by physician/pharmacist; identify a plan for help in event of a fall. Achieve By Date: 10/26/2018 Start
Effective Date: 07/07/2018 Progress Toward Goal: 30% Status/Specify: Pt has had no falls and utilizes walker safely

LTG: PAIN, patient will report decrease during functional activities: < 3-4/10 L LE Achieve By Date: 10/26/2018 Start Effective

Date: 07/07/2018 Progress Toward Goal: 20% Status/Specify: Pt continues to rate pain >7/10 on average

LTG: FLEXIBILITY, improve range of motion to increase capacity for functional mobility: L knee AROM <10 extension, >60 flexion
Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Toward Goal: 60% Status/Specify: Pt achieved 72deg PROM knee
flexion with ERP but need to monitor for consistency.

LTG: STRENGTH, improve manual muscle test performance to increase capacity for task-specific functional activities: >3+/5 L LE Achieve
By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Toward Goal: 30% Status/Specify: Improving with L quad strength—pt able
to perform independent SLR today

LTG: TRANSFER between varied surface heights and types (e.g.: bed<chair, commode; vehicle) with optimized task-specific skill (e.g.,
consistent, efficient, flexible): 6 with FWW Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Toward Goal:
50% Status/Specify: Pt performs bed mobility and sit to stand transfers safely and w/o increased pain. Pt does require supervision

LTG: AMBULATE functional distances on varied surface types (e.g., carpet, grass, gravel etc.) to better engage in daily activities,
family and societal roles: 6 with FWW, >50ft, maintain NWB L LE Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018
Progress Toward Goal: 50% Status/Specify: Pt walked 150' inside/outside with rolling walker across uneven terrain

Physician Name: TOBIN, JOSEPH P (MD) Date Order Received: 08/31/2018 Time Order Received: 10:02 AM

Frequencies:

SN: 1 x day for 1 day starting 09/03/2018 (week 10)

ELIGIBILITY

HOMEBOUND STATUS:

Ability to leave home is restricted related to NWB L LE condition, leaving home requires assistance of FWW supportive device(s) and
person(s) Start Effective Date: 07/06/2018

Ability to leave home is restricted related to s/p fall with injury with surgical repair of left tib condition, patient NWB left leg x 6
months, pain, requires assistance to leave home safely and frequent rest periods to recover, leaving home requires assistance of walker
supportive device(s) and person(s) x1 Start Effective Date: 07/06/2018

Inrequent absences from home are generally related to the need for health care and are of short duration. Pt is NWB on L LE, taxing
effort for pt to ambulate, high fall risk. Start Effective Date: 07/07/2018

PHYSICIANS FACE-TO-FACE ENCOUNTER:

Date of Face to Face Encounter: I certify that I, or a nurse practitioner or a physician's assistant working with me, or a physician who
cared for the patient in an acute or post-acute facility, had a face-to-face encounter with this patient and documentation of that F2F
encounter is attached to the Plan of Care for certifying physician's acknowledgement. The F2F encounter date is: 7/01/2018 Start Effective
Date: 07/06/2018

PHYSICIANS CERTIFICATION:

I certify that this patient is confined to his/her home and needs intermittent skilled nursing care, physical therapy and/or speech
therapy or continues to need occupational therapy. The patient is under my care, and I have authorized the services on this plan of care
and will periodically review the plan. Start Effective Date: 09/04/2018

PHYSICIANS RECERTIFICATION ESTIMATED LENGTH OF SERVICE:

I estimate duration of continued Home Health services for this patient to be 9 weeks Start Effective Date: 09/04/2018

ADDITIONAL PHYSICIANS:

Bridges, N.

1558

1487
1483

Additional orders may be received from: JOEL JOHNSON, DR TOBIN Start Effective Date: 07/06/2018

PT SUMMARY OF MEDICAL NECESSITY FOR HOME HEALTH:

Focus of Care (supporting clinical information, pertinent medical history, additional diagnosis, last rehospitalization, ER, or urgency care visit): Pt is 58 y.o female referred to HH FT s/p rehab stay recovering from L tibial plateau fracture resulting in L ORIF. Pt is NWB for 6 months. Surgical intervention per Dr. Tobin on 6/16/18. PMH significant for anemia. Sustained L fracture from falling off ladder. Pt was independent prior to accident. Pt has 2 sets of 14 stairs to return to normal residence. Continues to present as high fall risk with ROM and strength deficits. Would benefit from skilled services to improve overall mobility and reduce risk of further falls. Start Effective Date: 08/30/2018

SN SUMMARY OF MEDICAL NECESSITY FOR HOME HEALTH:

Focus of Care (supporting clinical information, pertinent medical history, additional diagnosis, last rehospitalization, ER, or urgency care visit): Patient remains non weight bearing LLE. wound vac in place requiring changes by skilled nursing three times a week. patient continues on IV antibiotics daily with weekly PICC line dressing changes by skilled nursing. skilled nursing will focus on wound management, picc line management, medication teaching, pressure ulcer prevention, safety and fall precautions. Start Effective Date: 08/31/2018 Discontinued Date: 11/02/2018

DIAGNOSIS

Primary

S82.142D Displ bicondylar fx l tibia, subs for clos fx w routn heal Start Effective Date: 08/31/2018 E

Other

B00.59 Other herpesviral disease of eye Start Effective Date: 08/31/2018 E

F17.210 Nicotine dependence, cigarettes, uncomplicated Start Effective Date: 08/31/2018 E

D64.9 Anemia, unspecified Start Effective Date: 08/31/2018 E

Z45.2 Encounter for adjustment and management of VAD Start Effective Date: 08/31/2018 E

Z79.2 Long term (current) use of antibiotics Start Effective Date: 08/31/2018 E

Z91.81 History of falling Start Effective Date: 08/31/2018 E

MEDICATIONS

Nortriptyline HCl 25 MG Cap(s) Oral 1 Every night at bedtime SEPRESSION Existing Start Effective Date: 07/06/2018

Topiramate 50 MG Tab(s) Oral 2 Daily Existing Start Effective Date: 07/06/2018

Ferrous Sulfate (FerrouSul) 325 (65 Fe) MG Tab(s) Oral 1 Daily ANEMIA Existing Start Effective Date: 07/06/2018

Oxycodone-Acetaminophen 5-325 MG Tab(s) Oral 1 PRN/As Needed EVERY 6 HRS FOR PAIN PAIN New Start Effective Date: 07/06/2018

Ganciclovir (Zirgan) 0.15 % Ophthalmic 1 DROP LEFT EYE Daily Herpes Existing Start Effective Date: 07/06/2018

Loteprednol Etabonate (Lotemax) 0.5 % Ophthalmic 1 DROP LEFT EYE Every night at bedtime herpes Existing Start Effective Date: 07/06/2018

Heparin Lock Flush 10 UNIT/ML ml Intravenous 1 Daily New Start Effective Date: 07/25/2018

Sodium Chloride Flush 0.9 % ml Intravenous 1 Daily New Start Effective Date: 07/25/2018

ValACYclovir HCl 500 MG Tab(s) Oral 1 Four times per day Eye herpes Existing Start Effective Date: 07/25/2018

CeftriaXone Sodium (Rocephin) 1 GM ea Injection 1 Daily INFECTION New Start Effective Date: 07/27/2018

DME/SUPPLIES

DME:

Reacher Start Effective Date: 07/18/2018

Ace Wrap Start Effective Date: 07/06/2018

Dressing Supplies Start Effective Date: 07/06/2018

Elevated Toilet Seat Start Effective Date: 07/06/2018

Elevated Toilet Seat Start Effective Date: 07/07/2018

Shower Bench/Chair Start Effective Date: 07/06/2018

Shower Bench/Chair Start Effective Date: 07/07/2018

Walker Start Effective Date: 07/06/2018

Walker Start Effective Date: 07/07/2018

SAFETY MEASURES

SAFETY MEASURES:

Emergency Plan Developed Start Effective Date: 07/06/2018

Emergency Plan Developed Start Effective Date: 07/07/2018

Environmental Start Effective Date: 07/06/2018

Environmental Start Effective Date: 07/07/2018

Fall Precautions Start Effective Date: 07/06/2018

Fall Precautions Start Effective Date: 07/07/2018

Keep Pathways Clear Start Effective Date: 07/06/2018

Keep Pathways Clear Start Effective Date: 07/07/2018

Medication Management Start Effective Date: 07/06/2018

Safety in ADLs Start Effective Date: 07/06/2018

Safety in ADLs Start Effective Date: 07/07/2018

Slow Position Change Start Effective Date: 07/06/2018

Standard Precautions and Infection Control Start Effective Date: 07/06/2018

Support During Transfer and Ambulation Start Effective Date: 07/06/2018

Use of Assistive Devices Start Effective Date: 07/06/2018

Use of Assistive Devices Start Effective Date: 07/07/2018

NUTRITIONAL REQUIREMENTS

NUTRITIONAL REQUIREMENTS:

Regular Start Effective Date: 07/06/2018

Regular Start Effective Date: 07/07/2018

ALLERGIES

No Known Drug Allergy Start Effective Date: 07/13/2018

FUNCTIONAL LIMITATIONS

FUNCTIONAL LIMITATIONS:

Ambulation Start Effective Date: 07/06/2018

Ambulation Start Effective Date: 07/07/2018

Balance Start Effective Date: 07/06/2018

Balance Start Effective Date: 07/07/2018

Endurance Start Effective Date: 07/06/2018

Endurance Start Effective Date: 07/07/2018

Pain Start Effective Date: 07/06/2018

Pain Start Effective Date: 07/07/2018

Other: NWB left lower ext x 6 months Start Effective Date: 07/06/2018

ACTIVITIES PERMITTED

ACTIVITIES PERMITTED:

Home Exercise Program Start Effective Date: 07/06/2018

Home Exercise Program Start Effective Date: 07/07/2018

Up As Tolerated Start Effective Date: 07/06/2018

Up As Tolerated Start Effective Date: 07/07/2018

Up without restrictions with appropriate device Start Effective Date: 07/06/2018

Walker Start Effective Date: 07/06/2018

Weight bearing restrictions: NWB L LE Start Effective Date: 07/07/2018

Weight bearing restrictions: NWB LLE X 6 MONTHS Start Effective Date: 07/06/2018

With assistance from caregiver as needed Start Effective Date: 07/06/2018

With assistance from caregiver as needed Start Effective Date: 07/07/2018

MENTAL STATUS

MENTAL/COGNITIVE/PSYCHOSOCIAL STATUS:

Alert Start Effective Date: 07/07/2018

Oriented to: Person/Place/Time Start Effective Date: 07/06/2018

Oriented to: Person/Place/Time Start Effective Date: 07/07/2018

PROGNOSIS

PROGNOSIS:

Good Start Effective Date: 07/18/2018

Good Start Effective Date: 07/07/2018

Good Start Effective Date: 07/06/2018

INTERVENTIONS

HOSPITALIZATION / ER DEPARTMENT RISK INTERVENTIONS

Patient's risks for emergency department visits and hospital readmissions is: LOW Start Effective Date: 07/06/2018

AIDE INTERVENTIONS:

The aide will assist the patient with personal care, ADLs, and light housekeeping. Start Effective Date: 07/06/2018

Bridges, N. 1559

11588
1484

PT INTERVENTIONS:

PT PROCEDURAL/MODALITY INTERVENTIONS (select all that apply): Start Effective Date: 07/07/2018

Therapeutic Exercise Start Effective Date: 07/07/2018

Therapeutic Activities / Functional Mobility Training Start Effective Date: 07/07/2018

Neuromuscular Re-education Start Effective Date: 07/07/2018

Transfer Training Start Effective Date: 07/07/2018

Gait Training Start Effective Date: 07/07/2018

PT EDUCATIONAL INTERVENTIONS (select all that apply): Start Effective Date: 07/07/2018

Home Safety Measures Start Effective Date: 07/07/2018

Posture / Body Mechanics Start Effective Date: 07/07/2018

Use of Assistive Devices / Orthotics / DME Start Effective Date: 07/07/2018

Home Exercise Program Start Effective Date: 07/07/2018

NWB on L LE extremity Start Effective Date: 07/07/2018

Fall Prevention Measures Start Effective Date: 07/07/2018

Pain Management Start Effective Date: 07/07/2018

Positioning Start Effective Date: 07/07/2018

SN FALL RISK INTERVENTIONS:

Assess/Perform/Instruct Pt/Cg: Fall risk prevention Start Effective Date: 07/06/2018

SN INFUSION THERAPY INTERVENTIONS:

Assess/Perform/Instruct Pt/Cg: Central line dressing change using sterile technique; may cleanse site first with alcohol PRN. Prep with either povidone iodine swabs air dry for 2 minutes or chlorhexidine solution x 30 seconds scrub. Cover with transparent dressing and change q 7 days and PRN. May cover with anti-microbial dressing. If gauze dressing used with or without transparent dressing, change every 48 hours or 3 x per week and PRN. Start Effective Date: 07/25/2018

Perform/Instruct Pt/Cg: May secure infusion device with tape or securement device with dressing change and PRN. After dressing in place, may use roll gauze or TAPE to secure for safety as needed. Start Effective Date: 07/25/2018

Perform/Instruct Pt/Cg: Change injection cap q week and after blood draws and PRN Start Effective Date: 07/25/2018

Perform/Instruct Pt/Cg: Administer ROCEPHIN (med) 1 GRAM (dose) NS (diluent) 100 ML (volume) over 30 minutes; hours q; 24 HRS (frequency) per in line control device/clamp; gravity; elastomeric device; pump; other: EASY PUMP via peripheral IV; mid-line; PICC; non-tunneled CVC; tunneled CVC; implanted port. Start Effective Date: 07/27/2018

Perform/Instruct Pt/Cg: SASH: Flush SINGLE lumen(s) with 10 ml 0.9% NS before and after access/administration and q DAY when not in use and PRN catheter troubleshooting followed by flush with 5 ml of 10 units/ml Heparin flush solution after final access following NS flush solution. Start Effective Date: 07/25/2018

Assess/Perform/Instruct Pt/Cg: Arm circumference above site of Peripherally Inserted Central Catheter (PICC) entry will be measured at SOC and weekly with site care and documented on clinical note. The physician will be notified of an increase in arm circumference. Start Effective Date: 07/25/2018

SN INTEGUMENTARY INTERVENTIONS:

Assess/Perform/Instruct Pt/Cg: Wound Care: Site: LEFT LE Frequency: TWICE DAILY AND PRN Cleanse with: NORMAL SALINE Apply: SALINE

MOISTENED GAUZE, NON ADHERENT PAD Cover/Secure with: ROLLED GAUZE AND ACE WRAP - NO TAPE TO SKIN Start Effective Date: 08/16/2018

Assess/Instruct Pt/Cg: s/s of complications, infection to include: increase in drainage, color, odor, pain, redness, warmth, or fever

Start Effective Date: 07/06/2018

NPWT / dNPWT: location Left Lower Leg , frequency of dressing change M,W,F . Cleanse with: Wound Cleanser or NS / Gauze. Apply Black Foam

. Cut drape to fit and protect periwound. May use skin sealant to protect. May use stoma paste/seals PRN air leaks. Apply appropriate

foam. Cover with drape: apply track pad: attach suction as follows: continuous suction @ 125 mm/Hg Start Effective Date: 08/21/2018

Generically equivalent wound care products may be dispensed Start Effective Date: 07/06/2018

Instruct Pt/Cg: Pressure ulcer prevention measures Start Effective Date: 07/06/2018

SN MEDICATION INTERVENTIONS:

Assess/Perform/Instruct Pt/Cg: Implement and assess knowledge of medication regimen, instruct as necessary Start Effective Date: 07/06/2018

Assess/Instruct Pt/Cg: Medication adherence Start Effective Date: 07/06/2018

SN PAIN MANAGEMENT INTERVENTIONS:

Assess/Instruct Pt/Cg: Pain Level Start Effective Date: 07/06/2018

Instruct Pt/Cg: Non pharmacological methods to reduce pain or discomfort Start Effective Date: 07/06/2018

Assess/Perform/Instruct Pt/Cg: Use of medications to reduce pain or discomfort Start Effective Date: 07/06/2018

GOALS**AIDE GOALS:**

The patient's personal care needs will be met Achieve By Date: 09/03/2018 Start Effective Date: 07/06/2018

PT SHORT & LONG TERM GOALS

USUAL PERFORMANCE ASSIST CODE KEY: 7) Independent, 6) Adapted Independent, 5) Supervision or touching assist, 4) Minimum assist, 3)

Moderate assist, 2)Maximum assist, 1) Total assist Start Effective Date: 07/07/2018

STG Date (unless otherwise indicated): Achieve By Date: 07/14/2018 Start Effective Date: 07/07/2018

LTG Date (unless otherwise indicated): Achieve By Date: 08/04/2018 Start Effective Date: 07/07/2018

LTG: PATIENT-CENTERED GOAL: to be independent and walk again Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Towards

Goals: 20% Status/Specify: Pt able to ambulate with 2-point gait pattern with FWW and supervision at this time

STG: HEP, patient will accurately and safely demonstrate home activity program with/without caregiver assistance and < 25% cueing (e.g., verbal, tactile, visual) Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Towards Goals: 70% Status/Specify: Pt requires min cues for completion of HEP

STG: FALL RISK REDUCTION, patient/caregiver will verbalize understanding/implement strategies to reduce risk of repeated falls/injuries, requiring <25% cueing (e.g., verbal, tactile, visual). Strategy examples: identify/address home safety hazards; ensure sufficient lighting /allow time for eyes to adjust to lighting changes; allow time for BP to stabilize during position changes; schedule periodic

medication review by physician/pharmacist; identify a plan for help in event of a fall. Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Towards Goals: 30% Status/Specify: Pt has had no falls and utilizes walker safely

LTG: PAIN, patient will report decrease during functional activities: < 3-4/10 L LE Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Towards Goals: 20% Status/Specify: Pt continues to rate pain >7/10 on average

LTG: FLEXIBILITY, improve range of motion to increase capacity for functional mobility: L knee AROM <10 extension, >60 flexion Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Towards Goals: 60% Status/Specify: Pt achieved 72deg PROM knee flexion with ERP but need to monitor for consistency.

LTG: STRENGTH, improve manual muscle test performance to increase capacity for task-specific functional activities: >3+/5 L LE Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Towards Goals: 30% Status/Specify: Improving with L quad strength—pt able to perform independent SLR today

LTG: TRANSFER between varied surface heights and types (e.g.: bed<->chair; commode; vehicle) with optimized task-specific skill (e.g., consistent, efficient, flexible): 6 with FWW Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Towards Goals: 50% Status/Specify: Pt performs bed mobility and sit to stand transfers safely and w/o increased pain. Pt does require supervision

LTG: AMBULATE functional distances on varied surface types (e.g., carpet, grass, gravel etc.) to better engage in daily activities, family and societal roles: 6 with FWW >50ft, maintain NWB L LE Achieve By Date: 10/26/2018 Start Effective Date: 07/07/2018 Progress Towards Goals: 50% Status/Specify: Pt walked 150' inside/outside with rolling walker across uneven terrain

SN PATIENT SPECIFIC GOALS:

Patient-Centered Goal(s): wound to heal Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 60% Status/Specify: Wound improving

SN FALL RISK GOALS:

Patient/caregiver will demonstrate/verbalize importance of documenting and reporting falls, circumstances involved, and a plan for getting help Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 90% Status/Specify: "I carry my cell phone everywhere just in case"

Patient/caregiver will verbalize understanding of safe footwear to lessen fall risk Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 90% Status/Specify: Patient understands proper foot wear to reduce risk for falls.

SN INFUSION THERAPY GOALS:

Patient/caregiver will verbalize/demonstrate use and maintenance of equipment/monitor Start Effective Date: 11/02/2018 Progress Towards Goals: 60% Status/Specify: Patient infusing easy pump without difficulty, cues or questions.

Patient/caregiver will recognize signs and symptoms of complications to report, emergency management Start Effective Date: 11/02/2018 Progress Towards Goals: 60% Status/Specify: Patient understands to monitor picc line dressing for any changes in color, pain, temp or drainage.

Patient/caregiver will verbalize/demonstrate knowledge of monitoring and prevention of complications Start Effective Date: 11/02/2018 Progress Towards Goals: 60% Status/Specify: Patient understand to report any difficulty infusion, or swelling at picc line site

Patient/caregiver will verbalize/demonstrate strategies to reduce infection Start Effective Date: 11/02/2018 Progress Towards Goals: 60% Status/Specify: Patient understands washing hands before touching picc line and scrubbing hub with alcohol for 20 seconds between each step will reduce risk for infection.

SN INTEGUMENTARY GOALS:

Patient/caregiver will verbalize/demonstrate knowledge of symptoms to report Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Towards Goals: 70% Status/Specify: Patient understands reporting changes in condition and what s/s of infection are.

Patient/caregiver will verbalize/demonstrate knowledge of monitoring wound status and prevention of infection Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 70% Status/Specify: Patient reports monitoring wound status daily

Patient/caregiver will verbalize/demonstrate knowledge of the importance of general health and nutrition to promote wound healing Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 80% Status/Specify: "I had my last cigarette today so i can

Bridges, N.

1560

1489
1485

have the muscle flap surgery"

Patient/caregiver will verbalize understanding and demonstrate safe and effective obtaining and storing supplies Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Towards Goals: 60% Status/Specify: All wound care supplies were gathered in one box and easy to access.

Patient/caregiver will verbalize understanding and demonstrate safe and effective monitoring for S/S of infection and deterioration of wound to report Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 70% Status/Specify: "I will call my doctor or the nurse at Kiander if i have a sign or symptom of infection like, fever, chills or excess pain or redness around my incision"

Reduction in wound size Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 60% Status/Specify: wound improving

Patient will not have any new evidence of skin breakdown Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 70% Status/Specify: no new open areas

Patient/caregiver will verbalize/demonstrate skin protection measures Achieve By Date: 11/02/2018 Start Effective Date: 07/27/2018 Progress Towards Goals: 70% Status/Specify: Patient understands getting up and moving around reduces pressure and risk for developing a new wound.

SN MEDICATION GOALS:

PATIENT/CAREGIVER WILL VERBALIZE/DEMONSTRATE KNOWLEDGE OF AND ADHERENCE WITH MEDICATION MANAGEMENT: Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 60% Status/Specify: Patient adherent with medications.

Dose, route and schedule Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 50% Status/Specify: Patient educated on rocephin and is able to verbalize correctly dosage, route and frequency

Side effects/symptoms to report and emergency management Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 40% Status/Specify: Patient educated on side effects of rocephin today

SN PAIN MANAGEMENT GOALS:

Pain level will be improved to 2-3 on a 0-10 pain scale to maximize functional ability Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 30% Status/Specify: Pain averag 6/10 today

Patient/caregiver will verbalize/demonstrate understanding of medication management for comfort and relief Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 90% Status/Specify: Patient understands taking medication as needed to control her pain

Patient/caregiver will verbalize/demonstrate use of alternative pain relief measures Achieve By Date: 09/03/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 100% Status/Specify: Patient understands alternatives to pain medication like relaxing, deep breathing, refocusing, distraction

Patient/caregiver will verbalize/demonstrate understanding of factors that intensify pain and modify behaviors as needed Achieve By Date: 11/02/2018 Start Effective Date: 07/06/2018 Progress Towards Goals: 20% Status/Specify: "When i stand or walk too much my legs hurts more"

ADVANCE DIRECTIVES

ADVANCE DIRECTIVES:
Full Code Start Effective Date: 07/06/2018
Full Code Start Effective Date: 07/07/2018
Patient doesn't have an advance directive Start Effective Date: 07/06/2018

REHAB POTENTIAL

PT REHAB POTENTIAL:
Rehabilitation potential for goal achievements Good Start Effective Date: 07/07/2018

SN REHAB POTENTIAL:
Rehabilitation potential for goal achievements Good Start Effective Date: 07/06/2018

DISCHARGE PLANNING

OT DISCHARGE PLANS:
Discharge to care of; Physician / Caregiver / Family Start Effective Date: 07/18/2018

PT DISCHARGE PLANS:
Discharge with care to continue as out-patient Start Effective Date: 07/07/2018
Discharge to care of; Physician / Caregiver / Family Start Effective Date: 07/07/2018

SN DISCHARGE PLANS:
Discharge to care of; Physician / Caregiver / Family Start Effective Date: 07/06/2018

FREQUENCIES

Active

PT: 2 x week for 5 weeks starting 09/30/2018 (week 5) Start Date: 09/30/2018 End Date: 11/02/2018

PT: 1 x week for 4 weeks starting 09/04/2018 (week 1) Start Date: 09/04/2018 End Date: 09/29/2018

SN: 3 x week for 8 weeks starting 09/09/2018 (week 2) Start Date: 09/09/2018 End Date: 11/02/2018

SN: (PRN) 3 visits starting 09/04/2018 (week 1) Reason for PRN: FALLS, SKIN BREAKDOWN, PICC LINE MANAGEMENT, WOUND VAC MANAGEMENT Start Date: 09/04/2018 End Date: 11/02/2018

SN: 2 x week for 1 week starting 09/04/2018 (week 1) Start Date: 09/04/2018 End Date: 09/08/2018

PHYSICIAN COMMUNICATION AND INTERIM ORDER

Patient: BRIDGES, NAOMI - 110500815

Clinician: ROGERS, LORA J (RN) Date: **09/10/2018**

Office **Kindred at Home-BLUFFTON (3246)**

Patient Name (Last, First) **BRIDGES NAOMI**
 Physician Name **TOBIN, JOSEPH P (MD)**
 Physician Street Address **12 LAFAYETTE PLACE**

Patient DOB [REDACTED] Patient Number **110500815**
 Physician Phone **8433429100**
 City **HILTON HEAD ISL** State **SC** Zip Code **29926**

COMMUNICATION WITH PHYSICIAN

Patient plans to evacuate tomorrow. Requesting orders to D.C. Wound vac due to no one being able to manage/change wound vac during evacuation. Requesting orders for wet to dry dressing secondary to wound vac dyeing discontinued.
 New orders received VORB Miranda NP/Dr Tobin/Lora Rogers RN

PHYSICIAN INTERIM ORDERS

Date Order Obtained **09/10/2018** Time Order Obtained: **4:15 PM** Date Interim Order is to be Discontinued (if known)
 Name of Contact Person: **MIRANDA NP**

Visit Frequency

SN: _____	OT: _____
PT: _____	ST: _____
MSW: _____	HHA: _____
RD: _____	Other: _____

Orders:

INTERVENTIONS

SN INTEGUMENTARY INTERVENTIONS:
 Assess/Perform/Instruct P/Cg: Wound Care: Site: left lower leg Frequency: twice a day Cleanse with: normal saline Apply: saline moist sterile gauze Cover/Secure with: telfa then dry gauze then wrap with kerlix then ace wrap Start Effective Date: 09/10/2018
 NPWT / dNPWT: location Left Lower Leg , frequency of dressing change M,W,F , Cleanse with: Wound Cleanser or NS / Gauze. Apply Black Foam , Cut drape to fit and protect periwound. May use skin sealant to protect. May use stoma paste/seals PRN air leaks. Apply appropriate foam. Cover with drape: apply track pad: attach suction as follows: continuous suction @ 125 mmHg Start Effective Date: 08/21/2018 Met/Discontinued Date: 09/10/2018

Physician Communication and Interim Order

© Kindred at Home revised 12/2017 KAH1321

This form has been electronically signed by:
 ROGERS, LORA J (RN) 09/11/2018 09:53:51 AM EDT
 Evans, Rhonda (RN, MCP/QA) RN 09/14/2018 10:09:53 AM EDT

Physician Signature: _____ Date: _____

Bridges, N.

1491
~~1562~~
 1487

PHYSICIAN COMMUNICATION AND INTERIM ORDER

Patient: BRIDGES, NAOMI - 110500815

Clinician: THACKER, ANNETTE (PT) Date: **09/16/2018**

Office **Kindred at Home-BLUFFTON (3246)**

Patient Name (Last, First) **BRIDGES NAOMI**
 Physician Name **TOBIN, JOSEPH P (MD)**
 Physician Street Address **12 LAFAYETTE PLACE**

Patient DOB [REDACTED] Patient Number **110500815**
 Physician Phone **8433429100**
 City **HILTON HEAD ISL** State **SC** Zip Code **29926**

COMMUNICATION WITH PHYSICIAN

VORB Katina, RN/Dr Tobin/ Annette Thacker, MPT due to pt not having approved insurance authorization for additional PT, pt on hold at this time

PHYSICIAN INTERIM ORDERS

Date Order Obtained **09/07/2018** Time Order Obtained: **9:30 AM** Date Interim Order is to be Discontinued (if known)

Name of Contact Person: **Katina, RN**

Visit Frequency

SN: _____	OT: _____
PT: _____	ST: _____
MSW: _____	HHA: _____
RD: _____	Other: _____

Orders:

Physician Communication and Interim Order

© Kindred at Home revised 12/2017 KAH1321

This form has been electronically signed by:
 THACKER, ANNETTE (PT) 09/16/2018 05:40:07 PM EDT

Physician Signature:

Date:

Bridges, N. **1563**

1492

MEDICATION PROFILE - COP

Patient: BRIDGES, NAOMI - 110500815

Caregiver: ROGERS, LORA J (RN) Visit Date: 08/31/2018

SOC: 07/06/2018 D.O.B. [REDACTED]

Certification Period From 09/04/2018 To 11/02/2018

Height: 5'8 Weight: 123

DX:

Allergies	Start Effective Date	Discontinued Date
No Known Drug Allergy	07/13/2018	

Pharmacy Name: WALMART

Pharmacy Address:

Pharmacy Phone: 843-681-3010

Pharmacy Fax:

Physician Name: JOHNSON, JOEL M (MD)

Physician Phone: 8436813777

Physician Fax: 8436819996

List all medications and treatments (include over-the-counter medications, herbal, and other alternative treatments).

Start Date	Code	Medications	Route	Dose	Frequency	Class	Indication	Date Teaching Performed	D/C Date	Clinical Signature/Date
07/06/2018	Existing	Nortriptyline HCl 25 MG Cap(s)	Oral	1	Every night at bedtime	Tricyclics and Other Norepinephrine-reuptake Inhibitors	SEPRESSION			ROGERS, LORA J (RN) 08/31/2018 01:37:28 PM EDT
07/06/2018	Existing	Topiramate 50 MG Tab(s)	Oral	2	Daily	Antimigraine Agents, Miscellaneous				ROGERS, LORA J (RN) 08/31/2018 01:37:29 PM EDT
07/06/2018	Existing	Ferrous Sulfate (FerrouSul) 325 (65 Fe) MG Tab(s)	Oral	1	Daily	Iron Preparations	ANEMIA			ROGERS, LORA J (RN) 08/31/2018 01:37:31 PM EDT
07/06/2018	New	Oxycodone-Acetaminophen 5-325 MG Tab(s)	Oral	1	PRN/As Needed EVERY 6 HRS FOR PAIN	Analgesics and Antipyretics, Misc	PAIN	07/06/2018		ROGERS, LORA J (RN) 08/31/2018 01:37:32 PM EDT
07/06/2018	Existing	Ganciclovir (Zirgan) 0.15 %	Ophthalmic	1 DROP LEFT EYE	Daily	Antivirals	Herpes			ROGERS, LORA J (RN) 08/31/2018 01:37:35 PM EDT
07/06/2018	Existing	Loteprednol Etabonate (Lotemax) 0.5 %	Ophthalmic	1 DROP LEFT EYE	Every night at bedtime	Corticosteroids	herpes			ROGERS, LORA J (RN) 08/31/2018 01:37:37 PM EDT
07/25/2018	New	Heparin Lock Flush 10 UNIT/ML ml	Intravenous	1	Daily	Heparins		07/25/2018		ROGERS, LORA J (RN) 08/31/2018 01:37:38 PM EDT
07/25/2018	New	Sodium Chloride Flush 0.9 % ml	Intravenous	1	Daily	Replacement Preparations		07/25/2018		ROGERS, LORA J (RN) 08/31/2018 01:37:40 PM EDT
07/25/2018	Existing	ValACYclovir HCl 500 MG Tab(s)	Oral	1	Four times per day	Nucleosides and Nucleotides	Eye herpes			ROGERS, LORA J (RN) 08/31/2018 01:37:42 PM EDT
07/27/2018	New	CefTRIAXone Sodium (Rocephin) 1 GM ea	Injection	1	Daily	Third Generation Cephalosporins	INFECTION	07/30/2018		ROGERS, LORA J (RN) 08/31/2018 01:37:44 PM EDT

Code:

New = New medication orders within the last 30 days.

otc = Over the counter medication taken by patient.

Change = Change orders either in dose, frequency or route Within the last 60 days.

RX = Prescription

LS = Long standing (60-Days or more)

Existing = Existing Medications patient was taking at the time of admission.

Hold = Hold

Drug Regimen Review

Review / Revise Dates									
	Date: 08/31/2018	Date:	Date:	Date:	Date:	Date:	Date:	Date:	Date:
1. Potential drug reactions or adverse effects	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
2. Potential or actual ineffective drug therapy	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
3. Significant side effects	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
4. Significant drug interactions	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
5. Duplicate drug therapy	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
6. Patient shows potential noncompliance with medications	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
7. Patient/caregiver understands medications instructions	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N
8. Patient/caregiver requires further instruction on medications	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N	☐ Y ☐ N

Comments

☒ Medications have been reconciled

Document and describe for any "Y" answers for questions 1-6 and 8; Document and describe for any "N" answers for question 7:

Date: 08/31/2018 no med changes. no new drug interactions

Bridges, N. 1564

1493
10/1/18

Date:	
Date:	
Date:	
Date:	
Date:	
Date:	
Date:	
Date:	

This form has been electronically signed by:
ROGERS, LORA J (RN) 08/31/2018 01:38:23 PM EDT

ISLAND PUBLIC/HARBOR TOWN HARBOR TOWN 2/
TREASURE ISLAND FORTUNE NICHE

		TUES	WEDNES	THURS	FRI	SAT	SUN
		4/10/18	4/11/18	4/12/18	4/13/18	4/14/18	4/15/18
JAMARO	01	0.0	0.0	0.0	0.0	0.0	0.0
JOHNA	02	0.0	0.0	0.0	0.0	0.0	0.0
KENNY	03	0.0	0.0	0.0	0.0	0.0	0.0
KARL	04	0.0	0.0	0.0	0.0	0.0	0.0
LEILA	05	0.0	0.0	0.0	0.0	0.0	0.0
MAITH	06	0.0	0.0	0.0	0.0	0.0	0.0
PAULINA	07	0.0	0.0	0.0	0.0	0.0	0.0
ROBERT	08	0.0	0.0	0.0	0.0	0.0	0.0
YVES	09	0.0	0.0	0.0	0.0	0.0	0.0
JOHNA	10	0.0	0.0	0.0	0.0	0.0	0.0
COLLE	11	0.0	0.0	0.0	0.0	0.0	0.0
JAMES	12	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	13	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	14	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	15	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	16	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	17	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	18	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	19	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	20	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	21	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	22	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	23	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	24	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	25	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	26	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	27	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	28	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	29	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	30	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	31	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	32	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	33	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	34	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	35	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	36	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	37	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	38	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	39	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	40	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	41	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	42	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	43	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	44	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	45	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	46	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	47	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	48	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	49	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	50	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	51	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	52	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	53	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	54	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	55	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	56	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	57	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	58	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	59	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	60	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	61	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	62	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	63	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	64	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	65	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	66	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	67	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	68	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	69	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	70	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	71	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	72	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	73	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	74	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	75	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	76	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	77	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	78	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	79	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	80	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	81	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	82	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	83	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	84	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	85	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	86	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	87	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	88	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	89	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	90	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	91	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	92	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	93	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	94	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	95	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	96	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	97	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	98	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	99	0.0	0.0	0.0	0.0	0.0	0.0
JOHN	100	0.0	0.0	0.0	0.0	0.0	0.0

CLAIMANT'S
EXHIBIT
Naomi
Bridges
7-24-19

THEASURE ISLAND NEPTUNE NICKEL

	MON	TUE	WEDNES	THURS	FRI	SAT	SUN
	0000	0000	0000	0000	0000	0000	0000
ALABAMA	000	0.0	0.0	0.0	0.0	0.0	0.0
ALASKA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
ARIZONA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
ARKANSAS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CALIFORNIA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
COLORADO	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CONNECTICUT	0.0	0.0	0.0	0.0	0.0	0.0	0.0
DELAWARE	0.0	0.0	0.0	0.0	0.0	0.0	0.0
FLORIDA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GEORGIA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
HAWAII	0.0	0.0	0.0	0.0	0.0	0.0	0.0
ILLINOIS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
INDIANA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
IOWA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
KANSAS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
KENTUCKY	0.0	0.0	0.0	0.0	0.0	0.0	0.0
LOUISIANA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MAINE	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MARYLAND	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MASSACHUSETTS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MICHIGAN	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MINNESOTA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MISSISSIPPI	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MISSOURI	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MONTANA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
NEBRASKA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
NEVADA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
NEW HAMPSHIRE	0.0	0.0	0.0	0.0	0.0	0.0	0.0
NEW JERSEY	0.0	0.0	0.0	0.0	0.0	0.0	0.0
NEW MEXICO	0.0	0.0	0.0	0.0	0.0	0.0	0.0
NEW YORK	0.0	0.0	0.0	0.0	0.0	0.0	0.0
NORTH CAROLINA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
NORTH DAKOTA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OHIO	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OKLAHOMA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OREGON	0.0	0.0	0.0	0.0	0.0	0.0	0.0
PENNSYLVANIA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
RHODE ISLAND	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SOUTH CAROLINA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SOUTH DAKOTA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TENNESSEE	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TEXAS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
UTAH	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Vermont	0.0	0.0	0.0	0.0	0.0	0.0	0.0
VIRGINIA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WASHINGTON	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WEST VIRGINIA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WISCONSIN	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WYOMING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

ISLAND REPUBLIC/HARBOUR TOWN/HARBOUR TOWN 2/ TREASURE ISLAND/NEPTUNE NICHE

	MON	TUES	WEDNES	THURS	FRI	SAT	SUN
	6/11/18	6/12/18	6/13/18	6/14/18	6/15/18	6/16/18	6/17/18
ALEJANDRO	9-9	OFF	9-9	9-9	9-9	9-9	OFF
MONDA	9-9	9-9	9-9	OFF	OFF	9-9	9-8
DALTON	3-9	9-9	9-9	OFF	OFF	OFF	9-8
ABIGAIL	9-3	9-9	OFF	OFF	9-9	9-9	OFF
YESI	OFF	OFF	OFF	9-9	9-9	9-9	9-8
RAVEN	9-10	OFF	OFF	9-9	9-10	9-10	9-10
PATRICIA	OFF	OFF	OFF	9-10	9-10	OFF	OFF
CELESTE	9-10	9-10	9-10	9-10	OFF	OFF	9-10
LYNN	8-10	8-10	8-10	8-10	OFF	8-10	8-10
CHASE	OFF	10-10	10-10	10-10	OFF	OFF	OFF
LETICIA	9-10	9-10	OFF	9-10	8-10	9-10	OFF
LILY	OFF	9-10	OFF	3-10	9-10	9-10	OFF
AVA	OFF	OFF	9-10	9-3	OFF	OFF	OFF
LUCIA	OFF	9-10	OFF	9-10	5-10	9-10	9-10
TYLER	9-10	9-10	9-10	OFF	9-10	OFF	9-8
MARIO	9-10	5-10	OFF	9-10	9-10	2-10	10-10
ANTONELLA	6-10	6-10	6-10	6-10	OFF	OFF	9-10
MEGAN	OFF	OFF	9-10	4-10	OFF	OFF	OFF
JAMIE	9-10	3-10	9-10	9-3	OFF	OFF	OFF
VICKI	9-10	9-10	OFF	OFF	9-10	9-10	9-10
ZACK	OFF	OFF	9-10	OFF	9-10	9-10	9-10

(5 x 14 = 70 HRS)

6/18

12/24

ISLAND REPUBLIC/HARBOUR TOWN/HARBOUR TOWN 2/ TREASURE ISLAND/NEPTUNE NIGHE

	MON	TUES	WEDNES	THURS	FRI	SAT	SUN
	5/18/18	5/19/18	5/20/18	5/21/18	5/22/18	5/23/18	5/24/18
ALEJANDRO	9-9	OFF	OFF	9-9	9-9	9-9	9-9
ARONDA	9-9	9-9	9-9	OFF	OFF	9-9	9-9
DALTON	OFF	9-9	9-9	9-9	OFF	9-9	9-9
MARIGALL	9-9	9-9	9-9	OFF	9-9	9-9	OFF
YESIE	OFF	OFF	OFF	9-9	9-9	OFF	9-9
RAVEN	9-10	9-9	9-10	9-10	9-6	OFF	9-10
PATRICIA	OFF	9-10	OFF	9-10	OFF	9-10	OFF
CHESTE	9-3	OFF	9-3	OFF	9-3	OFF	OFF
LYNN	8-10	8-10	OFF	8-10	8-10	8-10	OFF
CHASE	9-10	10-10	10-10	10-10	OFF	OFF	OFF
LETICIA	9-10	OFF	8-10	9-10	9-10	9-10	8-10
BILLY	9-3	9-3	OFF	OFF	OFF	OFF	OFF
AVA	8-10	OFF	9-10	OFF	9-10	9-10	9-10
LUCIA	OFF	9-10	9-10	8-10	9-10	OFF	9-10
FLER	9-10	9-10	OFF	9-10	9-10	9-10	OFF
MARIO	9-10	9-10	9-10	OFF	9-10	9-10	10-10
ANTONELLA	9-10	9-10	9-10	9-10	9-10	OFF	9-10
JAMIE	9-10	9-10	9-10	9-10	OFF	OFF	OFF
VICKI	OFF	9-10	OFF	9-10	9-10	9-10	9-10
ZACK	OFF	9-10	9-10	OFF	9-10	9-10	9-10

4/18/2018

Naomi L. Bridges

**761.10

Seven Hundred Sixty-One and 10/100*****

Naomi L. Bridges

Hilton Head Island, SC 29926

Pay Period: 04/05/2018 - 04/18/2018

Employee

Naomi L. Bridges, [REDACTED] Hilton Head Island, SC 2992

Pay Period: 04/05/2018 - 04/18/2018

Pay Date: 04/18/2018

Earnings and Hours	Hours	Rate	Current YTD Amount
Hourly	80:00	12.00	960.00 1,860.00

Taxes	Current YTD Amount
Medicare Employee Addl Tax	0.00
Federal Withholding	-72.00 -108.00
Social Security Employee	-59.52 -115.32
Medicare Employee	-13.92 -26.97
SC - Withholding	-53.46 -90.91
	-198.90 -341.20

Net Pay	761.10 1,518.80

Harbour Town Surf Shop LLC, 130 Arrow Road, Hilton Head, SC 29928

Employee

Naomi L. Bridges, [REDACTED] Hilton Head Island, SC 2992

Pay Period: 04/05/2018 - 04/18/2018

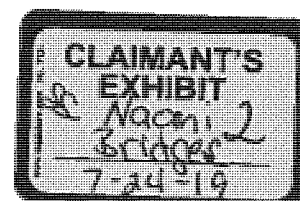
Pay Date: 04/18/2018

Earnings and Hours	Hours	Rate	Current YTD Amount
Hourly	80:00	12.00	960.00 1,860.00

Taxes	Current YTD Amount
Medicare Employee Addl Tax	0.00
Federal Withholding	-72.00 -108.00
Social Security Employee	-59.52 -115.32
Medicare Employee	-13.92 -26.97
SC - Withholding	-53.46 -90.91
	-198.90 -341.20

Net Pay	761.10 1,518.80

Harbour Town Surf Shop LLC, 130 Arrow Road, Hilton Head, SC 29928



Bridges, N. 1570

4/18/2018

Naomi L. Bridges

**761.10

Seven Hundred Sixty-One and 10/100*****

Naomi L. Bridges

Hilton Head Island, SC 29926

Pay Period: 04/05/2018 - 04/18/2018

Employee				
Naomi L. Bridges, [REDACTED], Hilton Head Island, SC 2992				
			Pay Period: 04/05/2018 - 04/18/2018	
			Pay Date: 04/18/2018	
Earnings and Hours	Hours	Rate	Current YTD Amount	
Hourly	80:00	12.00	960.00	1,860.00
Taxes			Current YTD Amount	
Medicare Employee Addl Tax			0.00	
Federal Withholding			-72.00	-108.00
Social Security Employee			-59.52	-115.32
Medicare Employee			-13.92	-26.97
SC - Withholding			-53.46	-90.91
			-198.90	-341.20
Net Pay			761.10	1,518.80

Harbour Town Surf Shop LLC, 130 Arrow Road, Hilton Head, SC 29928

Employee				
Naomi L. Bridges, [REDACTED], Hilton Head Island, SC 2992				
			Pay Period: 04/05/2018 - 04/18/2018	
			Pay Date: 04/18/2018	
Earnings and Hours	Hours	Rate	Current YTD Amount	
Hourly	80:00	12.00	960.00	1,860.00
Taxes			Current YTD Amount	
Medicare Employee Addl Tax			0.00	
Federal Withholding			-72.00	-108.00
Social Security Employee			-59.52	-115.32
Medicare Employee			-13.92	-26.97
SC - Withholding			-53.46	-90.91
			-198.90	-341.20
Net Pay			761.10	1,518.80

Harbour Town Surf Shop LLC, 130 Arrow Road, Hilton Head, SC 29928

4/18/2018

Naomi L. Bridges

**761.10

Seven Hundred Sixty-One and 10/100*****

Naomi L. Bridges

Hilton Head Island, SC 29926

Pay Period: 04/05/2018 - 04/18/2018

Employee

Naomi L. Bridges, [REDACTED], Hilton Head Island, SC 2992

Pay Period: 04/05/2018 - 04/18/2018

Pay Date: 04/18/2018

Earnings and Hours	Hours	Rate	Current YTD Amount
Hourly	80:00	12.00	960.00 1,860.00

Taxes	Current YTD Amount
Medicare Employee Addl Tax	0.00
Federal Withholding	-72.00 -108.00
Social Security Employee	-59.52 -115.32
Medicare Employee	-13.92 -26.97
SC - Withholding	-53.46 -90.91
	-198.90 -341.20

Net Pay	761.10 1,518.80

Harbour Town Surf Shop LLC, 130 Arrow Road, Hilton Head, SC 29928

Employee

Naomi L. Bridges, [REDACTED], Hilton Head Island, SC 2992

Pay Period: 04/05/2018 - 04/18/2018

Pay Date: 04/18/2018

Earnings and Hours	Hours	Rate	Current YTD Amount
Hourly	80:00	12.00	960.00 1,860.00

Taxes	Current YTD Amount
Medicare Employee Addl Tax	0.00
Federal Withholding	-72.00 -108.00
Social Security Employee	-59.52 -115.32
Medicare Employee	-13.92 -26.97
SC - Withholding	-53.46 -90.91
	-198.90 -341.20

Net Pay	761.10 1,518.80

Harbour Town Surf Shop LLC, 130 Arrow Road, Hilton Head, SC 29928

4/18/2018

Naomi L. Bridges

**761.10

Seven Hundred Sixty-One and 10/100*****

Naomi L. Bridges

Hilton Head Island, SC 29926

Pay Period: 04/05/2018 - 04/18/2018

Employee

Naomi L. Bridges, [REDACTED] Hilton Head Island, SC 2992

Pay Period: 04/05/2018 - 04/18/2018

Pay Date: 04/18/2018

Earnings and Hours	Hours	Rate	Current YTD Amount
Hourly	80:00	12.00	960.00 1,860.00

Taxes	Current YTD Amount
Medicare Employee Addl Tax	0.00
Federal Withholding	-72.00 -108.00
Social Security Employee	-59.52 -115.32
Medicare Employee	-13.92 -26.97
SC - Withholding	-53.46 -90.91
	-198.90 -341.20

Net Pay	761.10 1,518.80

Harbour Town Surf Shop LLC, 130 Arrow Road, Hilton Head, SC 29928

Employee

Naomi L. Bridges, [REDACTED] Hilton Head Island, SC 2992

Pay Period: 04/05/2018 - 04/18/2018

Pay Date: 04/18/2018

Earnings and Hours	Hours	Rate	Current YTD Amount
Hourly	80:00	12.00	960.00 1,860.00

Taxes	Current YTD Amount
Medicare Employee Addl Tax	0.00
Federal Withholding	-72.00 -108.00
Social Security Employee	-59.52 -115.32
Medicare Employee	-13.92 -26.97
SC - Withholding	-53.46 -90.91
	-198.90 -341.20

Net Pay	761.10 1,518.80

Harbour Town Surf Shop LLC, 130 Arrow Road, Hilton Head, SC 29928



CLAIMANT'S
EXHIBIT
Naomi 3
Bridges
7-28-19





EXHIBIT 5

Coggin Law Office, LLC

P.O. Box 7032
Hilton Head, SC 29933
Phone: 843-689-7777
Fax: 843-689-7779
Email: gcogginlaw@aol.com

March 4, 2018

Mary Sharp
Attorney at law
Sharp Law Firm
201 Carteret Street
Beaufort, South Carolina 29901

Re: Bridges v. Harbour Town Surf Shop, LLC
SCWCC Number: 1808344

Dear Ms. Sharp:

As per the above referenced matter, I am enclosing and serving you with a subpoena for the deposition of your client Mr. Amir Britton on March 14, 2019.

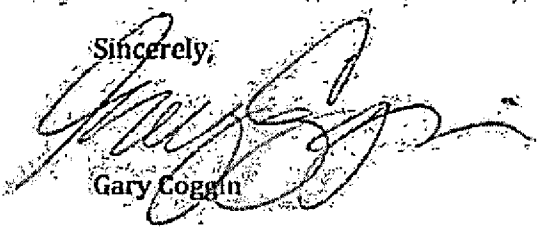
Concurrent with this subpoena is a request that Mr. Britton deliver the following records to my office at least two (2) days prior to the deposition.

- a) social media records;
- b) cell phone records;
- c) medical documents.

Also, as a reminder, as of this writing and posting, I have not yet received those documents requested in my August discovery, i.e. work schedules, W-2 forms and, with the exception of Zack, Letichia, and Raven, the names and addresses of the remaining hearing witnesses.

Please contact me if you have any questions; I am sure we will be talking in the future.

Sincerely,


Gary Coggin

Copy: Tim Killen
Enclosures
GPC/cab



Bridges, N. 1577



WCC File #: 1808344
Carrier File #: _____
Carrier Code #: _____
Employer FEIN #: _____

Claimant's Name: Naomi L. Bridges SSN: xxx - xx - [REDACTED] Employer's Name: HarbourTown Surf Shop
Address: [REDACTED] Address: 147B Lighthouse Road
City: Hilton Head Island State: SC Zip: 29926 City: Hilton Head Island State: SC Zip: 29926
Home Phone: [REDACTED] Work Phone: () Insurance Carrier: South Carolina Accident Fund
Preparer's Name: Gary Coggin Law Firm: Coggin Law Office Preparer's Phone #: (843) 689-7777

SUBPOENA

To: **AMIR BRITTON**

- ☐ **YOU ARE COMMANDED** to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY: _____ ROOM: _____
DATE AND TIME: _____

- ☒ **YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: Law Office of Gary Coggin
4 Dunmore Court Hilton Head
Island, SC 29926 DATE AND TIME: 03/14/2019 @
10:00 AM

- ☒ **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

LIST OF DOCUMENTS: See Attachment

PLACE: LAW Office of Gary Coggin DATE AND TIME: 03/12/2019

- ☐ **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES: _____ DATE AND TIME: _____

THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.

ISSUING OFFICER'S SIGNATURE AND TITLE: [Signature] PHONE NUMBER: (843) 689-7777 DATE: 03/03/2019

Serve this form according to R.67-211(C). Refer to R.67-211 and R.67-214 for additional information. Procedural questions may be addressed to the Judicial Department at 803-737-5675.

Attachment A

Please produce all messages posted by Mr. Amir Britton on social media, including but not limited to Twitter, Facebook, Instagram, Snap Chat and Text messages on your cell phone(s) between June 1, 2018 and March 6, 2019. (So as to verify your text messages, Claimant requests that you include your cell phone(s) bill for the same period). Similarly, you may satisfy party and non-party discovery requirements relating to your facebook account(s) by producing and authenticating the content of communications from their accounts and/or using Facebook's "Download Your Information" tool, which is accessible through the settings drop down menu.

Attachment B

All medical documents from:

Sungate Medical Group

SJS Medical Group

Town of Hilton Head EMS,

Timothy B. Killen

Reply to: Charleston Office
direct: 843.277.0826
fax: 843.589.9000
tkillen@hplplaw.com

January 31, 2019

VIA ECASE

The Honorable Susan S. Barden
South Carolina Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202

RE: Naomi L Bridges vs. Harbour Town Surf Shop LLC
WCC No: 1808344 DOI: 06/16/2018
Carrier: Uninsured Employers' Fund - Claim No: 2018-1863
HPLP File No: 5415.00115

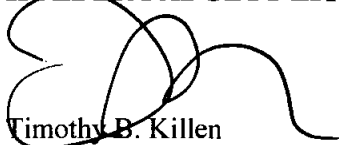
Dear Commissioner Barden:

Enclosed please find the Uninsured Employers' Fund's Pre-Hearing Brief as well as the Notice of Witnesses and Written Medical Reports which lists the documents I intend to submit at the hearing of the above-referenced matter pursuant to the South Carolina Administrative Procedures Act.

By copy of this letter, I am providing a copy of these forms and reports to Gary Coggin, claimant's counsel, and Mary Sharp and Michael Mogil, employer's counsel.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT



Timothy B. Killen

TBK/maa

Enclosures

cc: Gary Coggin, Esquire (via email)
Mary Sharp, Esquire (via email)
Michael Mogil, Esquire (via email)
Mr. Will Hawthorne (via email)



Claimant's Name: Naomi L. Bridges Employer's Name: Harbour Town Surf Shop, LLC
Address: [REDACTED] Address: 147-C Lighthouse Rd.
City: Hilton Head Island State: SC Zip: 29926 City: Hilton Head Island State: SC Zip: 29928
Home Phone: [REDACTED] Work Phone: [REDACTED] Carrier: Unknown / UEF Acting
Preparer's Name: Timothy B. Killen Preparer's Phone #: 843-277-0826

A claim for workers' compensation benefits is made based on the following grounds:

☒ Injury ☐ Illness ☐ Repetitive Trauma

1. Compensation Rate: \$TBD 2. AWW: \$TBD Date of Injury: 6/16/2018
3. Type of injury and body part(s): Alleged left leg fracture(s) after a fall from a ladder.
4. Facts in controversy: Whether Employer is subject to the Act? Whether Claimant suffered a compensable accident? If so, to what benefits is Claimant entitled? What is Claimant's Average Weekly Wage? Whether Claimant's injuries were pre-existing? Whether Claimant was acting outside of the scope of employment at the time of the alleged fall.
5. Legal issues involved: See Number Four (4) above; Wright v. Bi-Lo, 442 S.E. 2d 186 (Ct. App. 1994)
6. Unusual aspects: None anticipated.
7. Witnesses (designate if expert):* Claimant, Alon Mintz, Amir Britton, Letichia Rodriguez, Lillie LNU, and any and all witnesses named or called by any party.
8. Exhibits: Copies of the transcripts of any and all depositions taken in this matter. Please see the attached APA Submissions.
9. Medical evidence (indicate report pursuant to R.67-612; deposition or appearance): Please see attached APA submissions.
10. Name, address, and specialty, if any, of the treating physician: N/A
11. Impairment rating(s); body part(s); physician and date of opinion: N/A
12. I am amending my Form 50/51 in the following manner: N/A

☐ **Mediation**

- ☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
☐ b. Mediation is required pursuant to Reg. 67-1802.
☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to Gary Coggin, Esq. at gcitylaw@aol.com and Mary E. Sharp, Esq. at msharp@marysharplaw.com on the 31st day of January 2019, by: ☐ first class postage ☐ certified mail ☐ personal service ☒ electronic service

I verify the contents of this form are accurate and true to the best of my knowledge.

Signature: [Signature] Email: tkillen@hplplaw.com
Date of hearing: February 12, 2019 Time needed for hearing: 1 hour

Questions about the use of this form should be directed to the Jurisdictional Commissioner. Refer to Regulations 67-204 through 67-211 and Regulations 67-601 through 67-615; as well as Regulation 67-1801. File this form and proof of service on the opposing party according to R.67-611 and R.67-212. Do not send medical reports. * Commissioners reserve the right to admit expert witnesses at hearings.

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 1808344

Carrier File #: 2018-1863

Carrier Code #:

Employer FEIN #:

Claimant's Name: Naomi L. Bridges

Address:

City: Hilton Head Island State: SC Zip: 29926

Home Phone: Work Phone:

Preparer's Name: Timothy B. Killen Law Firm: HPLP, LLC

Employer's Name: Harbour Town Surf Shop, LLC

Address: 147-C Lighthouse Rd

City: Hilton Head Island State: SC Zip: 29928

Insurance Carrier: Unknown/Uninsured Employers' Fund acting

Preparer's Phone #: (843) 277-0826

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
AND GARY COGGIN, ATTORNEY FOR CLAIMANT
AND MARY SHARP & MICHAEL MOGIL, ATTORNEYS FOR EMPLOYER

YOU ARE HEREBY NOTIFIED THAT THE UNINSURED EMPLOYERS' FUND, pursuant to the provisions of the South Carolina Workers' Compensation Act and South Carolina Code Section 1-23-330, (1976, as amended), herewith submits the following medical reports as direct evidence on behalf of the UEF, to wit:

NAME OF PHYSICIAN/OTHER

DATE OF REPORT

PAGE

UEF RESERVES THE RIGHT TO RELY ON EVIDENCE

SUBMITTED IN CLAIMANT'S & EMPLOYER'S PHB & APA SUBMISSIONS &
CLAIMANT'S DEPOSITION

YOU ARE FURTHER HEREBY NOTIFIED that you have the right to cross-examination; and, should you desire to exercise said right, you are to forthwith schedule the depositions of any of the physicians, whose reports are submitted, for the purposes of cross-examination.

YOU ARE FURTHER NOTIFIED that the originals of the documents referred to herein, or photocopies received from said physicians/others, are being herewith forwarded to the South Carolina Workers' Compensation Commission, for insertion in the file of the South Carolina Workers' Compensation Commission and inclusion into the evidence on behalf of the UEF.

YOU ARE FURTHER NOTIFIED that the following witnesses may be called on behalf of the UEF: See Pre-Hearing

Brief.


Timothy B. Killen
Holder Padgett Littlejohn + Prickett, LLC
349 Coleman Blvd, Ste 300
Mt. Pleasant, SC 29464

January 31, 2019

February 12, 2019
(hearing date)

Bridges, N. 1582

Timothy B. Killen

Reply to: Charleston Office
direct: 843.277.0826
fax: 843.589.9000
tkillen@hplplaw.com

February 4, 2019

VIA ECASE

The Honorable Susan S. Barden
South Carolina Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202

RE: Naomi L Bridges vs. Harbour Town Surf Shop LLC
WCC No: 1808344 DOI: 06/16/2018
Carrier: Uninsured Employers' Fund - Claim No: 2018-1863
HPLP File No: 5415.00115

Dear Commissioner Barden:

Enclosed please find the Uninsured Employers' Fund's **Supplemental** Notice of Witnesses and Written Medical Reports which lists the documents I intend to submit at the hearing of the above-referenced matter pursuant to the South Carolina Administrative Procedures Act.

By copy of this letter, I am providing a copy of these forms and reports to Gary Coggin, claimant's counsel, and Mary Sharp and Michael Mogil, employer's counsel.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT

Michelle Adams for

Timothy B. Killen

TBK/maa
Enclosures

cc: Gary Coggin, Esquire (via email)
Mary Sharp, Esquire (via email)
Michael Mogil, Esquire (via email)
Mr. Will Hawthorne (via email)

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 1808344Carrier File #: 2018-1863

Carrier Code #: _____

Employer FEIN #: _____

Claimant's Name: Naomi L. BridgesAddress: [REDACTED]City: Hilton Head Island State: SC Zip: 29926

Home Phone: _____ Work Phone: _____

Preparer's Name: Timothy B. Killen Law Firm: HPLP, LLCEmployer's Name: Harbour Town Surf Shop, LLCAddress: 147-C Lighthouse RdCity: Hilton Head Island State: SC Zip: 29928Insurance Carrier: Unknown/Uninsured Employers' Fund actingPreparer's Phone #: (843) 277-0826

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
AND GARY COGGIN, ATTORNEY FOR CLAIMANT
AND MARY SHARP & MICHAEL MOGIL, ATTORNEYS FOR EMPLOYER

YOU ARE HEREBY NOTIFIED THAT THE UNINSURED EMPLOYERS' FUND, pursuant to the provisions of the South Carolina Workers' Compensation Act and South Carolina Code Section 1-23-330, (1976, as amended), herewith submits the following medical reports as direct evidence on behalf of the UEF, to wit:

NAME OF PHYSICIAN/OTHERDATE OF REPORTPAGE

UEF RESERVES THE RIGHT TO RELY ON EVIDENCE

SUBMITTED IN CLAIMANT'S & EMPLOYER'S PHB & APA SUBMISSIONS &

CLAIMANT'S DEPOSITION

<i>EXH (A) SC WCC Order Adding Party</i>	<i>11/29/18</i>	<i>1-2</i>
<i>EXH (B) SC UEF Answer to Request for Hearing (Form 51)</i>	<i>12/12/18</i>	<i>3-6</i>

YOU ARE FURTHER HEREBY NOTIFIED that you have the right to cross-examination; and, should you desire to exercise said right, you are to forthwith schedule the depositions of any of the physicians, whose reports are submitted, for the purposes of cross-examination.

YOU ARE FURTHER NOTIFIED that the originals of the documents referred to herein, or photocopies received from said physicians/others, are being herewith forwarded to the South Carolina Workers' Compensation Commission, for insertion in the file of the South Carolina Workers' Compensation Commission and inclusion into the evidence on behalf of the UEF.

YOU ARE FURTHER NOTIFIED that the following witnesses may be called on behalf of the UEF: See Pre-Hearing Brief.

SUPPLEMENTAL APA

Bridges, N. 1584


Timothy B. Killen
Holder Padgett Littlejohn + Prickett, LLC
349 Coleman Blvd, Ste 300
Mt. Pleasant, SC 29464

February 4, 2019

February 12, 2019
(hearing date)

SUPPLEMENTAL APA

Timothy B. Killen

Reply to: Charleston Office
direct: 843.277.0826
fax: 843.589.9000
tkillen@hplplaw.com

April 8, 2019

VIA ECASE

The Honorable Susan S. Barden
South Carolina Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202

RE: Naomi L Bridges vs. Harbour Town Surf Shop LLC
WCC No: 1808344 DOI: 06/16/2018
Carrier: Uninsured Employers' Fund - Claim No: 2018-1863
HPLP File No: 5415.00115

Dear Commissioner Barden:

Enclosed please find the Uninsured Employers' Fund's Pre-Hearing Brief as well as the Notice of Witnesses and Written Medical Reports which lists the documents I intend to submit at the hearing of the above-referenced matter pursuant to the South Carolina Administrative Procedures Act.

By copy of this letter, I am providing a copy of these forms and reports to Gary Coggin, claimant's counsel, and Mary Sharp and Michael Mogil, employer's counsel.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT

White for TBK

Timothy B. Killen

TBK/maa
Enclosures

cc: Gary Coggin, Esquire (via email)
Mary Sharp, Esquire (via email)
Michael Mogil, Esquire (via email)
Mr. Will Hawthorne (via email)

CHARLESTON

349 W Coleman Blvd., Ste. 300
Mount Pleasant, SC 29464

COLUMBIA

1201 Main St., Ste. 1430
Columbia, SC 29201

GREENVILLE

P.O. Box 1804, Greenville, SC 29602
110 W North St., Ste. 1000, Greenville, N.C. 27603

RALEIGH

3737 Glenwood Ave., Ste. 270
Raleigh, NC 27612



Claimant's Name: Naomi L. Bridges Employer's Name: Harbour Town Surf Shop, LLC
Address: [REDACTED] Address: 147-C Lighthouse Rd.
City: Hilton Head Island State: SC Zip: 29926 City: Hilton Head Island State: SC Zip: 29928
Home Phone: [REDACTED] Work Phone: [REDACTED] Carrier: Unknown / UEF Acting
Preparer's Name: Timothy B. Killen Preparer's Phone #: 843-277-0826

A claim for workers' compensation benefits is made based on the following grounds:

☒ Injury ☐ Illness ☐ Repetitive Trauma

1. Compensation Rate: \$236.43 2. AWW: \$354.62 Date of Injury: 6/16/2018
3. Type of injury and body part(s): Alleged left leg fracture(s) after a fall from a ladder.
4. Facts in controversy: Whether Employer is subject to the Act? Whether Claimant suffered a compensable accident? If so, to what benefits is Claimant entitled? What is Claimant's Average Weekly Wage? Whether Claimant's injuries were pre-existing? Whether Claimant was acting outside of the scope of employment at the time of the alleged fall.
5. Legal issues involved: See Number Four (4) above; Wright v. Bi-Lo, 442 S.E. 2d 186 (Ct. App. 1994); S.C. Code Reg. 67-603(C).
6. Unusual aspects: Claimant indicated she would sign an authorization allowing UEF to obtain medical records. An authorization was presented to Claimant's attorney on 2/12/19. Despite follow up requests on 2/26, 2/27, 3/5, and 3/21, Claimant's attorney failed to provide the authorization and failed to respond at all. Claimant's attorney finally responded on 3/27/19, indicating the authorization was forthcoming. The authorization was not signed and presented to UEF until Friday, 4/1/19, at a deposition in this matter. Accordingly, the UEF reserves the right to submit those records upon receipt and/or to request a postponement of the hearing in this matter due to the unreasonable delay caused by Claimant.
7. Witnesses (designate if expert):* Claimant, Alon Mintz, Amir Britton, Letichia Rodriguez, Lillie LNU, and any and all witnesses named or called by any party.
8. Exhibits: Copies of the transcripts of any and all depositions taken in this matter. Please see the attached APA Submissions.
9. Medical evidence (indicate report pursuant to R.67-612; deposition or appearance): Please see attached APA submissions.
10. Name, address, and specialty, if any, of the treating physician: N/A
11. Impairment rating(s); body part(s); physician and date of opinion: N/A
12. I am amending my Form 50/51 in the following manner: N/A

☐ **Mediation**

- ☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
☐ b. Mediation is required pursuant to Reg. 67-1802.
☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to Gary Coggin, Esq. at gcoggin@aol.com and Mary E. Sharp, Esq. at msharp@marysharpplaw.com, and Michael W. Mogil, Esq. at mmogil@mogillaw.com on the 8th day of April 2019, by: ☐ first class postage ☐ certified mail ☐ personal service ☒ electronic service

I verify the contents of this form are accurate and true to the best of my knowledge.

Signature: [Signature] Email: tkillen@hplplaw.com
Date of hearing: April 16, 2019 Time needed for hearing: 1 hour

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 1808344

Carrier File #: 2018-1863

Carrier Code #:

Employer FEIN #:

Claimant's Name: Naomi L. Bridges

Address:

City: Hilton Head Island State: SC Zip: 29926

Home Phone: Work Phone:

Preparer's Name: Timothy B. Killen

Law Firm: HPLP, LLC

Employer's Name: Harbour Town Surf Shop, LLC

Address: 147-C Lighthouse Rd

City: Hilton Head Island State: SC Zip: 29928

Insurance Carrier: Unknown/Uninsured Employers' Fund acting

Preparer's Phone #: (843) 277-0826

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
AND GARY COGGIN, ATTORNEY FOR CLAIMANT
AND MARY SHARP & MICHAEL MOGIL, ATTORNEYS FOR EMPLOYER

YOU ARE HEREBY NOTIFIED THAT THE UNINSURED EMPLOYERS' FUND, pursuant to the provisions of the South Carolina Workers' Compensation Act and South Carolina Code Section 1-23-330, (1976, as amended), herewith submits the following medical reports as direct evidence on behalf of the UEF, to wit:

NAME OF PHYSICIAN/OTHERDATE OF REPORTPAGE

EXH (A) Email correspondence	03/26/19 – 03/27/19	1-2
EXH (B) SC WCC Order Adding Party	11/29/18	3-4
EXH (C) Claimant Hearing Request (Form 50)	06/20/18	5
EXH (D) SC WCC correspondence – Form 50 not processed	07/03/18	6
EXH (E) SC UEF Answer to Request for Hearing (Form 51)	12/12/18	7-10

YOU ARE FURTHER HEREBY NOTIFIED that you have the right to cross-examination; and, should you desire to exercise said right, you are to forthwith schedule the depositions of any of the physicians, whose reports are submitted, for the purposes of cross-examination.

YOU ARE FURTHER NOTIFIED that the originals of the documents referred to herein, or photocopies received from said physicians/others, are being herewith forwarded to the South Carolina Workers' Compensation Commission, for insertion in the file of the South Carolina Workers' Compensation Commission and inclusion into the evidence on behalf of the UEF.

YOU ARE FURTHER NOTIFIED that the following witnesses may be called on behalf of the UEF: See Pre-Hearing

Brief.



Timothy B. Killen

Holder Padgett Littlejohn + Prickett, LLC

349 Coleman Blvd, Ste 300

Mt. Pleasant, SC 29464

April 8, 2019

April 16, 2019
(hearing date)

Bridges, N. 1589

EXH (A)

Tim Killen

From: Tim Killen
Sent: Wednesday, March 27, 2019 4:19 PM
To: 'Gary Coggin'
Subject: RE: Bridges v. Harbor Town Surf Shop 1808344

Thanks, Gary.

TIM KILLEN

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC

349 West Coleman Boulevard, Suite 300 | Mt. Pleasant, SC 29464

d. 843.277.0826 | f. 843.589.9000

www.hplplaw.com | tkillen@hplplaw.com



HOLDER
PADGETT
LITTLEJOHN+
PRICKETT, LLC

CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH

CONFIDENTIALITY NOTICE: This message is sent by the law firm of Holder Padgett Littlejohn + Prickett, LLC and may be confidential and privileged legal communication to the named recipient(s). If you receive this message in error or are not the named recipient(s), please notify the sender and delete this email. Thank you.

From: Gary Coggin <gcitylaw@aol.com>
Sent: Wednesday, March 27, 2019 4:17 PM
To: Tim Killen <TKillen@hplplaw.com>
Subject: Re: Bridges v. Harbor Town Surf Shop 1808344

Tim --

The release is on my desk and I have called Lynn Bridges twice. I will email the same to you as soon as I get it.

As per the depositions, following is the revised schedule: Amir Bitton at 8:30 A.M. and Zack Idry at 11:30 AM.; Rodriguez and Barden to be rescheduled.

Thanks,

Gary Coggin

-----Original Message-----

From: Tim Killen <TKillen@hplplaw.com>
To: Gary Coggin <gcitylaw@aol.com>; msharp@marysharplaw.com <msharp@marysharplaw.com>
Sent: Tue, Mar 26, 2019 12:30 pm
Subject: RE: Bridges v. Harbor Town Surf Shop 1808344

Gary:

My paralegal has been trying to a release signed by your client. She wrote you on 2/12 (via email on letter), 2/26, 2/27, 3/5, and 3/21. It is my understanding that you have not responded to her. Please let me know something or we will have to file a motion to compel.

Also, I noticed that the subpoena to Latisha Rodriguez commands her to appear at 12:30 a.m. and the subpoena to Raven Baden requires her to appear at 1:30 a.m. I'm presuming these are typos, as I do not plan to spend the night at

your office. Also, the email below, your cover letters, and the certificates of service all reference May 29. I'm assuming you mean March 29, but you know what happens when you assume. Please advise.

Regards,
Tim

Tim Killen

Holder Padgett Littlejohn + Prickett, LLC

349 West Coleman Boulevard, Suite 300 | Mt. Pleasant, SC 29464

d. 843.277.0826 | f. 843.589.9000

www.hpplaw.com | tkillen@hpplaw.com



**HOLDER
PADGETT
LITTLEJOHN+
PRICKETT, LLC**

CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH

CONFIDENTIALITY NOTICE: This message is sent by the law firm of Holder Padgett Littlejohn + Prickett, LLC and may be confidential and privileged legal communication to the named recipient(s). If you receive this message in error or are not the named recipient(s), please notify the sender and delete this email. Thank you.

From: Gary Coggin <gcitylaw@aol.com>

Sent: Tuesday, March 26, 2019 11:38 AM

To: msharp@marysharplaw.com; Tim Killen <TKillen@hpplaw.com>

Subject: Bridges v. Harbor Town Surf Shop 1808344

Mary --

As per my August 8, 2018 Subpoena for Documents to Atty Mogil requesting work schedules and W-2 wage and tax statements for certain employees, I have not yet received the information requested.

There was much follow-up to this request, including an October 23rd Order from Commissioner Taylor and restatement of the same to Commissioner Barden on February 12, 2019. Unfortunately none of this has been produced at this writing and I am going into a deposition March 29, 2019 w/o the information.

Please address this issue.

While I am on the subject, is there anything else do you need from me prior to the April hearing. Mr. Killen, how about you?

Tim are you attending the deposition May 29, 2019?

Gary Coggin

EXH (B)

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NUMBER: 1808344

Naomi Bridges,

EMPLOYEE,

CLAIMANT,

VS.

Barbour Town Surf Shop, LLC,

EMPLOYER,

AND

South Carolina Uninsured Employer's Fund,

CARRIER/DEFENDANTS.

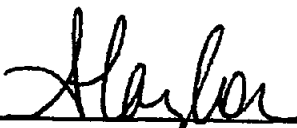
082018-1863
ORDER ADDING PARTY

This matter was scheduled to be heard before the undersigned on December 4, 2018 in Yemassee, South Carolina. Prior to the hearing, the undersigned held a Pre-Hearing Conference by telephone with the parties wherein it was determined the South Carolina Uninsured Employer's Fund was not properly added as a party to the matter and had not received all of the prior pleadings or the Hearing Notice from the Commission.

As such, IT IS HEREBY ORDERED the South Carolina Uninsured Employer's Fund is ADDED as a named party Defendant to the above-referenced claim. This file will be returned to the Judicial Department for official service of the Form 50 Request for Hearing and further docketing based on the same.

AND IT IS SO ORDERED.

November 29, 2018



Commissioner Aisha Taylor

CERTIFICATE OF SERVICE

This is to certify the undersigned has this date served this order in the above entitled action upon all parties to this cause by sending an electronic copy hereof by electronic mail addressed to the attorney or attorneys for said parties or by depositing a copy hereof, postage paid, in the

Scan

12/3/18
Jmk

United States certified mail addressed to any unrepresented party.
November 29, 2018

By: Renee Smith, Administrative Assistant to Commissioner Taylor

EXH (c)

South Carolina Workers' Compensation Commission
P.O. Box 1715
Columbia, South Carolina 29202-1715
737-5723 www.wcc.sc.gov



WCC File #: 1808344
Carrier File #: _____
Carrier Code #: _____
Employer FEIN #: 27-2856058

Claimant's Name: Naomi Lynn Bridges SSN: [REDACTED] Employer's Name: Harbourtown Surf Shop LLC
Address: [REDACTED] Address: 147 Lighthouse Road
City: Hilton Head Island State: SC Zip: 29926 City: Hilton Head Island State: SC Zip: 29928
Home Phone: [REDACTED] Work Phone: (843) 363-9800 Insurance Carrier: Denies coverage

Preparer's Name: Gary Coggin Law Firm: Coggin Law Office Preparer's Phone #: (843) 689-7777

A claim for workers' compensation benefits is made based on the following grounds:

Date of Injury or Illness: June 16, 2018

☒ Injury ☐ Illness ☐ Repetitive Trauma ☐ Occupational Disease ☐ Physical Brain Injury ☐ Concurrent Jurisdiction

1. The claimant sustained an injury to left knee & left leg (Part(s) of Body Injured) on 06/16/2018 (Month/Day/Year) in Beaufort county, state of SC.
Body part(s) affected are: left knee & left leg

2. Briefly describe how the accident occurred. was on a ladder to access a box of candy and fell from the ladder

3. Both the claimant and the employer were subject to the South Carolina Workers' Compensation Act at the time of injury.

4. The relationship of employer and employee existed at the time of injury.

5. At the time of the injury the claimant was performing services arising out of and in the course of employment.

6. Notice of the accidental injury was given to the Employer on 06/16/2018 (Month/Day/Year) in the following manner:
When claimant fell she called for help. A co-worker came and called Alon Mintz, an owner, and told him of about the accident

☒ 7. Due to injury, the claimant is in need of (check one):

☐ (a) medical examination and treatment for: _____

☒ (b) additional medical examination and treatment for: Claimant is undergoing surgery for multiple breaks in left knee and below the left knee and will require physical therapy.

☒ 8. Due to injury, the claimant requests temporary total disability benefits because of lost compensable time from work and wages for the period of:
From time of the accident on 06/16/2018 into the foreseeable future

☐ 9. Due to the injury, the Claimant has permanent disability of the following nature and extent (check one):

☐ (1) General Disability: ☐ Total ☐ Partial

☐ (2) Specific Disability: ☐ Total ☐ Partial

☐ (3) Wage Loss

9a. ☒ A determination of permanent disability is premature at this time.

☒ 10. Due to the injury, the Claimant has a serious bodily disfigurement consisting of:
Breaks to the left knee and to the bones immediately under the left knee.

10a. At the time of the injury, the Claimant was paid weekly wages of \$1176.00 and demands accounting of days worked and wages earned as provided by law.

10b. Give names and addresses of all employers for whom the Claimant has worked since the date of the accident:
None

11. Further grounds or unusual aspects of claim:
None

11a. List names and addresses of all physicians or other medical specialists who have seen or treated the Claimant as a result of the accident:
1. Emergency Room physicians (Hilton Head Hospital); 2. Dr. Gavin (15 Moss Creek Village, HHI, SC); and Dr. Tobin, 12A Lafayette, HHI, SC 29926)

11b. To the best of your knowledge, did you have any prior permanent disability? None
If yes, describe: _____

12. Appropriate benefits as provided in the Act for the above grounds and other relief as the Workers' Compensation Commission may direct as just and proper.

☐ 13a. I am filing a claim. I am not requesting a hearing at this time.

14. Estimated time needed for hearing: 1 hour

☒ 13b. I am requesting a hearing. A \$25 fee is required.

☐ Mediation

☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.

☐ b. Mediation is required pursuant to Reg. 67-1802.

☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.

☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to Alon Mintz, Harbourtown Surf Shop, 147 Lighthouse Road
Mariners B, Hilton Head, Island, SC 29928 on the 20 day of June 20 2018, by ☐ first class postage ☒ certified mail ☐ personal service.

I verify the contents of this form are accurate and true to the best of my knowledge.

Attorney: gcitylaw@aol.com

06/17/18 Bridges, N.S. 1597 7/6/18 JMD

EXH (D)

State of South Carolina

1333 Main St, Suite 500
P.O. Box 1715
Columbia, S.C. 29202-1715



Tel: (803) 737-5700
Fax: (803) 737-1281
www.wcc.sc.gov

Workers' Compensation Commission

08 2018-1863

July 3, 2018

Gary Coggin
Coggin Law Office
PO Box 7092
Hilton Head Island, SC 29938

RECEIVED

JUL 06 2018

Re: WCC File No. 1808344
NAOMI BRIDGES v. HARBOUR TOWN SURF SHOP LLC
Date of Injury: 06/16/2018

LEGAL DEPT.

Uninsured Employers' Fund

The Form 50 cannot be processed for the following reason(s):

Form has not been properly served per R.67-210 and 211. Please serve the proper party below.

Please complete and resubmit the pleading/form with the necessary changes along with an updated certificate of service.

Sincerely,

Amanda M. Young
Claims Analyst
803-737-5747

c:
HARBOUR TOWN SURF SHOP LLC
147 LIGHTHOUSE RD
HILTON HEAD ISLAND, SC 29928

SC Workers Compensation Uninsured Employers Fund
P.O. Box 210039
COLUMBIA, SC 29221-0039

Scan

Bridges, N. 1599

7/6/18
JMS
6

EXH (E)

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500 • Post Office Box 1715
Columbia, South Carolina 29202-1715
(803) 737-5675 www.wcc.sc.gov



WCC File #: 1808344
Carrier File #: 2018-1853
Carrier Code #:
Employer FEIN #:

Claimant's Name: Naomi Lynn Bridges SSN: [REDACTED] Employer's Name: Harbour Town Surf Shop, LLC
Address: [REDACTED] Address: 147 Lighthouse Road
City: Hilton Head Island State: SC Zip: 29926 City: Hilton Head Island State: SC Zip: 29928
Home Phone: [REDACTED] Work Phone: 843-363-9800 Insurance Carrier:
Date of Injury: June 16, 2018
Preparer's Name: Lisa C. Glover Law Firm: SCWCUEF Preparer's Phone #: (803) 896-5898

Date of Injury or Illness: 6/16/2018

Estimated time for hearing:

Complete each information blank. Clearly specify when contentions are admitted in part and denied in part. The Employer/Carrier in answer to the claim, respectfully shows:

1. It is ☐ Admitted ☒ Denied the employee sustained an injury or illness on or about the date set forth in the Form 50. The reasons for denial are:
General, there has been no proof
2. It is ☐ Admitted ☒ Denied both the employer and employee were subject to the Workers' Compensation Act at the time in question. The reasons for denial are:
See No 1 above
3. It is ☐ Admitted ☒ Denied the relationship of employer and employee existed at the time in question. The reasons for denial are:
See No 1 above
4. It is ☐ Admitted ☒ Denied at the time in question the employee was performing services arising out of and in the course of employment. The reasons for denial are:
See No 1 above
5. It is ☐ Admitted ☒ Denied notice of injury was given the employer. The reasons for denial are:
See No 1 above
6. It is ☐ Admitted ☒ Denied the employee ☐ Needs ☐ Is Entitled to Additional medical care as a result of injury or illness. The reasons for denial are:
See No 1 above
7. It is ☐ Admitted ☒ Denied the employee is entitled to temporary total disability for the period(s) of: _____
8. It is ☐ Admitted ☒ Denied the employee is permanently disabled. The reasons for denial are:
See No 1 above
9. It is ☐ Admitted ☒ Denied the employee has serious disfigurement.
10. It is contended that an average weekly wage of \$ _____ applies, according to attached Form 20 as provided by law.
11. Further contentions, grounds of defense, or unusual aspects are:
See attachment

☐ Mediation

- ☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
- ☐ b. Mediation is required pursuant to Reg. 67-1802.
- ☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
- ☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to See Attached

Address: _____ on the _____ day of _____ 20____ by:
☐ first class postage ☒ certified mail ☐ personal service ☐ electronic service

The contents of this document are accurate and true to the best of my knowledge.

Lisa C. Glover
Signature

Legal Counsel
Title

lglover@saf.sc.gov
Email

12-12-18
Date

Refer to R.67-204 through R.67-210 and R.67-601 through R.67-615. Refer to R. 67-1801 for mediation. Questions about the use of this form may be directed to the Commission's Judicial Department at 803-737-5675 or judicial@wcc.sc.gov or mediation@wcc.sc.gov. Pursuant to R.67-606, a Form 20 must be filed with the Claims Department at least 30 days from the date of filing this form.

WCC Form # 51
Revised 07/15

51

Employer's Answer to Request for Hearing

ATTACHMENT – WCC FORM 51

SCWCC NO.: 1808344

UEF NO.: 2018-1863

11. The Uninsured Employers' Fund is informed and believes that no capitulation or other order has been issued by the South Carolina Workers' Compensation Commission finding that the employer is subject to Title 42 and is operating without insurance or as an unqualified self-insurer. The Uninsured Employers' Fund is not a proper party to this action and is not subject to the jurisdiction of the South Carolina Workers' Compensation Commission in this case.

All affirmative and specific defenses (see Reg. 67-603), including but not limited to Section 42-9-60, Section 42-15-20, Section 42-15-40, Section 42-17-90; and fraud in the application for employment; fraud in the inducement to sign Form 15; fraud in the initiation of the claim for benefits; pre-existing disability to allegedly injured members; election of remedies; intervening trauma; no compensable injury by accident under Section 42-1-160; degree of disability, if any, attributable to this injury speculative; claimant's problems personal in nature and not work related.

Fund reserves the right to amend this Answer and plead additional defenses. This form is filed to comply with the South Carolina Workers' Compensation Commission regulations.

Fund files this Answer in response to Claimant's Form 50, Request for Hearing dated July 26, 2018, and served on the Fund with Order Adding Party, dated 11/29/2018.

Further, the Uninsured Employers' Fund does not represent the uninsured employer, is not an agent for the uninsured employer, nor a carrier for the uninsured employer.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

* SCWCC NO.: 1808344
* CERTIFICATE OF SERVICE
*

The undersigned employee of the South Carolina Uninsured Employers' Fund, 800 Dutch Square Boulevard, Suite 160, Columbia, South Carolina, 29210, does hereby certify that she has served the following named pro se defendant, and/or counsel for defendants with a copy of the pleading indicated below by mailing a copy of same to them in the United States mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

Gary Coggin Law, Esquire
Coggin Law Office
P.O. Box 7092
Hilton Head, SC 29938

Alon Mintz
Harbour Town Surf Shop, LLC
147 Lighthouse Road
Hilton Head Island, SC 29928

PLEADING:

Form 51, Answer to request for a hearing dated July 26, 2018, and served on the Fund with Order Adding Party, dated 11/29/2018.


Joyce Deatrick

December 12, 2018
Columbia, South Carolina

SOUTH CAROLINA STATE ACCIDENT FUND

HARRY B GREGORY, JR., Director

December 12, 2018

08 2018-1863

Judicial Division
SC Workers' Compensation Commission
Post Office Box 1715
Columbia, S. C. 29202-1715

Re: Naomi L. Bridges vs. Harbour Town Surf Shop, LLC
SCWCC No.: 18083-44; UEF No.: 2018-1863

UEF-FS1

Dear Ms. Bracy:

Enclosed is the Fund's Form 51, Answer to the Request for Hearing in the above referenced case. By copy of this letter, I am serving same on the pro se parties, and/or opposing counsel listed below.

Sincerely,

Lisa C. Glover

Lisa C. Glover
Legal Counsel
lglover@saf.sc.gov

LCG/jd
Enclosures

c: Gary Coggin Law, Esquire
Harbour Town Surf Shop, LLC

Scan

Workers' Compensation Uninsured Employers' Fund
Post Office Box 210039 Columbia, South Carolina 29221-0039 (803) 896-5800 FAX (803) 896-5828
www.saf.sc.gov

12/12/18
GMB

Timothy B. Killen

Reply to: Charleston Office

direct: 843.277.0826

fax: 843.589.9000

tkillen@hplplaw.com

July 15, 2019

VIA ECASE

The Honorable Melody L. James
SC Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202

RE: Naomi L Bridges vs. Harbour Town Surf Shop LLC
WCC No: 1808344 DOI: 06/16/2018
Carrier: Uninsured Employers' Fund - Claim No: 2018-1863
HPLP File No: 5415.00115

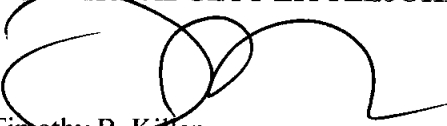
Dear Commissioner James:

Enclosed please find the Uninsured Employers' Fund's Pre-Hearing Brief. The UEF will rely on their Notice of Witnesses and Written Medical Reports, previously submitted on April 8, 2019, for the upcoming hearing currently scheduled for July 24, 2019.

By copy of this letter, I am providing a copy of these forms and reports to Gary Coggin, claimant's counsel, and Michael Mogil, employer's counsel.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT



Timothy B. Killen

TBK/maa

Enclosures

cc: Gary Coggin, Esquire (via email)
Michael Mogil, Esquire (via email)
Ms. Mee Ling Khor-Gould (via email)



Claimant's Name: Naomi L. Bridges Employer's Name: Harbour Town Surf Shop, LLC
Address: [REDACTED] Address: 147-C Lighthouse Rd.
City: Hilton Head Island State: SC Zip: 29926 City: Hilton Head Island State: SC Zip: 29928
Home Phone: [REDACTED] Work Phone: [REDACTED] Carrier: Unknown / UEF Acting
Preparer's Name: Timothy B. Killen Preparer's Phone #: 843-277-0826

A claim for workers' compensation benefits is made based on the following grounds:

☒ Injury ☐ Illness ☐ Repetitive Trauma

1. Compensation Rate: \$236.43 2. AWW: \$354.62 Date of Injury: 6/16/2018
3. Type of injury and body part(s): Alleged left leg fracture(s) after a fall from a ladder.
4. Facts in controversy: Whether Employer is subject to the Act? Whether Claimant suffered a compensable accident? If so, to what benefits is Claimant entitled? What is Claimant's Average Weekly Wage? Whether Claimant's injuries were pre-existing? Whether Claimant was acting outside of the scope of employment at the time of the alleged fall.
5. Legal issues involved: See Number Four (4) above; Wright v. Bi-Lo, 442 S.E. 2d 186 (Ct. App. 1994); S.C. Code Reg. 67-603(C).
6. Unusual aspects: Massive amounts of records being submitted as evidence by Claimant.
7. Witnesses (designate if expert):* Claimant, Alon Mintz, Amir Britton, Letichia Rodriguez, Zach Idri, Lillie LNU, and any and all witnesses named or called by any party.
8. Exhibits: Copies of the transcripts of any and all depositions taken in this matter. Please see the attached APA Submissions.
9. Medical evidence (indicate report pursuant to R.67-612; deposition or appearance): Please see attached APA submissions.
10. Name, address, and specialty, if any, of the treating physician: N/A
11. Impairment rating(s); body part(s); physician and date of opinion: N/A
12. I am amending my Form 50/51 in the following manner: N/A

☐ **Mediation**

- ☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
☐ b. Mediation is required pursuant to Reg. 67-1802.
☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to **Gary Coggin, Esq.** at gcitylaw@aol.com and **Michael W. Mogil, Esq.** at mmogil@mogillaw.com on the 15th day of July 2019, by: ☐ first class postage ☐ certified mail ☐ personal service ☒ electronic service

I verify the contents of this form are accurate and true to the best of my knowledge.

Signature: [Signature]
Date of hearing: July 24, 2019

Email: tkillen@hplplaw.com
Time needed for hearing: 2 hours

Questions about the use of this form should be directed to the Jurisdictional Commissioner. Refer to Regulations 67-204 through 67-211 and Regulations 67-601 through 67-615; as well as Regulation 67-1801. File this form and proof of service on the opposing party according to R.67-611 and R.67-212. Do not send medical reports. * Commissioners reserve the right to admit expert witnesses at hearings.

**LAW OFFICES OF
DARRELL THOMAS JOHNSON, JR., LLC
300 MAIN STREET
POST OFFICE BOX 1125
HARDEEVILLE, SOUTH CAROLINA 29927**

DARRELL THOMAS JOHNSON, JR. *
MILLS L. MORRISON, JR. **
WARREN P. JOHNSON
JOSHUA R. FESTER

843-784-2142
FAX 843-784-5770
tdjohnson1@hargray.com

* Certified Mediator
** Also Licensed in Georgia

February 5, 2021

Amy Bracy, Judicial Director
South Carolina Workers' Compensation Commission
P.O Box 1715
Columbia, SC 29202

RE: Naomi Bridges v. Harbour Town Surf Shop and Uninsured Employer's Fund
DOA: June 16, 2018
WCC File No.: 1808344
File No: 02-2609-01-700-20

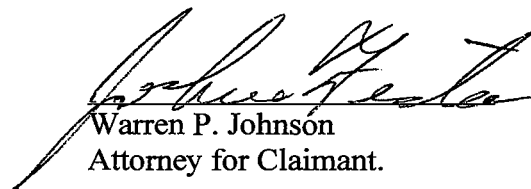
Dear Ms. Bracy:

Please find enclosed the original and four copies of our Form 30 with Attachment and Decision and Order in this matter, along with our check in the amount of \$150.00, which represents the filing fee. I have also enclosed a self stamped envelope to receive a filed copy.

By copy of this letter to all counsel of record, the employer and carrier's attorneys, we are notifying them of these submissions and serving a copy of the same upon them via email and by regular mail as evidenced by our Certificate of Service.

With kind regards, I am,

Sincerely,


Warren P. Johnson
Attorney for Claimant.

WPJ/lmc/enc

Bridges, N. 1607



Claimant's Name: Naomi Bridges SSN: [REDACTED] Employer's Name: Harbour Town Surf Shop, LLC
Address: [REDACTED] Address: 147 C Lighthouse Road
City: Hilton Head Island State: SC Zip: 29926 City: Hilton Head Island State: SC Zip: _____
Home Phone: [REDACTED] Work Phone: () - Insurance Carrier: Uninsured Employer's Fund
Preparer's Name: Warren Johnson Law Firm: Law Office of Darrell T. Johnson Preparer's Phone #: (843) 784 - 2142

REQUEST FOR COMMISSION REVIEW

Request for Commission Review by ☒ Claimant ☐ Employer (check one) Date of Injury or Illness: June 16, 2018

The undersigned makes application for review of the findings of the Commissioner in the above-captioned case. The request for review is based on the following grounds: (State the grounds of your appeal in the form of questions presented. Each question presented must contain a concise statement of one proposition of law or fact. Refer to evidence by title and exhibit number. Use additional pages if necessary).

PLEASE SEE THE FORM 30 ATTACHMENT

(Check one) Oral argument ☒ is ☐ is not requested. Appellant's request for oral argument is waived if not indicated on this form. I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to PLEASE SEE THE ATTACHED CERTIFICATE OF SERVICE address _____ on the _____ day of _____ 20____.

by ☐ first class postage ☒ certified mail ☐ personal service ☐ electronic service

Preparer's Signature [Signature]

Attorney
Title

wpi@johnsonslawoffice.com
Email

February 4, 2021
Date

Check this box if you are not represented by an attorney ☐

Questions about the use of this form should be directed to the Judicial Department at 803.737.5675 or appeals@wcc.sc.gov.

If the claimant appeals and is not represented by counsel, the Judicial Department will properly serve this form pursuant to Reg. 67-607 C. Pursuant to Reg. 67-205 and Reg. 701, the appeal must be postmarked no later than 14 days from the date of service of the Decision and Order of the Hearing Commissioner along with the filing fee. Attach a Form 32, if you are unable to pay the filing fee. Refer to Reg. 67-211 and Reg. 67-701 through 711.

Naomi Lynn Bridges v. Harbour Town Surf Shop, LLC and South Carolina Workers' Compensation Uninsured Employer's Fund
WCC File No.: 1808344
Form 30 Attachment

1. Whether the Hearing Commissioner erred as a matter of law and fact by finding: that the Claimant did not articulate a clear way to calculate her Average Weekly Wage and Compensation Rate; that Claimant failed to produce her income tax records; that Claimant missed work due to her unrelated eye illness and for other reasons; that Claimant voluntarily quit her employment for some period of time during 2018; that the Employer's work is seasonal as it closes for months during the off-season; that the Claimant placed significant emphasis on the schedule; that the greater weight of the evidence is that the Employee did not pay Claimant or any other party with payments under the table; that the greater weight of the evidence establishes that the schedule did not actually or accurately reflect the number of hours worked by any employee; and in finding that the Employer did not pay Claimant or any other employee with payments under the table is supported by testimony.
2. Whether the Hearing Commissioner erred as a matter of law and fact by finding that the Claimant's Average Weekly Wage and Compensation Rate should be based on the actual numbers as reflected in employer's APA Submissions and that the finding is supported by the testimony, the APA Submissions, and the witnesses, including Sweeting and Rodriguez, and in further finding that Sweeting and Rodriguez were the most impartial witnesses.
3. Whether the Hearing Commissioner erred as a matter of law and fact by finding that the Claimant's Average Weekly Wage and Compensation Rate are \$368.80 and \$245.88, respectively.
4. Whether the Hearing Commissioner erred as a matter of law and fact by finding that the Claimant suffered an injury to the left leg prior to June 16, 2018, that she was suffering from this injury prior to her alleged fall, that this finding is supported by witness testimony, and in finding that this comports with instructions given to her not to climb the ladder.
5. Whether the Hearing Commissioner erred as a matter of law and fact by finding that Claimant's Exhibits No. 3 and 5 are not dispositive of anything and do not lend credibility to Claimant's arguments.
6. Whether the Hearing Commissioner erred as a matter of law and fact by finding that the greater weight of the evidence supports a finding that Claimant did not fall from the top step of the ladder, as she testified and in finding that the EMS report reflects that, at the time of the alleged accident, Claimant reported she fell from a lower step.
7. Whether the Hearing Commissioner erred as a matter of law and fact by finding that the Claimant failed to meet her evidentiary burden of showing that she suffered an injury in the scope of employment.
8. Whether the Hearing Commissioner erred as a matter of law and fact by finding that the Employer gave clear and explicit instructions for the Claimant not to climb on the ladder on June

16, 2018, that the testimony of others supported this finding and that Claimant's testimony supported this finding.

9. Whether the Hearing Commissioner erred as a matter of law and fact by finding that the employer limited Claimant's sphere of employment and that the Claimant left the sphere of her employment by violating employer's instructions.

10. Whether the Hearing Commissioner erred as a matter of law and fact in finding that Claimant's alleged injuries were not suffered in the scope of her employment and that the Claimant was not injured by an accident arising out of and in the course of her employment on June 16, 2018.

11. Whether the Hearing Commissioner erred as a matter of law and fact in finding that the Uninsured Employer's Fund timely filed a Form 51 in this matter and in finding that the record is replete with instances when pleadings, motions, or other documents from Claimant were not served on the Fund.

12. Whether the Hearing Commissioner erred as a matter of law and fact in finding that even if the Fund's Form 51 were untimely, it can continue to argue that the injuries were not suffered in the course of employment as part of a general denial.

13. Whether the Hearing Commissioner erred in finding that the Claimant is not entitled to any benefits under the Act.

14. Whether the Hearing Commissioner erred in finding that the Claimant was outside of the scope of her employment at the time she alleges to have suffered her injuries.

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC FILE NO: 1808344

NAOMI BRIDGES,)
Employee/Claimant,)
)
vs.)
)
HARBOUR TOWN SURF SHOP, LLC,)
Employer,)
)
And)
)
SC UNINSURED EMPLOYERS' FUND,)
Carrier,)
)
)
Defendants.)

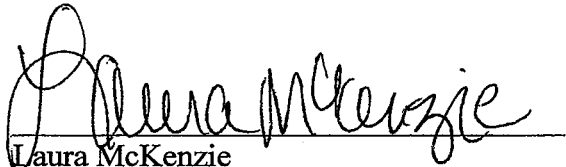
CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of February, 2021 I served a true and accurate copy of the foregoing SCWCC Form 30, with Attachment, and Decision and Order, on the parties listed below via email and/or by placing the same in the United States mail, first class and/or Certified postage attached, and addressed to the following:

lglover@saf.sc.gov
South Carolina Uninsured Employers' Fund
Attn: Lisa C. Glover
PO Box 210039
Columbia, SC 29221-0039

tkillen@hplplaw.com
Timothy B. Killen
Holder, Padgett, Littlejohn & Prickett, LLC
945 Houston Northcutt Boulevard
Mount Pleasant, SC 29464

mmogil@mogillaw.com
Michael W. Mogil
Law Office of Michael W. Mogil, PA
2 Corpus Christie Place
Suite 303
Hilton Head Island, SC 29928


Laura McKenzie

**LAW OFFICES OF
DARRELL THOMAS JOHNSON JR., LLC
300 MAIN STREET
POST OFFICE BOX 1125
HARDEEVILLE, SOUTH CAROLINA 29927**

DARRELL THOMAS JOHNSON, JR.
MILLS LANE MORRISON, JR.**
WARREN PAUL JOHNSON
JOSHUA R. FESTER
Certified Mediator
Also Admitted in Georgia **

Firm Phone (843) 784-2142
Firm Fax (843) 784-5770
E-Mail : tdjohnson1@hargray.com

June 18, 2021

VIA eCase

Amy Bracy Judicial Director
SC Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202-1715

Re: Naomi Bridges v. Harbour Town Surf Shop, LLC and SCUEF
WCC File No: 1808344
Date of Accident: June 16, 2018
Our File No: 02-2609-01-700-20

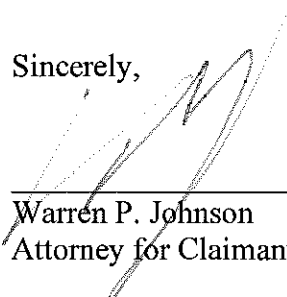
Dear Ms. Bracy:

Please find enclosed our Appellant's Brief to the Full Commission in this case.

By copy of this letter, and the Certificate of Service, we are notifying all attorneys of record of these submissions and serving copies of the same upon them by email.

Thank you,
With kind regards,

Sincerely,



Warren P. Johnson
Attorney for Claimant

WPJ/lmc/enc
cc: Gary Coggin via email only

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO:1808344

Naomi Lynn Bridges,	)	
	)	
Employee/Claimant,	)	
	)	
v.	)	CLAIMANT'S/APPELLANT'S
	)	BRIEF TO THE APPELLATE PANEL
Harbour Town Surf Shop, LLC,	)	OF THE FULL COMMISSION
	)	
Employer,	)	
	)	
and	)	
	)	
South Carolina Workers' Compensation	)	
Uninsured Employer's Fund,	)	
	)	
Defendants.	)	
_____	)	

Naomi Lynn Bridges (hereinafter, "Claimant/Appellant" or "Ms. Bridges") requested review of the Single Commissioner's Decision and Order in the above captioned case. Claimant hereby submits her brief to the Appellate Panel of the Full Commission prior to the scheduled hearing.

Statement of the Case

This matter is before the Full Commission on petition of the Claimant. This matter came before the hearing Commissioner in Yemassee, South Carolina on July 24, 2019, and in Port Royal, South Carolina on July 26, 2019. At the hearing, the Claimant sought a determination of compensability of an injury to her left leg which occurred as a result of a workplace accident on June 16, 2018, when she fell from a ladder on her employer's premises. Claimant sought payment for past medical treatment, additional medical treatment, and temporary total disability benefits from June 16, 2018, until such time as she reached maximum medical improvement.

The parties stipulated that the Employer was at all times relevant to this action, subject to the terms and provisions of the South Carolina Workers' Compensation Act (hereinafter, "the Act"). Employer admitted that the Claimant was at all times relevant to this action an employee for purposes of the Act. The Uninsured Employer's Fund (hereinafter, "UEF") was added as a party to this action because the Employer was not insured at the time of the Claimant's workplace accident. The employer and UEF asserted that the Claimant was acting outside the scope of her employment at the time of her workplace injury and/in the alternative that her injuries did not arise out of her employment or were related to her employment.

At the hearing, Claimant's counsel argued that the UEF had failed to preserve affirmative defenses when it failed to file a timely Form 51, including whether pursuant to *Wright v. Bi-Lo*, the Claimant had left the scope of her employment at the time of her workplace injury. Claimant's counsel also argued that the Employer also did not assert a defense to Claimant's injury for 150 days after the Employer's first notice of the same and is foreclosed from asserting any defenses to the Claimant beyond a general deniability defense. The UEF asserted that it was not made a party until the Order of Commissioner Taylor, dated 11/29/2018 and that it timely filed a Form 51 on 12/08/2018, and that all affirmative defenses were open to it. The UEF also argued that, regardless of whether it timely filed a Form 51, it was not asserting any affirmative defenses. Paradoxically, the UEF also asserted that the Claimant's injury was not compensable, pursuant to *Wright v. Bi-Lo*, 314 S.C. 152, 442 S.E.2d 186 (Ct. App. 1994) because she violated an employer's prohibition, taking her injury out of the scope of her employment.

The Employer and UEF contended that the Claimant's Average Weekly Wage (AWW) and Compensation Rate (CR) were \$354.62 and \$236.43, respectively. The Claimant asserted that her AWW and CR should include all amounts paid to her by her employer, including payments by

check and cash, and taking into account her full schedule as listed in Claimant's Exhibit 1, resulting in a much higher AWW and CR.

In her Decision and Order, dated January 27, 2021, the Commissioner found and ordered *inter alia* as follows:

1. The Employer, Harbour Town Surf Shop, LLC was subject to the terms and provisions of the Act by stipulation and by regularly employing four (4) or more employees in South Carolina.
2. The Claimant was an employee of Employer, Harbour Town Surf Shop, LLC;
3. The record was left open for two (2) weeks following the hearing so that Claimant could produce her 2016, 2017, and 2018 tax returns and related documentation, which was under subpoena from Employer; however, claimant failed to timely produce this information.
4. Claimant did not articulate a clear way to calculate her AWW and CR; Claimant failed to produce her income tax records; during the year preceding the quarter in which the injury allegedly occurred, Claimant missed work due to her unrelated eye illness and for other reasons; Claimant voluntarily quit her Employment for some period of time during 2018; and the Employer's work is seasonal, as it closes for months during the off-season. The Claimant did place a significant emphasis on the schedule (Claimant's Ex. 1). However, the greater weight of the evidence is that Employer did not pay Claimant or any other party with payments under the table. This finding is supported by the testimony.
5. Claimant's Average Weekly Wage and Compensation Rate shall be based on the actual numbers as reflected in Employer's APA Submissions. This finding is supported by the testimony, the APA Submissions, and the witnesses, including Sweeting and Rodriguez, whom I find to be the most impartial witnesses.
6. The Claimant's Average Weekly Wage and Compensation Rate are \$368.80 and \$245.88, respectively.
7. That the Claimant suffered an injury to the left leg prior to June 16, 2018, and she was suffering from this injury prior to her alleged fall; this finding is supported by the witness testimony and comports with the admitted instructions given to her not to climb the ladder.

8. That Claimants Exhibits No. 3 and 5 are not dispositive of anything and do not lend credibility to Claimant's arguments. The picture of Claimant and her grandson at his graduation is, by all accounts, temporarily prior to either the table incident and the alleged ladder incident. The picture of Claimant at the beach is blurry and doesn't show anything instructive on the issues.

9. That the greater weight of the evidence supports a finding that Claimant did not fall from the top step of the ladder, as she testified. The evidence provides that the Claimant would not need to be standing on the top step of the ladder to reach the items for which she claimed to be reaching. The EMS report reflects that, at the time of the alleged accident, Claimant reported she fell from a lower step.

10. Whether the Claimant suffered an injury in the scope of employment is the burden of the Claimant, and it must be proven by the greater weight of the evidence. Here, Claimant failed to meet her evidentiary burden.

11. Mr. Bitton, as owner of Employer, gave clear and explicit instructions to Claimant not to climb on the ladder on June 16, 2018. The testimony of Christine Sweeting, Leticia Rodriguez, Zachary Edri, Raven Baden, and Amir Bitton support this finding. Even the testimony of the Claimant supports this finding, though she qualified the instruction in her testimony as instructions not to climb the ladder to get on top of the cooler.

12. When an employer limits the sphere of employment by specific prohibitions, injuries incurred while violating these prohibitions are not in the scope of employment and, therefore, not compensable. Here, the greater weight of the evidence establishes Claimant left the sphere of her employment by violating the specific orders not to climb the ladder.

13. Because Claimant's alleged injuries were not suffered in the scope of her employment, the Claimant was not injured by accident arising out of and in the course and scope of her employment on June 16, 2018.

14. The Fund timely filed a Form 51 in this matter, preserving its opportunity to plead and argue affirmative defenses.

15. Regardless of the foregoing Finding that the Fund timely filed a Form 51, preserving its opportunity to plead and argue affirmative defenses, whether the Claimant was injured in the course of employment is Claimant's burden to prove by the preponderance of the evidence and is not an affirmative defense.

16. Under 42-1-40, the Claimant's average weekly wage is \$747.60 with a corresponding compensation rate of \$491.76 per week.

17. Under *Wright v. Bi-Lo, Inc.*, 314 S.C. 152, 442 S.E.2d 186 (Ct. App. 1994), the Claimant was outside of the scope of her employment at the time she alleges to have suffered her injuries.

Based upon these findings, the Commissioner concluded that the Claimant's claim for benefits under the Workers' Compensation Act based on the alleged injury by accident was denied and the Commissioner assessed no hearing costs.

Statement of the Facts/Evidence of the Case

This claim arose out of Claimant's workplace accident with Employer on June 16, 2018. The Claimant, Ms. Naomi Lynn Bridges, was employed with the Employer's predecessor company since 2012 and had worked at the business until January 2018, when she quit working due to her health issues unrelated to her employment. Tr. Vol. 1, p. 88-89. She testified that she returned working for the Employer in March 2018 until the date of her accident. Tr. Vol. 1, p. 94. Ms. Bridges testified that her job duties with the employer, the Harbour Town Surf Shop, were to "wait on customers, keep the store clean, put out inventor, price inventory . . . [and] assist with the employees." Tr. Vol. 1, p. 17, ln. 20 – 24. Ms. Bridges further testified that she would typically work from 7:30 a.m. to 10:00 p.m. Tr. Vol. 1, p. 18, ln. 1 – 9. It was her testimony that she worked as much as fourteen to sixteen hours per day and that she worked up to seven days per week. Tr. Vol 1, p. 19, ln. 6 – 15. Ms. Bridges testified that she would work "80 hours per week plus." Tr. Vol. 1, p. 19, ln. 10. At the hearing, Claimant's attorney submitted Plaintiff's Exhibit 1, which Ms. Bridges testified was the work schedule for the week, April 9, 2018 to April 15, 2018, and that being the week of the Heritage Golf Tournament, she would have been there the entire week and worked 98 hours. Tr. Vol. 1, p. 22 – 23. Ms. Bridges further testified that per Claimant's Exhibit 2, a pay stub for the period between April 5, 2018, and April 18, 2018, that she was paid \$960.00. Tr. Vol. 1, p. 36, ln. 15 – 21. However, Ms. Bridges testified she actually worked around

one hundred and sixty-eight (168) hours over that two (2) week period. And that she was paid \$960 by check and an additional \$1,056.00 in cash from her employers. (Tr. Vol. 1, p. 37 – 38. At the time of her accident, Ms. Bridges testified that she was being paid \$13.00 per hour. Tr. Vol 1, p. 28, ln. 13 – 16.

Ms. Bridges testified that on the date of the accident, June 16, 2018, she began her normal work routine, which consisted of getting the newspapers, starting the coffee, counting the safe, icing down the coke machine, and making sure “everything is done before the store is ready to go” before the shop was open for customers. Tr. Vol. 1, p. 48, ln. 10 – 22. She testified that on the date of her accident she was walking around bringing out inventory, cleaning and getting prepared for the following week. Tr. Vol.1, p. 49, p. 1 – 7. She then stated that she saw Amir Bitton, one of the owners of the Employer, who told her “I don’t want you on the ladder to climb on top of the cooler. That’s what we have Zack for.” Tr. Vol. 1, p. 50. Ms. Bridges testified that some time later, she noticed that the candy bins were low on candy, and that the store kept some in wicker baskets above where she could reach. Tr. Vol. 1, p. 51, ln. 10 – 12. She further testified that because “I’m the type of person, if I see something that needs to be done, I’ll do it and forget eating lunch or water” and because she “noticed that Zack was already back in the Surf Shop” she got the ladder like she had “always” done to “bring a box of candy down, put it on the cart.” Tr. Vol. 1, p.51, ln. 12 – 22. She testified that as she was coming down the ladder, she slipped or missed a step, falling and injuring her leg. Tr. Vol. 1, p. 52. Per Claimant’s Exhibit 4, a photo of the ladder she climbed and the area where she fell, Ms. Bridges testified that candies that she was reaching for were on the top shelf and that she fell on her way down the ladder. Tr. Vol. 1, p. 52 – 53. Ms. Bridges further testified that she would typically get candy from that shelf to put onto the candy rack at least once a week. Tr. Vol.1, p. 53, ln. 20 – 25. On cross examination, Ms. Bridges testified

and indicated referring to the Claimant's Exhibit 4, that she fell from the second step from the top of the ladder.

Later in her testimony, referring to Claimant's Exhibit 5, Ms. Bridges identified the exhibit as a picture of her at the beach, dated June 15, 2018, the day immediately before her injury, with her legs shown with no wraps or bandages. Tr. Vol. 1, p. 103. She also testified that she walked on the beach that day. Tr. Vol. 1, p. 104. She previously stated that despite employer allegations, she had not been injured the weekend immediately prior to her workplace injury, while visiting family and attending her grandson's graduation in North Carolina. Tr. Vol. 1, pp. 44 – 46. She also testified that her leg was not injured prior to her workplace injury on June 16, 2018. Tr. Vol. 1, p. 58, ln. 10 – 13. In further cross-examination, Ms. Bridges clarified that she never told the EMS that she fell from the last rung of the ladder, and that she was trying to tell them she fell from near the top of the ladder. Tr. Vol. 1, p. 106, ln. 1 – 8.

At the conclusion of Ms. Bridges' testimony, the Employer called Ms. Leticia Rodriguez out of order to accommodate her. Ms. Rodriguez testified that she was the manager of the store in June 2018 and was in the store when Ms. Bridges was injured. Tr. Vol. 1, pp. 112 – 113. Ms. Rodriguez testified that "[Ms. Bridges had] actually gone on vacation before [her workplace injury] to visit family and when she came back, she came back with like an injured, you know, foot. She had told us that she had dropped a table on it, and that's the injury she did have." Tr. Vol. 1, p. 114, ln. 10 – 14. Ms. Rodriguez also testified that Ms. Bridges "had something wrapped around her foot, and that's all I remember" *Id.* ln. 16-17.

Leticia Rodriguez

Ms. Rodriguez testified that she was present when Mr. Bitton had a discussion with Ms. Bridges, that he overheard him talking to her and that he told her not to use the ladder. Tr. Vol. 1,

p. 115. She further testified that she overheard him say “Do not use the ladder. If you need to get something, tell someone else to get it for you.” *Id.* at 115, ln. 15 – 17. She also claimed that Mr. Bitton told her that “If Lynn needs to get anything, you get it for her.” Tr. Vol. 1, p. 116, ln. 1 – 5. Oddly, Ms. Rodriguez testified in questions by attorney for the Employer that she had spoken to counsel for Claimant on a prior occasion, but told him that she “was already a witness for someone else.” Tr. Vol. 1, p. 117, ln. 19 – 20. Ms. Rodriguez further testified that it was her foot that was wrapped, and could not remember which foot. Tr. Vol. 1, p. 137, ln. 14 – 21. Ms. Rodriguez testimony was that Ms. Bridges was prohibited from using the ladder just that one day of her accident and that it was just Ms. Bridges that was allegedly prohibited from using the ladder. Tr. Vol. 1 p. 146 -147.

Zachary Edri

In resuming Claimant’s case in chief, Counsel for Claimant called Zachary Edri as his second witness. Mr. Edri testified that he was paid by the hour, that he worked about 30 hours per week for Mr. Bitton, that he received cash under the table, or out of Mr. Bitton’s pocket for the work he performed, and that Mr. Bitton was like family to him. Tr. Vol. 1, p. 153. He also testified that he was paid in merchandise from the store for his work there. Tr. Vol. 1, p. 154. When questioned about his work hours and pay and responding to a subpoena for his pay stubs, Mr. Edri stated that he did not bring them to the hearing pursuant to subpoena by Claimant’s counsel. Tr. Vol. 1, p. 180 – 181. Mr. Edri testified that he worked fewer hours shown on the schedule. Tr. Vol. 1, p. 188, ln. 17-19.

Mr. Edri further testified that Claimant told him she injured her foot in North Carolina and that she dropped a table on her foot. Tr. Vol. 1, p. 155. He testified that he was told that it was a plastic folding table that fell on her. Tr. Vol 1., p. 156., ln. 23 – 25. Mr. Edri testified that he was

working on the date of Ms. Bridges' workplace accident. Tr. Vol. 1 p. 162., ln. 22 – 25. He further testified that Mr. Bitton said that "Lynn's foot is injured and that he doesn't want her to go on the ladder and that if she needs to go on the ladder, to come get me to go on the ladder." Tr. Vol. 1, p. 163, ln. 16 – 19. He also stated that Mr. Bitton only instructed him to do that for that day only. *Id.* ln. 20 – 25.

Jamie Willard Hudson

Ms. Hudson testified that she worked for the employer for about a year. Tr. Vol. 1, p. 204, ln. 8. She testified when asked by Claimant's counsel about her Employer withholding funds from her last paycheck, she stated that it was because she had taken money out of the register and taken chips and drinks from the store. Tr. Vol. 1, p. 225, ln. 17. She admitted that she was fired for stealing.

However, Ms. Hudson testified that she worked forty hours per week and was paid half of her earnings, in cash and half by check. Tr. Vol. 1, pp. 205 – 206. She testified that her employer did not pay her over time. While she testified that she worked for Employer when Claimant was injured, she stated that she was on the beach when she was informed of the incident via telephone Tr. Vol. 1, p. 206, ln. 20. She also testified that she never spoke with Claimant about how the accident took place. Tr. Vol. p. 221, ln. 21 – 23. She further testified that others at the Claimant's workplace such as Raven Baden and another employee named "Patricia" were telling rumors that Ms. Bridges was injured on purpose to get money, but that she didn't believe these stories had any basis in fact because of the severity of Ms. Bridges injury. Tr. Vol. 1, p. 207. She further attested to Ms. Bridges' honesty among other workers of Employers, especially considering that the other employees would steal from Employer and she would not. Tr. Vol. 1, p. 208. Ms. Hudson also testified that Zack told her he was going to lie in his testimony. Tr. Vol. 1, p. 215, ln. 15. She also

testified that Zack told her that if she knew what was good for her, she would not “get up there [in court] and say those things,” and that “Amir said he was going to make your [her] life a living hell.” Tr. Vol. 1, p. 216, ln. 19 – 24.

Elizabeth Anne McAldine

Ms. McAldine testified that she was the daughter of Ms. Bridges’ longtime companion Chuck early. Tr. Vol. 1, p. 235, ln. 17 – 21; Tr. Vol. 1, p. 242, ln. 21 – 23. Ms. McAldine testified that she spent the week prior to the alleged accident, from June 8, 2018, to June 16, 2018, with Ms. Bridges, and that she was in good physical condition at that time and did not have any kind of impediment when walking. Tr. Vol. 1, p. 236, ln. 7 – 22. Ms. McAldine testified that she took the photograph of Claimant dated June 15, 2018, submitted as Claimant’s Exhibit 5, which she stated shows Claimant “laying on her beach chair.” Tr. Vol. 1, p. 237, ln. 21; p. 238, ln. 4.

Christine Sweeting

In Employer’s case in chief, Employer called Christine Sweeting to testify, who stated that she was a co-worker with Claimant for Employer, but that she no longer worked for Employer. Tr. Vol. 1, p. 245. She testified that Ms. Bridges took a vacation to North Carolina for almost a week and that when she returned from vacation she was injured and “had a black boot on her foot . . . and an Ace bandage.” Tr. Vol 1, p. 246, ln. 19 – 21. Ms. Sweeting testified that Claimant told her “that while she was in North Carolina, they were moving a table . . . and it fell on her foot” Tr. Vol. 1, p. 246 – 247. She testified that she was not at the store the day the accident happened. Tr. Vol. p. 247, ln. 15.

Zach Edri (Rebuttal)

The Employer recalled Zach Edri to testify. Mr. Edri testified that he never threatened Ms. Hudson or attempted to influence her testimony.

Raven Baden

At the beginning of the second day of hearing this matter, the Employer called Raven Baden who testified that she worked for employer from March of 2017 to February of 2019, and that she was working at the time of Ms. Bridges workplace accident. Tr. Vol. 2, p. 6. Ms. Baden testified that during the week that she was injured, Ms. Bridges “came back on that Monday from North Carolina, and she was limping. She had a black boot on. She took it off ever once in a while and she had like an Ace bandage around her foot.” Tr. Vol. 2, p. 7, ln. 17 – 20. She further stated that Ms. Bridges was limping during the morning before her alleged accident. Tr. Vol. 2, p. 9. Ln. 18 – 21. While she testified that she did not see Ms. Bridges fall, she stated that after the fall, she asked Ms. Bridges how far she fell, and she testified that Ms. Bridges pointed to the bottom step. Tr. Vol. 2, p. 14.

On cross examination by Claimant’s counsel, Ms. Baden testified she was paid by check every two weeks for thirty (30) hours of work per week. Tr. Vol. 2, p. 21 ln. 22 – 23; p. 30, ln 2 – 8. She testified that she never worked “40, 50, 60 hours,” for Employer Tr. Vol. 2 p. 22, ln. 6 – 7. Upon cross-examination by counsel for the UEF, Ms. Baden testified that Mr. Bitton told Ms. Bridges not to go on the ladder, “she just needed to be behind the counter. If she needed any help, to ask us to help her.” Tr. Vol. 2, p. 47, ln 7 – 10. She also testified that Mr. Bitton “came over and told me that if Lynn needed any help to do it, no questions asked. Or if I needed to go on a ladder, then that’s what I had to do, but she was not supposed to go on the ladders at all.” Tr. Vol. 2, p. 47, ln. 12 – 16. She further testified that those instructions were given to her because Claimant was already injured. Tr. Vol. 2, p. 47.

Amir Bitton

Amir Bitton, along with Alon Mentz, is an owner of the Employer. Mr. Bitton testified that he and Alon Mentz had several businesses under one umbrella – Island Republic, Harbour town, Harbour Town Two, Treasure Island, Neptune Beach, a tattoo shop. Tr. Vol. 2, pp. 84 – 85. He testified that the Harbour Town Surf Shop usually closes for two months during the winter. Tr. Vol. 2, p. 55, ln. 23. He testified that in July 2016, he and his business partner purchased the “general store facility . . . and in 2017, actually, we operated as one big entity.” Tr. Vol. 2, p. 54, 55. Mr. Bitton testified that Claimant quit in January of 2018 for personal health reasons but that she came back to work for Employer, two months later. He further testified that Ms. Bridges did not work as much as she claimed in 2017, and that the Employer did not ever pay its employees in cash. Tr. Vol. 2, p. 60 – 61.

Mr. Bitton testified that he was present in the store after Claimant returned from her trip to North Carolina, that her foot was wrapped, and she told him “I hurt myself.” Tr. Vol. 2, p. 62. He testified that he “saw her a few times that week” prior to the accident. Tr. Vol. 2, p. 63, ln. 8 – 9. He testified that on the date of the accident he heard her “making noise from hurting” and told her “Okay, Please, no climbing, no ladder, no physical work.” Tr. Vol. 2, p. 64, ln. 5 – 9. He further testified that he told her, “You’ve got Zach if you need to climb on the ladder. Go ask Zack, he’ll do anything, and there’s the rest of the girls for any other chores that you needed to do.” Tr. Vol. 2, p. 64, ln. 15 – 18. Mr. Bitton testified that he told Letitia, Zach, and Raven not to allow Claimant to get on the ladder, telling Zach that if Ms. Bridges needed anything that he should do it.” Tr. Vol. 2, p. 65 – 66. After Ms. Bridges workplace accident Mr. Bitton testified that Raven or Letitia called him and said that one of them told him “we were busy. We didn’t pay attention. She just went ahead and did it.” Tr. Vol. 2, p. 67, ln. 1 -2.

When asked regarding the schedules and number of hours worked, Mr. Bitton testified that the employees do not work all of the hours shown on the schedules, testifying that the schedules are only times that the employees should be available to work. Tr. Vol. 2, pp. 74, 75.

When asked by Claimant's counsel whether Mr. Bitton believed that Ms. Bridges' injuries that she sustained took place on the Saturday when she fell from the ladder or if they took place the week before when she was in North Carolina, Mr. Bitton stated "I'm not sure where they took, but I don't think it happened at my place." Tr. Vol. 2, p. 86, ln. 5 – 12.

In cross-examination by counsel for claimant, Mr. Bitton admitted that he did not have workers' compensation insurance at the time of Ms. Bridges accident, and claimed that "the majority of his businesses" weren't subject to the act. Tr. Vol. 2, p. 103.

Mr. Bitton agreed that there was "speculation . . . that Ms. Bridges hurt her leg when she was in North Carolina." Tr. Vol. 2, p. 105, ln. 20 – 23. In further cross examination, by Claimant's counsel, Mr. Bitton was asked if Mr. Bitton had said or testified in his deposition "Zack, you're the guy here. You're my family. Make sure no girls go on the ladder. Especially, Lynn," to which Mr. Bitton agreed. He also later agreed that he stated on the date of Ms. Bridges workplace accident that he told his employees "no girls go on the ladder" and only for that date. Tr. Vol 2, p. 169. Importantly, and despite his testimony that he specifically told Ms. Bridges not to get on the ladder, Mr. Bitton told Claimant's counsel during the hearing that he never saw her on the ladder. Tr. Vol. 2, p. 170, ln. 9.

Charles "Chuck" Earley

Claimant called Chuck Earley as a rebuttal witness, who testified that he was Claimant's "significant other." Mr. Earley testified that Claimant worked close to 80 hours per week. Tr. Vol. 2, p. 187, ln. 7. He also testified that Claimant "[r]arely if ever" took time off from work. Tr. Vol.

2, p. 188, ln. 9. He further testified that he had no knowledge of Ms. Bridges missing work due to her eye illness, as he did not keep her schedule and he they were both working. Tr. Vol. 2, p. 192, ln. 16 – 24.

Medical Evidence

Claimant submitted nearly 1500 pages of medical records in as part of her APA Submissions. EMS arrived at the scene on June 16, 2018 at 15:27:55. CI's APA p. 1. EMS noted "Pt. states she was on a step ladder and while coming down she missed the last step and fell to the ground." CI's APA, p. 9. Ms. Bridges was thereafter taken to Hilton Head Hospital, where she would be under in-patient care until June 26, 2018. Notes from the Emergency Department state that Ms. Bridges presented with a "*Knee Injury – Major*" and state that she "developed sudden onset of dull constant nonradiating severe pain to her *left knee* after she fell coming off of a ladder at work just prior to arrival." (emphasis added) CI's APA p. 370. Notes from her Hilton Head Hospital June 17, 2018, state that her chief complaint was "*Left knee*, lower leg pain" (emphasis added). CI's APA p. 297 The further note:

Patient is a 58-year-old woman who was at work on a ladder bringing something down, thought she was on the last rung of the ladder, but was not, fell injuring her left lower extremity. She was brought through EMS to the Emergency Room and she was found to have a tibial plateau fracture. She is complaining of significant pain of the left lower extremity. Denies any other injuries.

X-rays revealed a displaced comminuted proximal tibia plateau fracture with involvement of both the lateral and medial condyle with displacement. An x-ray of the knee also revealed fracture of the fibular neck. CI's APA p. 469. J. Robert Gavin, MD provided a diagnosis of bicondylar comminuted depressed left tibial plateau fracture. CI's APA p. no 298. Dr. Gavin later noted that Ms. Bridges suffered from a Schatzker type 5 tibial plateau fracture. On June 20, 2018, Ms. Bridges underwent a complex open reduction and internal fixation of Schatzker type 5 extremely

comminuted bicondylar left tibial fracture, which was performed by Joseph Tobin, MD. CI's APA p. 388

Upon discharge from Hilton Head Hospital on June 26, 2018, she was transferred to a skilled nursing facility, Encompass Health, where she remained for physical rehab until July 4, 2018. Ms. Bridges established care with Dr. Tobin on July 5, 2018, after her discharge from Encompass. She was also provided home health care by Kindred at Home from July 7, 2018, through August 31, 2018.

Notes from Dr. Tobin's Office dated September 6 2018, state she was complaining of swelling in her left foot and was concerned whether there had been some fractures in her foot or ankle. However, x-rays taken of the left foot and ankle were negative for any fractures. CI's APA p. 1213. September 11, 2018 notes from Dr. Tobin's office state that she had an open wound from her operation site, that may require a wound vac. He also recommended that once the tibia healed, that she plan for a total knee replacement. CI's APA p. 1215.

Pay Records

Employer submitted Claimant's 2018 W-2, which shows that she earned \$6,450.00 from Employer, and submitted paystubs into evidence. The paystubs only note what was paid by check to Ms. Bridges and not the cash that she testified she was paid.

ISSUES

1. Did the Commissioner err in finding as fact and concluding that Claimant failed to in meet her evidentiary burden of proving by the greater weight of the evidence that she suffered an injury in the scope of employment?
2. Did the Commissioner err in failing to find that whether employee left the scope of employment at the time of her workplace injury is an affirmative defense, such that it is

Defendants' burden to prove by the greater weight of the evidence, and accordingly, did the Commissioner apply the wrong legal standard throughout her Decision and Order?

3. Did the Commissioner err in finding and concluding that the greater weight of the evidence establishes Claimant left the sphere of her employment, by climbing on the ladder at work to perform work duties?

4. Did the Commissioner err in finding that the greater weight of the evidence supported that the Claimant suffered from a leg injury prior to her workplace accident on June 16, 2018.

5. Did the Commissioner err in finding as fact and concluding that Ms. Bridges average weekly wage and compensation rate, were \$368.80 and \$245.88, respectively, and also err in failing to consider the substantial evidence of record that the Claimant's pay with her employer was not limited to what was listed on her pay stubs or 2018 W-2?

Argument

I. The Commissioner erred in failing to find and conclude that it was Defendants' burden of showing that the Claimant was removed from the scope of her employment during her workplace accident?

The Single Commissioner erred in finding and concluding that Claimant had failed to meet her burden of proving that her workplace injury occurred in the scope of her employment, instead of determining whether Defendants had met their burden of proving that she removed herself from the scope of employment at the time of her workplace injury, applying the wrong legal standard throughout her Order. In South Carolina, jurisdictional doubts, such as whether an injury occurred within the scope of a Claimant's employment, are resolved in favor of inclusion rather than exclusion. *White v. J.T. Strahan Co.*, 244 S.C. 120, 135 S.E.2d 720, 723 (1964). In addition, as stated in *James v. Anne's Inc.*, 390 S.C. 188, 198, 701 S.E.2d 730, 735 (2010):

[The] general rule [is] that *workers' compensation law is to be liberally construed in favor of coverage in order to serve the beneficent purpose of the*

Act; only exceptions and restrictions on coverage in are to be strictly construed. See *Peay v. U.S. Silica Co.*, 313 S.C. 91, 94, 437 S.E.2d 64, 65 (1993) (“[W]orkers’ compensation statutes are construed liberally in favor of coverage. It follows that any exception to workers’ compensation coverage must be narrowly construed.” (internal citation omitted)). (emphasis added).

In the present case, Defendants argued an exception to coverage, that Ms. Bridges was outside the scope of her employment at the time of her workplace injury, which is to be narrowly construed by the Commission and our courts. The Defendants were, therefore, arguing an affirmative defense and the burden was on the Defendants in this case to establish that Claimant violated an express prohibition that removed her from the scope of her employment at the time of her workplace accident. See *Johnson v. Merchant’s Fertilizer Co.*, 198 S.C. 373, 377, 17 S.E.2d 695 (1941). In failing to hold Defendants to the burden of establishing this defense and proving the facts of the defense, the Commission has essentially required Ms. Bridges to prove a negative, that she was not removed from the scope of her employment at the time of her workplace injury. The Single Commissioner, therefore, erred as a matter of law in finding and concluding that the burden of proving that the Claimant was removed from the scope of her employment due to an alleged express prohibition, was on the Claimant without adequately determining whether Defendant had met their burden of showing an exclusion to coverage under the Act.

II. The Commission erred in finding and concluding “that the greater weight of the evidence established that the Claimant left the sphere of her employment by violating specific orders not to climb the ladder.”

Assuming *arguendo* the Commission had applied the proper legal standards in this case and held Defendants to their burden of proving that Claimant’s injury was excluded under the Act, the Commission erred in finding and concluding that the Claimant left the scope of her employment at the time of her workplace accident pursuant to *Wright v. Bi-Lo, Inc.*, 314, S.C. 152, 442 S.E.2d 186 (Ct. App. 1994). When an employer limits the sphere of employment by specific

prohibitions, injuries incurred while violating these prohibitions are not in the scope of employment and, therefore, not compensable. *Black v. Town of Springfield*, 217 S.C. 413, 60 S.E.2d 854 (1950). However, in determining whether an employee steps out of the scope of his employment by violating an employer's order, our courts have held:

[N]ot every violation of an order given to a workman will necessarily remove him from the protection of the Workmen's Compensation Act . . . "Certain rules concern the conduct of the workmen within the sphere of his employment, while others limit the sphere itself. A transgression leaves the scope of his employment unchanged, and will not prevent recovery of compensation, while a transgression of the latter sort carries the workman outside of the sphere of his employment and compensation will be denied."

Id at 155 (quoting *Johnson v. Merchants Fertilizer Co.*, 198 S.C. 373, 378-379, 17 S.E.2d 695, 697-698 (1941) (citations omitted)).¹

In *Johnson v. Merchants Fertilizer*, and each and every time the issue of exceeding or being outside of the scope of employment due to an express prohibition has arisen, our courts have expressed that it is the burden of Defendants to establish the fact that: (1) at the time of the employee's injury he/she had violated an express order, and (2), that the order or prohibition was clear and explicit. The courts emphasized this "clear and explicit" requirement in *Wright v. Bi-Lo* (Claimant, a grocery store courtesy clerk, had been told not to attempt to apprehend shoplifters on multiple occasions and on the day of the accident his manager told him to "get back in the store"), and in *Black v. Town of Springfield* (police chief was told on numerous occasions to not ride on the back of fire trucks). These examples of "clear and explicit" prohibitions are opposed to the one in *Johnson v. Merchant's Fertilizer Co.*, wherein the Court held compensable the death of an

¹ This principle is succinctly stated by Professor Larson:

"When misconduct involves a prohibited overstepping of the boundaries defining the ultimate work to be done by the claimant, the prohibited act is outside the course of employment. But when misconduct involves a violation of regulations or prohibitions relating to the method of accomplishing that ultimate work, the act remains within the course of employment. Violations of express prohibitions relating to incidental activities, such as seeking personal comfort, as distinguished from activities contributing directly to the accomplishment of the main job, are an interruption of the course of employment." 3 Larson's Workers' Compensation Law, Ch. 33 Syn.

employee, who was a laborer tasked with sweeping the floor and prior to his death was told “not to go close to the line shaft or belt” because “close” was a relative term and there was evidence that the places he was forbidden to go on the premises of his employer were not sufficiently specified by his employer. *Johnson v. Merchant’s Fertilizer Co.*, 198 S.C. 373, 377, 17 S.E.2d 695 (1941).

Furthermore, in the analysis of whether an employee’s conduct takes them out of the scope of their employment, the Court looks to whether the conduct could be for the benefit of their employer. See *Howell v. Kash & Karry*, 264 S.C. 298, 214, S.E.2d 821 (1975) (The Court recognized that where checking clerk and stock boy of employer retailer injured himself while attempting to retrieve a purse from two boys that snatched a purse from a potential customer of employer, that the Claimant’s actions were within the scope of his employment as benefiting the employer, through “increasing goodwill” in the community); *Portee v. South Carolina State Hospital*, 234 S.C. 50, 106 S.E.2d 670 (1959) (the Court found compensable the death of an employee when a co-worker, in violation of hospital policy, gave the employee an injection causing him acute anaphylactic shock, noting the benefit of the employer of “ward[ing] off any possibility of passing the infection on to the patients.”).

Stated in a different fashion, by Larson’s Worker’ Compensation Law, there exists a distinction between prohibited things and prohibited methods:

Rules and prohibitions may define the ultimate “thing” which the claimant is employed to do, or they may describe the methods which he may or may not employ in accomplishing that ultimate “thing.” The only tricky feature of this distinction is that it can, by a play upon words, be converted into a contradiction of itself. For example, it seems clear enough that if the claimant’s main job is to lift flour sacks, the raising of the flour sacks is the “thing” for which he is employed. If, in violation of instruction, he rigs up a rope hoist to do the job, it should be clear enough that his departure is merely from the method prescribed.

Yet the argument will sometimes be seen that the violation is one of a rule limiting the “thing,” because the “thing” for which the claimant is employed is “to lift flour sacks by hand and not by hoist.” Of course, by so blending ultimate object and method one can convert all instructions on method into delimitations of scope of employment, and end by reducing the distinction to absurdity. One can say that a lineman is employed only to repair lines while he has his gloves on, that an errand boy is employed to deliver a message by way of Street A and not by way of Street B, and that an oiler is employed to oil only machines that are standing still and not those that are in motion.

3 Larson’s Workers’ Compensation § 33.02(1)

Larson’s further provides a brief catalog of the kinds of forbidden misconduct which “since they related only to method have not blocked compensation . . . [and] serve to show better than anything else the extent to which modern compensation law has eliminated the employee-fault compensation from the test of compensability.” 3 Larson’s Workers’ Compensation §33.02(2). Those instances of forbidden misconduct include: sitting upon a fender to operate a dangerous machine instead of standing as ordered, climbing onto a basketball goal to paint the roof of a gymnasium, . . . operating a meat-grinding machine with the guard removed, oiling machinery in motion . . . jumping a railing instead of climbing a stairway . . . etc. *Id.*

In the present case, there is conflicting testimony regarding the instruction or prohibition given to Ms. Bridges and the greater weight of the evidence does not support that there was a “clear and explicit” prohibition to Ms. Bridges. Ms. Bridges testified that as an employee, her job duties entailed various tasks related to her maintaining her employer’s retail store, including “bringing out inventory,” cleaning, attending to customers, and getting the store ready for customers in the morning. Tr. Vol. 1, p. 48-49. She further testified that it was part of her job to replenish inventory on store shelves something she would do regularly. This entailed getting on a ladder from time to time. She testified that on the date of the accident, one of the owners of the employer, Amir Bitton, told her “I don’t want you on the ladder to climb on top of the cooler. That’s what we have Zack

for.” Mr. Bitton provides self-conflicting and self-contradicting testimony, claiming that he told her “please, no climbing, no ladder, no physical work” Tr. Vol. 2, p. 64, ln. 5 – 9. He further testified that he told her, “You’ve got Zach if you need to climb on the ladder. Go ask Zack, he’ll do anything, and there’s the rest of the girls for any other chores that you needed to do.” Tr. Vol. 2, p. 64, ln. 15 – 18. Despite saying there’s “the rest of the girls for any other chores” he testified that he said “no girls on the ladder,” and for that date only. Tr. Vol. 2, p. 169. While others testify that they heard Mr. Bitton tell Ms. Bridges not to climb the ladder, this testimony should be given much less weight and afforded much less probative value as it is hearsay and does nothing to help the Commission understand what Ms. Bridges understood her instructions to be. Thus, the greater weight of the evidence does not support that there was a “clear and explicit” prohibition to climb the ladder at all on that day only. From Ms. Bridge’s perspective she understood her instruction to be “not to climb the ladder to get on top of a cooler,” or climbing the ladder for that specific reason. She did not understand the order to be not to climb the ladder at all because it was a regular and necessary part of her job. Moreover, the burden of proving that there was a “clear and explicit” prohibition that was violated by the employee and led to the Claimant’s injury, was not met by the employer given the owner’s conflicting testimony.

While Claimant certainly does not concede this point, assuming that the greater weight of the evidence supports one of Mr. Bitton’s versions of his testimony, that he told Ms. Bridges not to get on the ladder at all, and to let a male coworker do any climbing for that day only, this instruction does not pull Ms. Bridges out of the scope of her employment at the time of her workplace injury. Climbing the ladder to grab inventory to place on shelves was a normal part of her job, and not simply an incidental benefit to her employer. In the words of our Courts in *Johnson v. Merchants Fertilizer* and *Wright v. Bi-Lo, Inc.*, this was a rule (which was allegedly for one day

only), that concerned “the conduct of the work[er] within the sphere of [her] employment” and not a limitation of the sphere itself. In the words of Professor Larson on Workers’ Compensation, this alleged prohibition concerned the “method” of the work being done, and not the “thing” required to be done. The only evidence of record is that Ms. Bridges was still required to perform her daily tasks on the date of the injury, which included putting inventory on shelves when necessary. Moreover, and while this may lend itself more to the issue of whether the prohibition was “clear and explicit,” the present case is not analogous to *Black v. Town of Springfield* or *Wright v. Bi-Lo, Inc.*, because in both of those cases, although there was arguably a benefit to the employer, the claimants were told on multiple occasions not to engage in the prohibited behavior, which led to their injuries.

III. The Commissioner erred in finding that the greater weight of the evidence supported that the Claimant suffered from a pre-existing injury or condition and that she failed to meet her burden of proving she had suffered an injury in the course and scope of her employment.

The Commissioner erred in finding that Ms. Bridges suffered a pre-existing left leg injury, as there is absolutely no evidence of record about a prior injury beyond mere conjecture by the Commission, based on testimony from employer and employer’s representatives. While a “finding of fact of the Commission will normally be upheld, such a finding may not be based upon surmise, conjecture, or speculation, but must be founded on evidence of sufficient substance to afford a reasonable basis for it.” *Burnette v. City of Greenville*, 401 S.C. 417, 428, 737 S.E.2d 200, 206. In *Burnette v. City of Greenville*, substantial evidence did not support the Commission’s findings of a preexisting injury that was neither injured nor aggravated or that such pre-existing injury “returned to baseline,” when the only evidence of record supporting the finding was an MRI that showed “a minimal protrusion with no nerve root displacement or impingement, and comparatively, no greater pathology of any significance (if any) than the MRI of 2004,” with “no

evidence indicat[ing] this opinion originated from a medical provider, yet appear[ed] in the single commissioner's order . . . forc[ing] [the court] to conclude that it is the medical opinion of the single commissioner.”

There is no daylight between the erroneous findings of the Single Commissioner and the Court's findings in *Burnette*. As a matter of fact, finding that there was an injury of the magnitude suffered by Ms. Bridges prior to her workplace injury is in a sense more egregious than the findings by the Commission in *Burnette*, because there is not a single document of a diagnostic or medical nature or anything from a medical provider stating or in any way indicating that Ms. Bridges had an injury to her left leg or knee prior to her June 16, 2018, workplace injury. The Order of the Single Commissioner states that her “finding is supported by the witness testimony and comports with the admitted instructions given to her not to climb the ladder.” No other medical evidence is provided in support of this finding. The employer submitted no medical evidence of an injury to Ms. Bridges' left leg prior to her workplace injury on June 16, 2018, and the record is completely devoid of *any* medical evidence of a pre-existing left knee or left lower extremity injury. The only evidence presented by the employer is, at best, conflicting testimony that Ms. Bridges was wearing a boot or a wrap around her left foot and or ankle on the day of the injury. Even throughout all of the testimony provided by employer's representatives and witnesses, there is no testimony Ms. Bridges had a left knee injury, only that she may or may not have been limping on the day of her workplace injury and she may have had a wrap or boot around her foot or ankle. At one point in the trial testimony, Mr. Bitton, perhaps unwittingly, agreed that the fact that she had a foot injury the week prior to her workplace injury was speculation. Tr. Vol. 2, p. 105, ln. 20 – 23. The accounts from the witnesses called by Defendants vary and are disputed by Ms. Bridges, her significant other, Mr. Earley, and by Elizabeth McAldine, the daughter of Mr. Earley, who were

both with Ms. Bridges that week prior to the accident and also testify that her foot or leg was not injured prior to June 16, 2018. Importantly, and while Claimant's Exhibit 3 and 5 were glossed over by the Commissioner as not being "dispositive of anything" and not lending "credibility to Claimant's arguments," Ms. McAldine testified that she took the picture date stamped June 15, 2018, testified that she took it on that date, and identified Ms. Bridges on the beach in the picture without any leg brace or wrap. She further testified that she walked on the beach and was not limping on the day prior to the accident. Accordingly, the finding that Ms. Bridges suffered an unspecified injury to her left leg prior to her workplace injury is not supported by the greater weight of the evidence as it is based upon conjecture, speculation, and conflicting testimony from lay witnesses.

While it is unclear from the Single Commissioner's Order whether Finding No. 11 (finding that Claimant failed to meet her burden of proving that she suffered an injury in the scope of employment by the greater weight of the evidence) was made because of the other findings by the Commission that she exceeded the scope of her employment at the time of the injury or that she injured her left leg outside of work prior to June 16, 2018, Finding No. 11 is also erroneous. The Single Commissioner erred in finding that Ms. Bridges had not met her burden of showing that she suffered an injury arising out of and in the course and scope of her employment on June 16, 2018, as the only medical evidence submitted indicates that she suffered a very severe knee injury requiring an extended hospital stay, a surgery, and months of in-patient rehabilitation and home health care, and all of the medical evidence of record states that it was due to a fall from a ladder at her workplace.

The findings of the Single Commissioner are based so much on speculation that the Claimant can only begin to guess or speculate herself as to how the Commissioner came to those

findings and conclusions that Ms. Bridges' left knee and leg injury did not occur as a result of her workplace accident. While the Order does note a discrepancy in the testimony and medical records about which rung of the ladder Ms. Bridges fell from, the discrepancy appears to be the basis of speculation and conjecture regarding whether this sort of injury could have come from a fall from one of the lower rungs. However, the notes from the EMS state that she was on a step ladder and while coming down missed the last step and fell to the ground. CI's APA p. 9. Notes from the emergency department note a major knee injury and state that she "developed sudden onset of dull constant nonradiating severe pain to her *left knee* after she fell coming off of a ladder at work just prior to arrival." (emphasis added) CI's APA p. 370. As summarized above, she underwent a complex open reduction, internal fixation of the left tibial plateau (near the knee), which was performed by Dr. Tobin, who later undertook care.

While, as discussed above, there was speculation about a previous left foot or ankle injury based on conflicting testimony among the trial witnesses, there is no medical evidence of a prior foot or ankle injury, let alone a previous leg or knee injury in the nearly 1500 pages of medical records submitted by the Claimant in her APAs. In an attempt to point to *any* medical evidence of a prior foot or ankle injury, the Single Commissioner's Order makes a point in summarizing the medical evidence to discuss a September 6, 2018, office note from Dr. Tobin, who states that there was some swelling in the left foot and he was concerned whether there had been some fractures in her left foot or ankle. However, what the Order of the Single Commissioner fails to note is that x-rays taken of the left foot and ankle were negative for any fractures. CI's APA p. 1213. Moreover, while it is Defendants' burden of proving a pre-existing condition, and not the Claimant's, there is simply no evidence of a foot, ankle, or lower left extremity injury prior to June 16, 2018, and it would stand to reason that if she had suffered an ankle or foot injury that this would have been

addressed at some point in her more than 10 day in-patient stay at the hospital, and by the doctors that performed a major surgery upon that same left leg. Thus, for the foregoing reasons, and because the only medical evidence of record is that Ms. Bridges suffered a workplace injury to her left knee when she fell from a ladder at work, the finding that Ms. Bridges failed to meet her burden of showing by the greater weight of the evidence that she suffered an injury arising out of and in the scope of her employment is erroneous.

IV. The Commissioner erred in finding and concluding that Ms. Bridges average weekly wage and compensation rate were \$368.80 and \$245.88, respectively, and in disregarding substantial evidence of record of the Claimant's pay outside of her paychecks and 2018 W-2.

The Commission erred in its findings concerning the calculation of Ms. Bridges' Average Weekly Wage (AWW) and resulting Compensation Rate (CR) and in finding that the Claimant did not articulate a clear way to calculate her AWW and CR. While it is not completely clear from the Order the AWW and CR found by the Single Commissioner, as Finding Number 7, provides an Average Weekly Wage and Compensation Rate of \$368.80 and \$245.88, respectively, and Conclusion of Law Number 10 provides an average weekly wage of \$737.60 with a corresponding compensation rate of \$491.76, Claimant presumes for her argument that the latter AWW and CR were typographical or clerical errors.² The AWW and CR provided in Finding Number 7 appears to be based upon the pay stubs submitted in Employer in their APA's, pp. 14 – 64. In basing Ms. Bridges AWW and CR solely upon pay stubs, the Commissioner disregarded substantial evidence that the amounts on her pay stubs did not accurately the amount she earned from employer and hours worked for her employer. Ms. Bridges testified that a typical workday started at 7:30 a.m. and frequently did not end until 10:00 p.m., and that she would frequently work

² Claimant's position is that the second AWW and CR are closer to representing her actual AWW and CR than the AWW and CR in Finding Number 7.

as much as 80 hours per week or more during her employer's busy season. Tr. Vol. 1, p. 17 – 23. She further testified that she was paid under the table in cash for hours worked outside of what was reported on her pay stub. *Id.* Her testimony of working more than the hours worked on her pay stub was supported by Claimant's Exhibit 1, a schedule, which she testified showed her work hours. The work schedule for the week she was injured showed her hours from 8 – 10 every day on that week but except Friday, the day she was off and at the beach with her loved ones, which was corroborated by testimony of Mr. Earley and Ms. McAldine. Her testimony that she was paid cash for additional hours worked, outside of the 80 per two-week period shown on her paystub, Claimant's Exhibit 2, was further supported by testimony from Jamie Willard Hudson, a coworker who testified that she was also paid half of her earnings in cash, and who admitting that she engaged in theft with the employer on the record, testified to Ms. Bridges honesty and credibility. Additionally, Ms. Bridges co-worker Zach, also testified that he was paid in cash by Mr. Bitton, under the table, lending credibility to Ms. Bridges testimony, such that the greater weight of the evidence supports that Ms. Bridges worked more time and earned more money than was shown on her paystubs.

However, in rejecting substantial evidence submitted by the Claimant, the Commission erred in finding that the greater weight of the evidence established that the schedules in Claimant's Exhibit 1, which were created by the employer "did not actually reflect the number of hours worked by any employee" and erred in finding that the greater weight to the evidence was that the employer did not pay Claimant or any other party with payments "under the table." These findings touch on the credibility of the witnesses, and in the present case the Commissioner found the Employer to have greater credibility, and accordingly placed greater weight with the testimony of Mr. Bitton than Ms. Bridges. This implicit finding that Mr. Bitton's testimony is somehow more

credible is misplaced and unfounded, considering that he is the owner of the employer, which he testified runs several local retail shops, has anywhere between 16 and 21 employees at any one time, according to his roster of employees shown on the schedule (CI's Exhibit 1), and claims not to have workers' compensation insurance and not to need it. Tr. Vol. 2, p. 103. Mr. Bitton is more incentivized than the Claimant toward mistruth or misrepresentation to save himself and his business from paying the Claimant's workers' compensation benefits and fines and penalties for willfully violating the Act, and to keep himself and his business out of potential legal trouble stemming from the issue of illegal payment of wages (paying the Claimant under the table without reporting such payments, violating the South Carolina Payment of Wages Act, and illegally avoiding federal overtime requirements). Moreover, the South Carolina Payment of Wages Act requires the employer to keep records of all wages and deductions taken for a period of three years. S.C. Code Ann. § 41-10-30. It was Employer's burden to show all payments including any cash payments to his employees.³ There is no indication that he kept any record of cash payments with Ms. Bridges or with her co-worker Zachary Edri, who was regularly paid in cash by Mr. Bitton, per Mr. Bitton's and per Mr. Edri's admissions.

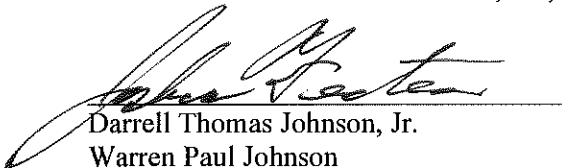
Thus, for the foregoing reasons, the Commission erred in finding that the greater weight of the evidence established that the schedule did not actually reflect the number of hours worked by Ms. Bridges and that she was not paid under the table, or in cash. The Commission also erred in finding that the claimant failed to articulate a way to calculate her AWW and CR, considering that the Claimant provided substantial evidence in the way of testimony regarding her normal work hours and rate of pay, *inter alia*.

³ It is also noteworthy that Employer failed to produce any timecards reflecting the basis of the paycheck which further supports the conclusion that the schedule was a work schedule instead of a "on call" schedule. Additionally, the failure to produce such records which are required to be kept by SC Law, should to an adverse inference against the Employer. See *Baker v. Port City Steel Erectors, Inc.*, 261 S.C. 469, 200 S.E.2d 681 (S.C. 1973).

Conclusion

The Claimant would, therefore, respectfully request that the Full Commission reverse the above findings of fact and conclusions of law of the Single Commissioner, regarding compensability of the claim and the calculation of Claimant's Average Weekly Wage and Compensation Rate.

LAW OFFICES OF
DARRELL THOMAS JOHNSON, JR., LLC

A handwritten signature in black ink, appearing to read "Darrell Thomas Johnson, Jr.", is written over a horizontal line.

Darrell Thomas Johnson, Jr.
Warren Paul Johnson
Joshua Reece Fester
300 Main Street
Post Office Box 1125
Hardeeville, South Carolina 29927
(843)784-2142
(843)-784-5770 fax
Attorneys for the Claimant

Friday, June 18, 2021

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC FILE NO: 1808344

Naomi Bridges,)
Employee/Claimant,)
)
vs.)
)
Harbour Town Surf Shop, LLC,)
Employer,)
)
And)
)
South Carolina Uninsured Employers Fund,)
Carrier,)
)
)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of June, 2021 I served a true and accurate copy of the foregoing Appellant's Brief, on the parties listed below via email and/or by placing the same in the United States mail, first class and/or Certified postage attached, and addressed to the following:

tkillen@hplplaw.com

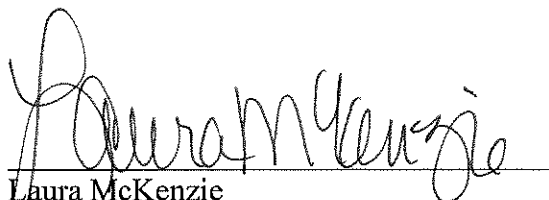
Tim Killen, Esquire
Holder, Padgett, Littlejohn & Prickett
945 Houston Northcutt Boulevard
Mount Pleasant, SC 29464

mmogil@mogillaw.com

Michael Mogil, Esquire
Law Office of Michael W. Mogil, PA
2 Corpus Christie Place, Suite 303
Hilton Head Island, SC 29928

lglover@saf.sc.gov

Lisa C. Glover
SC Uninsured Employers' Fund
PO Box 1815
Lexington, SC 29071



Laura McKenzie

Timothy B. Killen

Reply to: Charleston
office: (843) 277-0826
fax: (843) 589-9000
tkillen@hplplaw.com

July 2, 2021

VIA E-CASE

Amy Bracy, Judicial Director
SC Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202-1715

Re: Naomi L Bridges vs. Harbour Town Surf Shop LLC
WCC File No.: 1808344 - Date of Accident: June 16, 2018
Carrier: Uninsured Employers' Fund - Claim No.: 2018-1863
HPLP File No.: 5415.00115

Dear Ms. Bracy:

Please find enclosed the UEF's Brief to Full Commission, in the above-referenced matter.

By copy of this correspondence, a copy of UEF's Brief to Full Commission is being provided directly to all parties as indicated on our enclosed Certificate of Service.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC



Timothy B. Killen

TBK/maa
Enclosures

cc: Warren P. Johnson, Esquire (via email)
Gary Coggin, Esquire (via email)
Michael W. Mogil (via email)
Carter Graham (via email)

**BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 1808344**

Naomi Lynn Bridges,)
)
Employee,)
Claimant/Appellant,)
)
vs.)
)
Harbour Town Surf Shop, LLC,)
)
Defendant/Respondent,)
)
and)
)
South Carolina Workers' Compensation)
Uninsured Employers' Fund,)
)
Defendants/Respondent.)
_____)

**UEF'S BRIEF TO
FULL COMMISSION**

STATEMENT OF THE CASE

This matter arises from the filing of the parties' Forms 50 and 51. Claimant alleged she suffered compensable injuries to her left leg in a fall from a ladder on June 16, 2018. Claimant sought payment of all past medical treatment, additional medical treatment for her injuries, temporary total disability benefits from the date of accident and continuing.

The Employer agreed it was subject to the terms and provisions of the South Carolina Workers' Compensation Act, and it stipulated that Claimant was its employee. However, Employer asserted that Claimant was acting outside the scope of her employment at the time she alleged to have suffered an injury. Alternatively, Employer asserted that her injuries are personal in nature and unrelated to her employment.

The South Carolina Workers' Compensation Uninsured Employers' Fund's (UEF's) position mirrored that of the Employer's. The UEF further asserted that the case of *Wright v. Bi-Lo*, 314 S.C. 152, 442 S.E.2d 186 (Ct.App. 1994), is controlling, and that Claimant was acting

outside the course of her employment at the time she alleged to have suffered her injuries.

Claimant took the position that a Defendants' position (that Claimant was acting outside the scope of employment) amounted to an affirmative defense. Claimant did so in order to allege that neither the Employer nor the UEF (despite timely filing a Form 51 with affirmative defenses) could argue that Claimant was outside the course of employment when she was injured. Oddly, Claimant apparently asserted the Employer could not even contest compensability due to "the 150-day rule."¹

The Employer and UEF contended that the Claimant's Average Weekly Wage (AWW) and Compensation Rate (CR) are \$354.62 and \$236.43, respectively. The Claimant asserted only that the AWW and CR should be approximately double that asserted by Defendants.

The hearing in this case lasted over the course of two (2) days. There were nine (9) live witnesses, one (1) of which testified twice. Claimant submitted almost One Thousand, Five Hundred (1,500) pages of medical evidence, even though there was no dispute over the nature of the injuries. Claimant attempted to submit an actual x-ray film as evidence.

The Single Commissioner issued her Decision and Order on January 27, 2021. The claim was denied because Claimant failed to prove her injuries were suffered in the course of employment. Claimant's appeal timely followed.

ISSUES PRESENTED

I. WHETHER CLAIMANT HAS THE BURDEN TO PROVE THAT AN INJURY AROSE FROM AND WAS SUFFERED IN THE COURSE OF HER EMPLOYMENT.

¹ At the hearing, Claimant's attorney argued:

The last question [in Claimant's Form 58] had to do with the hundred and fifty-day rule. I cannot tell you what the number is on that one. The idea being that the employer has a hundred and fifty days to contest whether or not they should receive any more compensation. And by the same token, in a case-called Jury, it's come up that if they don't contest within a hundred and fifty days, also they give away their right to compensation, and I have that in there. And I just wanted to make sure that was there also.

- II. THE SINGLE COMMISSIONER CORRECTLY DETERMINED THAT CLAIMANT FAILED TO MEET HER BURDEN OF PROOF.**
- III. THE SINGLE COMMISSIONER CORRECTLY DETERMINED THE CLAIMANT'S AVERAGE WEEKLY WAGE AND COMPENSATION RATE.**
- IV. THE SINGLE COMMISSIONER CORRECTLY DETERMINED THAT THE CLAIMANT WAS SUFFERING FROM A PRE-EXISTING CONDITION.**

FACTS

Despite the voluminous record in the case, the facts are simple. Claimant alleged she hurt her left leg when she fell off of a ladder at work. Employer and UEF assert that Claimant was acting outside the scope of her employment when she climbed the ladder, as she had clearly and expressly been forbidden to do the same due of a pre-existing injury to her left leg. The testimony focused on employer's instructions to Claimant regarding use of the ladder, the method of payment to Claimant and the number of hours she worked, and whether Claimant had an injury to her left leg prior to the alleged accident.

ARGUMENTS

- I. WHETHER CLAIMANT HAS THE BURDEN TO PROVE THAT AN INJURY AROSE FROM AND WAS SUFFERED IN THE COURSE OF HER EMPLOYMENT.**

Claimant argues that the Single Commissioner "appl[ied] the wrong legal standard throughout her Order." Brief of Appellant, p. 16. Rather than having to prove she was injured in the course of employment, Claimant argues that a defendant bears the burden of "showing that the Claimant was removed from the scope of her employment" *Id.* The Commission must reject this argument, as it is always Claimant's burden to prove that her injuries are compensable.

If successful, the effect of Claimant's argument would be to reverse her burden to prove compensability and to shift the inverse burden to the backs of Defendants. She is essentially

arguing that whether an injury was suffered in the course of employment is a rebuttable presumption to be weighed in her favor. Though Workers' Compensation laws are to be construed liberally in favor of inclusion, of course, the purpose of the Act would be skewered if Claimant's interpretation were given effect, turning the Commission into a charitable panel, raising premiums, and driving employers out of business and out of the State.

Under S.C. Code Ann. § 42-1-160(A), injury means "only injury by accident arising out of in the course of employment" S.C. Code Ann § 42-1-160(A); *see also Turner v. SAIIA Constr.*, 419 S.C. 98, 105, 796 S.E.2d 150, 154 (Ct. App. 2016) ("For an accidental injury to be compensable, it must "aris[e] out of and in the course of employment."). Thus, for an injury to be compensable, it must both arise out of and be suffered in the course of employment. It is well-established that the Claimant bears the burden of proving compensability: "The claimant has the burden of proving facts that will bring the injury within the workers' compensation law . . ." *Crisp v. SouthCo. Inc.*, 401 S.C. 627, 641, 738 S.E.2d 835, 842 (2013).

As the Supreme Court has written,

"It is well established, at least in this jurisdiction, that these phrases are used conjunctively and that an accident, in order to be compensable, must both 'arise out of' and 'in the course of' the employment.' In *Eargle v. South Carolina Electric & Gas Co.*, 205 S.C. 423, 32 S.E. (2d) 240, this court said:

"*The two elements must co-exist. They must be concurrent and simultaneous. One without the other will not sustain an award . . .*

"As is generally held, the words 'arising out of' refer to the origin of the cause of the accident, while the words 'in the course of employment,' have reference to the time, place and circumstances under which the accident occurs."

Douglas v. Spartan Mills, 245 S.C. 265, 268-69, 140 S.E.2d 173, 174-75 (1965) (emphasis added).

The Supreme Court wrote that the two elements must co-exist. Without either element, there is no compensability. The Claimant cannot ease, shift, or eliminate that burden by labeling Defendants' defense an affirmative defense.

In her brief, Claimant argues that the Single Commissioner “essentially required [Claimant] to prove a negative, that she was *not* removed from her employment at the time of her . . . injury.” Brief of Appellant, p. 17. This argument fails on its face, as the Single Commissioner required only that Claimant prove her injuries arose out of her employment, an essential element of compensability.

Because Claimant failed to prove that she no longer has the burden of proof in a contested case arising under the Act, the Single Commissioner’s ruling should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

II. THE SINGLE COMMISSIONER CORRECTLY DETERMINED THAT CLAIMANT FAILED TO MEET HER BURDEN OF PROOF.

The Claimant argues that, even if she still bears the burden of proof, her injuries were, in fact, suffered in the course of employment. In making these arguments, Claimant cites a 1941 case², one that was decided before the enactment of S.C. Code Ann. § 42-1-160. Regardless, in her Brief, the Claimant appears to agree that disregarding “clear and explicit” instructions from an employer will remove an employee from the course of her employment. See Brief of Appellant, pp. 17 – 19.

The seminal case on this issue in the modern era is *Wright v. Bi-Lo*, 314 S.C. 152, 442 S.E.2d 186 (Ct. App. 1994).³ In that case, the Court of Appeals wrote, “When an employer limits the sphere of employment by specific prohibitions, injuries incurred while violating these prohibitions are not in the scope of employment and, therefore, not compensable.”

² *Johnson v. Merchants Fertilizer Co.*, 198 S.C. 373 (1941). However, this case can be distinguished because the “order” or instruction therein was not as definitive as the instructions in this matter.

³ It should be noted that the Court in *Wright v. Bi-Lo* distinguished the cases on which Claimant herein relies: “*Johnson* and *Portee* are easily distinguished. . . . More importantly, the present case establishes the existence of ‘clear and explicit’ orders repeatedly communicated to Wright and clearly violated by him in the events leading to his death.” *Wright v. Bi-Lo*, 314 S.C. 152, 156-57, 442 S.E.2d 186, 189 (Ct. App. 1994) (emphasis added). Further, the Court noted that, “The superficial similarity [of *Howell v. Kash & Karry*] to the present case is not controlling.” *Wright v. Bi-Lo*, 314 S.C. 152, 158, 442 S.E.2d 186, 190 (Ct. App. 1994)

Wright v. Bi-Lo, 314 S.C. 152, 155, 442 S.E.2d 186, 188 (Ct. App. 1994) (internal citations omitted). In *Wright*, benefits were denied when an employee of a grocery store violated an express prohibition against chasing shoplifters. Obviously, that prohibition, like the prohibition of an employee with an injured foot from climbing a ladder, was largely enacted for the employee's safety and to prevent injury. Also instructive is the case of *Black v. Town of Springfield*, 217 S.C. 413, 60 S.E.2d 854 (1950). In that case, a police chief was denied benefits after falling from a fire truck, although he had work duties connected to fire fighting. His employer expressly prohibited him from riding on fire trucks, but he ignored those instructions. His injuries were not compensable. As the Court of Appeals discussed in 1994,

If a police chief's injuries from riding on a fire truck are not compensable as violative of an express prohibition, even though he has legitimate employment duties at the fire truck's ultimate destination, a courtesy clerk's specifically forbidden act of pursuing a fleeing shoplifter cannot be within the scope of his employment.

Wright v. Bi-Lo, 314 S.C. 152, 157, 442 S.E.2d 186, 189-90 (Ct. App. 1994). The same could be said in this case.

Claimant asserts that the case of *Howell v. Kash & Karry*, 264 S.C. 298, 214 S.E.2d 821 (1975) bolsters his position. In that case, a Claimant was awarded benefits for engaging in "good Samaritan" conduct where that conduct was not part of his regular duties. The Court determined that the conduct was undertaken for the Employer's benefit ("An act outside an employee's regular duties which is undertaken in good faith to advance the employer's interest, whether or not the employee's own assigned work is thereby furthered, is within the course of employment." *Howell v. Kash & Karry*, 264 S.C. 298, 301, 214 S.E.2d 821, 822 (1975)). That case can be distinguished because the Employer in *Howell v. Kash & Karry* had not specifically prohibited such actions, like the Employer here, and, further, there was no such "good Samaritan" behavior in this case.

Claimant also cites *Portee v. S.C. State Hosp.*, 234 S.C. 50, 106 S.E.2d 670 (1959). This

is another pre-1976 case that is easily distinguishable. The holding in that case relies not on any criteria relevant to the instant analysis, but only upon what is, essentially, the Personal Comfort Doctrine. The Claimant is *Portee* left his post due to illness, and his injuries were experienced during the time away from his post (“We now turn to the cases involving the right to recover compensation where death or injury results from an effort of an employee while at work to obtain relief from illness or discomfort. *Portee v. S.C. State Hosp.*, 234 S.C. 50, 55, 106 S.E.2d 670, 672 (1959)) (“It would seem clear that the slight deviation by the deceased to obtain medication for his sore throat did not break the chain of employment.” *Portee v. S.C. State Hosp.*, 234 S.C. 50, 58, 106 S.E.2d 670, 674 (1959)).

Here, there is a mountain of evidence that the Single Commissioner relied upon to find that the Claimant was given *clear and explicit* instructions not to get on the ladder from which she alleges to have fallen, to wit:

A. TESTIMONY OF LETICIA RODRIQUEZ

Leticia Rodriguez, a co-worker, testified. She testified she was present when Employer’s principal, Mr. Bitton, addressed Claimant’s limitations on the day she alleges she was injured: “He was talking to [Claimant]. I was a couple of feet away, so I heard everything. He actually told her not to use the ladder that day.” Tr. Vol. 1, p. 115, ll. 10 – 12. Ms. Rodriguez testified Mr. Bitton told her not to use the ladder “because [Claimant] had the injured foot” Tr. Vol. 1, p. 115, l. 15. Ms. Rodriguez testified Mr. Bitton told Claimant: “‘Do not use the ladder. If you need to get something, tell someone to get it for you’ . . . because she had the injured foot already.” Tr. Vol. 1, p. 115, ll. 16 – 19. Ms. Rodriguez testified that, before the alleged fall, Claimant told her that she was already on medication for her foot injury. Tr. Vol. 1, p. 139, ll. 1 – 6.

Ms. Rodriguez further testified that Mr. Bitton did *not* limit his instructions to climbing on the cooler (as Claimant contends), and that Claimant was not to use the ladder for any reason. Tr.

Vol. 1, p. 115, ll. 20 – 23. She testified that Mr. Bitton “told me, ‘If [Claimant] needs to get anything, you get it for her.’ After that, he walked into the other store, and he told the other employees in there as well, ‘Do not let [Claimant] use the ladder.’” Tr. Vol. 1, p. 116, ll. 2 – 5. Ms. Rodriguez testified that Mr. Bitton gave clear and explicit instructions to Claimant not to get on the ladder. Tr. Vol. 1, p. 119, ll. 5 – 7.

After being asked multiple times by *Claimant’s attorney* to recount Mr. Bitton’s instructions (despite now calling this testimony hearsay in her Brief), Ms. Rodriguez further testified:

Okay. That day Amir [Bitton] told [Claimant] to not use the ladder. He specifically said, ‘Do not use the ladder’ for the same reason of her foot being injured. ‘If you need one of – any – anyone else to get something for you, tell them. After that, he told me ‘Did you hear that? I do not want her to use the ladder at all. If she needs to get something to be pulled that involves using the ladder, get it – get it for her. Or if not, call Zach.

Tr. Vol. 1, p. 145, l. 22 – p. 146, l. 6.

Ms. Rodriguez’s testimony supports a finding that the prohibition to climb the ladder was clear and explicit.

B. TESTIMONY OF ZACHARY EDRI

Claimant called Zachary Edri, a co-worker, to testify. Mr. Edri testified he was working on Claimant’s alleged date of accident. Tr. Vol. 1, p. 162, ll. 22 – 25. Mr. Edri testified that Mr. Bitton said, “He said that, you know,[Claimant’s] foot is injured, and that he doesn’t want her to go on the ladder, and that if she needs to go on the ladder, to come get me to go on the ladder.” Tr. Vol. 1, p. 163, ll. 16 – 19. Mr. Edri further testified that Mr. Bitton said, “‘I’ve already talked to [Claimant]. I told her not to go on the ladder because of her foot.’ So at any point at all today, if she ever needs to go on the ladder or needs to get something up high, for her to come [to] me.” Tr. Vol. 1, p. 186, ll. 21 – 25. Mr. Edri later testified that Mr. Bitton instructed him that, should

Claimant need to get something from a height, he was to get it for her so that she does not further injure herself. Tr. Vol. 1, p. 189, ll. 19 – 23.

Mr. Edri's testimony supports a finding that the prohibition to climb the ladder was clear and explicit.

C. TESTIMONY OF RAVEN BADEN

Employer called Raven Baden, a co-worker, to testify. Ms. Baden testified she saw Claimant limping during the morning before her alleged accident. Tr. Vol. 2, p. 9, ll. 18 – 21. Ms. Baden testified that Mr. Bitton "told [Claimant] not to go on the ladder." Tr. Vol. 2, p. 46, l. 22. She further testified, "He told her not to go on the ladder [and] that she was looking hurt If she needed any help, [she was] to ask any of us to help her." Tr. Vol. 2, p. 47, ll. 7 – 10. She testified that Mr. Bitton "came over and told me that if Lynn needed any help, to do it, no questions asked. Or if I needed to go on a ladder, then that's what I had to do, but [Claimant] was not supposed to go on the ladders at all." Tr. Vol. 2, p. 47, ll. 12 – 16. She further testified that those instructions were given to her because Claimant was already injured. Tr. Vol. 2, p. 47, ll. 17 – 19.

Ms. Baden's testimony supports a finding that the prohibition to climb the ladder was clear and explicit.

D. TESTIMONY OF AMIR BITTON

Employer called Amir Bitton, principal of Employer, to testify. Mr. Bitton testified he was present in the store after Claimant returned from her trip to North Carolina. Tr. Vol. 2, p. 62, ll. 2 – 3. He testified her foot was wrapped, and she told him, "I hurt myself . . . at the graduation of [my] grandson." Tr. Vol. 2, p. 62, ll. 5 – 12. He testified he observed her limping. Tr. Vol. 2, p. 62, ll. 13 – 14; Tr. Vol. 2, p. 105, l. 24 – p. 106, l. 1. He testified she told him she was going to take care of the injury by seeing a doctor. Tr. Vol. 2, p. 63, ll. 2 – 4.

Mr. Bitton testified that, after hearing Claimant moaning in pain while walking, he instructed her, “Okay, please, no climbing, no ladder, no physical work.” Tr. Vol. 2, p. 64, ll. 5 – 9. He further testified he told her, “You’ve got Zach if you need to climb on the ladder. Go ask Zack, he’ll do anything, and there’s the rest of the girls for any other chores that you needed to do.” Tr. Vol. 2, p. 64, ll. 15 – 18. He testified the instructions given to Claimant were “strict instructions”. Tr. Vol. 2, p. 65, l. 2. Mr. Bitton further testified he instructed her, ““Do not go on the ladder. Do not.”” Tr. Vol. 2, p. 65, ll. 6 – 7.

Mr. Bitton testified he told Ms. Rodriguez, Mr. Edri, and Ms. Baden not to allow Claimant to get on the ladder. Tr. Vol. 2, p. 65, l. 23 – p. 66, l. 13.

Finally, Mr. Bitton testified he gave Claimant *clear and explicit* instructions not to get on the ladder due to the condition of her leg. Tr. Vol. 2, p. 163, ll. 3 – 12. Mr. Bitton testified that getting on the ladder that day was not part of her job. Tr. Vol. 2, p. 163, ll. 13 – 15.

Mr. Bitton’s testimony supports a finding that the prohibition to climb the ladder was clear and explicit.

E. TESTIMONY OF CLAIMANT

Claimant testified. She admits that she was instructed not to get on the ladder; however, she claims the instructions were related to her getting on the cooler only. According to Claimant, she was told (1) not to get on the ladder to (2) get on the cooler. This interpretation of the instructions strains credulity, as it would be more logical to say, “Don’t get on the cooler” rather couching the instruction in terms related to ladder use, had that been what Mr. Bitton said.

In the light most favorable to the Claimant, she did not understand the instructions. However, that does not make her alleged interpretation reasonable, nor does it make the instructions any less clear and explicit.

Claimant testified that, on the day of her accident, Mr. Bitton told her, “*I don’t want you on the ladder* to climb on top of the cooler. That’s what we have Zack [a co-employee] for.” Tr. Vol. 1, p. 50, ll. 1 – 3 (emphasis added). Immediately thereafter and upon questioning from her attorney, she testified Bitton had told her, “I do not want you on top of the cooler *using a ladder*. That’s what we have Zack for.” Tr. Vol. 1, p. 50, ll. 11 – 13 (emphasis added). Upon further questioning from her attorney, she testified that she was specifically told, “[n]ot to be on top of the ladder on top of the cooler.” Tr. Vol. 1, p. 54, l. 21. Again during direct examination by her attorney, Claimant was asked what Mr. Bitton had told her about the ladder. She testified he said, “*I don’t want you on the ladder* to get on top of the cooler. That’s what we have Zack for.” Tr. Vol. 1, p. 73, ll. 7 – 9 (emphasis added).

Claimant later testified that she was told “[n]ot to be on the ladder to get on top of the cooler.” Tr. Vol. 1, p. 80, l. 2. Further:

Q. Okay. So, you could have used the ladder to do anything else but [] get on the cooler; is that right?

A. That’s what he told me.

Tr. Vol. 1, p. 80, ll. 3 – 6. No other witness testified that Mr. Bitton told her she could use the ladder for any other purpose other than getting on top of the cooler. Record as a whole.

Before the alleged accident, though she had been told to have Mr. Edri assist her with the ladder, she “[went] ahead and [got] the ladder like I always have done.” Tr. Vol. 1, p. 51, ll. 18 – 19.

Even the testimony of the Claimant supports a finding that she was prohibited from using the ladder, and that she was fervently aware of the prohibition.

Claimant argues that the testimony of the other witnesses “should be given much less weight and afforded much less probative value as it is hearsay and does nothing to help the

Commission understand *what [Claimant] understood her instructions to be.*” Brief of Appellant, p. 21. First, any objections to hearsay must be made at the trial level, and no such objections were made. In fact, Claimant’s attorney solicited much of the testimony recited above and in the Single Commissioner’s Order. Second, the testimony most certainly does establish whether or not the instructions to Claimant were clear and explicit. Assuming, *arguendo*, that Claimant’s understanding of the instructions were actually as she testified, her inability to grasp simple instructions should not make this a compensable accident. A reasonable employee would have understood that “do not go on the ladder” means “do not go on the ladder.” Tr. Vol. 2, p. 65, ll. 6 – 7. Claimant’s purported confusion makes these instructions no less clear.

Claimant’s last argument is that, presuming Claimant was instructed not to get on that ladder for any reason, this prohibition only limited the “conduct of the work[er] within the sphere of [her] employment.”” Brief of Appellant, p. 22. As set out explicitly above, Claimant was not to get on the ladder. Thus, the sphere of employment was most certainly limited by Employer: (A) Bitton: “Okay, please, no climbing, no ladder, no physical work.” Tr. Vol. 2, p. 64, ll. 5 – 9. Bitton further testified, “You’ve got Zach if you need to climb on the ladder. Go ask Zack, he’ll do anything, and there’s the rest of the girls for any other chores that you needed to do.” Tr. Vol. 2, p. 64, ll. 15 – 18; (B) Rodriguez: “Do not use the ladder. If you need to get something, tell someone to get it for you’ . . . because she had the injured foot already.” Tr. Vol. 1, p. 115, ll. 16 – 19; and (C) Baden: “[Bitton] told [Claimant] not to go on the ladder.” Tr. Vol. 2, p. 46, l. 22. She further testified, “He told her not to go on the ladder [and] that she was looking hurt If she needed any help, [she was] to ask any of us to help her.” Tr. Vol. 2, p. 47, ll. 7 – 10. Further, Mr. Bitton testified that, on the day of the alleged accident, he told Claimant, “No[t] any physical work. All I want you to do is cash people out. Be a cashier today. Don’t do nothing. You’ve got Zack if you need to climb a ladder.”” Tr. Vol. 2, p. 61, ll. 13 – 16.

Because Claimant's alleged injuries were suffered when she was engaged in activities that were clearly and expressly prohibited, the Single Commissioner's ruling should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

III. THE SINGLE COMMISSIONER CORRECTLY DETERMINED THE CLAIMANT'S AVERAGE WEEKLY WAGE AND COMPENSATION RATE.

The Single Commissioner determined Claimant's Average Weekly Wage (AWW) and Compensation Rate (CR) to be \$368.80 and \$245.88, respectively. Order, Finding of Fact Seven (7), p. 26. Claimant has appealed this finding, alleging she was paid unreported cash, and citing the so-called "schedules" which did not reflect actual time worked (a point made *ad nauseum* at the hearing) and downplaying the actual records included in Exhibit M (Pay Records).

At the hearing, Claimant failed to articulate or propose any numbers to be used for her AWW and CR. Claimant was given the opportunity after the hearing to produce her income tax records. She inexplicably failed to do so despite a lawful subpoena issued to her for the same.⁴ However, Claimant testified she failed to pay income taxes on any of the alleged cash payments received from Employer. Tr. Vol. 1, p. 38, ll. 13 – 15; Tr. Vol. 1, p. 80, ll. 14 – 17.

Further, Claimant missed work due to her unrelated eye illness and for other reasons; Claimant voluntarily quit her employment for some period of time during 2018; and the Employer's work is seasonal, as it closes for months during the off-season. The Claimant placed a significant emphasis on the schedule (Claimant's Ex. 1). However, the greater weight of the evidence establishes that the schedule (Claimant's Ex. No. 1) did not actually or accurately reflect the number of hours worked by any employee. Further, the greater weight of the evidence is that

⁴ Order, Finding of Fact Four (4), p. 25: "The record was left open for two (2) weeks following the hearing so that Claimant could produce her 2016, 2017, and 2018 tax returns and related documentation, which was under subpoena from Employer. However, Claimant failed to timely produce this information."

Employer did not pay Claimant or any other party with payments under the table.

The only corroborating evidence Claimant can cite comes from the testimony of Jamie Willard Hudson, who testified that Employer fired her stealing cash from Employer. Tr. Vol. 1, p. 225, l. 17. Further, *Ms. Hudson is or was a client of Claimant's attorney (Mr. Coggin) in another matter and for which Claimant's attorney did not charge her a fee.* Tr. Vol. 1, p. 209, ll. 14 – 16; and Tr. Vol. 1, p. 232, l. 23 – p. 233, l. 3. Nevertheless, Ms. Hudson testified that she only worked forty (40) hours per week, half of which was paid in cash. Tr. Vol. 1, p. 205, l. 17 – p. 206, l. 4. This does not comport with Claimant's allegation that payments beyond forty (40) hours per week were made in cash to avoid overtime payments. One might interpret that as it being that they didn't quite get their stories completely straight before trial.

Mr. Bitton testified that Employer did not ever pay its employees in cash. Tr. Vol. 2, p. 61, ll. 7 – 9. Mr. Edri, who wasn't paid by the hour, testified he received some money directly from Mr. Bitton (not from Employer) ("Like, you know, he's family to me. He gave me a little 50 bucks here and there." Tr. Vol. 1, p. 153, l. 25 – p. 154, l. 1.). When asked if he paid Mr. Edri cash, Mr. Bitton testified, "I usually – [Mr. Edri] comes to my house every weekend almost with his – with his dad, and so I always give him like – you know, he goes out, I give him fifty, a hundred bucks, go to the movies, whatever. Just like – you know, like family, but I took care of him this way." Tr. Vol 2., p. 61, ll. 17 – 22. Ms. Baden testified she was paid by check every two (2) weeks for thirty (30) hours of work per week. Tr. Vol. 2, p. 30, ll. 2 – 8 ("I got a paper check").

Claimant relies heavily on Claimant's Exhibit 1, which she called a schedule. Claimant testified the "schedule" showed the actual hour each employee worked, while all the other witnesses agreed that was not the case. It was Claimant's testimony that she worked up to ninety-eight (98) hours per week. Tr. Vol. 1, p. 23, ll. 9 – 11. Claimant testified she "probably" worked eighty (80) hours per week during the tourist season. Tr. Vol. 1, p. 39, l. 24 – p. 40, l. 1. Claimant

further testified she worked “maybe” a hundred and sixty-eight (168) hours over the two (2) weeks preceding April 18, 2018. Tr. Vol. 1, p. 37, ll. 10 – 14.

Claimant also testified that the work was seasonal: “Now, the winter, we would cut back on our hours” and she agreed that she worked fewer hours in the winter than during the high season. Tr. Vol. 1, p. 78, l. 24 – p. 79, l. 16. However, Claimant demands an AWW and CR that doesn’t take the seasonal nature of the work into account.

Mr. Edri was questioned by Claimant’s attorney about the hours shown on the schedule.⁵ See entire testimony of Mr. Edri. In particular:

Q. Okay. Do you agree, Josh, after we’ve gone through this that in fact – Zack, I’m sorry. After we’ve gone through this that you worked a lot more than the thirty hours a week that you claimed to have worked earlier?

A. No, ‘cause this is a schedule.

Q. And you agree, Zack – and I don’t believe your story

Tr. Vol. 1, p. 182, ll. 4 – 11 (emphasis added). Mr. Edri further testified that the hours shown on the schedule do not accurately reflect the hours worked by employees of Employer. Tr. Vol. 1, p. 188, ll. 13 – 16. He testified he worked fewer hours than shown on the “schedule.” Tr. Vol. 1, p. 188, ll. 17 – 19.

Ms. Baden was also asked about Claimant’s Exhibit No. 1. Ms. Baden testified that she did not actually work the number of hours shown on the schedule. Tr. Vol. 2, p. 23, l. 1 – p. 25, l. 23; Tr. Vol. 2, p. 28, l. 4 – p. 29, l. 23; Tr. Vol. 2, p. 30, l. 25 – p. 35, l. 3. “The schedule’s a guideline,” she testified. “If we’re not busy, then some of us get to go home earlier. This is just kind of a guideline.” Tr. Vol. 2, p. 25, ll., 21 – 23. Nevertheless, Claimant’s attorney continued the line of questioning:

⁵ “And according to your schedule, you would work 580 hours; is that right?” Tr. Vol. 1, p. 193, ll., 19 – 20. Yes, per Claimant’s attorney, the “schedule” shows that Mr. Edri worked 580 hours. The undersigned asserts that the preposterous nature of this proposition should be taken into account when absorbing Claimant’s arguments.

Q. Okay. But this is you're scheduled to work; is that correct?

A. That is what I'm given, but it doesn't mean I work it.

Tr. Vol. 2, p. 26, ll. 5 – 8.

Ultimately, Ms. Baden testified as follows:

Q. This schedule you were asked about, it's fair to say that it does not accurately and truly reflect the hours you actually worked, correct?

A. Yes.

Tr. Vol. 2, p. 46, ll. 6 – 9.

Regarding the schedules and the number of hours worked, Mr. Bitton testified consistent with the others that employees do not work the entirety of the hours shown on the schedules. Tr. Vol. 2, p. 74, ll. 17 – 19. He testified the schedules are only times that the employees should be available to work. Tr. Vol. 2, p. 75, ll. 3 – 6. On cross-examination by Claimant's attorney, Mr. Bitton testified that same way (the schedule does not represent the hours the employees were actually supposed to work, it only represents their availability). Tr. Vol. 2, p. 78, ll. 10, ll. 10 – 18; Tr. Vol. 2, p. 80, l. 2 – p. 84, l. 10; Tr. Vol. 2, p. 107, ll. 8 – 108, l. 1; Tr. Vol. 2, p. 109, l. 21 – p. 110, l. 10.

In her Brief, Claimant finally argues that there “is no indication that [Employer] kept any record of cash payments to [its] employees”, and Claimant argues that Employer's “failure to produce such records” . . . should lead “to an adverse inference against Employer.” Brief of Appellant, p. 28. If there were cash payments, so be it. However, the problem with this argument is that Employer maintains that it did not pay its employees in cash. Mr. Edri was, at best, a gratuitous employee who was given nominal compensation out of the pocket of Mr. Bitton, not Employer.

Because Claimant's AWW and CR were calculated in a manner that's fair and equitable to

all parties and is supported by the evidence, the Single Commissioner's ruling should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

IV. THE SINGLE COMMISSIONER CORRECTLY DETERMINED THAT THE CLAIMANT WAS SUFFERING FROM A PRE-EXISTING CONDITION.

Claimant argues that the Single Commissioner's Finding of Fact Eight (8)⁶ is "mere conjecture" for which "there is absolutely no evidence of record". Brief of Appellant, p. 22. This argument must be rejected, as there is a plethora of evidence of record that Claimant suffered an injury prior to the alleged date of accident. Importantly, the Single Commissioner did not find that the injury Claimant suffered on the alleged date of accident is the same injury she suffered prior to the date of accident. This was not the basis of the denial. This does, however, explain why Claimant was prohibited from getting on the ladder.

The evidence supporting this finding is based on the testimony, to wit:

A. TESTIMONY OF LETICIA RODRIGUEZ

Ms. Rodriguez testified that, "[Claimant] has actually gone on vacation before [the day she alleged her fall] to visit family, and when she came back, she came back with like an injured, you know, foot. She told us that she had dropped a table on it, and that's the injury she did have." Tr. Vol. 1, p. 114, ll. 10 – 14. She further testified that Claimant's foot was wrapped upon returning to work. Tr. Vol. 1, p. 114, ll. 16 – 17.

B. TESTIMONY OF ZACHARY EDRI

Claimant's attorney questioned Mr. Edri, who testified that Claimant told him she injured her foot in North Carolina. He testified that, "[Claimant] told me she dropped a table on her foot." Tr. Vol. 1, p. 155, l. 24 – p. 156, l. 4. Mr. Edri testified he was working on Claimant's alleged

⁶ "That the Claimant suffered an injury to the left leg prior to June 16, 2018, and she was suffering from this injury prior to her alleged fall." This finding is supported by the witness testimony and comports with the admitted instructions given to her not to climb the ladder."

date of accident. Tr. Vol. 1, p. 162, ll. 22 – 25. Mr. Edri testified that Mr. Bitton said, “He said that, you know, Lynn’s foot is injured, and that he doesn’t want her to go on the ladder, and that if she needs to go on the ladder, to come get me to go on the ladder.” Tr. Vol. 1, p. 163, ll. 16 – 19.

C. TESTIMONY OF CHRISTINE SWEETING

Employer called Christine Sweeting, a former co-worker of Claimant’s, to testify. She was asked whether she remembered whether Claimant was injured upon returning from North Carolina. Tr. Vol. 1, p. 246, ll. 17 – 18. Ms. Sweeting testified,

She was injured. She had a black boot on her foot. I asked her what happened, and she also had an ACE bandage wrap. The black boot was there for maybe a couple of days, but then she just wore her flip-flops for the ACE bandage, and I asked her what happened. She said that while she was in North Carolina, they were moving a table, a foldable table I guess, and it must have slipped or something, and it fell on her foot, so . . .

Ms. Sweeting further testified that Claimant “was hobbling around . . . and she was always limping around and stuff, and we never really wanted her to do much.” Tr. Vol. 1, p. 247, ll. 8 – 12.

The only apparently contradictory testimony on this issue came from Elizabeth Anne McAldine and Charles “Chuck” Earley. Mr. Earley is Claimant’s live-in “long-time companion” and Ms. McAldine is his daughter. Tr. Vol. 1, p. 235, l. 17 – 21. Ms. McAldine’s testimony was objected to by Employer, as she was not timely listed on Claimant’s Pre-Hearing Brief. She was allowed to testify, and she testified she took the picture that became Exhibit 5. Tr. Vol 1, p. 237, ll. 12 – 21. She testified, “That’s [Claimant] laying on her beach chair.” Tr. Vol. 1, p. 238, l. 4. She testified that her father (Mr. Earley) lives with Claimant. Tr. Vol. 1, p. 243, ll. 2 – 6. She testified that she is from Ohio, and she takes the opportunity to visit Hilton Head at least once a year (sometimes more) and that she visits with Claimant and her father. Tr. Vol. 1, p. 243, ll. 4 – 12.

Mr. Earley was asked about Exhibit 5 by Claimant's attorney. Initially, he testified he did not even recognize himself in the picture due to the quality of the photograph. Tr. Vol. 2, p. 180, ll. 10 – 13. He later testified that the picture showed Claimant with "a foot pad on". Tr. Vol. 2, p. 180, l. 21. He testified that a "foot pad" is "like a pill." Tr. Vol. 2, p. 180, l. 23. He testified that he is retired, and that he and the Claimant are the only breadwinners for their household Tr. Vol. 2, p. 190, ll. 9 – 15.

Because Claimant suffered from a pre-existing and medically complex injury, the Single Commissioner's ruling should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

CONCLUSION

For the forgoing reasons and the reasons that may be set forth at oral arguments of this matter, the Single Commissioner's Decision and Order issued on June 21, 2018, should be affirmed in its entirety. The matter should be denied and dismissed.

Respectfully submitted,

HOLDER PADGETT LITTLEJOHN + PRICKETT



Timothy B. Killen
Attorneys for Respondent UEF

Date: July 2, 2021

BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 1808344

Naomi L. Bridges,)
Employee,)
Claimant/Appellant,)
vs.)
Harbour Town Surf Shop, LLC,)
Employer,)
Defendant/Respondent,)
and)
South Carolina Workers' Compensation)
Uninsured Employers' Fund,)
Defendants/Respondent.)

CERTIFICATE OF SERVICE

I, Michelle A. Adams, do hereby certify that I am the paralegal for Timothy B. Killen, attorney for the South Carolina Workers' Compensation Uninsured Employers' Fund with **HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC**, and that on July 2, 2021, I emailed the foregoing UEF's Brief to Full Commission to the following:

Warren P. Johnson, Esquire
Law Offices of Darrell T. Johnson, Jr., LLC
wpj@johnsonslawoffice.com

Gary Coggin, Esquire
Coggin Law Office
gcitlaw@aol.com

Michael W. Mogil, Esquire
Law Office of Michael W. Mogil, PA
mmogil@mogillaw.com



Michelle A. Adams
Paralegal to Timothy B. Killen
HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC

**LAW OFFICES OF
DARRELL THOMAS JOHNSON JR., LLC
300 MAIN STREET
POST OFFICE BOX 1125
HARDEEVILLE, SOUTH CAROLINA 29927**

DARRELL THOMAS JOHNSON, JR.
MILLS LANE MORRISON, JR.**
WARREN PAUL JOHNSON
JOSHUA R. FESTER
Certified Mediator
Also Admitted in Georgia **

Firm Phone (843) 784-2142
Firm Fax (843) 784-5770
E-Mail : tdjohnson1@hargray.com

July 12, 2021

VIA eCase

Amy Bracy Judicial Director
SC Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202-1715

Re: Naomi Lynn Bridges v. Harbour Town Surf Shop, LLC and South
Carolina Workers' Compensation Uninsured Employer's Fund
WCC File No: 1808344
Date of Accident: June 16, 2018
Our File No.: 02-2609-01-700-20

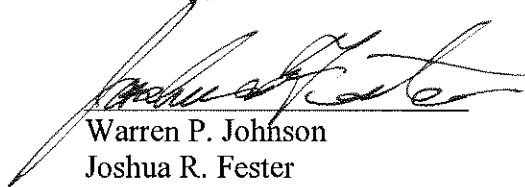
Dear Ms. Bracy:

Please find enclosed our Claimant's/Appellant's Brief to the Full Commission in this case.

By copy of this letter to all attorneys of record, we are notifying them of these submissions and serving copies of the same via email.

Thank you and with kind regards, I am

Sincerely,



Warren P. Johnson
Joshua R. Fester
Attorney for Claimants

WPJ/lmc

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO:1808344

Naomi Lynn Bridges,	)	
	)	
Employee/Claimant,	)	
	)	
v.	)	CLAIMANT'S/APPELLANT'S
	)	REPLY BRIEF
Harbour Town Surf Shop, LLC,	)	
	)	
Employer,	)	
	)	
and	)	
	)	
South Carolina Workers' Compensation	)	
Uninsured Employer's Fund,	)	
	)	
Defendants.	)	
_____	)	

The Claimant Naomi Lynn Bridges (hereinafter, Claimant or "Ms. Bridges"), by and through her undersigned attorney, hereby replies to the UEF's Brief to the Full Commission as follows:

Much of the UEF's brief is dedicated to mischaracterizing and misstating Claimant's position and argument, especially concerning the burden of proof and proper application thereof. Instead of meaningfully engaging in any part of Claimant's argument or the case law as it applies to the present case, the UEF attempts to paint Claimant's argument as a ploy to "reverse her burden to prove compensability and to shift the inverse burden to the backs of Defendants." Brief of UEF, p. 3. The UEF further erroneously states that the Claimant is asking this Commission for a "rebuttable presumption to be weighed in her favor" and that the effect of this purported reversal of the burden of proof would turn "the commission into a charitable panel, raising premiums, and

driving employers out of business and out of the State.”¹ Brief of UEF, p. 4. Nothing could be further from the truth. It is so routine as to be axiomatic that the burden of proof as to any affirmative defense is on the party asserting it. Claimant’s position is that she met her burden of showing an injury arising out of, and in the course and scope of her employment, and that the Single Commissioner erred in applying the law and legal standard regarding Defendant’s burden of proving an exception to coverage. The UEF glosses over this distinction in its brief and attempts to discount approximately 80 years of unbroken precedent in referring to the holding in *Johnson v. Merchants Fertilizer Co.*, 198 S.C. 373 (1981) simply as “a 1941 case, one that was decided before the enactment of S.C. Code Ann. § 42-1-160.” Brief of UEF, p. 5. Regardless of how Counsel for the UEF may feel about the *Johnson* case as it applies to the present, it is still the law of the State of South Carolina and is consistently cited throughout the relevant case law concerning Employer challenges to allegedly prohibited conduct and whether they take employees’/claimants’ injuries out of the scope of their employment. The Court in *Johnson* and throughout the relevant case law cited in Claimant’s brief, make clear that the burden of proving the exception to coverage due to a prohibition. Specifically, the Court in *Johnson* stated “[t]he burden was upon the defendants to establish the fact that at the time of Johnson’s death he had gone into a prohibited place in violation of a positive order.” *Johnson v. Merchant’s Fertilizer Co. et al*, 198 S.C. 373, 376, 17 S.E.2d 695 (1941). This is because the Court has recognized that this is an affirmative defense that must be proved by the Defendants, when the Claimant has asserted and met their burden of showing that the injury was otherwise within the course and scope of their employment.

¹ While the Claimant appreciates UEF Counsel’s creativity in his use of hyperbole, holding the employer, who is a comparatively large employer on Hilton Head Island, responsible and accountable for their employee’s workplace injuries when the employer operated with up to more than 20 employees without workers’ compensation insurance, would have no such dire effect. Rather, keeping the employer accountable would be more likely to have the effect of encouraging them and other employers to abide by our State’s laws, which require them to be insured, thereby deepening the pool of insureds, which typically drives premiums down.

Thus, in misstating and mischaracterizing the Claimant's position, the UEF also ignores and/or misstates the law and relevant precedent.

Moreover, in failing or refusing to engage in any real argument regarding the Defendants' burden of proving whether the Claimant's workplace injury was outside of, or removed from, the scope of her employment, the UEF completely misses the deep nuances involved in determining when a Defendant proves a claimant's workplace injuries are exempted, as being outside of the scope of their employment, as did the Single Commissioner in her order. This is manifest in the UEF's recitation of language from *Wright v. Bi-Lo*, which states that "When an employer limits the sphere of employment by specific prohibitions, injuries incurred while violating these prohibitions are not in the scope of employment." *Wright v. Bi-Lo*, 314, S.C. 152, 155, 442 S.E.2nd 186, 188 (Ct. App. 1994). While simply finding a prohibition by the employer appears to be the end of the Single Commissioner's inquiry in her Order, our courts have made clear that this is not the end of the inquiry, in determining whether an employee's injury leaves the scope of employment. As provided in Claimant's brief, our courts have expressed that not every prohibition or "violation of an order given to an [employee] will necessarily remove him from the protection of the [Workers'] Compensation Act." Rather, "[c]ertain rules concern the conduct of the worker within the sphere of his employment, while others limit the sphere itself.] *Johnson v. Merchants*, 198 S.C. at 379. A transgression of the former class leaves the scope of his employment unchanged, and will not prevent the recovery of compensation, while a transgression of the latter sort carries the workman outside of the sphere of his employment and compensation will be denied." *Id.* The prohibition must also be "clear and explicit." Thus, only a violation of a "clear and explicit" order which relates to the thing or task being done and not simply the "conduct" or method of performing a task may remove a workplace injury from the scope of employment.

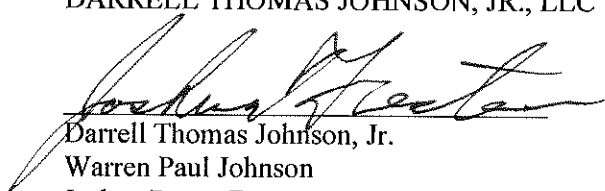
Importantly, while Claimant disputes that there was a *clear and explicit* prohibition for reasons stated in her brief, assuming *arguendo* the Full Commission takes as fact that Ms. Bridges was asked not to use the ladder on that day only, her falling from a ladder does not, in itself, take her injury out of the scope of her employment. Pursuant to *Johnson*, and its progeny, this would not be a violation of an order that leaves the scope of her employment, as it would have simply limited the “conduct” of the employee within the sphere of his employment, without limiting the sphere itself. This distinction, which was completely ignored by the Single Commissioner, and conveniently by the UEF in their brief, is described by Professor Larsen as the ultimate “thing” to be done (sphere of job duties and employment) versus the method (or conduct) of accomplishing these duties. In the present case, stocking shelves and bringing out inventory was a part of Ms. Bridges’ normal work duties. Using a ladder to do so was a common and necessary method of accomplishing these duties. Again, while vehemently disputed by the Claimant, as there are several contradictions in the employer’s testimony alone (let alone others) about what was told to the Claimant on the date of the accident, assuming *arguendo* there was a clear and explicit order not to use a ladder, Ms. Bridges utilizing this *method* or engaging in this *conduct* to perform tasks otherwise within the scope of her employment, does not create an exception to coverage for her injury under the laws of this State, as there would arguably only be a violation of an order relating to method or conduct and not of the sphere of her employment.

While it is not entirely clear from the Single Commissioner’s Order, Claimant appreciates that the UEF takes the position that “the Single Commissioner did not find that the injury Claimant suffered on the alleged date of accident is the same injury she suffered prior to the date of the accident.” While it is painfully obvious that the injury of the magnitude suffered by Ms. Bridges on the date of her workplace accident would not have allowed her to do her job, at all and thus,

could not have been a pre-existing condition, the UEF's brief appears to be the first time this is acknowledged by any Defendants. The UEF, rather, takes the position that "[this was not the basis of the denial . . . [but] explain[s] why Claimant was prohibited from getting on the ladder." However, as discussed at length in Claimant's brief, there is no real evidence, medical or otherwise, of a preexisting condition, let alone the knee injury that Ms. Bridges suffered on the date of her workplace accident. The Single Commissioner and the UEF rely solely on testimony from coworkers that she may have had a boot or wrap around her foot, *not her knee*, to suggest a pre-existing condition. Claimant would note that no claimant would be able to meet their burden of showing an injury, before the Commission, by trotting in lay witnesses to a hearing to say that she was injured; it is equally absurd that Defendants can somehow meet their burden of showing a pre-existing injury with the same sort of lay testimony. Thus, the Single Commissioner's findings of a pre-existing injury are not supported by substantial evidence, and are based on conjecture and surmise, rather than any medical evidence, and must, therefore, be set aside, pursuant to *Burnette v. City of Greenville*, 401 S.C. 417, 737 S.E.2d 200 (Ct. App. 2012).

Respectfully Submitted,

LAW OFFICES OF
DARRELL THOMAS JOHNSON, JR., LLC



Darrell Thomas Johnson, Jr.

Warren Paul Johnson

Joshua Reece Fester

300 Main Street

Post Office Box 1125

Hardeeville, South Carolina 29927

(843)784-2142

(843)-784-5770 fax

Attorneys for the Claimant

Friday, July 12, 2021

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC FILE NO: 1808344

NAOMI BRIDGES,)
Employee/Claimant,)
)
vs.)
)
HARBOUR TOWN SURF SHOP, LLC,)
Employer,)
)
And)
)
SC UNINSURED EMPLOYERS' FUND,)
Carrier,)
)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of July, 2021 I served a true and accurate copy of the foregoing Claimant's/Appellant's Reply Brief on the parties listed below via email and/or by placing the same in the United States mail, first class and/or Certified postage attached, and addressed to the following:

lglover@saf.sc.gov

Lisa C. Glover

SC Uninsured Employer's Fund

PO Box 210039

Columbia, SC 29221-0039

tkillen@hplplaw.com

Timothy B. Killen

Holder, Padgett, Littlejohn & Prickett, LLC

945 Houston Northcutt Boulevard

Mount Pleasant, SC 29464

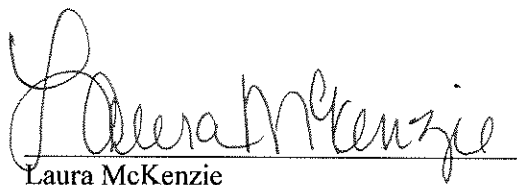
mmogil@mogillaw.com

Michael W. Mogil

Law Office of Michael W. Mogil, PA

2 Corpus Christie Place, Suite 303

Hilton Head Island, SC 29928


Laura McKenzie

.. SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
COLUMBIA, SOUTH CAROLINA
WCC FILE NO. 1808344

EMPLOYEE/CLAIMANT: NAOMI LYNN BRIDGES

EMPLOYER: HARBOUR TOWN SURF SHOP, LLC

INSURER: (UNINSURED)

SOUTH CAROLINA WORKERS' COMPENSATION HEARING

PURSUANT TO NOTICE OF WORKERS' COMPENSATION
HEARING, THE WITHIN HEARING WAS TAKEN ON THE 24TH DAY OF
JULY, 2019, COMMENCING AT THE HOUR OF 11:50 A.M., IN
YEMASSEE, SOUTH CAROLINA, BEFORE THE HONORABLE
MELODY L. JAMES, ATTENDED BY COUNSEL AS FOLLOWS:

**SHEILA SMALL
VERBATIM REPORTER**

**WHITWORTH COURT REPORTING
POST OFFICE BOX 551
ROEBUCK, S.C. 29376
(864) 494-2705**

APPEARANCES

GARY P. COGGIN, ESQUIRE, OF THE FIRM
GARY COGGIN LAW OFFICES
POST OFFICE BOX 7092
HILTON HEAD ISLAND, SOUTH CAROLINA 29938

ATTORNEY FOR THE EMPLOYEE/CLAIMANT,

TIMOTHY B. KILLEN, ESQUIRE, OF THE FIRM
HOLDER, PADGETT, LITTLEJOHN & PRICKETT, L.L.C.
349 WEST COLEMAN BLVD.
SUITE 300
MT. PLEASANT, SOUTH CAROLINA 29464

ATTORNEY FOR THE SOUTH CAROLINA WORKERS'
COMPENSATION UNINSURED EMPLOYERS' FUND,

MICHAEL W. MOGIL, ESQUIRE, OF THE FIRM
LAW OFFICE OF MICHAEL W. MOGIL, P.A.
2 CORPUS CHRISTIE PLACE
SUITE 303
HILTON HEAD ISLAND, SOUTH CAROLINA 29928

ATTORNEY FOR THE EMPLOYER.

ALSO PRESENT: Amir Bitton

I N D E X

PAGE

NAOMI LYNN BRIDGES:

DIRECT EXAMINATION BY MR. COGGIN.....	16
CROSS-EXAMINATION BY MR. KILLEN.....	74
CROSS-EXAMINATION BY MR. MOGIL.....	84
RE-DIRECT EXAMINATION BY MR. COGGIN.....	101
RE-CROSS EXAMINATION BY MR. KILLEN.....	104
FURTHER DIRECT EXAMINATION BY MR. COGGIN.....	106

LETICIA RODRIGUEZ:

DIRECT EXAMINATION BY MR. MOGIL.....	112
CROSS-EXAMINATION BY MR. KILLEN.....	118
CROSS-EXAMINATION BY MR. COGGIN.....	119

ZACHARY EDRI:

DIRECT EXAMINATION BY MR. COGGIN.....	151
CROSS-EXAMINATION BY MR. KILLEN.....	187
CROSS-EXAMINATION BY MR. MOGIL.....	189
RE-DIRECT EXAMINATION BY MR. COGGIN.....	192
RE-CROSS EXAMINATION BY MR. MOGIL.....	198
FURTHER DIRECT EXAMINATION BY MR. COGGIN.....	199

JAMIE WILLARD HUDSON:

DIRECT EXAMINATION BY MR. COGGIN.....	203
CROSS-EXAMINATION BY MR. MOGIL.....	222
CROSS-EXAMINATION BY MR. KILLEN.....	230
RE-DIRECT EXAMINATION BY MR. COGGIN.....	233

ELIZABETH ANNE MCALDINE:

DIRECT EXAMINATION BY MR. COGGIN.....	235
CROSS-EXAMINATION BY MR. KILLEN.....	242

CHRISTINE SWEETING:

DIRECT EXAMINATION BY MR. MOGIL.....	245
CROSS-EXAMINATION BY MR. COGGIN.....	249

RECALL ZACHARY EDRI:

DIRECT EXAMINATION BY MR. MOGIL.....	257
CROSS EXAMINATION BY MR. COGGIN.....	259

CERTIFICATE OF NOTARY PUBLIC.....	267

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 Yemassee,
4 South Carolina.

5 * * * * * * * * * * * * * * *

6 **BY COMMISSIONER JAMES:**

7 Today is July the 24th, 2019. We are here on
8 WCC file number 1808344. This is the matter of
9 Naomi Bridges versus Harbour Town Surf Shop, LLC and
10 the South Carolina Workers' Compensation Uninsured
11 Employers' Fund. Present on behalf of the Claimant
12 is Mr. Gary Coggin. Present on behalf of the
13 employer is Mr. Michael Mogil. Present on behalf of
14 the Fund is Mr. Tim Killen. The date of the alleged
15 accident is June 16th, 2018. We have a number of
16 issues today to go over. This is a denied file. As
17 part of the initiation of discussing the issues --
18 well, let me save that until later and go over the
19 exhibits and the submissions. The Claimant has
20 medical records of pages one through twenty-two
21 hundred. The employer has no APA submissions. The
22 Fund has APA submissions of pages one through ten.
23 Those are the actual evidence. I'm going to talk
24 about a summary demonstrative sheet in just a
25 moment, but as far as the actual APA submissions,

1 it's my understanding those are what are being
2 submitted.

3 Are there any objections to the Claimant's one
4 through twenty-two, the Fund's one through ten,
5 jurisdiction, venue, or any other items?

6 BY MR. MOGIL:

7 No objection, Your Honor. Mr. Killen pointed
8 out that Ms. Sharp had filed her written medical
9 reports and documents back in February. So I don't
10 know if this counts as an APA submission, but --
11 Tim, is this...?

12 BY MR. KILLEN:

13 That would be the employers ---

14 BY MR. MOGIL:

15 The APA submission.

16 BY COMMISSIONER JAMES:

17 From Ms. Sharp. I'm sorry, former
18 representation. Excuse me.

19 BY MR. MOGIL:

20 Yes, she had filed that. Yes.

21 BY COMMISSIONER JAMES:

22 Okay.

23 BY MR. KILLEN:

24 And that's my copy of it.

25 BY MR. MOGIL:

1 Okay. Yes, I may have had a digital copy of
2 that, Your Honor. I don't have a paper copy.

3 BY COMMISSIONER JAMES:

4 So, these are unnumbered, but these are wage
5 records.

6 BY MR. COGGIN:

7 Your Honor, those are the payroll deductions I
8 think; is that right? It should be about 35. Tim,
9 is that what they were?

10 BY MR. KILLEN:

11 They are the pay stubs and the W-2.

12 BY MR. MOGIL:

13 And there's some other stuff.

14 BY MR. KILLEN:

15 There may have been some other stuff.

16 BY COMMISSIONER JAMES:

17 There is, and you're welcome to look at it. It
18 appears that it was exchanged on February 1st.

19 There are text messages, and then the rest of it
20 appears to be payroll records and W-2.

21 BY MR. COGGIN:

22 I don't have any objection to that.

23 BY COMMISSIONER JAMES:

24 And there appears to be 55 pages. I will have
25 to recount those, but that's what's been presented.

1 So now we have Claimant's one through twenty-two
2 hundred, the employer's one through fifty-five, and
3 the Fund's one through ten. Are there any
4 objections to these submissions that I've just
5 outlined, the jurisdiction, the Commission, the
6 venue here today, or any other items on behalf of
7 the Claimant?

8 BY MR. COGGIN:

9 Would you mind if I looked at Mr. Killen's
10 submissions very quickly?

11 BY COMMISSIONER JAMES:

12 We'll go off record.

13 OFF THE RECORD

14 BY COMMISSIONER JAMES:

15 It's my understanding on behalf of the
16 Claimant, there are no objections; is that correct?

17 BY MR. COGGIN:

18 That's correct.

19 BY COMMISSIONER JAMES:

20 On behalf of the Fund, are there any
21 objections?

22 BY MR. KILLEN:

23 None, Your Honor.

24 BY COMMISSIONER JAMES:

25 On behalf of the employer, are there any

1 objections?

2 **BY MR. MOGIL:**

3 No, Your Honor.

4 **BY COMMISSIONER JAMES:**

5 With regards to evidence, also handed up are
6 actually more for demonstrative purposes, that's
7 been a summary sheet by the Claimant, and I say
8 "summary sheet." It's a number of pages. It is
9 nine, looks like nine pages. It's being submitted
10 as demonstrative purposes. It has page numbers that
11 are actually from a subset of medical records of the
12 twenty-two hundred pages. It's sixty-two medical
13 pages. The other parties have not had a chance to
14 review the sixty-two pages. So what we're going to
15 do is, of course, the submissions, since it's
16 demonstrative, can come in. What will happen is,
17 that after the hearing the other two parties will
18 have the opportunity to look at the sixty-two pages
19 to make sure the summary sheets are not, they're not
20 in opposition to those in anyway, that they were
21 included in the twenty-two hundred. If that is the
22 case, then of course those medical records can be
23 used as a separate subset, and the demonstrative
24 pages as outlined by the Claimant, those page
25 numbers will be used and referred to as subset of

1 the medical records. They will be designated
2 separately. If the parties do not agree, then the
3 Claimant has the opportunity, if she wishes to do
4 so, to re-number the page numbers on the
5 demonstrative sheets so that they coincide with the
6 twenty-two hundred pages. So we're not adding any
7 evidence. We're just clarifying what this document
8 means and whether it's a subset or not a subset and
9 what the page numbers on this document means.

10 The other demonstrative evidence that has been
11 presented -- or excuse me. I keep saying
12 "evidence." But it's a demonstrative sheet is the
13 Fund has prepared a summary by the wages and their
14 position on average weekly wage, and so that is a
15 summary sheet of the math. So that is also for
16 demonstrative purposes.

17 With regards to actual evidence, there are some
18 tax returns that have not been received by the
19 Defendants. The record will be help open for that,
20 2016, 2017 and 2018. Those will be produced within
21 two weeks of today's date. Those are the Claimant's
22 tax returns.

23 Other than that, that is the entirety of the
24 record at this point in time. So without any other
25 objection or notation, the Commission file becomes a

1 part of the record with the exception of any self-
2 serving declarations and unstipulated medical
3 reports, and the tax returns, when produced, will
4 become part of the record.

5 The issues for today began with the issue of
6 whether or not there are affirmative defenses
7 available by either of the Defendants. The Claimant
8 contends that there has not been a timely 51
9 received by either Defendant, and so he contends
10 that all affirmative defenses are barred.

11 In short, the Defendant Fund indicates that
12 they were not made a party until order of
13 Commissioner Taylor from November 29th, 2019, and
14 then they timely file a 51 on December 8th, 2019.
15 Further, they contend that the issue is moot as
16 there are no affirmative defenses that are raised,
17 but in case there are, they contend that they have
18 timely filed the 51. That they were not a party to
19 the Commission file prior to that. The Fund has
20 some additional time schedule that they wish to
21 reference with regards to that. The Claimant
22 references an opinion out of United States District
23 Court with regards to affirmative defenses including
24 scope of employment and takes the position that the
25 Defendants cannot defend against that particular

1 issue.

2 At any rate, that is the first and foremost
3 issue as to the timely filing of the 51 and whether
4 it affects any defenses in this matter.

5 After that, the issues become the Claimant's
6 request for compensability, the left leg, and she is
7 requesting payment of past medicals and continuing
8 medicals. She wishes for Dr. Tobin to be named her
9 physician, and that she's requesting temporary total
10 from the date of the injury and continuing.

11 The Defendants take the position that they are
12 subject to the act, that the Claimant is an
13 employee. Their denial comes with regards to the
14 general nature of the fact they indicate that the
15 Claimant was not within the scope of her employment,
16 and an injury did not arise out of her employment.
17 They're specifically pointing to the case also of
18 *Wright versus Bi-Lo* and indicated that they believe
19 the testimony will be that the Claimant exceeded her
20 authority pursuant to what she was told.

21 This is the very skinny on what the issues are
22 before the Commission. This it to make sure that I
23 understand what I am deciding. Also, there will be
24 the issue of the average weekly wage and
25 compensation rate. The parties do not agree. The

1 Defendants take the position that the wage records
2 will clearly show that the Claimant's average weekly
3 wage is \$354.62 with a corresponding compensation
4 rate of \$236.43. The Claimant takes the position
5 that in addition to the wage records, there were
6 additional wages shown, and that the evidence will
7 prove that her average weekly wage should be double
8 the amount along with the doubling of her
9 compensation rate.

10 So, again, the issues are, just in a skinny,
11 timely service with regards to affirmative defenses,
12 whether there are any affirmative defenses, whether
13 the injury occurred within the course and scope of
14 the work, the past medical, the temporary total, the
15 continuing medical, and I believe that pretty well
16 covers that. So is there anything further the
17 Claimant wishes to add or change with regards to any
18 positions that were stated?

19 **BY MR. COGGIN:**

20 Your Honor, the only thing I'd like to add is I
21 did hand up a sheet, an attachment sheet, from Ms.
22 Glover in which she listed preexisting disability to
23 alleged injured members as an affirmative defense.

24 **BY COMMISSIONER JAMES:**

25 I don't believe I've heard that today as an

1 issue.

2 BY MR. COGGIN:

3 I handed this to you, ---

4 BY COMMISSIONER JAMES:

5 What I've heard is ---

6 BY MR. COGGIN:

7 I handed this to you, and she listed all her
8 defenses including right there (indicating).

9 BY COMMISSIONER JAMES:

10 Okay.

11 BY MR. COGGIN:

12 Just for the record, and you can decide on it.

13 BY COMMISSIONER JAMES:

14 Well, I can't even tell what this is. If
15 there's a form 51 -- it says "Attachment to form
16 51."

17 BY MR. COGGIN:

18 Right, that's from Ms. Glover.

19 BY COMMISSIONER JAMES:

20 I'll have to look in the Commission file. When
21 was this served?

22 BY MR. COGGIN:

23 I believe it was December 12th that she served
24 her Form 51, but there's a different date at the top
25 of that page. So I don't under -- I don't

1 understand that at all, and as you might have ---

2 BY COMMISSIONER JAMES:

3 Because this is only a partial document.

4 BY MR. COGGIN:

5 Right, yes. Your Honor, there's thousands of
6 documents.

7 BY COMMISSIONER JAMES:

8 All right. The Commission file reflects a Form
9 51 filed by the State Accident Fund on December
10 12th, 2018. This apparently also contains some
11 notes that must have been made by you, Mr. Coggin.

12 BY MR. COGGIN:

13 On the bottom, yes.

14 BY COMMISSIONER JAMES:

15 So, we'll rely on what's within the
16 Commission's file.

17 BY MR. COGGIN:

18 That'd be fine.

19 BY COMMISSIONER JAMES:

20 All right, anything else?

21 BY MR. COGGIN:

22 Nothing more from the Claimant.

23 BY COMMISSIONER JAMES:

24 Anything on behalf of the Fund?

25 BY MR. KILLEN:

1 Just, Your Honor, I'd like to point out that in
2 our exhibits there's an order adding a party, and
3 that was adding the Uninsured Employers' Fund. It's
4 dated November 29th, 2018, from Commissioner Taylor.
5 That order has not been appealed. Prior to that, I
6 would just refer to the Commission's file as to
7 whether the U.E.F. was a party. The U.E.F. asserts
8 that it did timely file a Form 51 on December 12th
9 of 2018 by prior counsel, and regardless, the U.E.F.
10 asserts that there are not any affirmative defenses
11 in this case. The *Wright v. Bi-Lo* defense is a
12 question of whether or not the accident happened in
13 the course and scope of employment, which you'll see
14 at 314 South Carolina 155, the opinion actually
15 starts at 314 S.C. 152, and proving whether or not
16 an accident happened in the course and scope of
17 employment is the Claimant's burden.

18 BY COMMISSIONER JAMES:

19 Anything further with regards to the issues on
20 behalf of the Defendant, the employer?

21 BY MR. MOGIL:

22 No, Your Honor.

23 BY COMMISSIONER JAMES:

24 All right. I believe we're ready for
25 testimony. If you would raise your right hand.

* * * * *

The witness was duly sworn to tell the truth, the whole truth, and nothing but the truth concerning the matter herein:

NAOMI LYNN BRIDGES,

Being first duly sworn, testified on her oath as follows:

BY COMMISSIONER JAMES:

All right. Your witness, sir.

DIRECT EXAMINATION BY MR. COGGIN:

Q. Ms. Bridges, good morning again.

A. Good morning.

Q. Would you tell the Court your full name?

A. Naomi Lynn Bridges.

Q. And where were you born?

A. Galesburg, Illinois.

Q. And you spent a lot of time in North Carolina. Tell the Court about your early years in North Carolina.

A. I grew up in a town, Shelby, North Carolina. Then the rest of my years was spent in a little town in Navassa, North Carolina, and I raised my children in Casar, North Carolina.

Q. When did you come to South Carolina?

A. I moved to Hilton Head, South Carolina in 2012.

Q. What kind of work did you do once you got here?

A. I was employed at the Harbour Town General Store in

1 May of 2012.

2 Q. And what is the name of the Harbour Town General
3 Store now?

4 A. It is the Harbour Town Surf Shop.

5 Q. When you were employed, who did you work for
6 initially?

7 A. John Trunck.

8 Q. Okay. How much were you paid?

9 A. He started me out at \$12.00 an hour.

10 Q. Okay. And when you started working for your current
11 employers, what did you make an hour?

12 A. Alon started me out at \$10.00 an hour.

13 Q. Okay. What were you paid -- do you see Alon or Amir
14 in the courtroom today?

15 A. Yes.

16 Q. Would you point out Amir.

17 A. He's right there (indicating).

18 Q. Okay. Tell the Court what you did at Harbour Town
19 Surf Shop.

20 A. I would wait on customers, keep the store clean, put
21 out inventory, price inventory, just your normal
22 routine everyday. Just assist with the employees.
23 We worked together, tried to work together as a
24 team. Just your normal, you know, duties.

25 Q. What were your usual hours of working?

1 A. The schedule would say eight to ten, but I would
2 come in thirty minutes early.

3 Q. Back up for just one second. Eight to ten, eight
4 a.m.?

5 A. Eight a.m. to ten p.m.

6 Q. And what were the hours of the store?

7 A. Eight a.m. to ten p.m.

8 Q. Okay. And explain what your work consisted of.

9 A. I would come in at seven-thirty a.m. Come in, bring
10 the newspapers in, lock the door behind me, start a
11 pot of coffee, ice down like the coke machine. We
12 have a little individual coke machine where people
13 could get a bottle of coke. I would ice it down.
14 Go ahead and record my newspapers, get them on the
15 rack, count the register, count the safe. Then I
16 would go start the second pot of coffee, make sure
17 the equipment was running right, no problems. And
18 then by then, I might have the store ready to open.
19 Kick my doors open, have the lights, everything
20 ready to go for the day.

21 Q. And you worked through the day?

22 A. I worked the whole shift, yes, sir.

23 Q. And when did you close?

24 A. If we could have the doors locked at ten o'clock, we
25 would. If we still had customers, when the last

1 customers might walk out at ten-fifteen, we could
2 lock the door. Try to have the store cleaned up.
3 Sometimes we might get out at ten-thirty. It's just
4 according to how much cleaning up we had.

5 Q. How many hours a week did you work there?

6 A. It's according if I was -- had two days off a week.
7 Sometimes I had to work six days a week, and it
8 would average maybe 14, 15, 16-hour days.

9 Q. In the typical week, what would you work?

10 A. Could be 80 hours a week plus.

11 Q. What about during Harbour Town with the golf ---

12 A. Oh, the R.B.C. Heritage?

13 Q. Yes.

14 A. I would average working there seven days, the whole
15 week.

16 Q. Okay. Ms. Bridges, I noticed you're in a
17 wheelchair. How long have you been in a wheelchair?

18 A. Right now, it's been 13 months, except when I've
19 been in the hospital. I learned to use the
20 wheelchair in rehab.

21 Q. When you're out and about, what's your mode of
22 transportation: crutches, walker, wheelchair, free-
23 walking?

24 A. I -- no, I'm in the wheelchair like to go to
25 Walmart. I use -- I'll have a walker to get me into

1 my doctor's office, but I use the wheelchair in our
2 home.

3 Q. How do you get up and down stairs?

4 A. Like your office, I have to sit down on the step,
5 and I have to climb the steps backwards, and then I
6 have to sit back down on the steps and one step at a
7 time with my hands.

8 Q. I'm going to show you various worksheets. They're
9 actually four weeks -- four worksheets that you have
10 provided for me. I think it was off your cell
11 phone, and I'm going to hand you what's been marked
12 ---

13 **BY MR. COGGIN:**

14 I want you to mark this, please.

15 **BY COMMISSIONER JAMES:**

16 Mr. Coggin, just to speed things up, I know
17 civil court you mark for exhibit purposes, and then
18 you move to have them admitted.

19 **BY MR. COGGIN:**

20 Yes.

21 **BY COMMISSIONER JAMES:**

22 You can just skip the marking for I.D. Show
23 them to her, and then move to have them marked.

24 **BY MR. COGGIN:**

25 Oh, okay, fine. Terrific.

1 **BY COMMISSIONER JAMES:**

2 So, I think that will speed things up for
3 everybody.

4 **BY MR. COGGIN:**

5 We've had a few skirmishes during the
6 depositions as to how to do this. That's fine.

7 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

8 Q. I'm going to give you -- you're looking at what's
9 been marked at Plaintiff's Exhibit Number One for
10 identification; what is that?

11 A. (Witness views document). This is a work schedule
12 for the week 4/9/18 through 4/15/18.

13 Q. Okay. And across the top, I see a number of names.
14 What are those and what do they mean?

15 A. It's -- across the top is the name of all their
16 stores, and then down the side it's the name of all
17 the employees.

18 Q. Now, I noticed they're first names.

19 A. Yes.

20 Q. Any reason for that?

21 A. We just go by the first name, because we all know
22 this is the name of the employees, and it would be
23 who would work the stores, and we would know our
24 store, that way.

25 Q. Okay. Now, they were coded in color; is that right?

1 A. Yes -- yes.

2 Q. We don't have those.

3 A. At the top, the stores would be in a certain color,
4 and then our names are in a certain color so we
5 would know what store we would be working.

6 Q. Okay. What week is this for?

7 A. It is for the week of April the 9th, 2018, through
8 April the 15th, 2018.

9 Q. Do you see your name there?

10 A. Yes, I do.

11 Q. Okay. It's about the sixth from the bottom; is that
12 correct?

13 A. Yes, sir.

14 Q. Okay. Tell me what you worked on Monday.

15 A. Eight a.m. to ten p.m.

16 Q. Tuesday?

17 A. Eight a.m. to ten p.m.

18 Q. Wednesday?

19 A. The same.

20 Q. Thursday?

21 A. The same.

22 Q. Friday?

23 A. The same.

24 Q. Saturday?

25 A. The same.

1 Q. Okay. That is six days, fourteen hours a day; is
2 that right?

3 A. And then the same on Sunday.

4 Q. Is that 84 hours this week?

5 A. That would have been the week of Heritage. So I
6 worked seven days that week.

7 Q. Oh, seven days?

8 A. Yes, sir.

9 Q. Okay. So, you were actually at 98 hours; is that
10 right?

11 A. Yes.

12 Q. Okay. Let's go to page two; do you see that?

13 A. Yes.

14 Q. Okay. This is for the week beginning 4/16; is that
15 right?

16 A. Yes, sir.

17 Q. Do you find your name on there?

18 A. Yes, I do.

19 Q. Okay. You were off on Monday; is that right?

20 A. Yes, sir.

21 Q. Starting Tuesday, what did you work?

22 A. Eight to ten.

23 Q. Okay. Wednesday?

24 A. Eight to ten.

25 Q. Thursday?

- 1 A. Eight to ten.
- 2 Q. Friday?
- 3 A. Eight to ten.
- 4 Q. Off on Saturday?
- 5 A. Yes, sir.
- 6 Q. Eight to ten?
- 7 A. On Sunday.
- 8 Q. So, you worked five hours day; is that right -- or,
- 9 I mean, you worked five days -- or, excuse me.
- 10 A. Five days that week.
- 11 Q. Five days that week; is that right?
- 12 A. Yes.
- 13 Q. Okay. That's 70 hours; is that correct?
- 14 A. Yes.
- 15 Q. Okay. Let's move into page three. This is a
- 16 significant week, isn't it?
- 17 A. Yes.
- 18 Q. Okay. This is the week you were injured; is that
- 19 correct?
- 20 A. Yes, sir.
- 21 Q. Okay. Do you see your name on there?
- 22 A. Yes, I do.
- 23 Q. Okay. How much did you work on Monday?
- 24 A. Eight a.m. to ten p.m.
- 25 Q. Tuesday?

1 A. The same.

2 Q. Okay. Wednesday?

3 A. The same.

4 Q. Thursday?

5 A. And the same.

6 Q. Friday?

7 A. I was off.

8 Q. What were you doing on Friday?

9 A. I was at the beach. My boyfriend's daughter and
10 son-in-law and their three kids were here for the
11 week, and it was their -- actually their last day
12 here from Ohio. So we spent the whole day with 'em
13 at the beach, and...

14 Q. Now, Saturday you came into work. What were you
15 scheduled?

16 A. Eight to ten.

17 Q. And how long did you work that day?

18 A. I came in at seven-thirty in the morning to do my
19 morning routine before the store was open, and I had
20 my accident in the store around, I think it was
21 three.

22 Q. Three o'clock?

23 A. Yes.

24 Q. So, you didn't work on Sunday; is that right?

25 A. No, I was in the hospital.

1 Q. At this juncture, you haven't worked for how long?

2 A. As of July the 16th, I've been out of work for 13
3 months.

4 Q. Are you able to work?

5 A. No, sir.

6 Q. Would you be able to work any kind of job?

7 A. As of right now, I've been told no.

8 Q. Who did you talk to that told you "no"?

9 A. That is coming from my doctor.

10 Q. That's Dr. Tobin?

11 A. Yes, sir.

12 Q. Okay. Did he give you any ideas as to when you
13 might go back to work?

14 **BY MR. KILLEN:**

15 Object to the hearsay, Your Honor.

16 **BY COMMISSIONER JAMES:**

17 Sustained.

18 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

19 Q. When do you think you'll go back to work?

20 A. As of right now, I have been told I have a very
21 long, long ---

22 **BY MR. KILLEN:**

23 Again,...

24 **THE WITNESS RESUMES ANSWER:**

25 A. --- road ahead of me.

1 BY COMMISSIONER JAMES:

2 Sustained.

3 BY MR. COGGIN:

4 Pardon me, Your Honor?

5 BY COMMISSIONER JAMES:

6 Sustained.

7 BY MR. COGGIN:

8 Okay.

9 BY COMMISSIONER JAMES:

10 The medical records -- and I understand you can
11 testify to things that are in there, but I don't
12 have the advantage of reading the twenty-two hundred
13 pages at this time.

14 BY MR. COGGIN:

15 No, I understand. I really understand, yes.

16 BY COMMISSIONER JAMES:

17 So, I'll rely on the medical records.

18 BY MR. COGGIN:

19 No, that's fine.

20 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

21 Q. So, your last day at work was when?

22 A. June the 16th, 2018.

23 Q. Okay. And you haven't worked since then?

24 A. No, sir.

25 Q. And then the only consecutive periods of work I was

1 able to get calendars for you were the work weeks of
2 4/9, which is number one, the first page, and 4/16,
3 which is the second page.

4 A. Right.

5 Q. That was a hundred and sixty-eight hours of work; is
6 that right?

7 A. Yes, sir.

8 Q. Okay. When you got paid, what was your pay period?

9 A. It's bi-weekly.

10 Q. Okay. Every two weeks?

11 A. Yes, sir.

12 Q. And you were being paid at that time how much?

13 A. Twelve dollars an hour, and then after Heritage,
14 Alon raised me up to, I was at thirteen dollars an
15 hour. So I was raised a dollar. I got a dollar
16 raise.

17 BY MR. COGGIN:

18 Okay. Michael, I'll give you one in just a
19 second. I want to make sure it's the same one.
20 Here you go.

21 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

22 Q. I'm going to hand you a document, Ms. Bridges, and
23 would you identify that document please for the
24 Court?

25 A. (Witness views document). It looks like it could be

1 a stub wage, like a pay stub.

2 BY COMMISSIONER JAMES:

3 All right. Before we move to let the document
4 -- the first one that was marked...

5 BY MR. COGGIN:

6 Was what? But you said not to move it into
7 evidence.

8 BY COMMISSIONER JAMES:

9 No, I said you don't have to mark it for
10 identification. You can let her look at it and then
11 move to put it into evidence.

12 BY MR. COGGIN:

13 Okay. Ordinarily, you'd move it into evidence
14 afterwards is the way I...

15 BY COMMISSIONER JAMES:

16 Right.

17 BY MR. COGGIN:

18 Yes. Do you want me to move that into
19 evidence? I didn't understand what you were talking
20 a about.

21 BY COMMISSIONER JAMES:

22 Well, no. What I'm talking about is you don't
23 have to ask the Court Reporter to mark it and then
24 hand it to her. You can let her identify it and go
25 through it, ---

1 BY MR. COGGIN:

2 That's what I...

3 BY COMMISSIONER JAMES:

4 --- and then you can move to put it in, and
5 we'll just mark it. We can skip the identification
6 part, the preliminary identification. So are you
7 moving to put Exhibit 1 into evidence?

8 BY MR. COGGIN:

9 Yes, I'm moving to put Exhibit 1 into evidence.

10 BY COMMISSIONER JAMES:

11 Okay. Any objections?

12 BY MR. MOGIL:

13 Yes, Your Honor. There's been no basis for
14 where that came from.

15 BY MR. KILLEN:

16 Nor was it listed on the notice of evidence on
17 the form 58.

18 BY MR. MOGIL:

19 We don't know what it is or where it came from.

20 BY COMMISSIONER JAMES:

21 I think she just identified the document and
22 went through it as history of her work. So she's
23 identified it in that regard.

24 BY MR. MOGIL:

25 Well, I don't think -- I mean, did she create

1 it? Did Mr. Coggin create it? Did the employer
2 create it? When was it created? All those things
3 since ---

4 BY MR. COGGIN:

5 I understand. I can move back, Your Honor, and
6 lay the foundation for it. I didn't think we were
7 going to do that. I'm happy to lay a foundation.

8 BY COMMISSIONER JAMES:

9 All right.

10 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

11 Q. Okay. Let the record reflect I'm handing you
12 Plaintiff's Exhibit Number One again for
13 identification.

14 A. Okay.

15 Q. Tell the Court what that is.

16 A. (Witness views document). This is our schedule, our
17 work schedule that Alon Mintz would create, like,
18 for the following week.

19 Q. Okay. And who is Alon Mintz?

20 A. He's the other owner/partner with Amir.

21 Q. Okay. And what is that exactly?

22 A. This is actually a work schedule of all the
23 employees of the hours that they would work at their
24 stores.

25 Q. How often did you receive it?

1 A. Every week.

2 Q. And who would give it to you?

3 A. Alon would take a picture, and he would send it to
4 everyone's cell phone, and then he would make copies
5 and bring it into the store, and we would hang it
6 either -- or tape it inside behind the counters.

7 Q. And how often did you receive these?

8 A. Every week.

9 **BY MR. COGGIN:**

10 Okay. I'm going to move to put this into
11 evidence as Plaintiff's Exhibit Number 1 for
12 identification.

13 **BY COMMISSIONER JAMES:**

14 Any objection?

15 **BY MR. MOGIL:**

16 The same objection, Your Honor. We still don't
17 know how she got it.

18 **BY COMMISSIONER JAMES:**

19 I think she just testified that ---

20 **BY MR. COGGIN:**

21 She got it on her cell phone. She said that.

22 **BY MR. MOGIL:**

23 I don't want to ask the question, because it's
24 his witness.

25 **BY COMMISSIONER JAMES:**

1 Right. But what I just heard was she said that
2 Alon prepared it, and Alon sent it to them on their
3 cell phone, and then he taped a copy of it at work.

4 BY MR. MOGIL:

5 But she didn't say she received it, these
6 particular documents. I'm not trying to be
7 difficult saying -- I think I know where these came
8 from, but I don't think they came from her or the
9 employer. That's what I'm saying. I just want to
10 know how did she get ahold of these documents?

11 BY MR. COGGIN:

12 I'm perplexed.

13 BY COMMISSION JAMES:

14 All right. Can we take a break for just a
15 minute.

16 OFF THE RECORD

17 BY COMMISSIONER JAMES:

18 Do you want to proceed with the witness,
19 please?

20 BY MR. COGGIN:

21 Yes.

22 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

23 Q. Now, I just handed Ms. Bridges what essentially is a
24 pay stub. This is for the record something you
25 received every two weeks with a paycheck; do you

1 recognize that?

2 A. (Witness views document). This is the first one ---

3 BY COMMISSIONER JAMES:

4 Okay. Are we finished with the other document?

5 BY MR. COGGIN:

6 Yes, uh-huh, I moved to put that into evidence.

7 BY COMMISSIONER JAMES:

8 Okay.

9 BY MR. COGGIN:

10 Are we talking about this, yes.

11 BY COMMISSIONER JAMES:

12 And there was an objection to the document as
13 there was not an indication as to whether she
14 actually received it or not. If you can please
15 clarify the ---

16 BY MR. COGGIN:

17 Oh, I'm sorry.

18 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

19 Q. This first document, how did you get that document?

20 A. This was on my cell phone (indicating).

21 Q. And who sent it to you?

22 A. Alon.

23 Q. Okay. And who is Alon?

24 A. He is my other boss who is a partner with Amir.

25 Q. Okay. And how often did you receive these?

1 A. Every week.

2 BY MR. COGGIN:

3 I'm going to move to admit into evidence again.

4 BY COMMISSIONER JAMES:

5 Any objection?

6 BY MR. KILLEN:

7 None from the Fund, Your Honor.

8 BY MR. MOGIL:

9 No objection.

10 BY COMMISSIONER JAMES:

11 All right, so admitted.

12 (COURT REPORTER MARKS DOCUMENT CLAIMANT'S EXHIBIT NUMBER
13 1, RETAINED IN COMMISSION FILE)

14 BY COMMISSIONER JAMES:

15 If you'll move on to the next document, please.

16 BY MR. COGGIN:

17 Yes, I just handed Ms. Bridges which would be
18 the second document, and, Your Honor, for the
19 record, this is a pay stub.

20 BY COMMISSIONER JAMES:

21 If you can let her identify it.

22 BY MR. COGGIN:

23 Oh, okay. I apologize.

24 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

25 Q. What is that?

1 A. (Witness views document). This looks like it would
2 be a pay stub or a check stub.

3 Q. Okay. Now, look across the top. Do you see your
4 name there?

5 A. Yes, sir.

6 Q. Okay. And what's your name, Naomi Bridges?

7 A. It says "Naomi L. Bridges."

8 Q. Okay. And what's the pay period for?

9 A. Pay period is 4/5/2018 through 4/18/2018.

10 Q. Okay. And look down two more lines, and you'll see
11 "hourly."

12 A. It says "hourly, 80 hours."

13 Q. Now, this was issued for how many, every two weeks?

14 A. Yes, sir.

15 Q. Okay. On this one, it's 4/18/2018. The pay period
16 is -- what is the pay period again?

17 A. 4/5/2018 through 4/18/2018.

18 Q. And you received \$12 an hour; is that correct?

19 A. Yes, sir.

20 Q. And how much were you paid for two weeks?

21 A. Nine hundred and sixty dollars.

22 **BY MR. COGGIN:**

23 Okay. I'd like to move this into evidence.

24 **BY COMMISSIONER JAMES:**

25 Any objection?

1 BY MR. MOGIL:

2 No objection.

3 BY MR. KILLEN:

4 No, Your Honor.

5 BY COMMISSIONER JAMES:

6 Exhibit 2.

7 (COURT REPORTER MARKS DOCUMENT CLAIMANT'S EXHIBIT NUMBER
8 2, RETAINED IN COMMISSION FILE)

9 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

10 Q. Okay. Now, Naomi, here's the rub. For those two
11 weeks, you worked how many hours?

12 A. That would have been maybe -- maybe a hundred and...

13 Q. A hundred-and-sixty-eight?

14 A. Yes, sir.

15 Q. Okay. And you said the pay period was how many
16 times a month?

17 A. Bi-weekly -- bi-weekly.

18 Q. And you were being paid \$12 an hour?

19 A. Yes, sir.

20 Q. Okay. Twelve dollars an hour times a hundred and
21 sixty-eight is what?

22 A. Oh, my gosh. I don't have my phone.

23 Q. I'm going to take a guess. It's about \$2,010.

24 A. Okay.

25 Q. Okay. How much were you paid?

1 A. Nine hundred and sixty dollars.

2 Q. How did you receive -- there's a -- you were paid
3 for eight hours, but there's almost -- there's
4 eighty-eight hours you weren't paid for. How were
5 you paid for that?

6 A. The 80 hours -- I was taxed 80 hours. So, the \$960
7 was wrote out in check. The rest I was paid in
8 cash.

9 Q. Okay. So, you would receive -- how would you
10 receive the cash?

11 A. It would be along with the check in an envelope
12 sealed.

13 Q. Okay. Now, you didn't pay income tax on that, did
14 you?

15 A. On -- on the -- no. No, sir.

16 Q. Okay. We have to be truthful.

17 A. No, sir.

18 Q. Yes. Did you ever object to being paid in this
19 fashion?

20 A. No, sir.

21 Q. What do you think would have happened if you
22 objected?

23 **BY MR. KILLEN:**

24 Objection. Speculation.

25 **BY MR. COGGIN:**

1 I withdraw the question -- well, no, I don't.

2 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

3 Q. What would happen if you ---

4 BY COMMISSIONER JAMES:

5 You can answer the question, ma'am.

6 THE WITNESS ANSWERS:

7 A. I -- I never thought about it. I mean, you know, I
8 -- none of us employees really thought about asking
9 about it or anything, so. I didn't think about
10 asking why.

11 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

12 Q. When you worked for John Trunck, how were you paid?

13 A. Check with the check stub -- a check -- attached to
14 the check.

15 Q. Okay. How many months a year did you typically
16 work?

17 A. Twelve.

18 Q. Okay. And over the years, you worked at Harbour
19 Town for Amir and Alon. How many hours a week do
20 you think you averaged work? I think you answered
21 that before.

22 A. How many hours...?

23 Q. A week.

24 A. Open to close, I would say in the season, which is
25 typically your June to probably the end of

1 September, probably 80 hours.

2 Q. Okay. How about out of season?

3 A. If the store hours changed, it would be like from
4 eight in the morning 'til maybe nine in the evening.
5 It's just according to what time we closed or how
6 the business was going, how slow.

7 Q. Let's move away from this and talk about how you
8 were injured, and I know from looking at the records
9 that you were injured on June the 16th, 2018.

10 A. Yes, sir.

11 Q. Okay. Take us back a week before the injury. Where
12 were you the weekend before that injury?

13 A. On June the 8th, 2018, I went to North Carolina for
14 that weekend.

15 Q. And what did you do in North Carolina?

16 A. I went home to go to my grandson's high school
17 graduation on June the 9th.

18 Q. And what is your grandson's name?

19 A. His name is Devon Hunt.

20 Q. Devon Hunt. Where is Devon today?

21 A. Today he is stationed in Hawaii at Fort Shafter in
22 the Army.

23 Q. Okay. When you went to see him, where did you stay?

24 A. I stayed at my brother's camper that he has in his
25 backyard.

1 Q. Okay. You stayed adjacent to his property?

2 A. Yes, it's right in his backyard.

3 Q. Did you stay with anybody?

4 A. I have a friend who came and spent the night with me
5 there on Friday night because we had to be up so
6 early the next morning. That, and she was taking
7 pictures also of his graduation.

8 Q. Okay, thank you.

9 **BY MR. COGGIN:**

10 Give me a second, Your Honor.

11 (Off the record)

12 **BY COMMISSIONER JAMES:**

13 Mr. Coggin, this is before the accident?

14 **BY MR. COGGIN:**

15 Yes. There's a reason for this.

16 **BY COMMISSIONER JAMES:**

17 Okay.

18 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

19 Q. Do you recognize that?

20 A. (Witness views photograph). Yes, I do.

21 Q. Okay. What is that?

22 A. This is a picture of me and my grandson after he had
23 received his diploma.

24 Q. And what day was this?

25 A. This is on June the 9th.

1 Q. At what time?

2 A. It's around ten-thirty, maybe closer to eleven that
3 morning.

4 Q. Okay. And this was right after his high school
5 graduation; is that right?

6 A. It's right after he'd gotten his diploma and
7 everything was over.

8 BY MR. COGGIN:

9 Admit this into evidence, please.

10 BY COMMISSIONER JAMES:

11 Any objections?

12 BY MR. MOGIL:

13 No objection.

14 BY COMMISSIONER JAMES:

15 Claimant's Exhibit 3.

16 (COURT REPORTER MARKS PHOTOGRAPH CLAIMANT'S EXHIBIT
17 NUMBER 3, RETAINED IN COMMISSION FILE)

18 BY MR. COGGIN:

19 I really didn't do much foundation for that.

20 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

21 Q. Who took that photograph?

22 BY COMMISSIONER JAMES:

23 It's admitted.

24 BY MR. COGGIN:

25 Is it? Okay.

1 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

2 Q. How long were you in North Carolina when this
3 photograph was taken?

4 A. I arrived there that Friday morning. I was there,
5 and then the picture was took that Saturday morning.

6 Q. Okay. Did you travel with anybody?

7 A. No, I went by myself.

8 Q. How many miles is it, how many hours?

9 A. It's roughly about two hundred and ---

10 BY COMMISSIONER JAMES:

11 Mr. Coggin, this is the day before the
12 accident?

13 BY MR. COGGIN:

14 No, this was the week before the accident.

15 BY COMMISSIONER JAMES:

16 The week before the accident.

17 BY MR. COGGIN:

18 Yes.

19 BY COMMISSIONER JAMES:

20 It's before the accident.

21 BY MR. MOGIL:

22 We intend to introduce information...

23 BY MR. COGGIN:

24 There's a reason for this.

25 BY MR. MOGIL:

1 Yes, I'm not objecting to the relevance of
2 this.

3 BY MR. COGGIN:

4 There's a reason...

5 BY COMMISSIONER JAMES:

6 All right. I'm just trying to see if both of
7 y'all -- or if this is part of ---

8 BY MR. COGGIN:

9 No.

10 BY COMMISSIONER JAMES:

11 All right. If you can proceed, I'm just ---

12 BY MR. COGGIN:

13 It is not to give you a hard time, believe me.

14 BY COMMISSIONER JAMES:

15 No, not to give me a hard time. I'm just
16 trying -- I like to try to be able to follow what
17 y'all are doing.

18 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

19 Q. Okay. Did you drive back home?

20 A. Yes, I did.

21 Q. What time?

22 A. I came back on Sunday.

23 Q. Okay. What time?

24 A. I think I left there around ten or eleven o'clock
25 that morning with my grandson, and one of his

1 friends was with me.

2 Q. Okay. Did you move any furniture while you were in
3 North Carolina?

4 A. No, sir.

5 Q. Did anybody help you carry a table?

6 A. No, sir.

7 Q. Did you drop a table on your foot ---

8 A. No, sir.

9 Q. --- around your ankle? Was there any chance you
10 were walking by a truck and a table slipped off the
11 truck onto your leg?

12 A. No, sir. No, sir.

13 Q. Okay. After a weekend in North Carolina for your
14 grandson's graduation, when did you report for work
15 at Hilton Head?

16 A. On Monday morning.

17 Q. Okay. And we have already talked about the number
18 of hours you worked. Do you remember the days you
19 worked that week?

20 A. When I came back to work on Monday morning, I worked
21 Monday, Tuesday, Wednesday, Thursday, and was off on
22 Friday.

23 Q. Okay. And you came back and worked on Saturday; is
24 that right?

25 A. Yes, sir.

1 Q. Okay. And when you came back from North Carolina,
2 did you have your foot wrapped in anything?

3 A. No, sir.

4 Q. Did you wrap your ankle or leg?

5 A. No, sir.

6 Q. Now, on Friday, what did you do on Friday?

7 A. We were at the Shipyard Beach Club Friday.

8 Q. Okay. And how did you get to the Shipyard Beach
9 Club?

10 A. That is where Chuck, my boyfriend's daughter and
11 son-in-law were staying. So we -- he had a pass for
12 the week, and that's where we drove into, and he got
13 on his bicycle, and I had my beach bag and beach
14 chair and walked behind him to meet them down at the
15 beach.

16 Q. Okay. And how long ---

17 A. And that's where we spent most of the day.

18 Q. Okay. Now, I have a picture of you at the beach.

19 **BY MR. COGGIN:**

20 And, Your Honor, I have a very good picture of
21 her at the beach, and I can't find it in the papers
22 now. Can we revisit that in a minute as soon as I
23 locate them, or do you want to give me a second to
24 look?

25 **BY COMMISSIONER JAMES:**

1 No, take a couple of minutes and look.

2 BY MR. COGGIN:

3 Okay. Thank you.

4 BY MR. MOGIL:

5 Your Honor, while he's fumbling looking for
6 that, we're going to object to it, because it wasn't
7 part of the APA, it wasn't produced before her
8 deposition in January. I think it was produced by
9 email two days ago. It was available, obviously,
10 since before the accident, but it was withheld until
11 two days ago. So we're going to object to it in any
12 case.

13 BY COMMISSIONER JAMES:

14 All right.

15 BY MR. KILLEN:

16 And the photograph I think he's referring to, I
17 couldn't tell what it was. It was so dark and
18 blurred and...

19 BY COMMISSIONER JAMES:

20 Well, let's move on, and we can come back to
21 that at the end.

22 BY MR. COGGIN:

23 All right. Your Honor, I supplied that to them
24 before they got it.

25 BY COMMISSIONER JAMES:

1 Let's just move on and come back to it again.

2 BY MR. COGGIN:

3 Okay. That will be fine.

4 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

5 Q. Tell the Court what time you got into the Harbour
6 Town Surf Shop on Saturday, the day you were
7 injured.

8 A. Seven-thirty a.m.

9 Q. Okay. What did you do that day?

10 A. My normal routine. Just got the newspapers, brought
11 'em in, locked the door, put 'em on the counters,
12 went back and cut on a few lights just to do -- you
13 know, start my first pot of coffee. Since I was off
14 Friday, tried to do some things to make sure things
15 had been done. I counted the drawer. I got my
16 normal newspapers counted, put them on the rack,
17 recorded 'em. I started the second pot of coffee.
18 I counted the safe. I iced down the coke machine.
19 Just my -- your normal routine you do to make sure
20 everything is done before the store is ready to go
21 before you unlock the door and put the lights on for
22 customers.

23 Q. Okay. Now, the day you were injured, you saw Amir
24 Bitton in the store; is that right?

25 A. Yes, I kind of stayed up to the front before the

1 other two employees come in at nine o'clock. I had
2 a clipboard walking around getting ready. I was
3 working on some inventory. Saturday's a pretty slow
4 day. You call it in and out, so it gives you a
5 chance to bring out your inventory, do a little bit
6 of cleaning, whatever you need to do to get prepared
7 for the next week. So, yes, I did.

8 Q. Okay. What did you and Amir talk about?

9 A. Well, he first came in and he -- you know, we all
10 say "hello" to each other. Everybody hollers
11 "hello," and he went into the Surf Shop, and then he
12 came back, and he -- you know, we just were all
13 talking, and then he asked me what I was working on.
14 So I proceeded to tell him what I was working on.

15 Q. Okay. And what was that?

16 A. I told him I was just working on inventory, and I
17 proceeded to -- he -- also, first of all he told me
18 that he wanted me to make the list for the stuff
19 that we needed for the following week where he runs
20 to all the different places to get our stuff, and I
21 told him I was working Sunday, and I would work on
22 it Saturday and finish it up Sunday. It would be
23 ready for him on Monday, and I proceeded to let him
24 know that I was working on our U.S. Food order, that
25 I would need to get on top of the cooler to do that.

1 And he said, "I don't want you on the ladder to
2 climb on top of the cooler. That's what we have
3 Zack for." I said, "okay." So he proceeded to go
4 back into the Surf Shop.

5 Q. Back up. Who is Zack?

6 A. Zack is one of our employees that works down there,
7 like, not all the time, but off and on.

8 Q. Okay. And repeat again what he said.

9 A. Okay. When I told him that I was doing inventory
10 for our U.S.A. Food, that I needed to get on top of
11 the cooler to do the inventory, he said, "I do not
12 want you on top of the cooler using a ladder.
13 That's what we have Zack for."

14 Q. Okay. And what did he say about Zack?

15 A. He said -- he proceeded to go into the Surf Shop to
16 tell Zack.

17 Q. And you encountered Zack a short time later; is that
18 right?

19 A. Yes, sir.

20 Q. And what did you say to Zack?

21 A. Okay. I went -- I was working on my other stuff.
22 So I thought, okay, I'm going to eat lunch. Well,
23 as I go to the back, Zack's at the bathroom. Zack
24 is Zack. So he had the door kind of kicked open
25 with his foot and he's putting lotion on his face

1 (demonstrating), and I said, "Zack, I need you to --
2 you know." He said, "yeah, Alon come and told me
3 that you need inventory off the cooler." I said,
4 "yeah." He said, "Well, when you're ready to do it,
5 just come get me." I said, "Okay." And so I let
6 Zack finish his thing, and I thought, well, I'll
7 just go buy me a bottle of water. So I went --
8 proceeded to go back out, go down our middle aisle.

9 Q. Okay.

10 A. And as I'm walking down the middle aisle, I know the
11 candy bins were low on candy. We keep some little
12 wicker baskets up there. They were empty. So I
13 thought, okay, I'm -- I'm the type of person, if I
14 see something that needs to be done, I'll do it and
15 forget eating lunch or water. Finish that up. So I
16 knew where the candy was. So our chocolate candy
17 stays in the cooler so it doesn't melt. I noticed
18 that Zack was already back in the Surf Shop. I go
19 ahead and get the ladder like I always have done. I
20 get me a cart. I put it over here against the door.
21 I get the ladder. I go up the ladder to bring a box
22 of candy down, put it on the cart.

23 Q. And these were, for the record, the red-hots; is
24 that right?

25 A. No, I think it was a box of -- I'm not sure what

1 kind of box of candy it was.

2 Q. Okay.

3 A. I go back up the ladder. I'm getting up into the
4 box, because the candy that we kept in the little
5 wicker baskets were like just red-hots, or they're
6 individual, like, fireballs and -- that we would put
7 in the baskets. Because these are candies you would
8 weigh by the pound. So I had to go up the ladder,
9 and they were in little bags, and the boxes are not
10 marked of what was in each one. As I'm grabbing and
11 I'm ready to come back down the ladder, I come down
12 the ladder, and -- and I just -- I don't know if
13 it's a slip or a misstep, the next thing I know, I
14 am in the floor in pain, crying, hollering for help.
15 I don't know what employee is standing over me, and
16 I'm asking for help, and they're going "Whoa, what
17 do we do?" I said, "Please call 9-1-1, and please
18 call Alon."

19 Q. I'm going to show you an exhibit.

20 **BY MR. COGGIN:**

21 Let the record reflect I'm handing Ms. Bridges
22 a photograph of a stepladder.

23 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

24 Q. Can you describe that picture to me, please?

25 A. (Witness views photograph). Yes, I can. These are

1 the two shelves. The very top shelf is where the
2 candies stay. The bottom shelf used to be where all
3 the coffee and sugar and filters and straws were,
4 and this is the ladder (indicating).

5 Q. So, where did you get the red-hot candy from?

6 A. The very top shelf. This row is where all the candy
7 stayed (indicating).

8 Q. Okay. And that's where you were ---

9 A. Yes.

10 Q. --- when the fall took place; is that right?

11 A. Yes, sir, up here (indicating).

12 Q. Okay. What happened then?

13 A. I was up here, and I had already gotten the -- the
14 box that was here. I had already come down, and
15 then I had went up and was up in here getting the
16 other candy that I needed for the little baskets,
17 and I had -- was probably on about this step right
18 here is when I had fell. This step right here
19 (indicating).

20 Q. Now, how many times during your career did you go up
21 and get candy from that shelf to put onto the candy
22 bar, or the candy rack?

23 A. In -- in the season, the way -- I know June and July
24 the bins had to have been probably maybe once a
25 week. We would sell candy like crazy, especially

1 with the -- with the kids.

2 Q. Now, did you use the ladder for anything else in the
3 store?

4 A. There were times -- one time our wall as you came in
5 that held our beach toys and stuff, there's one time
6 it kind of fell, and some toys -- so Amir fixed that
7 wall. We would have to bring the ladder out and fix
8 it. So me and another employee -- I was on that
9 ladder, and she would hand me that. But there's
10 times I'd brought that ladder out to have to reach
11 and -- we have a camera as you -- we have cameras.
12 So there's a T.V., and it would like to mess up. So
13 you would have to use that ladder, move the mouse to
14 get it to cancel. We used the ladder to decorate
15 sometimes in the store. But a total of the years
16 I've worked in that store, I've been on that ladder
17 maybe say three times a week in the years that I've
18 been there.

19 Q. Let's go back to your discussion with Amir. What
20 did he specifically tell you about the ladder?

21 A. Not to be on the ladder on top of the cooler.

22 Q. Okay. Did he specifically say anywhere else,
23 anything else?

24 A. No, sir. No, sir.

25 Q. And he was specific about who you were supposed to

1 talk to; is that right?

2 A. Zack, yes, sir.

3 BY MR. COGGIN:

4 Would you admit that photograph into evidence?

5 BY COMMISSIONER JAMES:

6 Any objections?

7 BY MR. MOGIL:

8 Your Honor, I'm just objecting to -- we don't
9 have a foundation of who took the pictures, when,
10 and they weren't produced until possibly two days
11 ago, but we have pictures too that were taken of the
12 same equipment and same store space. So I'll
13 stipulate that these can come in if ours can come
14 in, and Mr. Bitton took pictures as well to
15 demonstrate where this was, too. So either neither
16 come in or both.

17 BY MR. COGGIN:

18 Your Honor, if you look back at the
19 photographs, these are part of the APAs. These were
20 produced immediately. They were not produced two
21 days ago.

22 BY COMMISSIONER JAMES:

23 The APAs are twenty-two hundred pages of
24 medical.

25 BY MR. COGGIN:

1 Yes, in the back of it there's six different,
2 and the last one is photographs. These were
3 produced ---

4 BY COMMISSIONER JAMES:

5 In the back of the twenty-two hundred pages?

6 BY MR. COGGIN:

7 Yes, uh-huh.

8 BY MR. MOGIL:

9 Again, Your Honor, there's been no foundation
10 of who took the pictures, when, but as long -- if
11 we're allowed to use pictures, then I'm okay with it
12 as long as ---

13 BY MR. COGGIN:

14 Your Honor, I thought you wanted to speed
15 things up. We have a witness that will come in and
16 said he took the picture if that's what Mr. Mogil
17 wants to do.

18 BY COMMISSIONER JAMES:

19 All right. Let's take a break.

20 **OFF THE RECORD**

21 BY COMMISSIONER JAMES:

22 All right. We've had an off-the-record
23 discussion with regards to the pictures and the
24 dates of production, and there are some pictures
25 that have been brought today and a picture that may

1 be two days ago. All parties have agreed, the
2 pictures that have been identified as of this point
3 in time, that each side is going to allow the
4 picture to go in provided there's proper
5 identification of the time, location and
6 photographer, basic information in other words.

7 All right, let's go forward. So I believe you
8 had the picture and wanted the picture of the ladder
9 submitted?

10 **BY MR. COGGIN:**

11 Oh, no, Mike was objecting to it.

12 **BY COMMISSIONER JAMES:**

13 Okay. So, that, my understanding it's being
14 submitted without objection; is that correct?

15 **BY MR. MOGIL:**

16 Yes.

17 **BY MR. KILLEN:**

18 Yes, Your Honor.

19 **BY COMMISSIONER JAMES:**

20 Okay. That will be Claimant's Exhibit Number
21 3.

22 **BY THE COURT REPORTER:**

23 That's number 4.

24 **BY COMMISSIONER JAMES:**

25 I'm sorry, 4. I was looking at 3. So thank

1 you, Court Reporter.

2 (COURT REPORTER MARKS PHOTOGRAPH CLAIMANT'S EXHIBIT
3 NUMBER 4, RETAINED IN COMMISSION FILE)

4 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

5 Q. When you fell from the ladder, was that fall
6 intentional?

7 A. No, sir.

8 Q. Do you have any idea of what caused you to fall?

9 A. No, sir.

10 Q. Had your leg been injured before ---

11 A. No, sir.

12 Q. --- causing you to fall?

13 A. No, sir.

14 Q. Okay. After you fell, who came in and saw you?

15 A. I was laying in the floor. I was crying. I was,
16 "help me." I was -- I was trying to holler, and I
17 was crying. My leg was hurting. I remember laying,
18 and I did from my waist up get myself scooted up
19 against a pole (indicating).

20 BY COMMISSIONER JAMES:

21 Did she answer your question? Your question
22 was "who came?"

23 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

24 Q. Who came?

25 A. It -- it was -- it was one of the girls that was in

1 the store, and they said, "What do we do?" I said,
2 "Please call 9-1-1 and call Alon."

3 Q. Okay. Was 9-1-1 called?

4 A. Yes. When you call 9-1-1, automatically, Sea Pines
5 Security and Fire and Rescue show up, and then an
6 ambulance showed up.

7 Q. What happened then?

8 A. Then a girl from the Surf Shop named Raven came
9 over, and I had done talked to Alon. I looked at
10 Raven, I said, "Will someone bring me my cell
11 phone?" It was up at the other counter. My music -
12 - we have to play music. It was hooked to
13 Bluetooth. I said, "Raven, will you please call
14 Chuck?" I gave her the number. She said, "He's not
15 answering." I said, "Will you please try again?"
16 She said, "He answered."

17 Q. How long did it take you to get to the hospital?

18 A. It took -- I remember 'em taking Cross Island. I
19 could have been to the hospital in probably 15
20 minutes.

21 Q. Okay. Who did you see at the hospital when you got
22 there?

23 A. I -- I don't know the doctor's name.

24 Q. Do you know what kind of doctor he was?

25 A. No, sir.

1 Q. Okay. What did he do?

2 A. I remember he ordered X-rays.

3 Q. Okay.

4 A. I remember 'em taking me to X-ray.

5 Q. How many doctors came in?

6 A. I know one was the ortho doctor on call.

7 Q. Do you recognize that?

8 A. (Witness viewing). Yes, sir.

9 Q. What is that?

10 A. It's a C.T. scan.

11 Q. Of what?

12 A. Of my -- part of my leg and my knee.

13 Q. Do you know who took that C.T. scan?

14 A. One of the technicians that had also took my X-ray.

15 Q. Okay.

16 **BY MR. COGGIN:**

17 And, Your Honor, I have black and whites that I
18 can put into evidence. I just don't have it right
19 now as part of this; is that okay?

20 **BY COMMISSIONER JAMES:**

21 The medical records are already submitted in
22 the twenty-two hundred pages. I'll rely on the
23 medical records.

24 **BY MR. COGGIN:**

25 Okay. Thank you.

DIRECT EXAMINATION RESUMED BY MR. COGGIN:

Q. When did you have surgery?

A. June the 20th.

Q. Okay. And who operated on you?

A. Dr. Tobin.

Q. How long was the surgery?

A. From my understanding, I went to surgery at twelve o'clock that afternoon and didn't come out and back into my room 'til around seven or eight o'clock that night.

Q. Do you know what these fractures are called?

A. All I know is there's about 20 different crushes or break -- breaks there.

Q. Do you know what that term is?

A. (Witness viewing). No, sir.

Q. Have you ever heard the term "comminuted"?

A. No, sir.

Q. Okay. Have you ever heard the term "avulsion"?

A. No, sir.

BY COMMISSIONER JAMES:

I'll refer to the medical records for the diagnosis.

BY MR. COGGIN:

Okay. That's fine.

DIRECT EXAMINATION RESUMED BY MR. COGGIN:

1 Q. Okay. What did Dr. Tobin do?

2 A. I was told the next day that there was a rod, a
3 plate and seven screws put in my leg.

4 Q. Is that right?

5 A. With thirty-six staples to close it up.

6 Q. Do you recognize that photograph?

7 A. (Witness views photograph). Yes, I do.

8 **BY MR. COGGIN:**

9 I'm going to ask to submit this into evidence
10 as Plaintiff's...

11 **BY COMMISSIONER JAMES:**

12 I'm going to rely on the medical evidence.

13 **BY MR. COGGIN:**

14 Okay.

15 **BY COMMISSIONER JAMES:**

16 Was that -- there is a -- I think there is a
17 report with regard to the C.T. scan.

18 **BY MR. COGGIN:**

19 I think there's a bunch of them in there.

20 **BY COMMISSIONER JAMES:**

21 I'm not a doctor, so I'm going to rely on the
22 twenty-two hundred pages that were submitted. I
23 don't -- that's actually the film that a doctor
24 reads.

25 **BY MR. COGGIN:**

1 Right.

2 BY COMMISSIONER JAMES:

3 Has that been exchanged with the other side?

4 BY MR. COGGIN:

5 I sent the black and whites.

6 BY COMMISSIONER JAMES:

7 Okay. Well, if you want to put the black and
8 whites in as an addition to the medical records, but
9 again, I'm not a doctor.

10 BY MR. COGGIN:

11 That's fine.

12 BY COMMISSIONER JAMES:

13 I can't read those; *Burnette verses the City of*
14 *Greenville*. So I can't decide what those mean.
15 I'll be relying on the doctors.

16 BY MR. COGGIN:

17 That's fine. Move to admit as number five; is
18 that right? I'll give it to you afterwards if
19 that's ---

20 BY COMMISSIONER JAMES:

21 But I don't have it now, so I can't mark it
22 now. Let's just wait.

23 BY MR. COGGIN:

24 Oh, okay. I understand.

25 BY COMMISSIONER JAMES:

1 I don't have anything to mark as exhibit five.
2 We'll discuss that in a little while. As far as the
3 X-rays, again, I would have to be -- of course I can
4 see there's screws and plates, but I'd have to be a
5 doctor to be able to provide any information off of
6 these documents.

7 **BY MR. COGGIN:**

8 I'm just trying to give you a sense of the
9 enormity of this. That's all.

10 **BY COMMISSIONER JAMES:**

11 Okay.

12 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

13 Q. Okay. When were you released from the hospital?

14 A. I was released from the hospital on June the 26th of
15 2018.

16 Q. And where did you go then?

17 A. Straight to rehab.

18 Q. Is that Encompass?

19 A. Yes, sir.

20 Q. Okay. What did they do with you at Encompass?

21 A. I had to learn to use the walker, wheelchair. I
22 also had to learn to use a shower chair, learn how
23 to bathe without getting the left leg wet, and learn
24 -- because I was not allowed to -- this was a non-
25 weight-bearing for six months.

1 Q. How long were you with Encompass?

2 A. From the 26th of June 'til July the 4th.

3 Q. Okay. What happened then?

4 A. I was allowed to come home in a one-level we --
5 where we lived. It's a -- we had a one-level room.
6 I'm bedridden. I've been -- I had home health care.
7 A nurse came out the next day.

8 Q. Okay. What happened then? You had some kind of
9 catastrophe at that point.

10 A. After a visit to Dr. Tobin, and then a week after he
11 was able to remove the staples, and there was a part
12 here that didn't heal (indicating). So it was like
13 I guess some kind of infection. I don't know what
14 it would be called. After a visit from the home
15 health nurse, she made a call to Dr. Tobin. I went
16 in the next day as an emergency visit, and then I
17 was back in the hospital for some more surgery for
18 him to go clean it out.

19 Q. Is that the surgery where he opened up the knee and
20 excised all the necrotic tissue?

21 A. He opened the wound up, yes, and hooked me to a
22 wound vac.

23 Q. How long were you in the hospital?

24 A. It was an overnight visit for that one.

25 Q. Okay. And then where did you go then?

1 A. I was released to come back home.

2 Q. Okay. And you were seen at home by whom?

3 A. Kindred, my home health nurse, they came out three
4 times a week, because with the wound vac, it has to
5 be changed every other day. Plus I was hooked to a
6 PICC line, which is an antibiotic that I had to
7 administer in my arm every day.

8 Q. What kind of pain were you in through all this time?

9 A. It's a constant pain, 24/7.

10 Q. Okay. You developed a hole in your knee, didn't
11 you?

12 A. It was an open wound with exposed hardware.

13 Q. And bone?

14 A. Yes.

15 Q. And what was done about that?

16 A. Nothing.

17 Q. Why is that?

18 A. Because Dr. Tobin wanted to send me to M.U.S.C., but
19 he could never get permission from a commissioner to
20 give him permission to let me go to M.U.S.C. for a
21 second opinion.

22 Q. When you say "a commissioner," what are you talking
23 about?

24 A. He was trying to get a commissioner is what I was
25 told.

1 Q. From workers' comp?

2 A. Yes, sir.

3 Q. And what was done about the hole in your knee?

4 A. I went to see Dr. Tobin and -- toward the end of May
5 just for a visit so I could reorder my wound
6 supplies. When I was there, he came in, and he
7 said, "That doesn't..." 'cause ever since March,
8 he's been needing to remove this hardware. So when
9 I went to see him in -- a week before Memorial Day
10 weekend, I said, "I'm here to see you 'cause I need
11 to order wound supplies." He said, "that's not
12 looking good. I need to remove it." I said, "What
13 are we going to do? You -- no one's giving you
14 permission from workman's comp to remove this." He
15 said, "We're going to try ---"

16 **BY MR. KILLEN:**

17 Objection, Commissioner.

18 **BY THE WITNESS:**

19 He said, ---

20 **BY MR. KILLEN:**

21 Hearsay conversation with the doctor.

22 **BY COMMISSIONER JAMES:**

23 Sustained.

24 **BY THE WITNESS:**

25 I said, "Can we not just put this on my private

1 insurance?" He said, "I'm scheduling ---

2 BY COMMISSIONER JAMES:

3 Sustained.

4 BY THE WITNESS:

5 --- you for surgery."

6 BY COMMISSIONER JAMES:

7 All right, while we're at a break here, there
8 has been a photograph handed up. I'm assuming Mr.
9 Coggin wants to put this particular X-ray into ---

10 BY MR. COGGIN:

11 Into evidence.

12 BY COMMISSIONER JAMES:

13 Into evidence. Is there any objection?

14 BY MR. KILLEN:

15 If it's in the APAs, no, I don't.

16 BY COMMISSIONER JAMES:

17 I don't know that it is. Again, I have to rely
18 on the report.

19 BY MR. COGGIN:

20 It came out of the APA.

21 BY MR. KILLEN:

22 It did? Okay.

23 BY MR. COGGIN:

24 Yes.

25 BY COMMISSIONER JAMES:

1 Okay. So, if it's already in there, ---

2 BY MR. KILLEN:

3 We don't need it.

4 BY COMMISSIONER JAMES:

5 --- then we don't necessarily need it for an
6 exhibit, but I will ---

7 BY MR. COGGIN:

8 But I don't know if it's in yours or not
9 though, you know. I just want to make sure, that's
10 all.

11 BY MR. KILLEN:

12 It should all be the same; shouldn't they?

13 BY MR. COGGIN:

14 And can I hand this up, also?

15 BY COMMISSIONER JAMES:

16 All right. The two that were put on the slide,
17 the projector, those would have been handed up. Are
18 there any objections to those?

19 BY MR. MOGIL:

20 Again, Your Honor, if they're in the APA, then
21 they were authenticated by who created them. If
22 they're not, then we would object because we don't
23 know who took the X-ray or when it was taken.

24 BY COMMISSIONER JAMES:

25 All right.

1 **BY MR. MOGIL:**

2 It's just a question of whether it was in the
3 62 pages in dispute or the first twenty-two hundred
4 pages.

5 **BY COMMISSIONER JAMES:**

6 As I indicated, I'm not able to read X-rays. I
7 do not have the expertise to do so. Of course,
8 anybody can recognize plates. What I'm going to do
9 is I'm going to set these aside. If they're within
10 the twenty-two hundred pages, they're already in.
11 If not, and they were not -- they were not produced,
12 I'm sure the report's in there, but at any rate,
13 I'll set them aside, and then we can decide whether
14 they're admitted, and if they're not, then they can
15 be proffered. So we'll hold those two aside at this
16 moment.

17 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

18 Q. When did you have your hardware from your knee
19 removed?

20 A. June the 3rd.

21 Q. June 3rd?

22 A. Yes.

23 Q. Okay. And you were released to where?

24 A. Excuse me?

25 Q. It's been over a year now since your accident; how

1 do you feel?

2 A. I mean, I still have pain. My life has changed.
3 It's really changed my life.

4 Q. How about walking?

5 A. I cannot walk. Right now, I'm still non-weight-
6 bearing. I still have the physical therapy.

7 Q. You can take what, six or seven steps or ---

8 **BY MR. MOGIL:**

9 Objection to the form of the question, Your
10 Honor. He's ---

11 **BY MR. COGGIN:**

12 Withdraw the ---

13 **BY MR. MOGIL:**

14 --- doing leading questions.

15 **BY COMMISSIONER JAMES:**

16 All right. Sustained.

17 **BY MR. COGGIN:**

18 I withdraw the question.

19 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

20 Q. How many steps can you take? We'll do it that way.

21 A. Right now, I'm -- as of yesterday, I've been told I
22 can do light ---

23 **BY MR. KILLEN:**

24 Objection.

25 **BY THE WITNESS:**

1 --- weight-bearing.

2 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

3 Q. Okay. Are you still on pain medicine?

4 BY MR. MOGIL:

5 The objection was hearsay. She didn't identify
6 who told her, and they're not here, so.

7 BY COMMISSIONER JAMES:

8 All right. Sustained.

9 BY MR. COGGIN:

10 I have no problem with that.

11 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

12 Q. Are you still on pain meds?

13 A. Yes, sir.

14 Q. Okay. And I understand that there's a knee
15 replacement in the offering; is that right?

16 A. Yes, sir.

17 Q. Okay. Is that a total?

18 A. Total knee replacement.

19 Q. When you sleep, do you have to elevate your legs?

20 A. Yes, sir.

21 Q. Okay. And you indicated -- what is the pain -- say
22 the last week, on a scale of one to ten, how is the
23 pain?

24 A. It's rated on a zero-to-ten, right now, it's at a
25 five. Some days it could be at a three. Other

1 days, it could go as high as an eight.

2 Q. Okay. I'm almost done. Going back to the fall and
3 your discussion with Amir, what did Amir say
4 specifically about using the ladder? What was his
5 proscriptions and his limitations that he gave you?

6 A. I do -- when I said I needed to get on the cooler to
7 take inventory, "I don't want you on the ladder to
8 get on top of the cooler. That's what we have Zack
9 for." And then he proceeded to go to the Surf Shop
10 to talk to Zack.

11 Q. Okay. Did he say anything about using the ladder
12 anywhere else?

13 A. No, sir.

14 Q. In the front, if you wanted to wash a window, did he
15 say anything about that?

16 A. No, sir.

17 Q. If you wanted to get candy, did he say anything ---

18 A. No, sir.

19 Q. --- about that?

20 A. No, sir.

21 BY MR. COGGIN:

22 I have no further questions. Mister -- who's
23 doing the cross?

24 BY MR. KILLEN:

25 We both will, I'm sure.

1 BY COMMISSIONER JAMES:

2 All right. Which of you gentlemen wishes to
3 start?

4 BY MR. KILLEN:

5 I'll go first.

6 BY COMMISSIONER JAMES:

7 Okay.

8 CROSS-EXAMINATION BY MR. KILLEN:

9 Q. Ms. Bridges, as you know I'm Tim Killen; I represent
10 the Uninsured Employers' Fund.

11 A. Yes, sir.

12 Q. As of September of 2018, the Kindred records note on
13 September 10th, 2018, that the pain was coming and
14 going, and it wasn't prohibiting your daily life; is
15 that correct?

16 A. Yes, sir.

17 Q. Okay. So, what happened since then that has made
18 you wheelchair bound?

19 A. I have had -- since I have had this surgery, I am
20 non-weight-bearing. This surgery was more
21 extensive. I am seeing Dr. Tobin right now. I just
22 seen him yesterday. I had an appointment yesterday.
23 When I had this surgery, it was done on a Monday. I
24 didn't get released to come home 'til Wednesday.

25 Q. What lead to ---

1 BY MR. COGGIN:

2 Objection, Your Honor. I need to know the date
3 that he has, that Kindred report.

4 BY MR. KILLEN:

5 September 10th.

6 BY MR. COGGIN:

7 September 10th?

8 BY MR. KILLEN:

9 2018.

10 BY MR. COGGIN:

11 And who's the nurse?

12 BY MR. KILLEN:

13 I don't know. It's in your twenty-two hundred
14 pages, that ---

15 BY MR. COGGIN:

16 What's it, September -- what was it again?

17 BY MR. KILLEN:

18 September 10th, 2018.

19 BY MR. COGGIN:

20 Okay.

21 CROSS-EXAMINATION RESUMED BY MR. KILLEN:

22 Q. Kindred, "pain is coming and going. Not prohibiting
23 daily life."

24 BY MR. COGGIN:

25 Did you ask her if she was on medications at

1 that time?

2 BY MR. KILLEN:

3 Can I cross-examine the witness, Your Honor,
4 without badgering from Mr. Coggin?

5 BY MR. COGGIN:

6 Excuse me.

7 CROSS-EXAMINATION RESUMED BY MR. KILLEN:

8 Q. Okay. You produced in Exhibit 1 copies of the work
9 schedules; is that correct?

10 A. Yes, sir. Yes, sir.

11 Q. And you produced them from April of 2018 and June of
12 2018; is that correct?

13 A. Yes, sir.

14 Q. Okay. And Hilton Head is a tourist place, correct?

15 A. Yes, sir.

16 Q. Hilton Head Surf Shop is a tourist store, correct?

17 A. Yes, sir.

18 Q. Okay. And the tourism season is in the spring and
19 the summer primarily, correct?

20 A. Yes, sir.

21 Q. Okay. So, why didn't you produce any work schedules
22 that showed what your hours were in the winter?

23 A. Okay. In the winter, like sometimes -- I don't keep
24 everything on my phone.

25 BY MR. COGGIN:

1 Your Honor, I'm going to have to object. There
2 are no work schedules. This has been the crux of
3 the claim.

4 BY COMMISSIONER JAMES:

5 All right. Well, I need to let the witness
6 testify with regards to ---

7 BY MR. COGGIN:

8 But there aren't no work schedules to produce.

9 BY COMMISSIONER JAMES:

10 Well, I need ---

11 BY MR. COGGIN:

12 Okay.

13 BY COMMISSIONER JAMES:

14 Okay. I need to let the witness testify.

15 CROSS-EXAMINATION RESUMED BY MR. KILLEN:

16 Q. And let me re-ask my question.

17 A. Okay.

18 Q. You produced Exhibit 1, correct?

19 A. Yes, sir.

20 Q. You produced these documents (indicating)?

21 A. Yes, sir.

22 Q. Why were you unable to produce anything from your
23 cell phone prior to the golf tournament?

24 A. Okay. Because there were times that I would be out
25 of work with my eye. I do have a problem with my

1 left eye that caused me to be out of work, like in
2 September. It flared up one time in August, and
3 then there was a time, like in September through
4 several months, my eye doctor had to take me out of
5 work. So I don't have those.

6 Q. So, this work schedule, these work schedules, you
7 produced during the Heritage Golf Tournament in the
8 summer, they don't accurately reflect the number of
9 hours you worked throughout the year prior to that;
10 is that correct?

11 A. And then -- but ---

12 Q. Is that correct?

13 A. Excuse me. Can you explain that, I'm sorry.

14 Q. This Exhibit 1 does not accurately reflect the
15 number of hours you actually worked throughout the
16 four quarters proceeding June of 2018; is that
17 correct?

18 A. I would work the same hours, ---

19 Q. Okay.

20 A. --- yes, in the summer.

21 Q. In the summer?

22 A. Yes.

23 Q. I'm asking about the winter.

24 A. Now, the winter, we would cut back on our hours, but
25 I would still -- it could be 12 hours in the winter,

1 or it could be 11 hours. It's just according -- I
2 would -- we would open the store at eight, but it
3 might close at nine, or it could close at eight.
4 It's just according to how slow -- and we might call
5 and say "You know, we've not had a sale in two
6 hours. Can we close early?"

7 Q. Okay. You worked fewer hours in the winter; that's
8 my simple question?

9 A. Excuse me?

10 Q. You worked fewer hours in the winter, correct?

11 A. Fewer hours in the -- yes, sir.

12 Q. Okay. So, you didn't always work 80 or whatever you
13 were testifying about?

14 A. Not 80 hours in the winter, no, sir.

15 Q. Okay.

16 A. No, sir.

17 Q. And you were specifically instructed, who was it, by
18 Amir?

19 A. Amir, yes, sir.

20 Q. Amir instructed you not to get on the ladder,
21 correct?

22 A. I was told not to be on the ladder to get on top of
23 the cooler.

24 Q. Okay. So, you interpreted "Don't get on the ladder"
25 as just a restriction to not use the ladder to get

1 on the cooler; is that correct?

2 A. Not to be on the ladder to get on top of the cooler.

3 Q. Okay. So, you could have used the ladder to do
4 anything else but not get on the cooler; is that
5 right?

6 A. That's what he told me.

7 Q. Do you know why he told you not to get on the
8 ladder?

9 A. 'Cause Zack was there to do the inventory to -- that
10 day for the cooler.

11 Q. Would it make sense that Zack would be able to do
12 other high-level activities?

13 A. No.

14 Q. No? Okay. And you never claimed -- the cash you
15 testified you earned, you never claimed that on your
16 tax returns; is that correct?

17 A. No, sir, I've never claimed it.

18 Q. Okay. And how high were you when you say you fell?

19 A. I was coming down -- here's this step and this step.
20 I had done come down this step (indicating).

21 Q. Let's go up from the bottom. You have one, two,
22 three, four...

23 A. Okay. Come up the ladder -- it's...

24 Q. Let me go to Exhibit 4.

25 A. Okay. Thank you.

1 Q. That's the picture of the ladder.

2 A. Thank you.

3 Q. Tell me what -- what step you were on when you fell.

4 A. I -- I remember I had come down this one
5 (indicating). I -- I could have had my foot here
6 and come down (indicating). I recall this step,
7 because I was inside the boxes.

8 Q. Okay. We've got to say which number they are.

9 We're going to call the first step on the bottom
10 one, two, three, four on up, and then there's the
11 top.

12 A. But I was coming down here is probably when I fell
13 (indicating).

14 Q. You were coming down from four to three; is that
15 correct?

16 A. Yes, sir. Yes, sir.

17 Q. And nothing on the ladder malfunctioned?

18 A. No, sir.

19 Q. Okay. You just ---

20 **BY COMMISSIONER JAMES:**

21 Mr. Killen, I cannot see what y'all are
22 pointing to. There appears to be one step that's
23 not visible on the bottom in this picture. So can
24 y'all count down from the top maybe?

25 **BY MR. KILLEN:**

1 Okay.

2 BY COMMISSIONER JAMES:

3 I can't tell what's missing.

4 BY THE WITNESS:

5 So, if we -- I'm sorry, Your Honor, but if -- I
6 don't count that one. So it could have been -- this
7 one would be number two (indicating).

8 BY COMMISSIONER JAMES:

9 Okay. Not the very top, but counting the next
10 one, two.

11 BY THE WITNESS:

12 That would be one, and this would be two, Your
13 Honor (indicating).

14 BY COMMISSIONER JAMES:

15 This would be two. All right, thank you.
16 Second from the very top.

17 BY MR. COLLIN:

18 Your Honor, I have to interject. I thought it
19 was the second or the third from the top, but she
20 thought it might have been the third. I don't want
21 to put words ---

22 BY COMMISSIONER JAMES:

23 But they were going from the bottom, and this
24 picture does not have a complete picture of the
25 ladder for me to go from the bottom.

1 BY MR. COGGIN:

2 I understand.

3 BY COMMISSIONER JAMES:

4 So, with this picture, I asked them to go from
5 the top, and she pointed to the same step ---

6 BY MR. COGGIN:

7 Okay.

8 BY COMMISSIONER JAMES:

9 --- that she pointed to earlier.

10 BY MR. COGGIN:

11 Okay. Just as long as we clarified that.

12 BY COMMISSIONER JAMES:

13 Okay.

14 BY MR. COGGIN:

15 Thank you.

16 CROSS-EXAMINATION RESUMED BY MR. KILLEN:

17 Q. Have you ever been told by any of your bosses at the
18 Surf Shop before that day not to get on a ladder?

19 A. No, sir. No, sir.

20 Q. Was Zack employed with the Surf Shop before that
21 day?

22 A. Yes.

23 BY MR. KILLEN:

24 Okay. That's all the questions I have. Thank
25 you.

1 BY COMMISSIONER JAMES:

2 Cross on behalf of the employer.

3 BY MR. MOGIL:

4 Thank you, Your Honor.

5 CROSS-EXAMINATION BY MR. MOGIL:

6 Q. I'm Michael Mogil for the employer. Let's start out
7 with, ---

8 BY MR. MOGIL:

9 Can I have Exhibit 1?

10 BY MR. KILLEN:

11 Yes.

12 CROSS-EXAMINATION RESUMED BY MR. MOGIL:

13 Q. I'm not going to walk over to you, Ms. Bridges.

14 Exhibit 1 was a series of work schedules that Mr.
15 Coggin stated came from your cell phone. Did you
16 print these off your cell phone?

17 A. Yes, sir.

18 Q. You printed them off your cell phone?

19 A. Yes.

20 Q. So, that would mean that you had cell phone records
21 for April and June of 2018 then? Do you ---

22 A. It's some that was still on my phone, yes, sir.

23 Q. Because we subpoenaed, and you weren't -- we
24 subpoenaed all of your text messages, your Facebook,
25 your text messages to Harbour Town, your text

1 messages to North Carolina, and you didn't produce
2 any of -- anything else from your phone for that
3 whole period of time from 2017 and '18, and the
4 subpoena's a matter of record, but I'm referring to
5 text messages, number six, between March and
6 November, text messages between May and June,
7 Facebook and social media messages. Did you receive
8 that subpoena; did you know that we were asking for
9 that information?

10 BY MR. COGGIN:

11 Objection. Mischaracterization. It's not a
12 subpoena. It's a request for production.

13 BY MR. MOGIL:

14 No, Your Honor, that's completely false. It's
15 an attachment to a subpoena. I served it. It's in
16 the record that the Commissioner reviewed when
17 issuing the order to compel, and I want to know why
18 she produced these schedules, which I don't even
19 know if she produced them.

20 BY COMMISSIONER JAMES:

21 Well, if you want to show her that, ---

22 BY MR. MOGIL:

23 Okay.

24 BY COMMISSIONER JAMES:

25 --- however it's characterized.

1 BY MR. MOGIL:

2 And the subpoena was sent to Mr. Coggin, not to
3 her directly, but she's a party.

4 BY MR. COGGIN:

5 Let me see the subpoena.

6 BY MR. MOGIL:

7 And, Your Honor, we're referring to the
8 subpoena that Commissioner Barden referred to in her
9 order.

10 BY MR. COGGIN:

11 Okay.

12 CROSS-EXAMINATION RESUMED BY MR. MOGIL:

13 Q. Ms. Bridges, I really don't want to approach you,
14 because I don't want to -- I'm not trying to
15 intimidate you or anything, but she asked me to show
16 this to you.

17 A. I'm fine. I'm fine.

18 Q. Okay. In the subpoena, we listed documents we were
19 interested in seeing, including number six, which
20 would provide text messages between you and any
21 person affiliated with the Surf Shop between March
22 of 2018 and November. Number seven was text
23 messages between you and anybody residing in your
24 home between March and November. Number eleven was
25 text messages regarding your medical condition

1 between you and anybody in North Carolina between
2 May and June, and these were all within the time
3 frame which you had text messages with work
4 schedules. So I'm asking you why didn't you produce
5 anything else we asked for?

6 A. I don't -- I don't know. I don't even remember
7 seeing the paper that you just showed -- showed me.
8 I don't know. Sorry.

9 BY MR. MOGIL:

10 And, Your Honor, I'll address that as an
11 evidentiary matter towards the end of my -- you
12 know, before they close their case, but that's my
13 question here on the record.

14 CROSS-EXAMINATION RESUMED BY MR. MOGIL:

15 Q. Ms. Bridges, did you ever post anything about this
16 accident on Facebook?

17 A. Absolutely not. No, sir.

18 Q. You're sure?

19 A. I am -- I'm sure.

20 Q. Okay.

21 A. I am sure.

22 Q. And how about on any other sort of Instagram?

23 A. No, sir.

24 Q. Okay. You testified that you worked the hours that
25 are stated on the schedule, and you said when you

1 were showed the first page and it says -- on a
2 Monday, it says "eight to ten," you said, "I worked
3 eight to ten." Now, these were schedules. How do
4 you know you worked eight to ten?

5 A. It's eight a.m. to ten p.m.

6 Q. Did you always work the exact hours that were on
7 these schedules?

8 A. Yes, sir. Yes, sir.

9 Q. Did you ever leave in the middle of the day?

10 A. No, sir. They -- unless I was sick, but it was rare
11 that I would get sick in the store.

12 Q. Now, Mr. Killen asked you why didn't you produce any
13 records prior to April 22, any schedules. It's true
14 that you quit this company at one point, didn't you?

15 A. In January, the store had closed and, yes, I was out
16 -- I did go out with my eye. February, the store
17 was closed. So February, I did quit, and I text
18 Alon in March, and he called me, and I asked if I
19 could come back, and he -- his response was "Do you
20 know your way home?" And I said, "Yes," and I came
21 back.

22 BY MR. MOGIL:

23 Okay. Your Honor, I'm going to hand the
24 witness exhibit that was in Mary's APA submissions.
25 So Mr. Coggin's seen these. And it's a text message

1 from Ms. Bridges. Well, she's going to identify it,
2 but it's a text message from Ms. Bridges to Alon,
3 and it looks to be by the printout to be January
4 25th, 2018.

5 **CROSS EXAMINATION RESUMED BY MR. MOGIL:**

6 Q. Can you tell me if that's a text message you sent,
7 and if it is, could you read it?

8 A. (Witness views document). Yes, it is.

9 Q. What does it say?

10 A. It is still on my phone. It says "Hey, Alon. I
11 have some very bad news. My doctor appointment did
12 not go well. After a long consideration, with
13 regrets, I can no longer work. My health comes
14 first, and as of right now, it's not getting any
15 better, just progressively getting worse. Me and
16 Chuck have talked about it for a couple of days now.
17 We both have decided this is what's best for me as
18 right now. I really appreciate everything you guys
19 have done for me, and it has been a pleasure working
20 for you, too. I will definitely miss this store and
21 both of you. This is breaking my heart, and I have
22 a lot of memories there, but my health is number
23 one, and I have given Lindsay my keys to use since I
24 can't drive."

25 **BY MR. MOGIL:**

1 Your Honor, it's already in Mary's submissions,
2 but I would like to -- to the extent that we're
3 reintroducing exhibits, I'd like to introduce this
4 as employer's one.

5 BY COMMISSIONER JAMES:

6 Any objection?

7 BY MR. COGGIN:

8 If it's already there, Your Honor, ---

9 BY COMMISSIONER JAMES:

10 It is already in.

11 BY MR. MOGIL:

12 Just like all these are.

13 BY COMMISSIONER JAMES:

14 Okay. Just let's go ahead and mark it Exhibit
15 1, Defendant/Employer Exhibit 1.

16 (COURT REPORTER MARKS DOCUMENT DEFENDANT/EMPLOYER EXHIBIT
17 NUMBER 1, RETAINED IN COMMISSION FILE)

18 CROSS-EXAMINATION RESUMED BY MR. MOGIL:

19 Q. Now, Ms. Bridges, ---

20 BY COMMISSIONER JAMES:

21 And for the record, when they're numbered, it's
22 actually page eight of the employer's submissions.

23 CROSS-EXAMINATION RESUMED BY MR. MOGIL:

24 Q. And, Ms. Bridges, isn't it -- isn't it true that you
25 -- I don't know how much longer. Didn't you go to

1 work almost immediately after for another Surf Shop
2 down there on ---

3 A. Not immediately, no, sir.

4 Q. So, how long was it between the time you sent this
5 message until you started working for this store
6 that Mr. Maleh owns?

7 A. It was a couple of weeks after. I was put under a
8 doctor's care with my eye. It was swollen. I was
9 on several different medications.

10 Q. So, you sent a message to Mr. Alon on January 25th
11 saying that you had to quit for medical reasons, and
12 then a couple of weeks later, you went to work for
13 another store?

14 A. Yes, I did.

15 Q. And then how long did you work for that other store?

16 BY MR. COGGIN:

17 Objection. What's the point in this being off
18 for two weeks and then going to work for somebody
19 else?

20 BY MR. MOGIL:

21 Do I have to respond? He didn't state an
22 objection.

23 BY MR. COGGIN:

24 No, I object.

25 BY MR. MOGIL:

1 He's asking me a question.

2 BY MR. COGGIN:

3 Well, I object. I don't understand the point
4 of this line of questioning.

5 BY COMMISSIONER JAMES:

6 Is your objection relevance?

7 BY MR. COGGIN:

8 Yes, relevance.

9 BY COMMISSIONER JAMES:

10 Okay. And there's been a lot of what I may not
11 quite understand yet with regards to some of the
12 background of this with some of the pictures and
13 what happened a week before. So I'm going to allow
14 some lenience. You can renew your objection if we
15 get into something, but, of course, all three of you
16 gentlemen are aware of things that I may not be
17 aware of.

18 BY MR. COGGIN:

19 Thank you, Your Honor.

20 BY COMMISSIONER JAMES:

21 Okay.

22 CROSS-EXAMINATION RESUMED BY MR. MOGIL:

23 Q. So, you said it was a couple of weeks and you went
24 to work there. How long did you work at the other
25 store?

1 A. Probably four weeks.

2 Q. Okay. So, you were well enough to work then?

3 A. I was still under doctor care.

4 Q. Why were you going to work then?

5 A. I mean, I was able to -- my eye was clearing up and
6 I could see better.

7 **BY MR. COGGIN:**

8 I'm going to object to this whole line of
9 questioning under relevance, Your Honor.

10 **CROSS-EXAMINATION RESUMED BY MR. MOGIL:**

11 Q. What caused you to leave the employment of Mr.
12 Maleh's store and come back to Alon and Harbour Town
13 General Store?

14 A. I was tired of going to work ---

15 **BY COMMISSIONER JAMES:**

16 And I'm not quite sure of the relevance yet.
17 So, if we -- I'm not -- are we limited to a few more
18 questions of the background?

19 **BY MR. MOGIL:**

20 I'd rather not state the relevance in front of
21 the witness.

22 **BY COMMISSIONER JAMES:**

23 Okay. All right, go ahead.

24 **BY MR. MOGIL:**

25 I'd rather just not state because, you know...

1 BY COMMISSIONER JAMES:

2 All right. Go ahead.

3 CROSS-EXAMINATION RESUMED BY MR. MOGIL:

4 Q. So, why did you go back?

5 A. Working with -- I knew him as Steve. We would go to
6 work, no power, go to work, no water, rats running
7 around everywhere. I mean, and then he would write
8 you a check, and you'd go to the bank, and it would
9 bounce.

10 Q. Okay. So, when did you go back to General Store?

11 A. I'm -- I know it was in March when I text Alon one
12 morning.

13 Q. And you were still under medical care, right?

14 A. Not as much as I was in January and February.

15 Q. Okay. I'm going to show you exhibit -- it was part
16 of the APA that -- again, it's a second -- it's part
17 of the APA production, but it's a second text --
18 it's another text message from you. I assume it's
19 to Alon. It's dated April 2/3/2018. If you could
20 tell me what that's about. It says "Good morning.
21 What's your availability." Who is that from?

22 A. (Witness views document). Okay. This is -- he's
23 texting me, asking me when my availability is for
24 the next week, and this is concerning the days off
25 for May. "I have an eye appointment at eight

1 o'clock on Thursday, and I could come in and work at
2 nine o'clock." And then I had requested to leave
3 for North Carolina for May the 4th, 5th and 6th.

4 Q. Okay. So, you were still seeing an eye doctor in
5 April?

6 A. Yeah, he was just keeping an eye to make sure that
7 the eye drops and the salve was working for my eye.

8 BY MR. COGGIN:

9 Again, Your Honor, relevance of this whole
10 thing. I object.

11 BY COMMISSIONER JAMES:

12 Well, all of these texts are already in
13 evidence.

14 BY MR. COGGIN:

15 Yes.

16 BY COMMISSIONER JAMES:

17 So, as far as whether they're ---

18 BY MR. COGGIN:

19 These are texts that I produced.

20 BY MR. MOGIL:

21 Well, this is the second one. This is the only
22 other one.

23 BY COMMISSIONER JAMES:

24 Okay. So, go ahead.

25 BY MR. MOGIL:

1 I have no more texts.

2 **BY COMMISSIONER JAMES:**

3 Okay, go ahead and mark that then.

4 **BY MR. MOGIL:**

5 We're going to mark this one.

6 **BY COMMISSIONER JAMES:**

7 And I'm not sure yet. I'm assuming we're
8 moving along with the time line?

9 **BY MR. MOGIL:**

10 Yes, we're moving along on that, Your Honor.

11 **CROSS-EXAMINATION RESUMED BY MR. MOGIL:**

12 Q. Just to clear up, were you under any medication as a
13 result of your eye treatment?

14 A. I have to take a pill twice a day, and it is to keep
15 the herpes virus dormant.

16 Q. Is it a narcotic; is it ---

17 A. No, sir -- no, sir.

18 Q. Were you under any pain medication?

19 A. No, sir. I am now, but not at -- for the eye, I'm
20 not.

21 Q. And I saw from the hospital records that Mr. Coggin
22 produced that at some point you were on oxycodone.
23 Was that related to this injury, or were you on that
24 before this injury?

25 A. It's for this injury.

1 Q. So, you weren't on it at the time that you fell?

2 A. No, sir. No, sir.

3 Q. Did you ever have a discussion with Ms. Patricia
4 Edwards about wanting to retire to Hawaii?

5 A. No. No, sir. No, sir.

6 Q. Did you ever have a discussion with, we'll call him
7 "Chuck." I guess he's your significant other. Did
8 you ever have a discussion with Chuck about what
9 would ever happen if you got injured at work?

10 A. No, sir.

11 Q. You're sure?

12 A. With Chuck?

13 Q. With Chuck.

14 A. No, sir.

15 Q. Okay. Have you seen any other doctors, orthopaedic
16 doctors, other than Dr. Tobin since your deposition
17 in January?

18 A. I have been to M.U.S.C., which it was by accident,
19 but he really couldn't tell me anything, and
20 that's...

21 Q. What do you mean "it was by accident"?

22 A. Well, the girl, when I called, she told me that I
23 could put it on my private insurance, and she made
24 the appointment ---

25 **BY MR. COGGIN:**

1 Objection. This was already testified to, Your
2 Honor. This is about the dermatology and the hole
3 in the leg and so forth like that.

4 BY COMMISSIONER JAMES:

5 Well, it's cross, so. Yes.

6 BY MR. COGGIN:

7 But it's just -- it's just going over the --
8 nothing new is coming out of this at all.

9 BY COMMISSIONER JAMES:

10 Okay, well, I mean.

11 BY MR. COGGIN:

12 It's not relevant, Your Honor.

13 CROSS-EXAMINATION RESUMED BY MR. MOGIL:

14 Q. My question was have you seen anybody for your -- I
15 said, "orthopaedic," but we'll say for your leg
16 since your deposition was I believe January or early
17 February. Have you seen anybody else other than Dr.
18 Tobin?

19 A. Oh, no, Dr. Tobin's been the only doctor.

20 Q. And so, he's the only one who's performed any
21 procedures on you?

22 A. Yes, sir. Yes, sir.

23 Q. And we had subpoenaed your -- in that same subpoena,
24 I showed you your insurance records. Do you have
25 private insurance?

1 A. Yes, I do.

2 Q. Has it covered any of the work that you've been
3 doing?

4 A. I received a letter, which I have it out there now,
5 from my insurance company back, I think it's dated
6 from March of last year, that they understand that
7 I've had an injury. Right now, they have covered
8 over 58,000 and something dollars. I get emails
9 saying about claims, and I can pull everything up
10 showing ---

11 Q. Okay. I guess my question is, so, you've submitted
12 -- when you go see the doctor, you give them an
13 insurance number. You just don't know how it works?

14 A. A lot of stuff is all -- they already have my
15 number, like Kindred. Then I'll get bills from
16 Kindred with my infusion company, which was
17 BioScrip. My insurance company has denied every bit
18 of that. K.C.I., which is the wound vac company, I
19 have -- I'm responsible for every one of those
20 bills. Some of the hospital bill, my insurance
21 company I think has denied all of that. So as of
22 last year, those bills have went onto my collection,
23 has been turned over into my credit.

24 Q. Okay. One last question. Did you tell anybody that
25 you fell from the second rung from the floor rather

1 than the second rung from the top?

2 A. No, sir.

3 Q. You're sure?

4 A. I am sure.

5 Q. Okay.

6 A. I remember even the ambulance drivers, when they got
7 there, they asked me where I was at and what
8 happened. Even when they were putting me in the
9 ambulance and I'm asking for pain -- they were on
10 the phones with the doctor.

11 Q. And we, I think either Mr. Killen or Ms. Sharp,
12 subpoenaed some -- tried to get some prior medical
13 records. Have you ever had -- ever had any injury
14 to that left leg before?

15 A. To the left leg, there was one little injury to this
16 toe (indicating), but the right leg, I've had
17 surgery on these two toes (indicating).

18 Q. But you've never had a procedure on your left leg
19 before ---

20 A. No, not this ---

21 Q. --- before your accident in June?

22 A. No, sir.

23 BY MR. MOGIL:

24 Okay. I have no further questions, Your Honor.

25 BY COMMISSIONER JAMES:

Any re-direct?

RE-DIRECT EXAMINATION BY MR. COGGIN:

Q. Let me just ask you about your -- how long were you out for the eye?

A. The first time it flared up, it was so bad that even the light hitting it, I would -- I mean, it was so bad I was curled up in a chair sleeping. So they had -- I would have to go to the eye doctor, return the next day. I was out for several months there at one time. I was not allowed to drive. I would -- someone would have to drive me there. It could be my daughter, 'cause Chuck was working. It would make me so sleepy. They were trying different eye drops, different salves 'til the doctor could get it just right.

Q. And how long did this last?

A. I know one time I was out probably two months.

Q. And was this just recently?

A. No, no, no.

Q. This was from the herpes zoster; is that right?

A. It is. They -- I would get a cold sore, and it was attacking the eye. So what has happened, you get the chicken pox. The herpes virus is in you. Well, it's supposed to lay dormant, and I'm one of them that it doesn't lay dormant. So now with the pill

1 that I take twice a day, it's laying dormant.

2 Q. So, one of the reasons you didn't work then was
3 because you were off because of the eye; is that
4 correct?

5 A. Right.

6 Q. Okay.

7 A. And I still have to follow up.

8 Q. And going back...

9 BY MR. COGGIN:

10 Actually, that's all the questions I have.

11 Thank you.

12 BY THE WITNESS:

13 You're welcome.

14 BY MR. COGGIN:

15 Oh, Your Honor, I found the pictures. I don't
16 know whether to bring these up with her at the
17 beach.

18 BY COMMISSIONER JAMES:

19 All right. Do you want to let her identify
20 those, and pursuant to y'all's previous
21 conversation?

22 BY MR. COGGIN:

23 Yes. What would this be number...?

24 BY COMMISSIONER JAMES:

25 Well, you need to let her identify it.

1 BY MR. COGGIN:

2 Okay. That's right.

3 BY THE WITNESS:

4 (Witness views photograph). This is took that
5 Friday I was off with Chuck's family when we were
6 down at the Ship Yard Beach Club.

7 RE-DIRECT EXAMINATION RESUMED BY MR. COGGIN:

8 Q. Who took the picture?

9 A. Chuck's daughter.

10 Q. Okay. And is her daughter here today?

11 A. Yes, she flew in yesterday from Ohio.

12 Q. Okay. And what is the picture of?

13 A. It's me right there on the beach with my hat on
14 (indicating).

15 Q. Identify and describe what you're doing in this
16 picture.

17 A. I'm laying on the chair raising up.

18 Q. With your legs?

19 A. Yeah, both legs were raised.

20 Q. Okay. Now I'm looking at this very closely. Is
21 there any wraps or bandages on your legs?

22 A. No, sir.

23 Q. And when was this picture taken?

24 A. It was the 15th of June.

25 Q. 15th of June?

1 A. It was on a Friday.

2 Q. That was the day before your injury?

3 A. Yes, sir.

4 Q. This was the day you walked to the beach?

5 A. Yes, I followed Chuck while he was riding his bike.

6 BY MR. COGGIN:

7 Would you admit this as Plaintiff's exhibit,
8 whatever?

9 BY COMMISSIONER JAMES:

10 Any objection?

11 BY MR. MOGIL:

12 No.

13 BY COMMISSIONER JAMES:

14 All right. That would be five according to my
15 count.

16 (COURT REPORTER MARKS PHOTOGRAPH CLAIMANT'S EXHIBIT
17 NUMBER 5, RETAINED IN COMMISSION FILE)

18 BY COMMISSIONER JAMES:

19 Any re-cross on behalf of the Fund?

20 BY MR. KILLEN:

21 Yes, Your Honor.

22 RE-CROSS EXAMINATION BY MR. KILLEN:

23 Q. You like spending time at the beach obviously,
24 right?

25 A. Yes.

1 Q. Okay. Are you still able to spend time at the
2 beach?

3 A. No. That was the last time I've seen the beach. I
4 cannot go to the beach.

5 Q. Are you still able to sunbathe now?

6 A. I can go to the pool, but I have to have somebody
7 with me. I just sit on a chair is all I can do.
8 I'm not allowed to get in the water.

9 Q. Well, you're pretty tan, right?

10 A. I was at the pool yesterday on a chair.

11 Q. Okay.

12 A. That's all I can do.

13 Q. All right. And you said when Mr. Mogil was asking
14 you questions that the store was closed for two
15 months.

16 A. It was closed for the month of January.

17 Q. Okay. Does it close every year in January?

18 A. The -- they closed it January of 2018.

19 Q. And you also said February.

20 A. I didn't work there in February.

21 Q. Okay. That's after you quit temporarily?

22 A. That's -- I had done quit.

23 Q. All right. So, in the month of January, you don't
24 get any hours at this store; is that right?

25 A. Correct.

1 Q. Okay. And didn't you tell E.M.S. that you fell from
2 the last rung?

3 A. They asked me, and I was trying to tell 'em I was up
4 at the top. I've never said I was at the bottom
5 steps, 'cause the ladder was still up.

6 Q. Okay. It's your testimony that you did not tell
7 them that you missed the last rung?

8 A. I never said, "I missed the last steps."

9 **BY MR. KILLEN:**

10 Thank you.

11 **BY THE WITNESS:**

12 You're welcome.

13 **BY COMMISSIONER JAMES:**

14 Hold on. Anything further?

15 **BY MR. MOGIL:**

16 Nothing, Your Honor.

17 **FURTHER DIRECT EXAMINATION BY MR. COGGIN:**

18 Q. Just so there's no confusion, I was a little
19 confused when Tim was asking you those questions.
20 If you fell, you may have missed the last rung; is
21 that right?

22 A. The...?

23 Q. From the ladder?

24 A. That?

25 Q. No, the last rung being at the bottom?

1 A. Coming down, I -- explain more. I mean, I'm -- I'm
2 getting confused by "the last rung." I mean, I was
3 at the top bringing candy down. So not counting the
4 very blue part of the ladder, here's this step
5 (indicating) and then coming down.

6 Q. Now, let's be clear about this. You weren't at the
7 top of the ladder. You were on the second step
8 down?

9 A. I wasn't standing on this very top, which would have
10 been the blue.

11 Q. You were on the second step down?

12 A. So, here is this step. I remember hitting coming
13 down (indicating), and then I hit the second step,
14 and boom, I'm in the floor, and candy's everywhere.

15 Q. So, you did miss the first step of the ladder on the
16 way down, in other words, the bottom of the ladder?

17 A. Yes.

18 **BY MR. COGGIN:**

19 Okay. I have no further questions.

20 **BY COMMISSIONER JAMES:**

21 All right.

22 **BY MR. COGGIN:**

23 No more questions.

24 **BY COMMISSIONER JAMES:**

25 Next witness.

1 BY MR. MOGIL:

2 Your Honor, before Mr. Coggin calls -- can I
3 just take somebody out -- and maybe he has an
4 objection, maybe he doesn't. We have at least one
5 witness who I know he wanted to be here because he
6 subpoenaed her at some point, who is working now and
7 doesn't work for our company, is working for a third
8 party, and she's asked if she could go because she
9 needs to get back to work, which is an hour away.
10 It's Leticia Rodriguez.

11 BY MR. COGGIN:

12 I didn't subpoena her.

13 BY MR. MOGIL:

14 At one point you did.

15 BY MR. COGGIN:

16 Well, I didn't subpoena her for this.

17 BY MR. MOGIL:

18 For this one. We subpoenaed her for this one I
19 think, or she came.

20 BY COMMISSIONER JAMES:

21 Okay.

22 BY MR. MOGIL:

23 So can she go, because she's not going to be
24 more than a ten, fifteen-minute witness?

25 BY COMMISSIONER JAMES:

1 No, you're wanting to call her out of order?

2 BY MR. MOGIL:

3 Out of order.

4 BY COMMISSIONER JAMES:

5 And you're calling her as your witness?

6 BY MR. MOGIL:

7 Right.

8 BY COMMISSIONER JAMES:

9 That's up to y'all.

10 BY MR. COGGIN:

11 I don't agree.

12 BY COMMISSIONER JAMES:

13 Sir?

14 BY MR. COGGIN:

15 No.

16 BY COMMISSIONER JAMES:

17 All right. Then she'll need to stay.

18 BY MR. MOGIL:

19 Okay.

20 BY COMMISSIONER JAMES:

21 All right, next witness.

22 BY MR. COGGIN:

23 Give me a second here.

24 BY COMMISSIONER JAMES:

25 Who is your next witness so we can go ahead and

1 call them?

2 BY MR. COGGIN:

3 Well, that's what I was just getting the -- I'd
4 like to call Mr. Edri as an adverse witness.

5 BY COMMISSIONER JAMES:

6 Who?

7 BY MR. COGGIN:

8 Edri.

9 BY COMMISSIONER JAMES:

10 Okay.

11 BY MR. COGGIN:

12 As an adverse witness.

13 BY COMMISSIONER JAMES:

14 All right.

15 BY MR. MOGIL:

16 He's one of our witnesses.

17 BY COMMISSIONER JAMES:

18 Okay. All right, and ---

19 BY MR. BITTON:

20 Do you want me to go get him?

21 BY COMMISSIONER JAMES:

22 Yes, please get him.

23 BY MR. MOGIL:

24 So, he can call our witnesses out of turn?

25 BY COMMISSIONER JAMES:

1 Well, civil rules provide that he can if it's -

2 --

3 BY MR. MOGIL:

4 It's his form right now.

5 BY COMMISSIONER JAMES:

6 Well, he can call his witnesses, and he ---

7 BY MR. COGGIN:

8 I don't see what the problem is, yes.

9 BY COMMISSIONER JAMES:

10 Let's go off record for a moment.

11 OFF THE RECORD

12 BY COMMISSION JAMES:

13 What is your name, ma'am?

14 BY THE WITNESS:

15 My name is Leticia Rodriguez.

16 BY COMMISSIONER JAMES:

17 All right. If you would raise your right hand?

18 * * * * * * * * * * * * * * *

19 The witness was duly sworn to tell the truth, the
20 whole truth, and nothing but the truth concerning the
21 matter herein:

22 LETICIA RODRIGUEZ,

23 Being first duly sworn, testified on her oath as follows:

24 BY COMMISSIONER JAMES:

25 All right. We are taking her out of order. So

1 Mr. Mogil, this is your witness.

2 **BY MR. MOGIL:**

3 Thank you, Your Honor.

4 **DIRECT EXAMINATION BY MR. MOGIL:**

5 Q. Ms. Rodriguez, where do you work now?

6 A. With my dad.

7 Q. What kind of business is he in?

8 A. He does concrete, you know, like foundations,
9 driveways, things like that, and I'm like his
10 secretary.

11 Q. And where do you live? Like, what community do you
12 live in?

13 A. Ridgeland.

14 Q. Ridgeland.

15 A. It's an apartment.

16 Q. And when did you leave employment with the Harbour
17 Town Surf Shop? When did you...?

18 A. It was like around like March.

19 Q. Of this year?

20 A. Last year.

21 Q. Of 2018 or '17 -- '19? Well, let me ask this
22 questions.

23 A. It was last year, because I started working ---

24 Q. Were you working in the store the day Ms. Bridges
25 fell and got hurt?

1 A. Yes.

2 Q. Because that was in June of 2018.

3 A. Okay.

4 Q. So, were you working for the store in 2018?

5 A. Yes.

6 Q. And what would your position had been?

7 A. Manager.

8 Q. Okay. Do you have any recollection of the day that
9 Ms. Bridges fell?

10 **BY COMMISSIONER JAMES:**

11 Hold on one second.

12 **INTERRUPTION**

13 **DIRECT EXAMINATION RESUMED BY MR. MOGIL:**

14 Q. Do you have any recollection of that day that Ms.
15 Bridges fell; do you remember that day?

16 A. I do.

17 Q. Okay. Do you remember -- do you have any memory of
18 seeing her prior to that day working at the store?

19 A. She was working there, yes, with me in the same
20 store.

21 Q. Okay. Did you ever observe that she was injured in
22 anyway?

23 A. She had ---

24 **BY MR. COGGIN:**

25 Leading.

1 **BY THE WITNESS:**

2 She had gone to ---

3 **BY COMMISSIONER JAMES:**

4 If you want to rephrase the question.

5 **BY MR. MOGIL:**

6 Okay.

7 **DIRECT EXAMINATION RESUMED BY MR. MOGIL:**

8 Q. Did you ever observe anything that would limit her
9 work?

10 A. She had actually gone on vacation before that to
11 visit family, and when she came back, she came back
12 with like an injured, you know, foot. She had told
13 us that she had dropped a table on it, and that's
14 the injury that she did have.

15 Q. Did you observe anything about her leg or foot?

16 A. She had something wrapped around her foot, and
17 that's all I remember.

18 Q. Did you have any in-depth discussions with her about
19 her injury?

20 A. No, just that she told me that she dropped a table,
21 and that was it.

22 Q. Okay. The evidence in this case is that she was
23 injured on a Saturday, she fell on a Saturday. Were
24 you at work that day?

25 A. Yes.

1 Q. Okay. Do you have any recollection of Mr. Bitton
2 having a discussion with her that morning?

3 A. Yes.

4 Q. Okay. Were you there?

5 A. Yes.

6 Q. Were you there when he had a discussion with Ms.
7 Bridges?

8 A. Yes.

9 Q. So, was he talking to you or both of you?

10 A. He was talking to her. I was a couple of feet away,
11 so I heard everything. He actually told her to not
12 use the ladder that day.

13 Q. Why did he tell her that? Did he tell her -- did
14 you hear why he said that?

15 A. Why, because she had the injured foot, and he did
16 tell her "Do not use the ladder. If you need to get
17 something, tell someone else to get it for you,"
18 but he told her because she had the injured foot
19 already.

20 Q. Did you hear him limit his instruction to standing
21 on top of a cooler?

22 A. It was just "Use -- do not use the ladder at all for
23 any reason."

24 Q. Did he tell any other employees within your earshot
25 of that instruction?

1 A. He told -- after he told Lynn, he came to me, and he
2 told me "If Lynn needs to get anything, you get it
3 for her." After that, he walked into the other
4 store, and he told the other employees in there as
5 well, "Do not let her use the ladder."

6 Q. Okay. And did you see her fall from the ladder?

7 A. I did not. I saw her after when she was on the
8 floor.

9 Q. Okay. Did you -- were you the first person to get
10 to her?

11 A. Yes.

12 Q. Okay. Did she tell you anything?

13 A. When I saw her on the floor, I rushed to her, and
14 she was also calling my name, and she said, "You
15 need to call the ambulance." So I asked her, you
16 know, which steps she had falling -- fallen from,
17 and she told me the second step closest to the
18 floor. After that, I ran to get the other employee
19 in the other store and told her to call the
20 ambulance.

21 Q. Who was the other employee?

22 A. Raven.

23 Q. And so, you didn't call 9-1-1?

24 A. No, it was Raven that called 9-1-1.

25 Q. Okay. Did you have any further conversation with

1 Ms. Bridges at this moment?

2 A. No.

3 Q. Prior to this day, have you had any -- have you ever
4 met me?

5 A. No, I have not.

6 Q. Have you ever had any conversations with me on the
7 phone?

8 A. No.

9 Q. Okay. Have you ever met Mr. Coggin?

10 A. Yes.

11 Q. Where did you meet him?

12 A. We met -- well, I met him physically at the other
13 court that was -- but prior to that, he had given me
14 -- you know, he had called me. He actually went to
15 my parents' house and -- to talk to me and to, I
16 guess, give me a paper, but I was with my sister
17 running errands, and that's when, you know, I got a
18 call saying -- my mom telling me, "Hey, there's this
19 person here." And I told him that I was already a
20 witness for someone else, and after that, I did get
21 another phone call, but I never picked up.

22 Q. Okay. So, that was your only interactions with him?

23 A. Yes.

24 **BY MR. MOGIL:**

25 Okay. I don't have any further questions for

1 the witness, Your Honor.

2 **BY COMMISSIONER JAMES:**

3 Cross on behalf of the Fund.

4 **BY MR. KILLEN:**

5 Thank you, Your Honor.

6 **CROSS-EXAMINATION BY MR. KILLEN:**

7 Q. Ms. Rodriguez, my name is Tim Killen; I represent
8 the South Carolina Workers' Compensation Uninsured
9 Employers' Fund. We've never met or spoken, have
10 we?

11 A. No.

12 Q. Okay. Did you hear her fall?

13 A. I did not.

14 Q. Were you -- how big is this store?

15 A. It's a little bit bigger than this right here
16 (indicating). Like the actual store, it's probably
17 a little bit bigger, like including the cooler and
18 everything that was there, but I was only like -- I
19 don't know how to say from like that wall to around
20 that right there (indicating).

21 Q. Right.

22 A. So, I don't know how far that is.

23 Q. Ten, fifteen feet away or so?

24 A. Like that, yes.

25 Q. Okay. And you didn't hear a thump or a thud?

1 A. No.

2 Q. And the first thing you heard was her calling your
3 name; is that right?

4 A. Yes, as I had turned around and looked over.

5 Q. Now, Amir gave clear and explicit instructions not
6 to get on the ladder; is that correct?

7 A. Correct.

8 Q. Okay. And ---

9 **BY MR. COGGIN:**

10 Leading.

11 **BY MR. KILLEN:**

12 It's cross.

13 **BY COMMISSIONER JAMES:**

14 It's cross.

15 **CROSS-EXAMINATION RESUMED BY MR. KILLEN:**

16 Q. And were you still employed by Harbour Town Surf
17 Shop when Mr. Coggin came to your home?

18 A. No.

19 Q. Okay, good.

20 **BY MR. KILLEN:**

21 All right. That's all I have. Thank you.

22 **CROSS-EXAMINATION BY MR. COGGIN:**

23 Q. Leticia, you took an oath to tell the truth, didn't
24 you?

25 A. Yes.

1 Q. And everything you've said today is the absolute
2 truth?

3 A. Yes, it is.

4 Q. I called you and asked you to be a witness; is that
5 right?

6 A. That's correct.

7 Q. Okay. And I called you a second time when this guy
8 came by to give you some papers, and you said, "I'm
9 going to testify for the other side"; isn't that
10 correct?

11 A. Yes.

12 Q. Okay. What did you mean by that?

13 A. What did I mean by that?

14 Q. Yes, what did you mean by that?

15 A. Well, that I was already a witness, and I was ---

16 Q. What do you mean you were already a witness? Didn't
17 you tell them somebody had called you already?

18 A. No, I had to ---

19 Q. Who did you tell?

20 A. Who did I tell?

21 Q. Yes.

22 A. I told Amir ---

23 Q. Amir?

24 A. --- that you had given me a call.

25 Q. Amir had given you a call?

1 A. No.

2 Q. Who gave you a call?

3 A. You gave me a call.

4 Q. Yes, I know that. But who gave you a call to get
5 you to testify for them? You said you were going to
6 be a witness for somebody else.

7 A. The lawyer.

8 Q. The lawyer?

9 A. Uh-huh.

10 Q. Mr. Mogil?

11 A. No, the other lawyer.

12 Q. Tim?

13 A. A lawyer that they had before. I don't know her ---

14 Q. No, there wasn't any other lawyer.

15 A. The lady that was ---

16 **BY MR. KILLEN:**

17 Ms. Sharp.

18 **BY MR. MOGIL:**

19 That's a misrepresentation, Your Honor.

20 **BY MR. COGGIN:**

21 Your Honor, if they're going to jump in and say
22 "That's a lie" and so forth, let them object. I
23 don't need the cattle call ---

24 **BY MR. MOGIL:**

25 Objection, Your Honor. There was another

1 lawyer that was in this case until three weeks ago.

2 **BY MR. KILLEN:**

3 I join that objection. Ms. Sharp's name is all
4 over this file.

5 **BY MR. COGGIN:**

6 Ms. Sharp ---

7 **BY MR. KILLEN:**

8 Mr. Coggin is making himself a witness with
9 this line of questioning.

10 **BY COMMISSIONER JAMES:**

11 Mr. Coggin, it's my understanding in the
12 pretrial that there was a former attorney in the
13 file.

14 **BY MR. COGGIN:**

15 Mr. Mogil was in the file until about, I would
16 say until February, and then he hired Mary Sharp.
17 Mary Sharp was only on, if I recall correctly, and I
18 don't want them to say I'm misleading because I'm
19 not, I think she was only on this case for three or
20 four months, and then she withdrew.

21 **BY COMMISSIONER JAMES:**

22 But the point that they're making is that there
23 was -- you've just indicated there was no other
24 lawyer, and they're indicating that there was a
25 lawyer.

1 BY MR. COGGIN:

2 The lawyer at the time of the first hearing,
3 this is what I'm talking about, this is at the --
4 was December 4th, was Mr. Mogil.

5 BY COMMISSIONER JAMES:

6 Mr. Coggin, I think you need to just ask the
7 witness the questions and let the witness answer the
8 questions.

9 BY MR. COGGIN:

10 Okay. I can do that, yes.

11 BY COMMISSIONER JAMES:

12 Okay.

13 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

14 Q. When did you get a call from this lawyer?

15 A. Days up to a week before the meeting at the, I guess
16 the Court here in Yemassee.

17 Q. Was it a man or a woman?

18 A. It was a woman.

19 Q. It was a woman. Did she identify herself?

20 A. Yes.

21 Q. Okay. Who was it?

22 A. I don't recall her name.

23 Q. What did she tell you?

24 A. That I was, you know, a witness for ---

25 BY MR. KILLEN:

1 Object to -- well, never mind -- never mind.

2 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

3 Q. Excuse me. Go ahead and finish. I'm sorry.

4 A. And ---

5 Q. You were a witness?

6 A. Yes.

7 Q. Did she tell you how you were a witness?

8 A. A witness because I was there that day, and just to,
9 you know, go to court and say what I needed to say
10 about that day, what happened that day.

11 Q. Had you ever said anything about this case to
12 anybody else that would lead them to think that you
13 were going to be a witness?

14 A. No.

15 Q. Okay. And when I talked to you, you said, yeah,
16 you'd be happy to come to a witness, didn't you?

17 A. Yes.

18 Q. Okay. And then you changed your mind; is that
19 right?

20 A. Yes, I did.

21 Q. And why was that?

22 A. Because I was already going to be that day -- you
23 told me that day that you called me, "Oh, you just
24 need to come be a witness and say what you saw that
25 day."

1 Q. Right.

2 A. And so if I was already a witness, I was still going
3 to be there that day and ---

4 Q. But you didn't ---

5 A. --- say what I saw that day.

6 Q. --- didn't tell me when I called you that day ---

7 A. Yes, I did.

8 Q. --- that you were going to be a witness, did you?

9 A. Yes, I did.

10 **BY MR. KILLEN:**

11 Please let the witness finish the question.

12 **BY COMMISSIONER JAMES:**

13 All right.

14 **BY MR. KILLEN:**

15 And don't you shut me up like you did in that
16 deposition, Mr. Coggin.

17 **BY COMMISSIONER JAMES:**

18 Mr. Coggin, ---

19 **BY MR. COGGIN:**

20 Your Honor, I ---

21 **BY COMMISSIONER JAMES:**

22 --- let the witness finish her statements.

23 This makes it very difficult for the court reporter
24 ---

25 **BY MR. COGGIN:**

1 I apologize.

2 **BY COMMISSIONER JAMES:**

3 --- when people talk over each other.

4 **BY MR. COGGIN:**

5 I apologize. I'm sorry. Can you read that
6 back because I can't remember what she said.

7 **BY COMMISSIONER JAMES:**

8 We are actually on voice, so she's not going to
9 be able to read back the entire answer, plus y'all
10 were talking over each other. So if you'll re-ask
11 the question and let her answer.

12 **BY MR. COGGIN:**

13 Okay.

14 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

15 Q. You had agreed to go to court and be a witness, and
16 I told you -- what did I tell you?

17 A. To be a -- you asked me ---

18 Q. Just what you -- yes.

19 A. --- to be a witness, and I said, "yes."

20 Q. Okay. And what did I tell you to say?

21 A. To say what happened that day.

22 Q. Okay. Now, what happened -- when did you talk to
23 Ms. Sharp, if that was who it was, you can't
24 remember the name?

25 A. This was after.

1 Q. Correct.

2 A. This was after you had talked to me.

3 Q. Right, uh-huh.

4 A. And I told her that I was already going, and then
5 that subpoena that you had sent me was canceled
6 because the court was canceled or something like
7 that, and ---

8 Q. Okay. That was the December 4th meeting, right?

9 A. Honestly, I can't recall, because it was on and off
10 with you, you know, calling me, canceling the courts
11 and then sending me papers. So it's -- it's all
12 over the place.

13 Q. I know, you're getting confused here, and I
14 apologize for that. I called you for the initial
15 hearing; isn't that correct?

16 A. Yes.

17 Q. And it got canceled; is that right?

18 A. Yes.

19 Q. The next hearing was February the 12th; isn't that
20 correct?

21 A. I believe so.

22 Q. Okay. Now, when did -- you were called by me, okay,
23 and then it was canceled; is that right?

24 A. Yes.

25 Q. When were you called to go to court again?

1 A. When was I called to go to court again?

2 Q. Yes.

3 A. I mean, honestly, how many courts has there been if
4 you don't mind me asking?

5 Q. When you become an attorney you can ask me these
6 questions.

7 **BY MR. MOGIL:**

8 I'm going to object to the relevance. He's
9 badgering the witness, and she's a fact witness,
10 Your Honor. She's not a party. What's the
11 relevance of this?

12 **BY MR. BITTON:**

13 He's intimidating her.

14 **BY MR. COGGIN:**

15 I'm trying to find out about the facts.

16 **BY COMMISSIONER JAMES:**

17 Okay. First of all, let's stick to the facts.

18 **BY MR. COGGIN:**

19 Yes, uh-huh.

20 **BY COMMISSIONER JAMES:**

21 Okay. And people do it all the time, if you
22 ask questions that have to do with relevance to a
23 particular event or whatnot, that's fine, or you can
24 ask an open-ended, but let's let the witness
25 testify.

1 BY MR. COGGIN:

2 I was trying to keep off of that.

3 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

4 Q. Here's my question to you. When were you called
5 after the first hearing was canceled?

6 A. When was I called?

7 Q. Yes.

8 A. After that court was -- or hearing was canceled
9 there, I was not called after that. I can't
10 remember exactly what date it was, but it was close
11 to here in Yemassee. After that, I was not called.

12 Q. That was February 12th, wasn't it?

13 A. I believe so.

14 Q. Okay. There's only one month between that, and
15 that's December. I had called you, and you agreed
16 to be a witness for me -- or not for me, but be a
17 witness in the case ---

18 A. Yes.

19 Q. --- and talk about what you saw, right?

20 A. Yes.

21 Q. I did not attempt to influence you whatsoever, did
22 I?

23 A. No.

24 Q. Okay. Now, my question to you again is, when did
25 the second call come to you from the woman?

1 A. I can't remember the exact date.

2 Q. Well, was it, what do you think, it was early
3 December?

4 A. Somewhere around there.

5 Q. Okay. Early December, okay. And what did they ask
6 you to do?

7 A. To be a witness. Same thing you asked me, to be a
8 witness about the...

9 Q. Okay. Why did you decide to be a witness for them
10 rather than for me, and you had already given me
11 your word you were going to come into court?

12 **BY MR. MOGIL:**

13 Objection.

14 **BY MR. KILLEN:**

15 It's asked and answered.

16 **BY MR. MOGIL:**

17 Objection. There's no such thing as --
18 objection on the -- you can't give your word. A
19 witness is a fact -- that's completely...

20 **BY MR. COGGIN:**

21 I don't know if that's ---

22 **BY MR. MOGIL:**

23 I'll let it sit -- I'd let it sit -- I'd let it
24 sit in the record. Let's leave it there.

25 **BY COMMISSIONER JAMES:**

1 All right.

2 BY MR. COGGIN:

3 I don't know if that's a bonafide objection.

4 BY COMMISSIONER JAMES:

5 All right. You can answer that question,
6 ma'am. Do you need it repeated?

7 BY THE WITNESS:

8 Yes, I do.

9 BY COMMISSIONER JAMES:

10 Can you please repeat the question?

11 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

12 Q. Yes. My question is to you is, you agreed to act as
13 a witness for two people; is that correct?

14 A. Uh-huh, yes.

15 Q. Okay. Why did you act as a witness for the second
16 person when you already had committed to me?

17 A. Honestly, I didn't see it as a difference. It's not
18 like I was going to change my words from one -- from
19 agreeing to you and agreeing to her. I was going to
20 come here either way because I was there that day,
21 and I'm just here to say the truth of what happened
22 that day about Amir giving her directions of not
23 getting or using the ladder at all, and that wasn't
24 going to change the fact.

25 Q. We'll get to that in a moment. What I'm trying to

1 find out from you though is what the other side said
2 to you that made you change your mind.

3 A. Nothing changed my mind.

4 Q. Okay. Why did you when I called you ---

5 A. Even if you ---

6 Q. Okay, go ahead.

7 A. Even if you had -- if I would have agreed and came
8 to you with being the witness, like agreeing to you
9 and sticking to you, I was going to say the same
10 thing either way. There was nothing told from any
11 other person. I'm just here saying what I saw and
12 what I heard that day.

13 Q. Why did you tell me "I'm going to testify for the
14 other side"?

15 **BY MR. MOGIL:**

16 Objection to the foundation.

17 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

18 Q. Answer the question.

19 **BY COMMISSIONER JAMES:**

20 Go ahead, you can answer the question.

21 **THE WITNESS ANSWERS:**

22 A. Why? It was just a decision that I took. Like I
23 said, I wasn't told to say anything or anything
24 else, just to say what I saw and what I heard that
25 day.

CROSS-EXAMINATION RESUMED BY MR. COGGIN:

Q. Well, when this other person called you, why didn't you just simply tell them "Mr. Coggin asked me to testify in the case, and he didn't try to influence me," why didn't you say "I'm already going to do it"?

A. The -- I could have said that, but I didn't because either way, like I said, it wasn't going to change the fact of my words that I was going to say that day. I saw and I heard what was addressed to her, and...

Q. So, is that in your mind testifying for the other side?

BY MR. KILLEN:

Commissioner, how many times can he ask the same question over and over?

BY COMMISSIONER JAMES:

It's a little bit different. I'll allow this one. Go ahead and answer it, ma'am.

BY THE WITNESS:

Can you repeat the question?

CROSS-EXAMINATION RESUMED BY MR. COGGIN:

Q. I'm trying to think exactly what I said. Ordinarily, in civil court, you just say "Read it back to me." I apologize for that. I just don't

1 remember. I do remember, Ms. Rodriguez, your tone
2 was very belligerent with me when I called you.

3 BY COMMISSIONER JAMES:

4 All right. Mr. Coggin, ---

5 BY MR. MOGIL:

6 Objection.

7 BY COMMISSIONER JAMES:

8 --- you can ask a question, but you can't make
9 yourself a witness.

10 BY MR. COGGIN:

11 Okay.

12 BY COMMISSIONER JAMES:

13 Okay.

14 BY MR. COGGIN:

15 Yes, that's fine.

16 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

17 Q. Okay. Now, let's talk about what you saw. Now, you
18 saw her -- I wish you would quit looking at your
19 attorneys.

20 BY MR. KILLEN:

21 Commissioner.

22 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

23 Q. I'm addressing you. Don't look to them for help,
24 because it's me.

25 BY MR. KILLEN:

1 Commissioner, that's absolutely uncalled for.
2 She is not looking at either of us for help.

3 **BY MR. MOGIL:**

4 And she doesn't work -- we're not her
5 attorneys. She doesn't work for our client.

6 **BY COMMISSIONER JAMES:**

7 All right. And I am present and can make
8 observations. So if you'll go ahead and finish with
9 the questioning of this witness.

10 **BY MR. COGGIN:**

11 Okay. That will be fine.

12 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

13 Q. Let me talk to you about -- has Amir talked to you
14 any time after that accident?

15 A. No.

16 Q. Did Amir ever tell you what to say?

17 A. No.

18 Q. Had anybody -- did you talk to anybody at Harbour
19 Town Surf Shop?

20 A. No, after I left, I didn't talk to anyone.

21 Q. Did you talk to anyone before you left?

22 A. No.

23 Q. How long after the accident did you leave?

24 A. I left around -- like, around July.

25 Q. Okay. So, your testimony is from the time of her

1 accident for the six weeks or whatever it was, you
2 never talked to anybody at all?

3 A. No.

4 Q. Never talked to anybody about the accident?

5 A. No.

6 Q. So, your testimony is that you never heard her
7 crying; is that right, ---

8 A. I never heard ---

9 Q. --- you never heard her scream?

10 A. I never heard her fall.

11 Q. You never heard her fall?

12 A. No.

13 Q. Okay. What did you hear?

14 A. I did hear candy fall on the floor, ---

15 Q. Okay.

16 A. --- but never a loud thump from her falling.

17 Q. Well, what possessed you to go into the store then -
18 - or into the storage room?

19 A. Because I was in charge of looking around the store,
20 and also, when that happened, I just -- I heard the
21 candy fall, so that's why I turned around and
22 looked. She was already on the floor, and she was
23 leaning against, like, the wall.

24 Q. Okay. And what kind of position was she in?

25 A. She was sitting down.

1 Q. Okay. Did she seem like she was in distress?

2 A. Yes.

3 Q. Okay. Let's go back. You said you saw her when she
4 came back from vacation; is that right?

5 A. Yes.

6 Q. What day did you see her?

7 A. I can't remember the exact say, like, date.

8 Q. Monday, Tuesday?

9 A. I don't recall. I don't recall a date. I can't
10 remember if it was a Monday or a Tuesday.

11 Q. But you do recall that she was limping; is that
12 right?

13 A. Yes.

14 Q. Okay. And her foot was -- what was it, her foot or
15 leg; what was wrapped?

16 A. It was her foot, ---

17 Q. Her foot?

18 A. --- and she had it wrapped around like gauze and
19 stuff like that.

20 Q. Which foot was it?

21 A. It was the -- honestly, I can't remember what foot.

22 Q. You can't remember what foot it was, but you
23 remember she was limping and in distress; is that
24 right?

25 A. Yes.

1 Q. Okay. You asked her about it?

2 A. Asked her about it when she had come back from
3 vacation, or...?

4 Q. What happened to the foot?

5 A. Yes, I did ask her.

6 Q. And she said what?

7 A. A table, one of those foldable white tables had
8 fallen on her foot.

9 Q. A foldable white table. Where was that at?

10 A. In her vacation when she had gone to North Carolina.

11 Q. Her testimony was a foldable white table fell on her
12 foot?

13 A. Yes.

14 Q. And how did it fall on her foot; did you get into
15 that with her?

16 A. No, I did not.

17 Q. How did you know it was a foldable white table?

18 A. She told me it was a foldable white table.

19 Q. You know it was a foldable white table, but you
20 don't know which foot was injured?

21 A. No, I don't recall. I just remember seeing her
22 foot.

23 Q. Was she in distress that day, too?

24 A. She was, you know, saying that her foot hurts, but
25 that was about it.

1 Q. Would you have known her foot hurt if she hadn't
2 said that?

3 A. I don't know. She really wasn't making faces, and
4 she said that she was also on medication for it.

5 Q. Oh, she was on medication for the foot?

6 A. Uh-huh.

7 Q. What was the medication?

8 A. I don't know. I didn't ask her. I don't go through
9 her -- through her things either.

10 Q. Did she say it was a pain killer?

11 A. I do not know. I did not ask her.

12 Q. An anti-inflammatory?

13 A. I do not know. I did not ask her. She just said,
14 "medication."

15 Q. She was on medication for the foot?

16 A. Yes.

17 Q. Okay. Did she tell you when this took place?

18 A. What was that?

19 Q. Did she tell you when this accident took place?

20 A. While she was on vacation.

21 Q. She was on vacation and left Sunday morning to come
22 back. So when was it; Saturday, Friday, Thursday?

23 A. I do not recall.

24 Q. And when did you first see her?

25 A. (No verbal response)

1 Q. You said the foot was wrapped; is that right?

2 A. Yes.

3 Q. Okay. It had gauze on it?

4 A. Just white, I guess, gauze whatever, and I don't
5 know what it's called, whatever it is.

6 Q. Did she have a splint on the foot?

7 A. No.

8 Q. Just gauze on the foot?

9 A. Yes, and she was wearing flip-flops. I do remember
10 that.

11 Q. And she was wearing flip-flops? I thought you said
12 the foot was wrapped? She was ---

13 A. It was wrapped, but she was -- it was mainly her
14 ankle from to where she could put on flip-flops.

15 Q. Okay. It's her ankle now rather than her foot; is
16 that right?

17 A. She said her foot.

18 **BY MR. MOGIL:**

19 Objection.

20 **BY COMMISSIONER JAMES:**

21 It's cross. You can go forward.

22 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

23 Q. Okay. You indicated that you were standing there
24 and you were observing the conversation with Amir;
25 is that right?

1 A. Yes.

2 Q. And you listened to every word of it; is that right?

3 A. Yes.

4 Q. And you remember with precision memory exactly what
5 was said; is that correct?

6 A. Yes.

7 Q. But you don't remember what foot was injured, you
8 don't know what day you saw her when she came back,
9 and you don't know what day she talked to you; isn't
10 that right?

11 A. Yes.

12 Q. Okay. Well, tell me the story about Amir again,
13 please.

14 **BY MR. MOGIL:**

15 Objection. It's not a question. Story, *Alice*
16 *in Wonderland* is a story; what's the question?

17 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

18 Q. Would you tell me about the conversation with Amir.

19 A. The conversation with Amir and Lynn?

20 Q. Uh-huh.

21 A. He was telling her to not use the ladder.

22 Q. What time of day was this; morning, afternoon?

23 A. Close to morning/afternoon, around there.

24 Q. Well, that's not very precise. Morning, afternoon,
25 when? She fell off the ladder -- I'll give you a

1 hint. She fell off the ladder at three o'clock in
2 the afternoon. When did you witness this
3 conversation with Amir? And remember, Amir wasn't
4 there that long that day.

5 **BY MR. MOGIL:**

6 Objection. He's testifying of facts that are
7 not in evidence.

8 **BY COMMISSIONER JAMES:**

9 Let the witness answer the question with
10 regards to the fact. All right.

11 **THE WITNESS ANSWERS:**

12 A. I guess it was noon when -- when he was there. And
13 he -- yes, he was only there for a short amount of
14 time, but in that short amount of time, he did
15 address ---

16 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

17 Q. Okay. Who else did he talk to besides you and ---

18 A. The other employees in the other ---

19 Q. And who are the other employees?

20 A. It was Zack and Raven.

21 Q. You remember who they were?

22 A. Yes.

23 Q. And where was Zack when he talked to him?

24 A. They were in the other store.

25 Q. Surf Side number two?

1 A. Yes.

2 Q. Okay. And where was he at when he was talking to
3 Ms. Bridges?

4 A. Where was Zack?

5 Q. Yes.

6 A. In the other store.

7 Q. Okay. Where was Amir when he was talking to Ms.
8 Bridges?

9 A. They were in the store where -- where I was at.

10 Q. And where is that?

11 A. In Harbour Town there, the original.

12 Q. No, no, I know that. I mean, where in the store?

13 A. Where in the store? Close to the ice cream
14 register.

15 Q. And that's where you were working; is that right?

16 A. Yes.

17 Q. Now, were you included in the conversation, or were
18 you just eavesdropping?

19 **BY MR. KILLEN:**

20 Objection to the characterization of hearing a
21 conversation as eavesdropping.

22 **BY MR. MOGIL:**

23 And she already testified to this. She already
24 answered this question.

25 **THE WITNESS ANSWERS:**

1 A. I overheard the conversation, but, honestly, anyone
2 who walked past them could hear it because they were
3 talking like you and I are talking right now to
4 where the people around him could hear. After that,
5 he did tell me "Did you hear that? I do not want
6 Lynn to use the ladder at all. If she needs to get
7 something," included like -- that involves using the
8 ladder, "do not let her do it, and get it for her."

9 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

10 Q. Are you sure you overheard this; are you positive?

11 A. I heard that; I'm positive.

12 Q. Okay. Tell me again what they said, what he said to
13 her.

14 **BY MR. MOGIL:**

15 Objection.

16 **BY COMMISSIONER JAMES:**

17 Objection?

18 **BY MR. KILLEN:**

19 Asked and answered.

20 **BY MR. MOGIL:**

21 And answered four times.

22 **BY COMMISSIONER JAMES:**

23 Sustained.

24 **THE WITNESS ANSWERS:**

25 A. He told her ---

1 BY COMMISSIONER JAMES:

2 Mr. Coggin, it's been asked and answered.

3 BY MR. COGGIN:

4 I'm trying to get at a point. I won't ask it
5 again after this. I'll let her answer that and I'll
6 move on, ---

7 BY MR. KILLEN:

8 I think the objection was sustained.

9 BY MR. COGGIN:

10 --- because I'm trying to make a point.

11 BY COMMISSIONER JAMES:

12 Okay. But that's ---

13 BY MR. COGGIN:

14 That's fine, yes.

15 BY COMMISSIONER JAMES:

16 I didn't count the number of times, but she's
17 been asked by both sides to recount the conversation
18 a couple of times already.

19 All right, ma'am, you can repeat it one more
20 time. Thank you.

21 BY THE WITNESS:

22 Okay. That day Amir told Lynn to not use the
23 ladder. He specifically said, "Do not use the
24 ladder" for the same reason of her foot being
25 injured. "If you need one of -- any -- anyone else

1 to get something for you, tell them." After that,
2 he told me "Did you hear that? I do not want her to
3 use the ladder at all. If she needs to get
4 something to be pulled that involves using the
5 ladder, get it -- get it for her. Or if not, call
6 Zack."

7 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

8 Q. Did he say anything about the next day or the day
9 after, or was it this day?

10 A. I don't understand your question.

11 Q. Was it specific to one day, one hour, what?

12 A. It was throughout the whole day.

13 Q. Okay. What about the next day?

14 **BY MR. MOGIL:**

15 Objection. The witness testified that she
16 hasn't worked since she fell, which was that day.

17 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

18 Q. Was there a proscription to any other day of not
19 using the ladder or just one day?

20 A. That day was because she had come back from her
21 vacation and she had her foot hurt.

22 Q. Uh-huh. Just one day?

23 A. It was at all.

24 Q. Ever?

25 A. I don't know if it was just one day or one hour or

1 anything like that. I know for that day that the
2 incident did happen, he said, "Do not let her use it
3 at all." So...

4 Q. Did he include any of you guys in this; did he tell
5 "I don't want you using the ladder. I don't want
6 her using the ladder. I don't want her using the
7 ladder," or was it just Lynn?

8 A. It was Lynn.

9 Q. Just Lynn?

10 A. Yes.

11 **BY MR. COGGIN:**

12 I have no further questions. Thank you.

13 **BY COMMISSIONER JAMES:**

14 Any re-direct?

15 **BY MR. MOGIL:**

16 No, Your Honor.

17 **BY COMMISSIONER JAMES:**

18 Any re-cross?

19 **BY MR. KILLEN:**

20 No, Your Honor.

21 **BY COMMISSIONER JAMES:**

22 All right, thank you, ma'am. Is there any
23 objection to this witness being excused?

24 **BY MR. MOGIL:**

25 No, Your Honor.

1 BY COMMISSIONER JAMES:

2 All right, you're excused. Thank you so much.

3 OFF THE RECORD

4 BY COMMISSIONER JAMES:

5 All right. If you could come forward, sir, and
6 have a seat here. I'm going to go ahead and ask you
7 your full name, ---

8 BY THE WITNESS:

9 Zachary Edri.

10 BY COMMISSIONER JAMES:

11 --- and ask you the spelling for the court
12 reporter.

13 BY THE WITNESS:

14 It's Z-a-c-h-a-r-y, E-d-r-i.

15 BY COMMISSIONER JAMES:

16 I'm sorry, E-...?

17 BY THE WITNESS:

18 d-r-i.

19 BY COMMISSIONER JAMES:

20 If you would raise your right hand for me
21 please, sir?

22 * * * * * * * * * * * * * *

23 The witness was duly sworn to tell the truth, the
24 whole truth, and nothing but the truth concerning the
25 matter herein:

1 ZACHARY EDRI,

2 Being first duly sworn, testified on his oath as follows:

3 BY COMMISSIONER JAMES:

4 All right. Mr. Coggin, I believe you have
5 called this witness.

6 BY MR. COGGIN:

7 Yes. Give me just a moment, Your Honor. I'm
8 trying to locate my documents. Your Honor, I think
9 I'll call Jamie Willard at this point. And I
10 apologize. For some reason, I can't locate his ---

11 BY COMMISSIONER JAMES:

12 Jamie Willard?

13 BY MR. COGGIN:

14 --- yes, Zach's documents.

15 BY COMMISSIONER JAMES:

16 Okay. Is Mr. Willard here?

17 BY MR. MOGIL:

18 It's a female.

19 BY COMMISSIONER JAMES:

20 Oh, Jamie, female?

21 BY MR. MOGIL:

22 Yes.

23 BY COMMISSIONER JAMES:

24 Okay. All right, if you can step out please,
25 sir?

1 BY MR. KILLEN:

2 Thanks for coming.

3 BY MR. MOGIL:

4 No, you're not excused.

5 BY MR. COGGIN:

6 Your Honor, could we have a couple of minutes.

7 I do want to go out to my car and see if I've left
8 some of my documents out there? It'll be about five
9 minutes.

10 BY COMMISSIONER JAMES:

11 Okay. I guess everybody could use five
12 minutes.

13 OFF THE RECORD

14 BY COMMISSIONER JAMES:

15 All right. Mr. Edri, if you'd raise your right
16 hand, or maybe I did swear you in, but let's do this
17 again.

18 * * * * * * * * * * * * * *

19 The witness was duly sworn to tell the truth, the
20 whole truth, and nothing but the truth concerning the
21 matter herein:

22 ZACHARY EDRI,

23 Being first duly sworn, testified on his oath as follows:

24 BY COMMISSIONER JAMES:

25 All right. It's Mr. Coggin's witness.

DIRECT EXAMINATION BY MR. COGGIN:

Q. Mr. Edri, good morning or good afternoon to you.

A. Afternoon.

Q. We were supposed to see each other back in May, weren't we?

A. Yes.

Q. What happened?

A. I was sick, and some things, personal things, came up that day, the day before.

Q. You didn't think to call me?

A. I woke up late.

Q. And you didn't think to return the call that I left for you later?

A. Which one?

Q. That's what I'm asking you.

A. No, I don't usually call people back.

Q. All right, you don't. All right. Do you remember I took your deposition quite some time ago?

A. Yes, sir.

Q. Yes. And do you remember the things that we talked about in your deposition?

A. For the most part somewhat.

Q. What did we talk about; do you remember?

A. About a lot of things such as I believe it was about the accident, the fall, the incident. We talked

1 about some other things, about like pay, I believe.

2 Q. Yes, okay. You said during your deposition, and I
3 asked you, how much you worked; do you remember
4 that?

5 A. Yeah, I believe it was around like 30 hours. No
6 more than that.

7 Q. You said, "30 hours -- 30 hours a week. No more
8 than that"?

9 A. Somewhere around that.

10 Q. Yes. Zack, do you think it might have been closer
11 to 58 hours a week you worked?

12 A. No, sir.

13 Q. No, okay. Do you remember that deposition you were
14 in; you were in my office, Mr. Mogil was there, I
15 believe Mr. Killen was there, and I'm sure you met
16 with the Harbour Town -- the lawyers before you went
17 in for this deposition, didn't you?

18 A. What lawyers?

19 Q. Mr. Mogil, Mr. Killen. Anybody tell you what to
20 expect?

21 A. No.

22 Q. Okay. Do you remember the reporter there, Kathy
23 Knoetter?

24 A. Somewhat.

25 Q. Okay. And she gave you an oath to tell the truth?

1 A. Uh-huh.

2 Q. Same oath you took today?

3 A. Yes, sir.

4 Q. Told the whole truth?

5 A. Yes, nothing but.

6 Q. I think after the deposition you had the opportunity
7 to read the record and to either make any
8 corrections or waive; is that right?

9 A. Yeah, but I never got it. I read it like last week.

10 Q. Oh, okay. Did you waive any objections then?

11 A. No, sir.

12 Q. Okay. And we talked about a lot of things that day,
13 and one of the things we did talk about was how much
14 time you worked, and I think on page nine-four you
15 said you worked "I don't know, maybe 30 hours a
16 week"; is that correct?

17 A. Yes, sir.

18 Q. And I asked if you were paid by the hour?

19 A. Yeah, you asked me that.

20 Q. And you'd said that you weren't, ---

21 A. No.

22 Q. --- you didn't get anything. Maybe you got a little
23 cash under the table, but that was it?

24 A. No, I received like cash out of Mr. Amir's pockets.
25 Like, you know, he's family to me. He gave me a

1 little 50 bucks here and there.

2 Q. And you got some merchandise?

3 A. Got merchandise, yes, sir.

4 Q. Okay. What kind of merchandise did you get?

5 A. Anywhere between hats, shirts, board-shorts, flip-
6 flops, sunglasses.

7 Q. What would you do with that merchandise?

8 A. I'll wear it.

9 Q. You must have a pretty big cupboard full of that; is
10 that right?

11 A. Yes, sir. Too many shirts now.

12 Q. Now, you also -- we also talked about Lynn Bridges;
13 so you remember that?

14 A. Yes.

15 Q. And we talked about her accident?

16 A. Uh-huh.

17 Q. Okay. And do you remember you told me ---

18 BY MR. COGGIN:

19 And this is on page eleven, number one.

20 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

21 Q. And maybe if you want, I'll give you -- you can
22 follow along so you'll make sure I'm not telling you
23 anything differently than what's going on. Turn to
24 page eleven, number one.

25 A. (Witness complies).

1 Q. I said, "What did you guys talk about?"

2 BY MR. COGGIN:

3 That was on page 45.

4 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

5 Q. And you said, "She came back -- just came back from
6 vacation." Do you remember that?

7 A. Uh-huh.

8 Q. "I think North Carolina, and I noticed there was,
9 like, bandaging on one of her foot, and I asked her
10 what happened, and she gave me the story just back
11 from vacation." When did you talk to her?

12 A. When -- when she got back?

13 Q. Yes. I mean, Monday, Tuesday, what; when did you
14 see her?

15 A. That Monday when she got back.

16 Q. Yes, is that what you're saying?

17 A. Right.

18 Q. Okay. "And I noticed there was, like, bandaging on
19 one of her foots."

20 A. Yeah.

21 Q. And you said the -- we talked about this, and you
22 said that she had a bandage on her foot, right?

23 A. Yes, sir.

24 Q. At eleven three? And then you told her that -- she
25 told you that she had dropped a table on her foot in

1 North Carolina; is that right?

2 A. Yes, sir.

3 Q. What did she tell you about that?

4 A. She told me she dropped a table on her foot.

5 Q. Yes, anything else?

6 A. That it was like a foldable white table like one of
7 those plastic tables that you would have at like a
8 family gathering.

9 Q. Where did you get that foldable white table stuff
10 at? I didn't hear that before. It's in here
11 though.

12 A. It would -- that's what she told me.

13 **BY MR. MOGIL:**

14 Your Honor, Object. He's going to confuse --
15 he said he didn't hear it before, but it's in here.

16 **BY MR. COGGIN:**

17 I apologize.

18 **BY MR. MOGIL:**

19 Ask a question.

20 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

21 Q. I didn't hear that from you before, did I?

22 A. No.

23 Q. Okay. But it was a foldable white table; is that
24 right?

25 A. Yeah, it was one of those plastic ones I believe. I

1 don't know the brands.

2 Q. And you said that the table had fallen off the truck
3 onto her foot; is that right?

4 A. I did not say that.

5 Q. You didn't say that?

6 A. Off the truck?

7 Q. That's what I -- that's what you said. No?

8 A. No.

9 Q. Okay. We'll move on. Not a big deal. Mr. Edri, we
10 talked, and if I can refer you to page thirteen,
11 number eight, you said that -- I asked you if it was
12 the foot that was bandaged or the leg was bandaged,
13 and you said, "It was, like, the ankle or the foot.
14 Looks like she twisted it"; is that right?

15 A. Yeah, like, if it was a common twist, that's how
16 people would wrap the bandage.

17 Q. Okay. And do you remember I asked you what foot it
18 was, and you said, "It was the right foot"?

19 A. Yeah, I didn't really remember. I don't have a very
20 good memory.

21 Q. Yes. And I asked you twice, and you said both times
22 "It's the right foot," and then your attorney over
23 here tried to rehabilitate ---

24 **BY MR. KILLEN:**

25 Objection. I'm not his attorney.

1 **BY COMMISSIONER JAMES:**

2 Mr. Coggin, he's not his attorney.

3 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

4 Q. One of the attorneys tried to rehabilitate him, and
5 asked him what foot it was, and "think carefully";
6 you remember that?

7 A. Yeah.

8 Q. And you said, "The right foot"; is that right?

9 A. No, I believe I said, "I don't really know."

10 Q. Pardon?

11 A. I said -- I believe I said, "I don't really recall,
12 because I don't have a good memory."

13 **BY MR. MOGIL:**

14 Your Honor, I'm just going to object. If he
15 wants to read from the transcript, that's fine, but
16 it's a matter of fact what he said. It's in the
17 transcript. He can ask him why he said it, but he
18 can't change what's in the transcript for the
19 purpose of a question. Either he can say "Is this -
20 - do you agree with your statement or don't agree
21 with your statement."

22 **BY MR. KILLEN:**

23 He's mischaracterizing the question.

24 **BY MR. COGGIN:**

25 Page 14 by Mr. Killen.

1 BY COMMISSIONER JAMES:

2 And again, you have the benefit of cross-
3 examination. So that I also can follow along, if
4 it's something's being read, please read it from the
5 transcript.

6 BY MR. COGGIN:

7 Okay.

8 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

9 Q. Page 14, turn to page 14.

10 A. (Witness complies).

11 Q. By Mr. Killen, line five, "Do you recall absolutely
12 which leg it was?" And your answer was "It was her
13 foot."

14 A. "I want -- I want to say it was her right." That's
15 what I said.

16 Q. And then he said in an attempt at rehabilitation,
17 "Are you speculating?"

18 BY MR. KILLEN:

19 Objection to the characterization of my
20 question.

21 BY COMMISSIONER JAMES:

22 All right.

23 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

24 Q. Did he say that?

25 A. Yeah, but I thought he was just asking if I was a

1 hundred-percent sure, which I wasn't.

2 Q. Okay. You had said that earlier you had seen her
3 when she came back from vacation, and she didn't
4 look too good. Her foot was -- she was limping and
5 so forth like that?

6 A. Uh-huh.

7 Q. Which places do you work when you're ---

8 A. I've -- I've worked at all the shops.

9 Q. All of them?

10 A. Yeah.

11 Q. What -- do you -- how far is Neptune Beach from
12 where you're at?

13 A. Where I live?

14 Q. No, no, no. From Harbour Town.

15 A. So, it'd be like ten minutes.

16 Q. Now, I noticed here that you have a lot of work at
17 the office, you work at the office a lot?

18 A. Yeah.

19 Q. How many hours do you put in when you go to the
20 office?

21 A. I get in around, like, nine and leave about, like,
22 one.

23 BY MR. MOBIL:

24 Just an objection. He's asking in the present
25 tense. So I just want to make -- he's not asking

1 the question with respect to -- when is he talking
2 about?

3 BY MR. COGGIN:

4 I can rephrase that. That's not a problem.

5 BY COMMISSIONER JAMES:

6 Okay. Thank you.

7 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

8 Q. When you worked at the office, how many hours did
9 you work?

10 BY MR. COGGIN:

11 Thank you, Mike.

12 THE WITNESS ANSWERS:

13 A. Anywhere like -- it really was up to me 'cause I'd
14 just be helping out printing shirts.

15 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

16 Q. Okay, yes. All right. You have said you'd seen
17 Lynn on a Monday when she came back from the office?

18 BY MR. COGGIN:

19 I don't know which -- is this Exhibit Number
20 One; which one is that?

21 BY COMMISSIONER JAMES:

22 Let's use the actual exhibit, please. Is this
23 what you're looking for, it's One (indicating)?

24 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

25 Q. Who were you talking to there?

1 A. Oh, I was just saying I didn't say it was Monday. I
2 was just saying whenever she got back.

3 Q. We'll see about that. What does it say...

4 **BY COMMISSIONER JAMES:**

5 Mr. Coggin, can we please leave out some of the
6 commentary.

7 **BY MR. COGGIN:**

8 Okay. I'm sorry.

9 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

10 Q. Zack, is that you for the 11th?

11 A. (Witness views document). Yeah.

12 Q. Okay. And where were you at on Monday?

13 A. I was at the office.

14 Q. Okay. And I asked you earlier when I began the
15 deposition, didn't I, ---

16 A. Yeah.

17 Q. --- that she was back, just back, and I said, "What
18 day did you talk to her, Monday or Tuesday," and you
19 said, "Monday."

20 A. I didn't say that. I said, "Whenever she got back,
21 whenever I saw her."

22 Q. Let's go to the Saturday. Were you working Saturday
23 at the Surf Shop, the 16th?

24 A. When she fell?

25 Q. Yes, uh-huh.

1 A. Yes.

2 Q. Okay. What do you recall about that day?

3 A. I was working the -- the Surf Shop.

4 Q. Okay.

5 A. I was behind the counter working with Ms. Raven and
6 just like any other normal day, working.

7 Q. Anything in particular?

8 A. I mean, nothing in particular besides Amir stopping
9 by.

10 Q. And what time did he stop by?

11 A. I want to say like noonish, maybe a little bit
12 before.

13 Q. And who did he talk to?

14 A. He talked to all of us.

15 Q. Okay. What did he say to you in particular?

16 A. He'd said that, you know, Lynn's foot is injured,
17 and that he doesn't want her to go on the ladder,
18 and that if she needs to go on the ladder, to come
19 get me to go on the ladder.

20 Q. What, to do anything specifically?

21 A. No, it was just basically if she needed to go on the
22 ladder to come get me.

23 Q. Was that for one day, two days, six days; what was
24 it?

25 A. That was -- he just instructed me that day.

1 Q. Instructed you that day?

2 A. Yeah.

3 Q. Was there any particular place to go to?

4 A. What was that?

5 Q. Was there any particular place that he said that you
6 had to go to help her with the ladder?

7 A. No.

8 Q. Okay. Mr. Edri, I'm going to hand you a ---

9 **BY MR. COGGIN:**

10 Can we mark all of this as Plaintiff's Exhibit
11 -- I'm going to have -- can I put all of this into
12 evidence?

13 **BY COMMISSIONER JAMES:**

14 Well, I don't know what it is, and the other
15 side hasn't seen it yet.

16 **BY MR. COGGIN:**

17 And I think there are one, two, three, four,
18 five, six, seven, eight, nine, ten pages. Okay.

19 **BY COMMISSIONER JAMES:**

20 No, hold on. I need for them to look at it
21 first so I'll know if there's any objection.

22 **BY MR. COGGIN:**

23 You might need this my friend.

24 **BY MR. MOGIL:**

25 And, Your Honor, I just, if we could just,

1 since he's presenting a witness, there's a document
2 that we haven't seen yet. So if he could just lay
3 the foundation from where it came from, who created
4 it.

5 BY COMMISSIONER JAMES:

6 Well, the top sheet appears to me to be a
7 summary sheet; is that correct, Mr. Coggin?

8 BY MR. COGGIN:

9 That's correct, yes.

10 BY MR. MOGIL:

11 That's the one we haven't seen.

12 BY COMMISSIONER JAMES:

13 So, was the summary sheet prepared by you?

14 BY MR. COGGIN:

15 Yes, it was.

16 BY COMMISSIONER JAMES:

17 Okay. So, this is more of a demonstrative.
18 This isn't really evidence. So I'm going to remove
19 this and use this the same way of Mr. Killen's
20 demonstrative document than he's putting up.

21 BY MR. COGGIN:

22 That'd be quite all right. Yes, no problem at
23 all.

24 BY COMMISSIONER JAMES:

25 Okay. So, this is ---

1 BY MR. COGGIN:

2 Do you want me to remove that from ---

3 BY COMMISSIONER JAMES:

4 --- Claimant's summary. If it goes in, we'll
5 put the exhibit number, and then handed along --
6 well, not along with it anymore, there are 11 pages.

7 BY MR. COGGIN:

8 I think -- okay.

9 BY COMMISSIONER JAMES:

10 Are there any objections to these 11 pages?

11 BY MR. KILLEN:

12 They appear to be more of Exhibit 1 plus more
13 sheets.

14 BY COMMISSIONER JAMES:

15 All right. But the question would be whether
16 there's an objection to them.

17 BY MR. MOGIL:

18 Objection to the extent that they were excluded
19 from the prior Exhibit 1 when Ms. Bridges -- they
20 came from her phone allegedly, and I just don't see
21 why they weren't all put in with her if she was the
22 authenticator. He didn't create the exhibit.

23 BY MR. COGGIN:

24 Well, Your Honor, most of these are from after
25 the time that she was injured. I think I've given

1 him up until the time he was injured. The first
2 three are prior to when she was injured, and as ---

3 BY MR. MOGIL:

4 So, then where did they come from? Your Honor,
5 I don't mean to interject.

6 BY COMMISSIONER JAMES:

7 Okay.

8 BY MR. MOGIL:

9 So, the question is, where did they come from
10 if they were after the time she was injured?

11 BY COMMISSIONER JAMES:

12 Well, then I guess, Mr. Coggin, you'll need to
13 lay the foundation for these.

14 BY MR. COGGIN:

15 Okay, I can lay a foundation.

16 BY COMMISSIONER JAMES:

17 I want to note for the record, if there are
18 better copies of these, some of them appear to be --
19 and I don't know, maybe they're fine with a
20 magnifying glass, but there are definitely areas
21 that are illegible ---

22 BY MR. COGGIN:

23 Your Honor, those are ---

24 BY COMMISSIONER JAMES:

25 --- that cannot be read.

1 BY MR. COGGIN:

2 Those are the best I have had, and to be honest
3 with you, that's the reason I've continued to ask
4 for these documents from the other side, and this
5 has come off of whomever. I've managed to scrounge
6 up ten of those. Those are the best that I have.

7 BY COMMISSIONER JAMES:

8 Okay. I'm just indicating for the record,
9 because someone will be looking at these possibly
10 after me. Maybe not, but possibly, should there be
11 appellate matter. So I just want to make sure that
12 I indicate that it was not the quality of the copies
13 that are going to be put into the Commission file,
14 that it's not the Commission's copying that they
15 exist in this manner already. That they already
16 have difficulty with being legible.

17 BY MR. COGGIN:

18 That's the reason I have been trying to get
19 these documents for eight months.

20 BY COMMISSIONER JAMES:

21 All right. If you wish to go forward with this
22 witness with regards to laying a foundation, and if
23 it is, then we'll put the exhibit in and add the
24 summary sheet for the demonstrative information.

25 BY MR. COGGIN:

1 Okay.

2 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

3 Q. Zack, would you look at that sheet that I've given
4 you, ---

5 **BY MR. COGGIN:**

6 --- or is it up here now? Where did it go?
7 Oh, it's right here.

8 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

9 Q. Do you recognize those documents? Look through the
10 whole thing.

11 A. (Witness views documents). Yeah.

12 Q. What are they?

13 A. That would be a schedule.

14 Q. Okay. What kind of schedule?

15 A. A work schedule.

16 Q. Okay. And is that -- do you see your name on those?
17 You might have to use the magnifying glass
18 (indicating).

19 A. Yeah, I can see it.

20 Q. Okay. Now, Zack, these are several sheets. They go
21 from April the 9th ---

22 A. Uh-huh.

23 Q. --- to September the 2nd, and I think you left the
24 company right around that time; is that right?

25 A. I believe so, yeah.

1 Q. Okay. And each one of these says the number of
2 hours that you worked, and if you want, we'll go
3 through each one.

4 A. Sure. You can't see on the black and white, but
5 they're also color coded.

6 Q. Yes, they were color coded. Unfortunately, none of
7 those were presented to me. I can't help it.

8 A. Yeah. So, it wouldn't just be at one store.

9 Q. Okay. That's not the problem. I'm wondering how
10 many hours you worked, okay.

11 A. Okay.

12 Q. Do you want to go through the first week. You see
13 Zack, you see you're on the fourth from the bottom?

14 A. Yes.

15 Q. Off Monday?

16 A. Uh-huh.

17 Q. Thirteen hours Tuesday, off Wednesday, thirteen
18 hours Thursday, thirteen hours Friday, thirteen
19 hours Saturday.

20 A. Do you mean seven hours? That says "three."

21 Q. Yes, it's three at the top.

22 A. Three to ten is seven hours.

23 Q. Yes, you're right about that. Thirty-three -- so
24 that first week you worked forty-six hours, right?

25 A. I mean, ---

1 Q. Well, look at it this way.

2 A. --- as it shows on the schedule, sure.

3 Q. Yes, okay. That's what it says on the schedule?

4 A. Yeah.

5 Q. That's not 30 hours, is it?

6 A. On the schedule.

7 Q. Okay. Let's look at the second page. Do you see
8 you're third from the bottom; do you see that?

9 A. (Witness views document). Hardly.

10 Q. Yes. It says "Zack, Monday."

11 A. Okay.

12 Q. I'll give you "three to ten," if you want to do
13 that. I think it's "nine to ten."

14 **BY MR. MOGIL:**

15 Your Honor, I'm just going to object on
16 relevance. He could lay a...

17 **BY COMMISSIONER JAMES:**

18 Mr. Coggin.

19 **BY MR. COGGIN:**

20 What I'm trying to do is -- Zack has testified
21 under oath that he averaged 30 hours a week of work.
22 I have gone through the files, and Zack has actually
23 averaged 58 hours of work a week.

24 **BY MR. KILLEN:**

25 Objection, Commissioner. He's miscalculated at

1 least the week we already know, and that 58 hours is
2 based, at least in part, on that first week, which
3 has already been miscalculated.

4 BY MR. MOGIL:

5 The other end of it, Your Honor, is just --
6 sorry to object, but he's here to testify today. So
7 I don't know if we're litigating the deposition or -
8 - he's here. He can be a -- you know, we called him
9 as a witness today to testify, so ---

10 BY MR. COGGIN:

11 Your Honor, it goes to credibility.

12 BY COMMISSIONER JAMES:

13 Okay. Is there a way for the witness to be
14 able to read the ---

15 BY MR. COGGIN:

16 I wish there was.

17 BY COMMISSIONER JAMES:

18 Well, what I'm saying is, I'm just trying to --
19 -

20 BY MR. COGGIN:

21 And I understand.

22 BY COMMISSIONER JAMES:

23 I'm not rushing anybody. We have less than two
24 hours to finish. So otherwise, we'll have to
25 reschedule to be back another day, and if that

1 happens, that happens, but I just -- but let's go
2 ahead and move on.

3 **BY MR. COGGIN:**

4 I'm just trying to attack his credibility, and
5 I think that's what we're doing.

6 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

7 Q. Let's go to the second page, Joshua -- or, Zack.
8 You were in the office, what do you think, eight
9 hours?

10 A. I wouldn't say that.

11 Q. Well, give me an estimate. What do you usually
12 work?

13 A. Nine to one.

14 Q. In the office. You just said before, eight, nine,
15 you didn't know how many hours.

16 A. I never said that.

17 Q. Okay. At the end of the week, the first one you
18 have three to ten, which is seven. So you want to
19 go five hours for the next one. That's twelve. The
20 office again, you worked only five hours both times?

21 A. It would be like nine to one, nine to two. It was
22 up to me.

23 Q. Okay. So, that's twenty hours. Nine to ten is
24 thirteen. That's thirty-three, right? Nine to ten
25 on the 21st is thirteen. That's forty-six. Nine to

1 ten on Sunday, fifty-nine hours. That's the second
2 week; do you agree?

3 A. Yes, as far as how it reads on the schedule.

4 Q. Yes. It's not 30 hours, is it?

5 A. On the schedule, that's what it says.

6 Q. Okay. Let's look to the third. Zack, this is
7 6/11/18 to 6/17. Zack, you worked at the office on
8 the 11th, how many hours?

9 A. Again, it'd be like whenever -- like I'd get off
10 probably one or two.

11 Q. Okay. From what time in the morning?

12 A. Nine, ten a.m., whenever I showed up.

13 Q. You want to go with nine to two?

14 A. I'd go with ten, 'cause I usually showed up late.

15 Q. Okay, four. Okay, we'll do that. You were off the
16 next day. The next day was nine to ten. That's
17 thirteen hours -- that's seventeen hours, right,
18 then you were off. Another thirteen hours, that's
19 thirty. Another thirteen hours on Saturday; ---

20 BY COMMISSIONER JAMES:

21 Are you asking a question?

22 BY MR. COGGIN:

23 Yes, there's a question at the end.

24 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

25 Q. --- is that right, another thirteen hours, nine to

1 ten?

2 A. Okay.

3 Q. Let's see, that's five, eighteen, thirty, forty-
4 three, and Sunday nine to ten, that's thirteen
5 hours; is that right?

6 A. Sure.

7 Q. Okay. That's fifty-six hours for the week of the
8 16th; is that right?

9 A. Sure.

10 Q. That's not thirty hours, is it?

11 A. On the schedule, it says "Sixty," but, you know, I
12 get to leave early, so I wouldn't really be there
13 'til ten.

14 Q. Okay. Zack, let's go to the next. This is the week
15 of the 18th.

16 A. Okay.

17 Q. Office the first day, right?

18 A. Uh-huh.

19 Q. What do you want to give yourself?

20 A. I'll go with five.

21 Q. Five, okay. The next day, five to ten. That's ten,
22 right?

23 A. Uh-huh.

24 Q. The next day is thirteen, right?

25 A. Uh-huh.

1 Q. That's twenty-three. The next day you're off.
2 Friday is thirteen, that's thirty-six, correct?

3 A. Uh-huh.

4 **BY COMMISSIONER JAMES:**

5 Is that a "yes," sir?

6 **BY THE WITNESS:**

7 Oh, sorry. Yes -- yes.

8 **BY COMMISSIONER JAMES:**

9 That makes the court reporter's job difficult.

10 **BY THE WITNESS:**

11 Yes, I'm sorry -- sorry.

12 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

13 Q. Okay. That's thirty-six. Nine to ten is another
14 thirteen. Okay, that's forty-nine, right?

15 A. Yes.

16 Q. And then on Sunday, another thirteen, that's sixty-
17 two hours, right?

18 A. Yes.

19 Q. Okay. It's not thirty, is it? It's actually ---

20 A. Are you counting like breaks, too?

21 Q. It's actually twice thirty, isn't it? Let's go to,
22 we're trying to get through this, on 7/16, and I
23 believe that's you at the bottom; is that right,
24 Zack?

25 A. No, that's Vicky.

1 Q. No, no, no, I apologize. You're six up from the
2 bottom. Okay, three offices. So you're saying
3 that's fifteen hours; is that right?

4 A. Sure.

5 Q. Okay. Well, I mean, you can disagree.

6 A. No, I'll -- I'll go with fifteen, that's fine.

7 Q. Fifteen plus thirteen is what?

8 A. Twenty-eight.

9 Q. Uh-huh. Plus thirteen, forty-one.

10 A. Forty-one.

11 Q. Plus thirteen.

12 A. Fifty-four.

13 Q. Yes. That's almost twice thirty hours again; is
14 that right?

15 A. Sure.

16 Q. I have to say, Zack, this next one, 7/23, I have to
17 agree with you. I don't know if I can see anything
18 on that. So we'll just skip that one, okay. Okay,
19 on 7/30, nine-thirty, what is that, three-thirty.
20 Six hours?

21 A. Yes.

22 Q. Nine to three, excuse me. Nine to three, three to
23 ten. That's thirteen hours. The next day is nine
24 to three, three to ten. That's twenty-six hours.
25 The office/four to ten, how does that work; four to

1 ten at the office?

2 A. That would be like four to ten at a store.

3 Q. Okay. And then at the office before that?

4 A. I'd say I'd get in there around twelve-thirty after
5 eating lunch, and I can get in there and print some
6 shirts.

7 Q. Okay. And then you'd work from four to ten in the
8 store; is that right?

9 A. Yeah, sure.

10 Q. So, that's ten hours; is that correct?

11 A. Yeah.

12 Q. That's thirty-six. Nine to ten for Thursday, forty-
13 nine. The office until three o'clock, what's that?

14 A. I'll go with the same.

15 Q. Five?

16 A. No, I'd get in like twelve, and then I'd go to work
17 at a store from three to ten.

18 Q. Did we get this right, either we'd have thirty-nine
19 or forty-nine. Forty-nine plus three, what do you
20 think, fifty-two?

21 A. Yes.

22 Q. Okay. That's more than thirty hours, right?

23 A. Yeah.

24 Q. I think you get the idea. The last two weeks,
25 according do my records, you worked fifty-three and

1 seventy hours.

2 A. You're talking about 8/6?

3 Q. Yes, uh-huh.

4 A. 8/6, I didn't work at all that week.

5 Q. Oh, excuse me. I don't have the 8/6 there. 8/13.

6 8/13 is sixty-four hours. 8/20 is seventy hours,

7 and 8/27 is fifty-three hours. Josh, what I'm

8 trying to get across here to you is that ---

9 A. It's Zack.

10 Q. Excuse me, Zack. You look like a Josh to me. Zack,

11 you have ten weeks here. You worked 578 hours in

12 these ten weeks. How many hours a week is that that

13 you worked?

14 BY MR. KILLEN:

15 Objection, Commissioner. He's...

16 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

17 Q. Can you do the math?

18 BY MR. KILLEN:

19 We've already established that that first week

20 was at least...

21 BY COMMISSIONER JAMES:

22 All right. And this particular summary sheet

23 is the Claimant's version of what they see of the

24 evidence. It's only demonstrative. It is not

25 evidence. Same thing with the sheets that were

1 handed up from the Claimant on other issues, and
2 from the Defendants on their calculation of the
3 average weekly wage.

4 **BY MR. KILLEN:**

5 I think he agreed that he had at least the
6 first week improperly calculated.

7 **BY MR. COGGIN:**

8 Thirty-four?

9 **BY MR. KILLEN:**

10 Yes.

11 **BY MR. COGGIN:**

12 Okay.

13 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

14 Q. The total of ten weeks is 578 hours. What is that
15 divided by ten?

16 A. That's be 57.

17 Q. Fifty-seven. Fifty-eight, though, closer, right?

18 A. I mean, sure.

19 Q. Okay. That's a lot of sunglasses and sandals and t-
20 shirts, isn't it?

21 A. Sure.

22 Q. Are you sure you weren't paid?

23 A. No.

24 Q. Okay. In your deposition -- or excuse me, your
25 subpoena that I sent you, I asked you to bring your

1 pay stubs with you; did you bring them?

2 A. Which subpoena?

3 Q. The subpoena to come to this -- you were served by a
4 young lady about two weeks ago.

5 A. Yeah, no.

6 Q. "Yes" or "no"?

7 A. No, 'cause I never saw that.

8 Q. You never saw the subpoena?

9 A. No, I never saw the -- the things, you know. That
10 stuff I hand to my mother.

11 Q. Pardon?

12 A. That stuff I hand to my mother. She's my lawyer.

13 Q. I said there was a young lady that came to your
14 hours.

15 A. Yeah, I received it.

16 Q. Okay.

17 A. I didn't really read over it. I just knew that I
18 was being subpoenaed.

19 Q. Okay. Didn't you read over the section that asked
20 you what you were going to bring to Court?

21 A. No.

22 Q. I asked you to bring your W-2 forms.

23 A. Yeah. No, I didn't read that.

24 Q. And I asked you to -- none of that to bring you with
25 you, your pay stubs.

1 A. No, I didn't read any of that.

2 Q. You didn't read any of that?

3 A. Uh-uh, I don't like reading.

4 Q. Okay. Do you agree, Josh, after we've gone through
5 this that in fact -- Zack, I'm sorry. After we've
6 gone through this that you worked a lot more than
7 the thirty hours a week that you claimed to have
8 worked earlier?

9 A. No, 'cause this is a schedule.

10 Q. And you agree, Zack -- and I don't believe your
11 story that you were paid ---

12 **BY COMMISSIONER JAMES:**

13 Excuse me.

14 **BY MR. KILLEN:**

15 Objection.

16 **BY COMMISSIONER JAMES:**

17 I need to see counsel outside for just a
18 moment.

19 **OFF THE RECORD**

20 **BY COMMISSIONER JAMES:**

21 Okay, Mr. Coggin.

22 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

23 Q. Zack, would you repeat as to how you were paid as an
24 intern?

25 A. In merchandise, and like Mr. Amir would buy me --

1 give me some money for some lunch or give me like
2 \$50 for a weekend.

3 Q. And what you're saying is you were not paid at all
4 for the sometimes 50, 60-hour weeks you put in?

5 A. No, 'cause I didn't put in 50, 60-hour weeks.

6 Q. But you were not paid on the books; is that right --
7 did you ever receive a paycheck?

8 A. No.

9 Q. You never received a paycheck?

10 A. No.

11 Q. Did you ever receive a pay stub?

12 A. No.

13 Q. So, you're completely off the books, nothing was
14 paid to you at all all those hours you worked?

15 A. No, 'cause it's like family, Alon and Amir. I
16 helped them out of the goodness of my heart.

17 Q. You brought this up. I'll ask you about it. Your
18 stepfather is Amir's cousin; is that right?

19 A. Good friend, cousin, Yeah, sure.

20 Q. Pardon me?

21 A. Like really good friend. They knew each other
22 growing up, yeah.

23 Q. They grew up on the same town in Israel?

24 A. Uh-huh.

25 Q. Okay. And let's see, your sisters work at Harbour

1 Town Surf Shop, or they did?

2 A. Yeah, they -- they would help out.

3 Q. Yes. And your mom is the attorney for Amir; is that
4 correct?

5 A. Yes.

6 Q. Okay. And what does she represent him for?

7 A. I believe a case about the Harbour Town versus Surf
8 Shop. I -- I don't really talk about her work.

9 Q. And Amir has referred to you as family; is that
10 correct?

11 A. Yes.

12 Q. Okay. Have you ever said, Zack, that "I'll do
13 whatever Amir tells me to say"?

14 A. Like to an extent. If he asks me for a favor, I'll
15 do it.

16 Q. Did you ever tell anybody not to talk about this
17 case?

18 A. No.

19 Q. Did you ever tell anybody that if they talked about
20 this case they would be in trouble?

21 A. No.

22 Q. Are you sure?

23 A. Yeah, I'm positive.

24 Q. Okay. Did you ever talk about -- make the statement
25 "I'll do what I have to do"?

1 BY MR. MOGIL:

2 Objection.

3 BY THE WITNESS:

4 Yeah, what?

5 BY COMMISSIONER JAMES:

6 What's the objection?

7 BY MR. MOGIL:

8 Just to whom, when?

9 BY MR. COGGIN:

10 It's a simple question. I'm asking a
11 statement.

12 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

13 Q. Did you ever make that statement?

14 BY MR. MOGIL:

15 It's open-ended, Your Honor. Because in fifth
16 grade I could have said to my mother, "I'll do what
17 I have to do on my own."

18 BY COMMISSIONER JAMES:

19 All right. Can you put some time frame on
20 this?

21 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

22 Q. All right. In recent months, did you ever make the
23 statement that "I'll do what I have to do"?

24 A. No. Wait, pertaining to what, I'll do what I have
25 to do what?

1 Q. Pertaining to the situation we have here.

2 A. No.

3 Q. Okay. Let me go through a couple more things with
4 you. Did Ms. Bridges ever come to you the day she
5 was injured and say to you while you were in the
6 bathroom looking at the mirror putting lotion on
7 your face that ---

8 A. (Witness shakes head side to side).

9 Q. Oh, I didn't finish. You weren't putting lotion on
10 your face?

11 A. No.

12 Q. Okay. In your bathroom putting lotion on your face
13 and she said to you that "Amir wants you to go up on
14 the cooler ---

15 A. No.

16 Q. --- and take the inventory;; she never said that?

17 A. No, she didn't.

18 Q. And what do you remember Amir saying to you?

19 A. Amir came to me and Raven, because we were both
20 standing next to her behind the counter, and he
21 said, "I've already talked to Lynn. I told her not
22 to go on the ladder because of her foot." So at any
23 point at all today, if she ever needs to go on the
24 ladder or needs to get something up high, for her to
25 come me.

1 Q. Okay. And it was the right foot that was injured,
2 according to you, and she told you all this on
3 Monday, is that right, ---

4 A. No.

5 Q. --- when you were working at the office?

6 A. No.

7 **BY MR. COGGIN:**

8 Mr. Edri, I have no more further questions for
9 you.

10 **CROSS-EXAMINATION BY MR. KILLEN:**

11 Q. Mr. Edri, I'm Tim Killen; we met at your deposition.

12 A. Yes.

13 Q. I represent the Workers' Compensation Uninsured
14 Employers' Fund. How old are you?

15 A. I'm twenty-two.

16 Q. Twenty-two years old. High school graduate?

17 A. Yes.

18 Q. Which high school?

19 A. (Inaudible).

20 Q. And your mother's an attorney in Hilton Head?

21 A. Yes, she was the judge for 18 years.

22 Q. Okay. And did you go to college?

23 A. Did I go to college?

24 Q. Yes.

25 A. No.

1 Q. Okay. Do you know what you want to do for the rest
2 of your life?

3 A. Yeah, I'm -- actually, I've already applied to the
4 fire department on Hilton Head.

5 Q. Fantastic. Good luck with that. That's a tough
6 job.

7 A. It is.

8 Q. Anyway, you went through this exhibit, I don't know
9 whichever one it was, with all the schedules ---

10 A. Yes.

11 Q. --- with Mr. Coggin.

12 A. Yes.

13 Q. And I think -- well, do the hours listed on these
14 schedules accurately represent the actual time you
15 spent working?

16 A. No, not at all.

17 Q. Okay. So, you worked fewer hours than shown on the
18 schedule?

19 A. Yeah.

20 Q. Okay. Why would you do that; why would you work
21 fewer hours?

22 A. I get to go home early some days, get to come in a
23 little later.

24 Q. Okay. All right. And that was okay with your
25 bosses?

1 A. Yeah.

2 **BY MR. KILLEN:**

3 All right. That's all the questions I have.

4 Thank you.

5 **BY THE WITNESS:**

6 You're welcome.

7 **BY COMMISSIONER JAMES:**

8 On behalf of the employer?

9 **BY MR. MOGIL:**

10 Thank you, Your Honor.

11 **CROSS-EXAMINATION BY MR. MOGIL:**

12 Q. Michael Mogil. Zack, on the day that Ms. Bridges
13 fell from the ladder, what location -- where were
14 you working?

15 A. I was in the Surf Shop.

16 Q. Okay. Can you explain to the Court the connection
17 between the Surf Shop and the General Store; how are
18 they...?

19 A. Yeah. So, you have the General Store. It -- you
20 can obviously tell the difference between the two
21 stores, but there's like a little passageway that
22 connects both of them.

23 Q. Is it open, or is there a door there?

24 A. Oh, it's open. It's -- it's open. There's nothing
25 blocking it, so customers can walk through.

1 Q. So, on that day you were helping out in the Surf
2 Shop?

3 A. Yes.

4 Q. And where was Ms. Bridges working?

5 A. She was working in the General Store.

6 Q. Can you see the General Store from the Surf Shop?

7 A. Yeah, to an extent. I can't see the whole store
8 though.

9 Q. Did you see any conversation between Mr. Bitton and
10 Ms. Bridges when he came in? They both testified
11 there was a conversation; did you see it?

12 A. Yes, 'cause Mr. Amir was standing inside that
13 passageway where it was visible and you could see
14 him talking to somebody.

15 Q. Could you hear it?

16 A. I don't believe I could.

17 Q. And then what did --- what was the instruction to
18 you from Mr. Bitton?

19 A. The instruction was that today, if Lynn needs to go
20 on -- get anything from like a high -- high elevated
21 place that -- and it requires her to use the ladder,
22 for me to get on it so she doesn't hurt herself even
23 more than she already has.

24 Q. And during the examination by Mr. Coggin, he kept on
25 saying that you worked at the office Monday on the

1 schedule; what is the office?

2 A. The office is just a place where they print the T-
3 shirts.

4 Q. Is it adjacent to any store?

5 A. It's adjacent to a Mexican restaurant. It's in,
6 like, a little plaza.

7 Q. Okay. On the days that you would stop in the
8 office, did you also go to other stores?

9 A. I would from time to time to like deliver
10 merchandise to 'em.

11 Q. And do you recall the day that -- what day of the
12 week it was when you first saw Ms. Bridges when she
13 came back from vacation?

14 A. I mean, I don't really recall it. It's just
15 whenever I saw her the first time.

16 Q. Did you see her more than once before the -- let me
17 rephrase that. Did you work with her in that
18 location more than once before she got injured?

19 A. Like for the week?

20 Q. Yes.

21 A. Yeah, maybe like two times.

22 Q. Two times. Did Ms. Bridges ask you to help with any
23 climbing on the day that she got hurt?

24 A. No, not at all.

25 Q. Did she ask you to go on the ladder?

1 A. No.

2 Q. Did you hear her fall?

3 A. No, I was in the counter in the back of the store.

4 Q. And did you see her after she fell?

5 A. After I took notice and somebody told me that she
6 fell, I went to see, and I saw her after the fall,
7 yes.

8 Q. Okay. Were you involved with contacting 9-1-1?

9 A. No, I was not.

10 Q. Did you have any conversations with her after she
11 fell?

12 A. Besides the commonly asked question "Are you okay,"
13 no.

14 Q. And you didn't discuss the incident with her?

15 A. No, I did not.

16 **BY MR. MOGIL:**

17 I don't have anymore questions, Your Honor.

18 **BY COMMISSIONER JAMES:**

19 Any re-direct?

20 **RE-DIRECT EXAMINATION BY MR. COGGIN:**

21 Q. Zack, let's just recount. When I talked to you
22 regarding what foot was injured, you said, "the
23 right foot," right?

24 A. I said I thought it -- I thought it was the right
25 foot.

1 Q. What were the words that came out of your mouth?

2 A. "I thought it was the right foot."

3 Q. And when I initially asked you today what day it was
4 when Lynn came back that you saw her foot was
5 bandaged, you answered "Monday." I asked you
6 "Monday or Tuesday?" You said, "Monday."

7 A. I said, "whenever the first time that I saw her."

8 Q. And Monday you were working at the office; is that
9 right?

10 A. Yeah.

11 Q. And when I asked you about the hours that you
12 worked, you indicated you average around 30 hours, -
13 --

14 A. Yes.

15 Q. --- even though the records showed that you were
16 scheduled to work almost 580 hours over the ten-week
17 period; is that correct?

18 A. You mean the schedule, yeah.

19 Q. Yes, uh-huh. And according to your schedule, you
20 would work 580 hours; is that right?

21 A. Yeah, but did I actually work 580 hours?

22 Q. Your testimony is that you kind of came and go as
23 you pleased, ---

24 A. Yes.

25 Q. --- that that's the way it was?

1 A. Yes.

2 Q. So, they scheduled you and put you down for those
3 hours just for the heck of it; is that right?

4 A. Yes.

5 Q. I mean, it was just to mess around with you, you
6 didn't have to be there if you didn't want to be
7 there; is that what you're saying?

8 A. Explain that again.

9 Q. They scheduled you for a number of hours, and they
10 scheduled you for a deliberate, exact schedule, and
11 your testimony is you went there and you worked when
12 you wanted to, you took off when you wanted to and
13 so forth; is that right?

14 A. Yeah.

15 Q. Okay. So, they scheduled you for those times just
16 for no reason at all?

17 A. I mean, I didn't make the schedule.

18 Q. Yes, that's what I'm asking you. Did the person
19 that made the schedule expect that you would be
20 there?

21 A. I would say yes and no.

22 Q. And is that the same way as I would give you a
23 subpoena and you would either ignore it and not
24 come, is that right, because you weren't feeling
25 well?

1 BY MR. MOGIL:

2 Objection. That's a statement, not a question.

3 BY COMMISSIONER JAMES:

4 Mr. Coggin?

5 BY MR. COGGIN:

6 I'm on cross.

7 BY COMMISSIONER JAMES:

8 Well, I understand you're on cross. I'm just
9 not ---

10 BY MR. COGGIN:

11 I said, "and is that the same thinking when you
12 received a subpoena, you just ignored it?" It's a
13 "yes" or "no" answer, don't you think?

14 BY COMMISSIONER JAMES:

15 Okay. Well, I'm not sure what subpoena you're
16 talking about. Can you refer -- because there's a
17 long history of this. Can you be more specific?

18 RE-DIRECT EXAMINATION RESUMED BY MR. COGGIN:

19 Q. I served you with a subpoena, I believe it was in
20 April, to come to a deposition in May; do you
21 remember that?

22 A. Yeah.

23 Q. And it cost me \$75 to give to a man that went to
24 your house and handed it to you.

25 A. Yeah.

1 Q. And you remember when you signed it that you had
2 received it?

3 A. I don't -- I didn't sign anything.

4 Q. Well, did you ever read the subpoena?

5 A. Kind of, yeah. I saw when the date was.

6 Q. Okay. And the date said you were there a specific
7 time. Did you come?

8 A. No, because it slipped my mind. I didn't even think
9 about it.

10 Q. You told me before that you weren't feeling well so
11 you didn't come.

12 A. Yeah, 'cause I wasn't feeling -- I ---

13 **BY MR. MOGIL:**

14 Objection to the relevance. Mr. Coggin called
15 this witness. He's here today, and we're -- this
16 whole examination is re-litigating the subpoena.

17 **BY MR. COGGIN:**

18 Your Honor, I'm going to the credibility of
19 this witness.

20 **BY MR. KILLEN:**

21 And which he already did on direct.

22 **BY MR. MOGIL:**

23 And I limited my re-direct to what happened the
24 day of the event.

25 **BY MR. COGGIN:**

1 No, I did it on cross.

2 BY COMMISSIONER JAMES:

3 Well, no, you directed this witness. You
4 called him.

5 BY MR. COGGIN:

6 Oh, okay.

7 BY COMMISSIONER JAMES:

8 And then so, let me look back through -- I
9 don't believe the cross had anything to do with
10 subpoenas or the procedure of being here.

11 BY MR. COGGIN:

12 And again, I'm trying to go to his credibility
13 as to ---

14 BY COMMISSIONER JAMES:

15 I understand, it's re-direct, which should be
16 responsive to cross.

17 BY MR. COGGIN:

18 So I don't make any mistakes, what are you
19 telling me to do, and I'll do it.

20 BY COMMISSIONER JAMES:

21 I think he's already answered your questions,
22 so you can move on to the next question.

23 RE-DIRECT EXAMINATION RESUMED BY MR. COGGIN:

24 Q. Now, I also sent you a subpoena to appear here
25 today, right?

1 A. Yeah.

2 Q. And on the subpoena, I wrote certain things that I
3 wanted you to bring with you.

4 A. Yeah.

5 Q. And you didn't bring them, did you?

6 A. No.

7 Q. And why not?

8 A. 'Cause I didn't read 'em.

9 **BY MR. COGGIN:**

10 And I keep calling you Josh. Zack, I have no
11 more questions. Thank you.

12 **BY MR. MOGIL:**

13 Your Honor, I only have one follow-up just to
14 clarify something.

15 **BY COMMISSIONER JAMES:**

16 Okay.

17 **RE-CROSS EXAMINATION BY MR. MOGIL:**

18 Q. Mr. Edri, on that last point, do you have pay stubs
19 from Harbour Town Surf Shop?

20 A. No.

21 Q. Do you have a W-2 from Harbour Town Surf Shop?

22 A. I don't -- I don't think I have a W-2 from even that
23 year. I worked for my dad.

24 Q. Okay. So, the documents that Mr. Coggin -- and I
25 don't have the subpoena in front of him that he was

1 asking for, they don't exist, or you don't have
2 them?

3 A. Yeah.

4 Q. Okay.

5 RE-DIRECT EXAMINATION BY MR. COGGIN:

6 Q. Are you saying ---

7 BY MR. COGGIN:

8 Can I ask one more?

9 BY COMMISSIONER JAMES:

10 No -- well, let me make sure everybody else is
11 finished. Are you finished?

12 BY MR. MOGIL:

13 I'm finished.

14 BY COMMISSIONER JAMES:

15 Do you have anything further?

16 BY MR. KILLEN:

17 Nothing further.

18 BY COMMISSIONER JAMES:

19 Okay.

20 RE-DIRECT EXAMINATION BY MR. COGGIN:

21 Q. Are you saying you're 20 -- what is it, 22?

22 A. Twenty-two, yeah.

23 Q. And you've never filed taxes?

24 A. No, I give 'em to my mother.

25 Q. Have you ever claimed earnings and you paid taxes?

1 A. I don't even know what that means really. I mean, I
2 claimed -- claimed when I filed out like a -- an
3 application, like for Sea Pines Resort. I've done
4 claims that way.

5 BY MR. COGGIN:

6 Okay. I have no further questions.

7 BY COMMISSIONER JAMES:

8 All right. Anything further from this witness?

9 BY MR. MOGIL:

10 No, Your Honor.

11 BY MR. KILLEN:

12 No, Your Honor.

13 BY COMMISSIONER JAMES:

14 All right. Thank you, sir. Is this witness
15 free to leave?

16 BY MR. COGGIN:

17 Yes.

18 BY MR. MOGIL:

19 No. Well, just we may need him again. I'd ask
20 him not be excused.

21 BY COMMISSIONER JAMES:

22 All right. If you can just have a seat in the
23 small lobby. Thank you, sir.

24 BY THE WITNESS:

25 Sure.

1 BY COMMISSIONER JAMES:

2 All right. Any further witnesses on behalf of
3 the Claimant?

4 BY MR. COGGIN:

5 Yes, I am going to call Jamie Willard, and
6 you're going to have to give me a couple of minutes
7 to...

8 BY COMMISSIONER JAMES:

9 Let's go off record.

10 OFF THE RECORD

11 BY COMMISSIONER JAMES:

12 All right. If you can have a seat over here
13 please, ma'am. Would this be the Claimant's last
14 witness?

15 BY MR. COGGIN:

16 Yes.

17 BY COMMISSIONER JAMES:

18 And then the defense has how many witnesses?

19 BY MR. KILLEN:

20 The defense has how many witnesses?

21 BY MR. MOGIL:

22 That we would want to get today for sure,
23 there's two more.

24 BY COMMISSIONER JAMES:

25 Okay. All right.

1 BY MR. MOGIL:

2 Because they're, you know, employees and stuff.
3 Mr. Bitton can always come, but it's harder for
4 them.

5 BY COMMISSIONER JAMES:

6 Okay. All right. And we have no control over
7 staying late. We'll have to leave.

8 All right, Ms. Willard, if you'd raise your
9 right hand please, ma'am.

10 * * * * * * * * * * * * * * *

11 The witness was duly sworn to tell the truth, the
12 whole truth, and nothing but the truth concerning the
13 matter herein:

14 JAMIE WILLARD HUDSON,

15 Being first duly sworn, testified on her oath as follows:

16 BY COMMISSIONER JAMES:

17 Would you spell your name for us please, both
18 first and last?

19 BY THE WITNESS:

20 J-a-m-i-e, H-u-d-s-o-n.

21 BY COMMISSIONER JAMES:

22 Okay. So, it's not Willard, it's Hudson?

23 BY THE WITNESS:

24 Willard is my maiden name.

25 BY COMMISSIONER JAMES:

1 Okay. So, it's Hudson now?

2 BY THE WITNESS:

3 Hudson, H-u-d-s-o-n.

4 BY COMMISSIONER JAMES:

5 All right, thank you. Mr. Coggin, your
6 witness.

7 BY MR. COGGIN:

8 I'm still looking, Your Honor.

9 DIRECT EXAMINATION BY MR. COGGIN:

10 Q. Jamie, good afternoon to you; how are you? Sorry to
11 make you wait like that. Tell the Court your full
12 name, please.

13 A. Jamie Willard Hudson.

14 Q. And how old are you?

15 A. Thirty-one.

16 Q. And where do you live?

17 A. In Beaufort.

18 Q. Have you lived in the Low Country your entire life?

19 A. No.

20 Q. Where have you lived before?

21 A. North Carolina and then Hilton Head and then now
22 Beaufort.

23 Q. And you have a number of children, don't you?

24 A. Yes.

25 Q. And what kind of work -- how many children do you

1 have?

2 A. Five.

3 Q. Five. What kind of work are you doing right now?

4 A. I am a personal care assistant at the hospital and
5 facilities.

6 Q. Now, how long did you work at Harbour Town Surf
7 Shop?

8 A. Right at a year.

9 Q. And my understanding is that -- well, let me ask you
10 this. Did you know when you worked with the Harbour
11 Town Surf Shop that they did not carry workers'
12 compensation insurance?

13 A. I did not.

14 Q. Okay. Did anybody tell you that they didn't have
15 it?

16 A. No, it never came up.

17 Q. Did anybody ever come up to you and say, "You know,
18 you should buy some insurance because we don't carry
19 it"?

20 A. No.

21 Q. Okay. My understanding is that when you and Lynn
22 worked together that you weren't really very good
23 friends; is that right?

24 A. Right.

25 Q. And when you kind of separated and worked in

1 different spots, you got along just fine?

2 A. Yes, when we were separated, we did.

3 Q. And when did you leave the Harbour Town Surf Shop?

4 A. It was in October, I believe.

5 Q. Okay. Now, I understand when you left, I don't know
6 if it was Alon or Amir, held back \$300 ---

7 A. Yes.

8 Q. --- for cokes and so forth. Tell the Court about
9 that.

10 A. Well, it was that, and I took money out of the
11 register, and he took that part back out of my check
12 and then said that he heard I was eating chips and
13 drinks, which everybody did, and he ended up taking
14 more out of the check to cover that. So altogether,
15 it was a -- it was over \$300 he took out of the
16 check.

17 Q. Okay. How were you paid at the Harbour Town Surf
18 Shop?

19 A. Twenty hours on a check, and the rest was in cash.

20 Q. How many hours?

21 A. Twenty.

22 Q. Twenty hours?

23 A. On a check, and the rest was in cash.

24 Q. Didn't they pay you 40 hours a week?

25 A. Well, that -- yeah, but it was -- we got paid every

1 two weeks.

2 Q. Okay. That's what I meant.

3 A. So, on a check it would be 40 hours, and then the
4 rest was cash.

5 Q. Okay. And how many hours a week did you work?

6 A. We would sometimes do open to close, which was eight
7 to ten, and then some days I would do eight to four
8 or eight to six.

9 Q. Did you work overtime quite often?

10 A. Yes.

11 Q. And on a weekly basis, it would be more than 40
12 hours?

13 A. Yes.

14 Q. And did you get paid time-and-a-half for that time?

15 A. No, we did not.

16 Q. Were you still with the company when Lynn was
17 injured?

18 A. Yes.

19 Q. And what did you hear about her injury?

20 A. I got the phone call; I was on the beach. It was
21 Father's Day weekend, and I got the phone call that
22 -- from Alon first asking could I come in that Lynn
23 had got injured, and I told him I couldn't 'cause my
24 family was there. So then I called Leticia and
25 asked what was going on, and she said that Lynn had

1 fell off the ladder and got hurt, and that they
2 needed me to come in, and I told her I couldn't.

3 Q. Did Leticia tell you anything else?

4 A. She did not. But then when I went back to work was
5 when all the -- I got all the different stories.

6 Q. Let's talk about that. Tell the Court about that.

7 A. The stories that she did it on purpose to get -- to
8 get money. There was stories that she had been
9 plotting it from someone else saying that two weeks
10 prior to that she was saying "Oh, wouldn't it be
11 nice if this and this happened." And -- but there
12 was just multiple stories going around.

13 Q. And who was starting these stories?

14 A. Raven had said one, and then Patricia said one.

15 Q. Was there any basis to it that you saw?

16 A. No, because I was hearing from her friends, like
17 Donnal and them, that she was like really bad hurt.
18 And so I was like if she could just fall off a
19 ladder like that and crack her leg, then she's --
20 she's more gangster than I thought she was. Those
21 were my exact words.

22 Q. Okay. As you knew Lynn, what kind of person was
23 she, I'm talking character wise?

24 A. Well, she -- I know at work she was always doing --
25 up moving, moving, moving, moving at work. She was

1 -- she had lots of friends down there. She was
2 nice.

3 Q. How about for levels of honesty; had you ever hear
4 her lie, tell a story?

5 A. No. And I will say multiple people, including me,
6 took drinks and stuff because we were right there.
7 So everybody would grab a bag of chips, but she
8 never would do it.

9 Q. She wouldn't even go ---

10 A. She would always paid.

11 Q. Always paid?

12 A. Yeah.

13 Q. Was she always on time at work?

14 A. Yes.

15 Q. Did she leave early?

16 A. No, not while I was there. She never left early.

17 Q. Okay. She was essentially the ideal employee then;
18 is that correct?

19 A. Yes.

20 Q. Okay. Now, you appeared in Yemassee last February
21 when we had a hearing in this case; is that right?

22 A. Yes.

23 Q. Now, I asked you to appear, right?

24 A. Yes.

25 Q. And do you remember, you drove up from Hilton Head

1 and so forth?

2 A. Yes.

3 Q. How much did I pay you?

4 A. A hundred dollars.

5 Q. Now, when you went home from that hearing, who was
6 in the car with you?

7 A. My niece, Lindsay, who has dropped out, and Zack.

8 Q. Let's talk about Lindsay. Why did she -- did she
9 ever tell you why she dropped out?

10 A. She just said she was uncomfortable with the whole
11 situation, and she just didn't want to be in it, and
12 she struggles with anxiety, and it was way too much
13 for her. So she did not want to do it.

14 Q. Now, before we get into your ride home, I did
15 represent you on another matter, didn't I?

16 A. Yes.

17 Q. And what was that?

18 A. The no contact order; is that the ---

19 Q. Yes.

20 A. --- one with me and Amir?

21 Q. And tell the Court something about that.

22 A. We were making phone calls to each other before -- I
23 think it was back in November when I first got
24 served. I thought it was them sending me papers.

25 **BY MR. MOGIL:**

1 Object to -- objection. My understanding from
2 the public records is that order that was applied
3 for was denied. So the basis for the order,
4 whatever she told, the court denied the order. If
5 that's not accurate, Mr. Coggin -- but that's my --
6 my objection would be she's testifying to something
7 that another judge has found already that didn't
8 happen or...

9 **BY COMMISSIONER JAMES:**

10 And of course, I don't have the benefit of all
11 that right now, so I'm going to give some lenience
12 with regards to the testimony; however, I can't try
13 a peripheral case with inside of a case. So I want
14 to make sure that we don't end up trying some other
15 case in this case.

16 **BY MR. COGGIN:**

17 No, it's not that at all. There's a point to
18 this.

19 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

20 Q. Is there anything that would refresh your
21 recollection about this so we make sure we get it
22 right?

23 A. I think -- didn't we talk about it at the
24 deposition?

25 Q. Yes, uh-huh.

1 BY MR. COGGIN:

2 Can I approach and give her the deposition so
3 she can look at it, Your Honor?

4 BY COMMISSIONER JAMES:

5 Sure.

6 BY MR. COGGIN:

7 This begins at the top of page 24.

8 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

9 Q. And just look at it for a second. You may get it
10 right -- I want to make sure we get this right.

11 A. (Witness views document). Yeah, this is where I was
12 going where I got served the papers, and I didn't
13 know ---

14 Q. These guys are talking. Hang on.

15 BY MR. MOGIL:

16 Your Honor, I'm going to oppose an objection to
17 the extent that the witness is here to testify not
18 to read her deposition. She can be asked a question
19 about what she remembers. I think the deposition
20 could be used to impeach her, but I don't know if it
21 can be used to guide her.

22 BY MR. COGGIN:

23 Many a times, Your Honor, I've asked in Court
24 what will refresh your recollection. They said,
25 "I'd like to look at my deposition."

1 BY COMMISSIONER JAMES:

2 Why don't you ask the question first.

3 BY MR. COGGIN:

4 Well, the question I asked her "Do you recall
5 what happened regarding that?"

6 BY THE WITNESS:

7 He was saying ---

8 BY COMMISSIONER JAMES:

9 Regarding what?

10 BY MR. COGGIN:

11 The reason I represented her in Court for a
12 restraining order.

13 BY COMMISSIONER JAMES:

14 Okay.

15 THE WITNESS ANSWERS:

16 A. He -- I'd contacted him about who was serving me
17 papers 'cause I'd never been served papers, and I
18 didn't know what was going on, and he said, "No,
19 they're from Lynn and her attorney." So then he was
20 saying "If you were smart, you would do what
21 everybody else is doing and come to their side, or
22 say that we worked the eight hours a day and that
23 was it." Because if not, we were going to have to
24 pay back all this tax money and all this other
25 stuff, and then we didn't speak again until the next

1 papers come around. And then I was at my other job,
2 and he was texting me telling me to call him: "Can
3 you call me now. Can you call me now?" And I never
4 did, and then I knew at that point, we weren't
5 really supposed to be talking about any ---

6 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

7 Q. And he confronted you at the hearing on February
8 12th; is that correct?

9 A. Oh, when me and Lindsay went out there, he come out
10 and he asked what we were doing, and -- yeah.

11 Q. Okay. Let's talk about this. When you rode home
12 with Zack from this, you sent Lynn an interesting
13 email, or I guess it was you sent Lynn an
14 interesting email, and let me see if I can find
15 that.

16 A I text Lynn and said, "Zack was singing like a
17 bluebird," and I said, "I'll call you when we stop."
18 And I called her when we stopped at the gas station,
19 and Zack got out, and Zack had told us when we got
20 in there, he was like "Ooh, you're in trouble." And
21 I said, "What?" And he said, "Amir was saying if
22 you got up there and didn't say what everybody else
23 was saying, that he was going to take papers out on
24 you for stealing that money, and I said, "We've
25 already handled that. Why would he do that now?" I

1 said, "Now it would look obvious 'cause it's already
2 been taken care of, but now that we're in a court
3 matter, now he wants to take out papers on me?" And
4 I said, "Are you going to go up there and tell that
5 you didn't work more than eight hours a day?" And
6 he was like "They're family. You got to do what you
7 got to do."

8 Q Let me direct your attention to page 39, line 14.

9 BY MR. KILLEN:

10 I'm sorry. If we could just ask a question,
11 and then if necessary go to the deposition for
12 whatever reason. You can do it that way.

13 BY COMMISSIONER JAMES:

14 Mr. Coggin, if you can ask the question first.

15 BY MR. COGGIN:

16 Oh, I can certainly do that, Your Honor. Yes,
17 I don't have a problem with that at all.

18 BY MR. KILLEN:

19 She's reading the deposition right now.

20 BY COMMISSIONER JAMES:

21 All right. And use of the deposition is
22 usually after the questions are asked for whatever
23 purposes, impeachment or otherwise. The question?

24 BY MR. COGGIN:

25 Yes, I am. Thank you.

1 BY COMMISSIONER JAMES:

2 Okay.

3 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

4 Q. Now, Lindsay[sic], did Zack say anything further
5 about Amir's influence on him and what he might do
6 as to what Amir told him? And I'm going to ask you
7 to go to page 29, line 14.

8 BY COMMISSIONER JAMES:

9 Well, you can ask the question first before --
10 the witness hasn't indicated that she doesn't
11 remember right now.

12 BY MR. COGGIN:

13 Okay.

14 THE WITNESS ANSWERS:

15 A. Basically, he was going to lie because they're
16 family, and that's -- that's what it all boiled down
17 to was that he was -- he was going to lie because
18 they're family.

19 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

20 Q. What did it mean when he was going to take papers
21 out on you?

22 A. For the whole money situation when I left the
23 Harbour -- the General Store.

24 Q. And was there a quid pro quo there? I mean, what
25 did you have to do to keep him from taking papers

1 out on you?

2 A. That never even came about. Amir -- I mean, Alon
3 told me in the office that "We know you did it,"
4 this and that, "how much was it?" I told him how
5 much it was. He took it out of my check, and then
6 he said, "Did you eat, drink -- chips and drinks and
7 stuff while you were there?" I said, "Well,
8 everybody did." And he said, "Well, who else did
9 it?" And I said, "I'm not going to say that." And
10 he said, "Around about figure, how much would it
11 be?" And I said, "I don't know." And he probably
12 took, I think it was like 200 more out of that.

13 Q. Okay. Let me direct you to page 30. Didn't you say
14 "I thought we were square"?

15 A. Yes, that's ---

16 Q. And what ---

17 A. --- and that's what I was telling Zack.

18 Q. And what did Zack say about that?

19 A. Zack was like "Well, if -- if you knew what was good
20 --" Zack told me "If you knew what was good for
21 you, you wouldn't get up there and say those
22 things." And then he said, "Amir said he was going
23 to make your life a living hell" with the whole
24 money thing. That's what Zack told me.

25 Q. Let me direct you to line 23 on page 30, and I asked

1 you "Who told you this about the papers, and who
2 told you to back out of this?" Line 30, go to line
3 17, and then read down.

4 A. (Witness complies). "Zack was telling me that they
5 were going to take papers out on me if I didn't back
6 out."

7 Q. And when we talk about, back out of what?

8 A. This -- the whole court thing be done, to drop out.

9 Q. And who told you that? Look at line 23.

10 A. Zack.

11 Q. And what did he say?

12 A. Zack was telling me and Lindsay that we both needed
13 to back out, and then that was when I said, "Well,
14 what are you talking about?" And he said that Amir
15 was going to take papers out on me for the money and
16 stuff.

17 Q. Okay. But he specifically in the car said -- look
18 at line 24. He was like -- he called you...

19 A. Yeah, he said, "You're stupid. You need to back
20 out. You need to do this." Then he said he was
21 going to back out as well, but he never did.

22 Q. He was going to back out of what?

23 A. He was going to drop out of the whole court hearing
24 and be done with it too, but he never did.

25 Q. Okay. Now, on page 31 -- well, let me direct you

1 down to page 29.

2 **BY MR. MOGIL:**

3 Objection, Your Honor. This is direct. He's
4 not impeaching her. I don't really think we should
5 be re-stating the deposition. This is live
6 testimony. Why is he asking her what she said at
7 the deposition?

8 **BY COMMISSIONER JAMES:**

9 Mr. Coggin, are you ---

10 **BY MR. COGGIN:**

11 Yes, I asked Zack these questions and he gave
12 me ---

13 **BY COMMISSIONER JAMES:**

14 No, if you'll ask her questions. The objection
15 is that it's improper use of the deposition.

16 **BY MR. COGGIN:**

17 Okay.

18 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

19 Q. What did Zack tell you as to what he was going to do
20 as per Amir? And look at ---

21 A. He was going to lie for him.

22 Q. Look on line 14 of page ---

23 **BY MR. MOGIL:**

24 Objection, Your Honor.

25 **BY COMMISSIONER JAMES:**

1 Mr. Coggin, the use of the deposition is -- we
2 go by civil rules with regards to the deposition. I
3 don't know that -- I mean, the witness needs to
4 testify now. The deposition is used afterwards for
5 other purposes, which you may run across one of
6 those purposes, but I think you need to ask for the
7 questions right now for her testimony today.

8 BY MR. COGGIN:

9 Okay.

10 BY MR. MOGIL:

11 And Your Honor, I don't think she should have
12 it open in front of her, because you're not supposed
13 to have a transcript when you testify unless both
14 sides agree.

15 BY MR. COGGIN:

16 I don't know what rule of evidence that is,
17 Your Honor, but she can refresh her recollection at
18 anytime. And let me ask -- I'm sorry.

19 BY COMMISSIONER JAMES:

20 And there's a methodology for that, but the
21 questions have to be asked first. There's a
22 methodology for the use of the deposition, including
23 that of impeachment, but the questions have to be
24 asked first. Even with impeachment, you ask the
25 question. If they give you a contrary answer -- and

1 I'm just giving the example for impeachment
2 purposes. If they give a contrary answer, then the
3 deposition is used for impeachment. Even the cross
4 isn't used -- the deposition just isn't picked up
5 and used.

6 **DIRECT EXAMINATION RESUMED BY MR. COGGIN:**

7 Q. Okay. What did -- let me see if we can do it this
8 way. What did Zack say about what he was going to
9 do essentially to please Amir?

10 A. That he was going to lie and say he worked the eight
11 hours a day.

12 Q. Yes. Let's just leave it at that. And was there
13 ever any threats about them coming after you?

14 A. No.

15 Q. Did he -- did Amir ever -- did he ever say "Amir's
16 going to come after you"?

17 A. Not in a -- I don't think in a physical way, but I
18 think he was more referring to the whole -- the
19 whole Court taking out papers issue.

20 Q. Okay. Now, you said your sister backed out as a
21 witness in this case?

22 A. Yes.

23 Q. And was she afraid of Amir or ---

24 **BY MR. KILLEN:**

25 Objection to what somebody else was feeling.

1 BY COMMISSIONER JAMES:

2 Sustained.

3 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

4 Q. Well, when Zack said that he would do anything that
5 Amir wanted him to do, how did you interpret that;
6 what did that mean to you?

7 A. He would say whatever Amir told him to say. Just
8 like he said he -- he didn't get paid under the
9 table, and he did.

10 Q. Now, your sister dated Zack for a while; is that
11 right?

12 A. Yes.

13 Q. And did she ever express concerns over what he was
14 doing?

15 BY MR. KILLEN:

16 Objection. Her sister's not here to testify.
17 It's hearsay.

18 BY COMMISSIONER JAMES:

19 Sustained.

20 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

21 Q. Did you and Lynn ever talk about how the accident
22 took place?

23 A. No.

24 Q. No.

25 BY MR. COGGIN:

1 Okay, you can ask any questions you want.

2 CROSS-EXAMINATION BY MR. MOGIL:

3 Q. Good afternoon, Miss -- your last name, Jamie?

4 A. Hudson.

5 Q. Hudson?

6 A. Uh-huh.

7 Q. We met at the deposition. I'm Michael Mogil and
8 represent Harbour Town Surf Shop, LLC. The day of
9 the accident you said you were on the beach. Were
10 you regularly working in the Harbour Town Surf Shop,
11 or did you work at another store?

12 A. I worked at the General Store and the Surf Shop.
13 Those were the two places I worked.

14 Q. Okay. So, that was your physical location.

15 A. (Witness nods head up and down).

16 Q. But were you there that week, or just ---

17 A. Yeah, I was there that week. I was just off for
18 Father's Day Weekend.

19 Q. And you worked at that location after the accident?

20 A. Yes.

21 Q. And you testified, Mr. Coggin asked you, that there
22 were lots of stories going around. Who was starting
23 these stories; who were you hearing things from?

24 A. I was hearing things from Raven. I was hearing
25 things from Patricia. Everybody was talking.

1 Q. Was your sister talking, too?

2 A. No, she didn't work there.

3 Q. Where did she work?

4 A. She was working at Ashley Furniture.

5 Q. So, then what was -- what was your sister's
6 connection to when you said "dropped out of the
7 case," what your sister's connection to the case to
8 begin with that she would drop out of?

9 A. Because she used to work there. So, like, I think
10 she was pulled into it for the whole how were you
11 paid and everything like that.

12 Q. So, she wasn't a witness to the accident ---

13 A. No.

14 Q. --- or to Ms. Bridges' condition?

15 A. No.

16 Q. Okay.

17 A. But she -- she knew how bad she was hurt 'cause she
18 was there with her when -- while she was recovering,
19 but that's -- that's -- yeah, she was not there when
20 it happened.

21 Q. Is it true that you didn't get along with Ms.
22 Bridges real well?

23 A. When we worked together, no, we did not.

24 Q. Why was that?

25 A. Because she was always go, go, go, go, go, and she

1 was the manager, and nobody likes the manager.

2 Q. So, Ms. Bridges was the manager?

3 A. Yeah, she was, like, kind of in control of that
4 store.

5 Q. She had worked there a while?

6 A. Yeah.

7 Q. Now, Mr. Coggin was asking you questions about what
8 Zack told you that Amir was going to do to you. Has
9 Amir ever contacted you since the one conversation
10 you had and threatened you with anything since that?

11 A. He's never threatened me with it, no.

12 Q. Has Alon threatened you with anything?

13 A. No. So, that's why when Zack told me that, I
14 thought we were all squared away. I gave them all
15 their money, and I thought we were good to go, but
16 then ---

17 Q. And you were not subpoenaed for this case, right?

18 A. Yes.

19 Q. You were subpoenaed?

20 A. Uh-huh.

21 Q. So, when you say -- do you feel like you're
22 testifying for a particular side here, or you're
23 just telling the truth? How does someone drop off
24 of a case or testify for a side in your view -- who
25 asked you to come today?

1 A. I got papers from Gary back in February or whenever.

2 Q. Okay. So, independent or whatever, you think you
3 heard Zack say, you're here testifying; is that
4 correct?

5 A. Uh-huh.

6 Q. So, whatever Zack said didn't impact on your
7 testimony, did it?

8 A. It didn't because I was subpoenaed, and I know with
9 a subpoena you have no choice but to come.

10 Q. Did you receive a subpoena for today or for
11 February?

12 A. I received a subpoena every single time.

13 Q. Okay. Now, when you said there was a dispute
14 between you and the company about removing money,
15 does that mean you stole money from the cash
16 register?

17 A. Yes, at the very end. And then Alon pulled me in
18 the office. It was \$220 or something. I gave it
19 back to him, and then that's when we went into the
20 whole spiel about the chips and the drinks, and he
21 took another 200 or so, and then I never spoke to
22 him again.

23 Q. Did you come to him and tell him you stole, or did
24 they catch it on video?

25 A. Video that day, and then took me to his office. I

1 went there, and we sat down in his office, we talked
2 about it, and I've never spoke to Alon since, I
3 don't believe.

4 Q. Did you leave -- was that the last ---

5 A. Uh-huh, that was my last -- that was the last day.

6 Q. So, that happened after Ms. Bridges' incident?

7 A. Yeah. She fell I think in June, and this was almost
8 October, I believe.

9 Q. Anybody ever told you that Lynn was going to take
10 care of them if they testified on her behalf?

11 BY MR. COGGIN:

12 Objection as to form.

13 BY COMMISSIONER JAMES:

14 Can you repeat that?

15 BY MR. COGGIN:

16 "Did anybody ever tell you..."

17 CROSS-EXAMINATION RESUMED BY MR. MOGIL:

18 Q. Did you hear at the store that Lynn was willing to
19 take care of people who testified on her behalf?

20 A. No.

21 Q. Okay. And Patricia Edwards, who was she?

22 A. She was one of the employees there, too. She was --
23 she worked at Publix as well; so she was like part
24 time. She was in and out.

25 Q. Okay. And what did Patricia tell you about...?

1 A. Patricia said that a few weeks before the incident,
2 that Lynn told her "Wouldn't it be nice if we could
3 get hurt or something and get workman's comp."

4 BY MR. COGGIN:

5 Your Honor, I'm wondering if Pamela -- what's
6 her name again, Patricia Edwards, ---

7 BY THE WITNESS:

8 Uh-huh.

9 BY MR. COGGIN:

10 --- is here to cross-examine on that statement?

11 BY MR. KILLEN:

12 Commissioner, I'll just add that he asked her
13 about these stories on direct examination, and she
14 said that Patricia was one of the ones who told her
15 a story.

16 BY MR. COGGIN:

17 No, what Mike said was, "Have you ever heard
18 the name Patricia Edwards," and then he asked her
19 that.

20 BY MR. KILLEN:

21 Right. And I think I'm just ---

22 BY MR. COGGIN:

23 Unless she can be cross-examined on this, I
24 don't want that into evidence.

25 BY MR. KILLEN:

1 He brought it up on direct.

2 BY MR. COGGIN:

3 Patricia Edwards? Oh, excuse me.

4 BY COMMISSIONER JAMES:

5 All right. Well, I guess there is an objection
6 now with regards to the issue of hearsay. Can you
7 repeat the question? Are you asking her if she's
8 heard something, or are you asking her for the
9 particulars?

10 BY MR. MOGIL:

11 On direct, she said that there were stories
12 going on, and I asked her about one of those
13 stories. That was one of the stories. Apparently,
14 according based on what she testified at the
15 deposition, one of the stories that she heard was
16 that Ms. Edwards told her that Lynn told her
17 "Wouldn't it be nice if we could cook up a claim"
18 for lack of a better word.

19 BY MR. COGGIN:

20 Your Honor, she answered the question in
21 general terms, "Yes, there were stories going
22 around." Mike is talking about specific ---

23 BY COMMISSIONER JAMES:

24 Well, the question was ---

25 BY MR. COGGIN:

1 If I can't cross-examine her on that, ---

2 **BY COMMISSIONER JAMES:**

3 Well, no. But the original testimony was that
4 when she went back to work, she heard stories that
5 it was done on purpose, she heard that it was being
6 plotted, and that Raven said one and Patricia said
7 one. Now, who said what? There was some initial
8 testimony with regards to some hearsay. However,
9 there's an objection to the hearsay now, and Ms.
10 Edwards is not here, so I ---

11 **BY MR. COGGIN:**

12 Your Honor, the problem I have is to say
13 "Wouldn't it be nice to fall off a ladder and get
14 injured." That comes out of old cloth, and that's
15 prejudicial.

16 **BY COMMISSIONER JAMES:**

17 At this point in time, there wasn't an
18 objection earlier to the hearsay, but there's an
19 objection now to the hearsay. So since it's raised
20 at this point in time, if it elicits hearsay, then
21 I'm going to sustain it.

22 **BY MR. COGGIN:**

23 Okay, thank you.

24 **BY MR. MOGIL:**

25 I don't have any further questions.

1 BY COMMISSIONER JAMES:

2 Okay. All right, anything ---

3 BY MR. KILLEN:

4 Yes, Your Honor.

5 BY COMMISSIONER JAMES:

6 --- on behalf of the Fund?

7 CROSS-EXAMINATION BY MR. KILLEN:

8 Q. Ms. Hudson, I'm Tim Killen; we met at your
9 deposition. I represent the Uninsured Employers'
10 Fund. It's safe to say you left the employment with
11 the Surf Shop on bad terms, correct?

12 A. Uh-huh.

13 Q. Is that a "yes"?

14 A. Yes.

15 Q. Why did you take \$220 out of the till?

16 A. 'Cause I had to pay the phone bill, and that's what
17 I told Alon, and -- and then that was when he said,
18 "well, how are you going to give it back?" I said,
19 "just take it out of my check," cause we were
20 supposed to get paid like two days later. And that
21 was when he -- he took that and the rest, and I
22 picked the other part of my check -- I went back to
23 his office two or three days later, picked the rest
24 of my check up, and that was it.

25 Q. All right. Your personal phone bill?

1 A. Yes.

2 Q. Before that day, had you ever stolen from the store
3 before?

4 A. No. Well, the chips and drinks.

5 Q. And they fired you that day; is that correct?

6 A. Uh-huh.

7 Q. Is that a "yes"?

8 A. Yes.

9 Q. Okay. How long were you out of work after you got
10 fired for stealing?

11 A. Probably three months.

12 Q. So, that put a burden on you and your family,
13 correct?

14 A. Yes.

15 Q. Okay. And that has made you angry, correct?

16 A. No.

17 Q. No?

18 A. Because it was only three months. It wasn't a year.

19 Q. And didn't you discuss with Ms. Bridges at your
20 deposition, or before your deposition, how she says
21 the accident happened?

22 A. Yes, that was the first I had ever heard of it was
23 right then.

24 Q. All right. What did she tell you?

25 A. I honestly cannot even remember. 'Cause it was like

1 we talked about it and then went into the
2 deposition. So I -- honestly, I don't even want to
3 say anything 'cause I do not remember.

4 Q. All right. And I noticed you called Mr. Coggin
5 "Gary." You have a relationship with him in some
6 sort of way?

7 **BY MR. COGGIN:**

8 Objection, Your Honor. I'm 75-years old. I
9 don't have a relationship with any ---

10 **BY MR. KILLEN:**

11 That word has many meanings such as
12 attorney/client ---

13 **BY MR. COGGIN:**

14 I know the meaning you had.

15 **BY MR. KILLEN:**

16 He has been her ---

17 **BY COMMISSIONER JAMES:**

18 You can answer the question.

19 **THE WITNESS ANSWERS:**

20 A. The only time we speak is when it's him calling to
21 tell me what time we need to be at Court.

22 **CROSS-EXAMINATION RESUMED BY MR. KILLEN:**

23 Q. He represented you in a matter, correct?

24 A. Yes.

25 Q. And you didn't pay him anything, did you?

1 A. For the...?

2 Q. For the representation.

3 A. No.

4 BY MR. KILLEN:

5 Okay, thank you. That's all.

6 BY MR. COGGIN:

7 Just a couple of questions, Your Honor.

8 RE-DIRECT EXAMINATION BY MR. COGGIN:

9 Q. Did you ever hear at the store that Amir would take
10 care of people that testified for him?

11 BY MR. KILLEN:

12 Eliciting hearsay. Objection.

13 BY COMMISSIONER JAMES:

14 Sustained unless you identify who it is.

15 BY MR. COGGIN:

16 Okay. I'll just let it go. That was a
17 question Mike asked. That's fine. All right, I
18 withdraw the question.

19 BY MR. MOGIL:

20 Nothing further for the witness, Your Honor.

21 BY MR. KILLEN:

22 Nothing further.

23 BY COMMISSIONER JAMES:

24 All right. Thank you, ma'am.

25 BY MR. COGGIN:

1 Thank you. I appreciate your help.

2 BY COMMISSIONER JAMES:

3 All right. Witness, Claimant rests?

4 BY MR. COGGIN:

5 The Claimant rests. Yes, I was going to say
6 "Plaintiff."

7 BY COMMISSIONER JAMES:

8 Okay. So, we're to defense.

9 BY MR. COGGIN:

10 Yes, thank you.

11 OFF THE RECORD

12 BY COMMISSIONER JAMES:

13 All right. We are on record now.

14 BY MR. MOGIL:

15 And Your Honor, before we start, I'm not sure of
16 this, but we don't believe that she was ever named as
17 a witness on the ---

18 BY MR. COGGIN:

19 I sent the -- on my form 58s, I put her on
20 there.

21 BY MR. MOGIL:

22 She's on the form 58?

23 BY MR. COGGIN:

24 Yes, uh-huh.

25 BY COMMISSIONER JAMES:

1 Can you spell your last name, please?

2 **BY THE WITNESS:**

3 M-c-A-l-d-i-n-e.

4 **BY COMMISSIONER JAMES:**

5 All right. If you would raise your right hand?

6 * * * * * * * * * * * * * *

7 The witness was duly sworn to tell the truth, the
8 whole truth, and nothing but the truth concerning the
9 matter herein:

10 **ELIZABETH ANNE MCALDINE**

11 Being first duly sworn, testified on her oath as follows:

12 **BY COMMISSIONER JAMES:**

13 All right. Your witness, sir.

14 **DIRECT EXAMINATION BY MR. COGGIN:**

15 Q. Ms. McAldine, you came here from where?

16 A. Dayton, Ohio.

17 Q. Okay. And who are you related to in this case?

18 A. Chuck Earley.

19 Q. Okay. And Chuck Earley is the longtime companion of
20 the Claimant; is that correct?

21 A. Correct.

22 Q. The week of the accident, we're talking June the 16th
23 was the accident, June 11th, how long were you in
24 Hilton Head Island?

25 A. We came June 8th and left on June the 16th morning.

1 Q. How many times did you see Ms. Bridges during that
2 time?

3 A. At least three.

4 Q. Three times?

5 A. Uh-huh.

6 Q. What days did you see her?

7 A. The day we came in, 'cause we stayed at their home
8 for a while when we came in. And then we saw her the
9 14th, 'cause we went into Harbour Town. We were at
10 the store. We bought several things, and then we saw
11 them all day on the 15th.

12 Q. Okay. So, you saw her three -- you actually spent
13 three days with her; is that correct?

14 A. Yes.

15 Q. It's an important question. What was Ms. Bridges'
16 condition when you saw her?

17 A. Perfect, great, happy, healthy.

18 Q. Was she able to walk?

19 A. Absolutely.

20 Q. Did she have any kind of impediment when she was
21 walking?

22 A. No.

23 Q. And you saw her at the beach; is that right?

24 A. Yes.

25 Q. And what beach was that?

1 A. The Shipyard Beach Club right next to the Sonesta.

2 BY MR. COGGIN:

3 And I don't know what number this was, Your
4 Honor. I'm going to show her this.

5 BY COMMISSIONER JAMES:

6 I'll let you use the one that was marked.

7 BY MR. COGGIN:

8 Yes. Oh, okay. Yes.

9 BY COMMISSIONER JAMES:

10 It's Claimant's Exhibit 5.

11 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

12 Q. I'm going to show you what's been marked as
13 Plaintiff's Exhibit Number 5 for identification.

14 A. Sure.

15 BY COMMISSIONER JAMES:

16 As evidence.

17 DIRECT EXAMINATION RESUMED BY MR. COGGIN:

18 Q. As evidence. Do you recognize that?

19 A. (Witness views photograph). Yes, I do.

20 Q. How do you recognize that?

21 A. It's a picture that I took.

22 Q. You took this, snapped the camera?

23 A. Yes, I took it off my phone.

24 Q. Where was it?

25 A. At the Shipyard Beach Club on the beach.

1 Q. And what date was that?

2 A. June the 15th, 2018.

3 Q. And who is in the picture?

4 A. That's Lynn laying on her beach chair (indicating).

5 Q. Okay. Is there any evidence in that picture of any
6 infirmities for Lynn?

7 A. There's nothing wrong with her at all.

8 Q. And was that the Lynn you had seen all week long?

9 A. Absolutely.

10 Q. And did you go and visit her when she was at Harbour
11 Town?

12 A. Yes, we did.

13 Q. What was she doing when you were there?

14 A. Managing the store. She was in charge of everybody.
15 So she was -- she sold us the stuff that we were
16 getting.

17 Q. You actually bought things there?

18 A. Yeah, we certainly did. It's on my credit card
19 record.

20 Q. Oh, is that right?

21 A. Yeah.

22 Q. Do you remember how she carried herself?

23 A. Perfect. She was taking care of everybody that was
24 coming into the store. She showed us several things
25 that we could buy for my kids.

1 Q. Did you see her limp?

2 A. Absolutely not.

3 Q. Did you see any infirmity whatsoever?

4 A. No.

5 Q. And she's as healthy as...?

6 A. She gets around very well, and she is very active.

7 Q. Would you have known it if you saw her and she had a
8 limp, or she was different than she was before?

9 A. Absolutely, 'cause she's a fast-paced person.

10 Q. Oh, is that right?

11 A. Yes.

12 Q. And how long have you known her?

13 A. About eight years, I believe.

14 Q. Okay. And you've seen her regularly?

15 A. Every year in the summer we come to Hilton Head, and
16 then she came -- came to our place at least once in
17 Dayton.

18 Q. So, this was a picture at the beach on Friday June
19 the 15th; is that correct?

20 A. Yes, correct.

21 **BY MR. COGGIN:**

22 I have no further questions. So very much want
23 to thank you for coming.

24 **BY THE WITNESS:**

25 Absolutely.

1 BY COMMISSIONER JAMES:

2 Cross?

3 BY MR. MOGIL:

4 Your Honor, Mr. Coggin added Ms. McAldine on
5 July 18th, which I guess is six days ago, to the Form
6 58 that he submitted in January. So there was no way
7 we would have had access to this out-of-town witness.
8 He said she was on the form 58. He added her by
9 email submission to us. I'm going to object that her
10 entire testimony be stricken. It's just not fair.
11 And she's testifying to something about condition
12 that's contradicting what other witnesses are saying.
13 It's just really not appropriate or fair that he
14 could do that at the last minute unless we consent to
15 it.

16 BY MR. COGGIN:

17 Your Honor, ---

18 BY MR. MOGIL:

19 She obviously wasn't -- excuse me. I mean, she
20 obviously wasn't unknown until this moment. It's not
21 like a newly discovered witness that was found
22 because she couldn't be located. You know, we have
23 in civil cases where somebody comes forward and calls
24 the attorney the night before the case and says "I've
25 got some..." This is somebody who was there the week

1 before she's known about it all along. I don't ---

2 BY COMMISSIONER JAMES:

3 I understand. She's already been called and
4 sworn and testified.

5 BY MR. MOGIL:

6 I objected in the beginning, and he said that
7 she was on the form 58, but she wasn't.

8 BY COMMISSIONER JAMES:

9 Okay. And I understand, but as the fact finder,
10 I have already heard her testimony. So what would
11 the remedy be if I disallowed her testimony, which
12 I've already heard? So ---

13 BY MR. MOGIL:

14 Just like in any non-jury trial, you can
15 disregard it because it's -- I mean, if you're not --
16 you're a judge, so ---

17 BY COMMISSIONER JAMES:

18 Right. Do you wish -- and my point is, since
19 it's already been presented, do you wish to cross?

20 BY MR. MOGIL:

21 No.

22 BY COMMISSIONER JAMES:

23 Does the Fund wish to cross?

24 BY MR. KILLEN:

25 Yes, Your Honor, if it's staying in.

1 BY COMMISSIONER JAMES:

2 Well, even if I strike it -- so that's my
3 question. Even if I strike it, it's been ---

4 BY MR. KILLEN:

5 You can un-ring a bell. You can put the milk
6 back in the bottle.

7 BY COMMISSIONER JAMES:

8 --- it's been heard. So the question is, do you
9 wish -- as part of the proceeding wish to at least
10 cross?

11 BY MR. KILLEN:

12 Yes, ma'am.

13 CROSS-EXAMINATION BY MR. KILLEN:

14 Q. Good afternoon.

15 A. Good afternoon.

16 Q. I'm Tim Killen; I represent a state agency down here.
17 You've known Ms. Bridges for eight years you said?

18 A. Uh-huh.

19 Q. Is that a "yes"?

20 A. Yes.

21 Q. Okay. How long had she been -- what's her
22 relationship with your dad?

23 A. Boyfriend and girlfriend. They've been together for
24 a long time.

25 Q. Okay. Longer than eight years?

1 A. No, no.

2 Q. Okay. They live together?

3 A. Yes.

4 Q. Okay. And you visit your dad and Ms. Bridges every
5 year?

6 A. Yes.

7 Q. At least once a year?

8 A. Yes. There was one year we visited twice because we
9 had a 70th birthday party for him.

10 Q. Okay. It's nice to get out of Ohio and come down to
11 Hilton Head, isn't it?

12 A. It is.

13 **BY MR. KILLEN:**

14 All right. That's all I have.

15 **BY MR. COGGIN:**

16 Objection, Your Honor.

17 **BY THE WITNESS:**

18 We stay at ---

19 **BY COMMISSIONER JAMES:**

20 I'm going to allow the answer to the question.

21 **BY THE WITNESS:**

22 We stay at a different location though.

23 **BY MR. KILLEN:**

24 Thank you.

25 **BY COMMISSIONER JAMES:**

1 Anything further from this witness?

2 BY MR. COGGIN:

3 Nothing, Your Honor. And thank you very much,
4 Mike.

5 BY COMMISSIONER JAMES:

6 You can be excused. Thank you, ma'am.

7 BY THE WITNESS:

8 Okay. You want your evidence back (indicating)?

9 BY COMMISSIONER JAMES:

10 Yes, ma'am.

11 BY MR. COGGIN:

12 Yes, that was a nice job. Thank you. I
13 appreciate you coming.

14 BY COMMISSIONER JAMES:

15 All right. If you would raise your right hand
16 please, ma'am?

17 * * * * * * * * * * * * * * *

18 The witness was duly sworn to tell the truth, the
19 whole truth, and nothing but the truth concerning the
20 matter herein:

21 CHRISTINE SWEETING,

22 Being first duly sworn, testified on her oath as follows:

23 BY COMMISSIONER JAMES:

24 Your witness, sir.

25 BY MR. MOGIL:

1 Thank you, Your Honor.

2 **DIRECT EXAMINATION BY MR. MOGIL:**

3 Q. Ms. Sweeting, you and I have never met before. I'm
4 Michael Mogil, and I'm attorney for Harbour Town Surf
5 Shop in this workers' compensation claim brought by
6 Lynn Bridges. Do you know who Ms. Bridges is?

7 A. Yes, sir.

8 Q. And how do you know her?

9 A. I worked with her at the General Store.

10 Q. Do you still work at the General Store?

11 A. No, sir.

12 Q. Where do you work now?

13 A. I work at Savannah Station, which is like an events
14 company for weddings and, you know, private events
15 and stuff. I bartend.

16 Q. Okay. So, do you work for the Harbour Town Surf Shop
17 or any other company owned by them right now?

18 A. No.

19 Q. When did you leave employment?

20 A. I would say it was July -- June or July. I would say
21 probably July of last year I think it was. I think
22 it's been a year.

23 Q. Okay. And did anybody offer to pay you anything to
24 testify today?

25 A. No.

1 Q. Okay. Were you working at the General Store in June
2 of 2018?

3 A. Yes.

4 Q. Okay. And do you recall if Ms. Bridges was working
5 at the store at that time?

6 A. Yes.

7 Q. Okay. Did she take a vacation?

8 A. She did. She took a vacation to North Carolina for
9 her grandson's graduation. I think she was gone for
10 like almost a week or so. Yeah, that's -- and she
11 went and seen family I guess.

12 Q. Okay. Were you working at the store when she came
13 back from vacation?

14 A. Yeah. She came back I think -- I -- I usually
15 started on a Tuesday. So I seen her on that -- you
16 know, on that Tuesday when she got back.

17 Q. Okay. And do you have a recollection whether she was
18 healthy or injured?

19 A. She was injured. She had a black boot on her foot.
20 I asked her what happened, and she also had an ACE
21 bandage wrap. The black boot was there for maybe a
22 couple of days, but then she just wore her flip-flops
23 for the ACE bandage, but I asked her what happened.
24 She said that while she was in North Carolina, they
25 were moving a table, a foldable table I guess, and it

1 must have slipped or something, and it fell on her
2 foot, so...

3 Q. Did she tell you that, or did somebody else tell you
4 that?

5 A. She told me that.

6 Q. Okay. Do you have recollection as to whether she got
7 better during the week?

8 A. No. She was hobbling around, but I know she took the
9 -- the black boot off after a couple of days, but
10 other than that, she always had the ACE bandage on
11 and she was always limping around and stuff, and we
12 never really wanted her to do much.

13 Q. Were you at the store the day that she had the
14 incident with the ladder?

15 A. No, I was not. I was actually at my other job, and
16 the only way I found out that she fell was because
17 Leticia was working that day, and her and I are --
18 were really close as -- as coworkers. So she text me
19 to let me know what was going on, and -- but I -- I --
20 -- that was like over a year ago. So I don't have any
21 -- the messages anymore though unfortunately.

22 Q. Did you ever notice when Lynn was at work, was she
23 taking any medication?

24 A. Yes, she had a -- like a -- it was like a gallon-
25 sized bag of pill bottles. I don't know what all it

1 was for, you know. That's her business, but it was
2 at least 20 or so different pill bottles, and like I
3 said, I don't know her medical history, so I don't
4 know what it was all for, but I do know that she did
5 have a big bag of pill bottles.

6 Q. So, it wasn't just one, it was...?

7 A. No -- no, there was a -- a -- a good amount of 'em in
8 there, and like I said, we never -- you know, she
9 never really got to see -- the bottles close enough
10 to see if -- you know, what they were for, or who
11 they were for.

12 Q. Did she tell you she was taking medication relating
13 to the foot injury or the leg injury that she had
14 then?

15 A. She told me that she had some pain pills, but they
16 weren't prescribed to her. She had asked me -- I was
17 cramping really bad one day at work. So she was nice
18 enough to offer me half of one, and I told her "No,
19 thank you," because I can't take those type of pain
20 pills because it makes me throw up, so.

21 Q. Was this the week she got hurt?

22 A. No, this was probably a couple weeks prior.

23 Q. So, not the week she got hurt?

24 A. No. The week she got hurt, I -- she was kind of
25 more, you know, to herself after a while.

1 Q. In the months that you worked with her, did Lynn ever
2 tell you that she was planning on getting hurt?

3 A. Not her per se, it was another coworker. Actually,
4 it was like a couple of coworkers had mentioned
5 hearsay and stuff, but one coworker in particular,
6 Patricia, she had mentioned that she was talking to
7 Lynn about it, and -- and how Lynn had mentioned to
8 her "I would hate for something to happen while I was
9 here." Because she had already hurt her foot. So --
10 and she had mentioned about that she was going to
11 stick it out with Amir and Alon 'til she retired, and
12 that she would hate for something to happen while she
13 was working.

14 Q. Have you had any ---

15 **BY MR. MOGIL:**

16 Strike that. I don't have any further questions
17 for the witness, Your Honor.

18 **BY COMMISSIONER JAMES:**

19 Cross?

20 **BY MR. KILLEN:**

21 No questions from the Fund.

22 **CROSS-EXAMINATION BY MR. COGGIN:**

23 Q. Hi, Chase.

24 A. Hi.

25 Q. My name's Gary Coggin. I'm an attorney for the

1 Claimant in this. You worked at Harbour Town for how
2 long?

3 A. Shoot, I would say almost a year. So it's probably -
4 - probably about eight or nine months, so.

5 Q. And why did you leave?

6 A. I had another job, and they were offering -- you
7 know, they -- it was closer to home. So -- and she
8 wanted -- at my other job, she asked me to be --
9 become her assistant. So that's -- I took that job
10 and put in my notice.

11 Q. Okay. You said that you had noticed when Lynn came
12 back from vacation from North Carolina she was
13 hobbling?

14 A. She had a -- a black boot, like a cast type of boot
15 on, and she had her foot wrapped up with a ACE
16 bandage, and she also pulled the bandage off and
17 showed me the bruises on her feet.

18 Q. She actually showed -- what day was that?

19 A. That was the day that I seen her, which was a
20 Tuesday.

21 Q. Tuesday. She actually pulled the bandage off and
22 showed you?

23 A. Uh-huh, because her and I would talk, you know.

24 BY MR. KILLEN:

25 Is that a "yes"?

1 BY THE WITNESS:

2 Yes, sorry. I apologize.

3 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

4 Q. And she had the bandage -- or the black boot over the
5 bandage?

6 A. Yes.

7 Q. Okay. And then she took the black boot off?

8 A. Uh-huh.

9 Q. And then took the bandage off?

10 BY COMMISSIONER JAMES:

11 Is that a "yes"?

12 BY THE WITNESS:

13 I'm so sorry, yes.

14 BY COMMISSIONER JAMES:

15 We're just trying to help the court reporter.

16 BY THE WITNESS:

17 Yeah, I -- I apologize.

18 BY COMMISSIONER JAMES:

19 Okay.

20 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

21 Q. She took the black boot off?

22 A. Yes, she took the boot off so she could lift up her
23 ACE bandage to show me, because I asked her what
24 happened, and she told me what happened. And I was
25 like "Oh, my goodness. Are you okay?" And she was

1 like "Well, it's a little sore," and she pulled her -
2 - her bandage up, so.

3 Q. Describe the black boot for me.

4 A. It was like a velcro boot. So, like -- you know,
5 like the only way I can describe it, it's like a --
6 like a cast type boot that you would get with the
7 velcro straps, like if you hurt your foot. I don't
8 know if you get that from a doctor, or if you can buy
9 it yourself, but...

10 Q. And she wore that how long?

11 A. I seen it for only a couple of days.

12 Q. Okay. And then she took it off?

13 A. And then she just had the ACE bandage wrap on.

14 Q. And she was limping?

15 A. Yes.

16 Q. Did you ask her if she broke her foot or what was the
17 deal?

18 A. I just asked her what happened and everything. I
19 mean, when I seen her limping around, and obviously
20 when we seen her with the boot on, you know, we asked
21 her what happened, so she let us know. But nobody
22 was really going to pry too much into her business,
23 you know.

24 Q. And what foot was the boot on?

25 A. I would say the left foot.

1 Q. The left foot?

2 A. Yeah.

3 Q. Now, you also said she carried around a bag of pills;
4 is that correct?

5 A. I mean, she had it at work, because obviously she
6 needed it, and she was prescribed.

7 Q. Well, did she ever tell you what they were?

8 A. No.

9 Q. Did you ever ask her what they were?

10 A. No, that's not my business to ask her.

11 Q. And is it possible that there wasn't any drugs in
12 there?

13 A. I'm -- I'm sorry?

14 Q. When you said that she had a bag of pills, what was
15 in there?

16 A. Well, pill bottles with pills. I -- I know that
17 there's pills in there because she would have a
18 timer. So she had to take certain pills during work,
19 and then she would tell me there's a pill that she
20 would have to wait 'til after she clocked out because
21 it would make her drowsy. So therefore, she needed
22 to wait until she clocked out of work before she took
23 it so she could make it home.

24 Q. Hadn't she missed quite a bit of time before that
25 because of her eyes?

1 A. I wasn't working there then.

2 Q. Okay. Did you ever ask her?

3 A. No, I ---

4 Q. You think it might have been a possibility that she
5 had some of those pills to combat the problems she
6 had with her eyes?

7 A. I mean, it could be. Like I said, I don't know what
8 all the pills were for. So I don't know if it was
9 for a prior medical history. I have no idea of her
10 medical history. So that's all.

11 Q. Did you know that she was blinded for probably six
12 weeks?

13 A. No.

14 **BY MR. MOGIL:**

15 Objection. There's no foundation for that in
16 the record.

17 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

18 Q. Did you know she had migraine headaches?

19 **BY MR. COGGIN:**

20 Oh, excuse me.

21 **BY COMMISSIONER JAMES:**

22 Okay. I mean, y'all have the medical records,
23 all twenty-two hundred pages of them. I don't know
24 what's in there and not in there as to whether
25 there's migraines or what. So I'm going to allow the

1 question, because I don't know whether it's in or
2 not. All right, go ahead.

3 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

4 Q. Did you know that she suffered from migraines?

5 A. Yeah, she -- she mentioned that she had -- would get
6 headaches sometimes, but I -- I can't tell you if we
7 discussed it.

8 Q. Do you think some of those pills might have been for
9 the migraines?

10 A. I'm not a doctor, so I can't really answer that
11 question.

12 Q. Do you think that maybe some of those pills might
13 have been for the eye problems that she had?

14 A. Like I said before, they're probably for any prior
15 medical history or any new medical history that she
16 had. I wouldn't know. I'm not her doctor.

17 Q. Do you think some of the pills were vitamins?

18 **BY MR. KILLEN:**

19 Objection. Calls for speculation.

20 **THE WITNESS ANSWERS:**

21 A. I don't know. I have no idea.

22 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

23 Q. How did you even know there were pills in the bag?

24 A. Because I worked next to her. She's at one register,
25 I'm at the other register. So she has a bag. I have

1 a bag. We bring our bags in. We bring food in. We
2 do whatever. We talk to each other. We converse.
3 When she pulls out a gallon-sized bag of pain-pill
4 bottles and sets it on the counter, ---

5 **BY MR. COGGIN:**

6 Objection. I can't object to you.

7 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

8 Q. Are you sure you want to mischaracterize; do you want
9 to think about that statement, pain pills?

10 A. I said, "a big bag of pills, prescription bottles."
11 That's what I said.

12 Q. You said, "Pain pills."

13 A. Well, excuse me.

14 Q. Has anybody talked to you -- my question is, why are
15 you here?

16 A. Because you -- they asked me to be a witness.

17 Q. And who talked to you about your testimony?

18 A. Nobody talked to me about my testimony.

19 Q. So, nobody knew before you came in here what you were
20 going to say?

21 A. No, we had a meeting about what -- what -- what the
22 order would be coming in. Like you guys will go
23 first, and then we will go second, but other than
24 that, I -- I don't know what anybody said or anybody
25 talked about.

1 Q. So, nobody knew what you were going to say; you just
2 were picked to come in and tell this?

3 A. Yes. And I didn't exactly know why because I wasn't
4 there for the incident, but I was assuming it's
5 because I was there to see her injury, prior to.

6 Q. And how many times did you see her that week?

7 A. Probably three.

8 Q. And you said you're not a doctor?

9 A. No, I'm not.

10 Q. So, you really don't know what had happened?

11 A. I only know what she told me.

12 Q. Are you sure you remember her wearing a black boot?

13 A. Yeah, I'm sure.

14 Q. And you remember a wrap on her foot?

15 A. Yes.

16 **BY MR. COGGIN:**

17 Okay, no questions -- no further questions.

18 Thank you.

19 **BY COMMISSIONER JAMES:**

20 Anything further from this witness?

21 **BY MR. MOGIL:**

22 None for me, Your Honor.

23 **BY MR. KILLEN:**

24 None from the Fund.

25 **BY COMMISSIONER JAMES:**

1 Thank you, ma'am. We have ten minutes. I don't
2 think we can do another witness. I don't know.

3 BY MR. MOGIL:

4 I would like to bring Mr. Zack to respond to
5 what was said on -- a rebuttal witness to Ms.
6 Willard.

7 BY COMMISSIONER JAMES:

8 I don't know if it can be done in ten minutes.
9 I will ask the question if we can stay five extra,
10 but the problem is, we borrow these facilities, but I
11 don't think y'all can finish him in ten minutes even
12 if he's brought back as a rebuttal witness. Either
13 you can put him up for five minutes, and then he's
14 left as a hanging witness, or we put him back ---

15 BY MR. MOGIL:

16 I think we can -- we might as well take
17 advantage, because it may avoid him having to come
18 back.

19 BY COMMISSIONER JAMES:

20 All right.

21 BY MR. COGGIN:

22 Who's coming up...?

23 BY MR. MOGIL:

24 We're bringing Zack as a rebuttal witness.

25 BY MR. COGGIN:

1 Okay.

2 BY COMMISSIONER JAMES:

3 All right. Mr. Edri has been called back -- and
4 I'm sorry if I mispronounced it, has been called back
5 as a witness. You're still under oath, sir. Your
6 witness.

7 BY MR. MOGIL:

8 Thank you.

9 RECALL - DIRECT EXAMINATION BY MR. MOGIL:

10 Q. Mr. Edri, did you have any conversations with Jamie
11 Willard regarding this case?

12 A. I've had like a few small talks.

13 Q. Okay. And did you ever tell her -- or threaten her
14 in anyway?

15 A. No.

16 Q. Did you suggest to her that Alon or Amir was trying
17 to influence the case?

18 A. No, not at all.

19 Q. Are you certain?

20 A. I'm a hundred percent certain.

21 Q. Okay. Did you suggest it to -- there was testimony
22 that you dated her sister; is that accurate?

23 A. Yes.

24 Q. Okay. Did you ---

25 A. Or, no, her niece.

1 Q. Her niece?

2 A. Yeah.

3 Q. And did you suggest to her niece that Mr. Bitton or
4 Mr. Mintz was influencing her in anyway?

5 A. No.

6 Q. Are you being -- have you been threatened to testify
7 today?

8 A. No, I've never been threatened to testify today.

9 Q. So, you did not tell Ms. Willard that she better do
10 this or better do that?

11 A. Jamie or Lindsay, no, neither of 'em.

12 BY MR. MOGIL:

13 Okay. Nothing further, Your Honor.

14 BY COMMISSIONER JAMES:

15 Cross?

16 BY MR. COGGIN:

17 Nothing here.

18 BY COMMISSIONER JAMES:

19 Cross?

20 BY MR. KILLEN:

21 No, Your Honor.

22 BY COMMISSIONER JAMES:

23 All right. Thank you, sir.

24 BY MR. COGGIN:

25 Can I cross?

1 BY COMMISSIONER JAMES:

2 That's what I just asked you.

3 BY MR. COGGIN:

4 Oh, I thought you were talking to him.

5 BY COMMISSIONER JAMES:

6 No, I was looking at you.

7 BY MR. KILLEN:

8 But you answered. You said, "no."

9 BY MR. MOGIL:

10 Yes, she pointed at you.

11 BY MR. COGGIN:

12 No, she pointed at him. He said, "No."

13 CROSS-EXAMINATION BY MR. COGGIN:

14 Q. Zack, tell the Court your relationship with Amir;
15 what is your relationship?

16 A. He's a family friend. I've known Amir and Alon since
17 I was a kid. Alon used to live with me.

18 Q. And he's referred to you as family; is that correct?

19 A. Correct, yeah.

20 Q. And your father-in-law -- or excuse me. You're
21 stepfather is a cousin of his?

22 A. Yeah, yeah.

23 Q. And they grew up in Israel together?

24 A. Yeah.

25 Q. And other connections is your sisters, half-sisters -

1 --

2 A. Yeah.

3 Q. --- used to be employed there; is that correct?

4 A. They would help out from time to time, yeah.

5 Q. Okay. Were they interns also?

6 A. If you want to call it that, you can call it interns,
7 volunteer or whatever you want.

8 Q. Did they get paid or didn't get paid?

9 A. They got like the same thing that Amir did to me, out
10 of his pocket.

11 Q. And did you, Zack, ever have a conversation with
12 Jamie in the car and telling Jamie that she was
13 stupid ---

14 A. No.

15 Q. --- to testify ---

16 A. No.

17 Q. --- for Naomi?

18 A. No.

19 Q. And did you ever tell her that "You got to do what
20 you got to do, and I'm going to testify -- I'll do
21 what Amir tells me"?

22 A. No, I've never said that in my life.

23 Q. You never said that at all?

24 A. No.

25 Q. You never said that in your life?

1 A. Never like pertaining to this Court case, no. That's
2 silly, I'm not on trial. Why would I have to do
3 anything?

4 Q. Do you admit that you actually are a close personal
5 relationship with Amir?

6 A. I mean, sure, yeah.

7 Q. And that doesn't affect your testimony whatsoever?

8 A. No, not whatsoever. No.

9 Q. But you do agree that when I brought you in the Court
10 to talk to you, you didn't bother coming; is that
11 right?

12 A. But I'm here in the Court.

13 Q. When I brought you in to take a deposition.

14 A. I -- I was sick.

15 **BY MR. KILLEN:**

16 Objection, Commissioner. We've been over this
17 before.

18 **BY COMMISSIONER JAMES:**

19 All right. That's ---

20 **BY MR. KILLEN:**

21 This was a second deposition he tried to take of
22 Zack.

23 **BY COMMISSIONER JAMES:**

24 All right. Those questions have been asked
25 during the primary part of the testimonies. If you

1 have anything ---

2 BY MR. COGGIN:

3 He was called as a rebuttal witness.

4 BY COMMISSIONER JAMES:

5 I know, but I've also heard the -- we've been
6 through this particular -- and you're certainly
7 welcome to go through them again, but we've already
8 heard that. And so if you have any new questions, it
9 probably would be beneficial with regards to the time
10 constraint.

11 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

12 Q. Were you aware at the Harbour Town Surf Shop that
13 there was no such thing as workers' compensation?

14 A. No.

15 Q. Have you ever heard the term before?

16 A. Yeah, I've had to do workers' comp before for my
17 face.

18 Q. Pardon me?

19 A. I've -- I've -- I've had to do workers' comp before
20 for my face. I burnt my face in the kitchen of the
21 Crazy Crab before.

22 Q. And you got workers' compensation for that?

23 A. Yeah, they paid my hospital bill.

24 Q. Did anybody tell you at the Harbour Town that there's
25 -- Surf Shop, they didn't have workers' compensation?

1 A. They -- No. They thought it was pretty much implied.
2 I thought it was implied. There's -- there's like a
3 big -- I'm trying to think of the word. Like a South
4 Carolina poster that has all the information that you
5 would see at everyday work places.

6 Q. And what's that poster say?

7 A. It just talks about minimum wage and stuff like that.

8 Q. And what's it say about minimum wage?

9 A. That they -- that the state of South Carolina
10 recognizes minimum wage at seven twenty-five, right?

11 Q. I don't know. I'm asking you the question.

12 A. Oh, I don't know either.

13 Q. Okay. Does it say anything about time-and-a-half for
14 overtime?

15 A. No, I -- I didn't -- I didn't study it. I didn't
16 take a course on it in school.

17 Q. Does it say anything about getting paid under the
18 table?

19 A. Again, I don't -- no. I -- I -- I didn't read it. I
20 just read that like first part of like seven twenty-
21 five, and that's about it.

22 Q. I'm trying to figure out what you're talking about.
23 What's seven twenty-five?

24 A. It's the minimum wage. But I knew that 'cause been
25 working ---

1 Q. And that's posted in the Harbour Town ---

2 A. Yeah, by where Ms. Bridges fell, or I believe around
3 the cooler, somewhere around there.

4 Q. And it doesn't say anything else?

5 A. I mean, sure, there's other words.

6 Q. Okay. But you didn't read it except for seven
7 twenty-five?

8 A. Yeah, except for the first part of it. I got busy.

9 **BY MR. COGGIN:**

10 Listen, thanks for your time. I have no further
11 questions.

12 **BY COMMISSIONER JAMES:**

13 Anything further from this witness?

14 **BY MR. MOGIL:**

15 No, Your Honor.

16 **BY MR. KILLEN:**

17 No, Your Honor.

18 **BY MR. COGGIN:**

19 Your Honor, what's the chances of me calling a
20 rebuttal witness?

21 **BY COMMISSIONER JAMES:**

22 There's no chance right now. We're finished for
23 the day.

24 **(THIS HEARING WAS ADJOURNED AT THE HOUR OF 4:28 P.M.)**

25

CERTIFICATE OF NOTARY PUBLIC
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
COLUMBIA, SOUTH CAROLINA
WCC FILE NO. 1808344

EMPLOYEE/CLAIMANT: NAOMI LYNN BRIDGES

EMPLOYER: HARBOUR TOWN SURF SHOP, L.L.C.

INSURER: (UNINSURED)

I, SHEILA SMALL, A NOTARY PUBLIC FOR THE STATE OF SOUTH CAROLINA, DULY COMMISSIONED AND QUALIFIED AS SUCH, DO HEREBY CERTIFY THAT THE FOREGOING 266 PAGES REPRESENTS A TRUE AND ACCURATE TRANSCRIPT OF THE FOREGOING HEARING OF NAOMI LYNN BRIDGES TAKEN ON THE 24TH DAY OF JULY, 2019.

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 SET MY HAND THIS 21ST DAY OF OCTOBER, 2019.

SHEILA SMALL
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 3-11-2029

* THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
COLUMBIA, SOUTH CAROLINA
WCC FILE NO. 1808344

EMPLOYEE/CLAIMANT: NAOMI LYNN BRIDGES

EMPLOYER: HARBOUR TOWN SURF SHOP, LLC

INSURER: (UNINSURED)

SOUTH CAROLINA WORKERS' COMPENSATION HEARING

PURSUANT TO NOTICE OF WORKERS' COMPENSATION
HEARING, THE WITHIN HEARING WAS RECONVENED ON THE 26TH DAY OF
JULY, 2019, COMMENCING AT THE HOUR OF 12:12 P.M., IN
PORT ROYAL, SOUTH CAROLINA, BEFORE THE HONORABLE
MELODY L. JAMES, ATTENDED BY COUNSEL AS FOLLOWS:

SHEILA SMALL
VERBATIM REPORTER

WHITWORTH COURT REPORTING
POST OFFICE BOX 551
ROEBUCK, S.C. 29376
(864) 494-2705

APPEARANCES

GARY P. COGGIN, ESQUIRE, OF THE FIRM
COGGIN LAW OFFICE
POST OFFICE BOX 7092
HILTON HEAD ISLAND, SOUTH CAROLINA 29938

ATTORNEY FOR THE EMPLOYEE/CLAIMANT,

TIMOTHY B. KILLEN, ESQUIRE, OF THE FIRM
HOLDER, PADGETT, LITTLEJOHN & PRICKETT, LLC
349 WEST COLEMAN BLVD.
SUITE 300
MT. PLEASANT, SOUTH CAROLINA 29464

ATTORNEY FOR THE SOUTH CAROLINA WORKERS'
COMPENSATION UNINSURED EMPLOYERS' FUND,

MICHAEL W. MOGIL, ESQUIRE, OF THE FIRM
LAW OFFICE OF MICHAEL W. MOGIL, PA
2 CORPUS CHRISTIE PLACE
SUITE 303
HILTON HEAD ISLAND, SOUTH CAROLINA 29928

ATTORNEY FOR THE EMPLOYER.

I N D E X

PAGE

RAVEN BADEN:

DIRECT EXAMINATION BY MR. MOGIL.....	6
CROSS-EXAMINATION BY MR. COGGIN.....	21
CROSS-EXAMINATION BY MR. KILLEN.....	45
RE-DIRECT EXAMINATION BY MR. MOGIL.....	48
RE-CROSS EXAMINATION BY MR. COGGIN.....	51

AMIR BITTON:

DIRECT EXAMINATION BY MR. MOGIL.....	54
CROSS-EXAMINATION BY MR. COGGIN.....	76
CROSS-EXAMINATION BY MR. KILLEN.....	162
RE-CROSS EXAMINATION BY MR. COGGIN.....	164
RE-DIRECT EXAMINATION BY MR. MOGIL.....	173

CHARLES EARLEY:

DIRECT EXAMINATION BY MR. COGGIN.....	177
CROSS-EXAMINATION BY MR. MOGIL.....	188
CROSS-EXAMINATION BY MR. KILLEN.....	191
RE-DIRECT EXAMINATION BY MR. COGGIN	194
CERTIFICATE OF NOTARY PUBLIC.....	203

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 Port Royal,
4 South Carolina.

5 * * * * * * * * * * * * * * *

6 **BY COMMISSIONER JAMES:**

7 Today is July 26, 2019. We are resuming the
8 matter of Naomi Bridges versus Harbour Town Surf
9 Shop, LLC and the South Carolina Uninsured
10 Employers' Fund. All of the attorneys as indicated
11 the day before yesterday are present today and ready
12 to begin. It's my understanding that we are through
13 with the Claimant's case in chief, and now we're
14 presenting the Defendants' case, although there were
15 some witnesses that were called out of order and
16 adverse, but we're beginning with the Defendants.
17 So if you'll call your first witness.

18 **BY MR. MOGIL:**

19 Thank you, Your Honor. The employer will call
20 Raven Baden.

21 **BY COMMISSIONER JAMES:**

22 All right. If you can have a seat over here,
23 please?

24 **BY MR. COGGIN:**

25 I'm wondering, Raven, if you can, move that

1 over just a little bit, kind of straightforward, so
2 I can -- like that; is that okay?

3 BY THE WITNESS:

4 Sure.

5 BY MR. COGGIN:

6 Thank you.

7 BY MR. MOGIL:

8 And, Your Honor, may I stand here ---

9 BY COMMISSIONER JAMES:

10 Certainly.

11 BY MR. MOGIL:

12 --- just so I can look at her when I'm talking
13 to her.

14 BY COMMISSIONER JAMES:

15 And can you give us the spelling of your name,
16 please?

17 BY THE WITNESS:

18 Raven, R-a-v-e-n, Baden, B-a-d-e-n.

19 BY COMMISSIONER JAMES:

20 If you will raise your right hand?

21 * * * * * * * * * *

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 RAVEN BADEN,

1 Being first duly sworn, testified on her oath as follows:

2 BY COMMISSIONER JAMES:

3 All right. Your witness, sir.

4 BY MR. MOGIL:

5 Thank you, Your Honor.

6 DIRECT EXAMINATION BY MR. MOGIL:

7 Q. Ms. Baden, where do you live?

8 A. I live at [REDACTED] on Hilton Head Island.

9 Q. And where are you employed?

10 A. At Island Republic.

11 Q. And what's Island Republic?

12 A. It is a T-shirt shop out in Bluffton.

13 Q. Bluffton. Were you ever employed at the Harbour
14 Town General Store?

15 A. Yes, last summer.

16 Q. When did you start working there?

17 A. March of 2017.

18 Q. And when did you stop working there?

19 A. February of 2019 they moved me to a different store.

20 Q. Okay. And are you paid from the Harbour Town
21 General Store now or from Island Republic?

22 A. Island Republic.

23 Q. Okay. Were you working at the time that Ms. Bridges
24 had the incident with the ladder?

25 A. Yes.

1 Q. Okay. Were you there working that -- were you there
2 the week of that incident or just that day?

3 A. Yes, I was there the whole week.

4 Q. Okay. And where did -- where did you physically
5 work; did you work in the general store or in the
6 adjacent space?

7 A. I was normally in the surf shop.

8 Q. Did you ever go into the general store?

9 A. Here and there for snacks, if they needed my help if
10 they got real busy.

11 Q. Okay. Do you have any -- we're going back to the
12 week of June -- that ended in June '16, which is the
13 date that Ms. Bridges had the incident with the
14 ladder in the store. Do you have any recollection
15 of seeing Ms. Bridges in the store earlier that
16 week?

17 A. I do. She came back on that Monday from North
18 Carolina, and she was limping. She had a black boot
19 on. She took it off every once in a while, and she
20 had like an Ace bandage around her foot.

21 Q. Do you remember which foot it was?

22 A. I want to say the left foot.

23 Q. Did you talk to her about why she was limping?

24 A. She said that when she was in North Carolina setting
25 up her grandson's graduation party that a white

1 table fell on her.

2 Q. Did she say that to you, or that's what you've heard
3 from somebody else?

4 A. She said it to me.

5 Q. Okay. Did you have a cordial relationship with her
6 at the time, like did you ---

7 A. Not really.

8 Q. You didn't have a good relationship with her?

9 A. Not really.

10 Q. Did you have a bad relationship?

11 A. No, we just really didn't have one at all. We just
12 kind of "hi" in the morning. Did what we had to do
13 at work.

14 Q. You were in a different space, weren't you,
15 different cash register than her?

16 A. Yes.

17 Q. Who else worked with you in the surf shop location
18 that week?

19 A. Zack did. And there were other people, I just can't
20 remember 'em.

21 Q. Part-time people and temporary people?

22 A. Uh-huh.

23 Q. Do you remember who else was working in the general
24 store that week?

25 A. Chase did a couple days. I know Leticia was there.

1 I can't remember all of 'em.

2 Q. And do you have recollection of the day -- has your
3 deposition been taken in this case?

4 A. Uh-uh.

5 Q. Do you have recollection ---

6 **BY COMMISSIONER JAMES:**

7 I'm sorry. Was that a "no"?

8 **BY THE WITNESS:**

9 No.

10 **DIRECT EXAMINATION RESUMED BY MR. MOGIL:**

11 Q. Do you have recollection of the day of June 16,
12 which is the day that the incident involving Ms.
13 Bridges occurred?

14 A. I do.

15 Q. Okay. Do you remember seeing her that morning
16 before the incident?

17 A. Yes.

18 Q. And what did you observe when you saw her?

19 A. She didn't have an Ace bandage on anymore, and she
20 was still kind of limping, but she seemed a little
21 better.

22 Q. Okay. And did you have any discussions with her
23 that morning before the incident, any specific
24 discussions?

25 A. No.

1 Q. Okay. Did you see her fall from the ladder?

2 A. No.

3 Q. Did you hear her fall from the ladder?

4 A. No.

5 Q. Do you know -- not what you've learned since the
6 incident, but at the time, did she ask you to help
7 her get anything in the storage room?

8 A. No.

9 Q. Where were you at the time that she ---

10 A. I was on the other side of the wall in the backroom
11 of the surf shop organizing it.

12 Q. Okay. And just to -- okay, we'll do that one -- how
13 did you find out that she had fallen from the
14 ladder?

15 A. Leticia came over and told me that Lynn fell.

16 Q. Okay. And what did ---

17 **BY MR. COGGIN:**

18 Could you repeat that one more time? I didn't
19 get that. I'm sorry.

20 **BY MR. MOGIL:**

21 The question?

22 **BY MR. COGGIN:**

23 No, the answer.

24 **BY THE WITNESS:**

25 Leticia told me. She came over to the surf

1 shop and told me that Lynn had fallen.

2 BY MR. COGGIN:

3 Who told you that?

4 BY THE WITNESS:

5 Leticia.

6 BY MR. COGGIN:

7 Okay. Thank you.

8 DIRECT EXAMINATION RESUMED BY MR. MOGIL:

9 Q. Okay. So, what's your recollection of what happened
10 next?

11 A. I went over there. I saw her on the floor. There
12 were candies on the floor, and I asked her, I said,
13 "Lynn, would you like me to call 9-1-1?" She said,
14 "Yes." So I pulled out my phone, ---

15 Q. Did you ask her what happened?

16 A. I did when I got on the phone with a 9-1-1 operator.

17 Q. So, before that, you didn't have a conversation
18 about with her of what happened?

19 A. No.

20 BY MR. COGGIN:

21 Leading the witness. Objection.

22 BY COMMISSIONER JAMES:

23 If you can just have her establish the time
24 line.

25 DIRECT EXAMINATION RESUMED BY MR. MOGIL:

1 Q. Just for reference sake, how did you -- where did
2 you find her in that room?

3 A. She was sitting on the floor leaned up against the
4 wall.

5 Q. Okay. I'm going to show you a picture, which I've
6 showed to Mr. Coggin, just to set the context of
7 where we are in the store. This is a picture that
8 was taken from Mr. Bitton's phone just last week.
9 It's not contemporaneous, but we agreed the other
10 day that the pictures from both sides, they would
11 get in. And it's just to show the Commission and
12 her where she was -- how she found her. The picture
13 is not of Ms. Bridges. It's of Mr. Bitton, who is
14 here in the Courtroom, sitting here. It's just to
15 show the room. Is that approximately where you
16 found Ms. Bridges?

17 A. (Witness views photograph). Yes.

18 Q. And what is that that Mr. Bitton is leaning against?

19 A. A wall.

20 Q. A wall. Is that kind of how she was sitting, ---

21 A. Yes.

22 Q. --- or was she sitting differently than that?

23 A. She had one leg up. Her right leg was up.

24 Q. Her right leg was up. Up on what?

25 A. She just had it like this (demonstrating).

1 Q. Okay. But you have specific memory of that?

2 A. Uh-huh.

3 BY COMMISSIONER JAMES:

4 Is that a "yes"?

5 BY THE WITNESS:

6 Yes. I'm sorry.

7 BY COMMISSIONER JAMES:

8 That's okay. The court reporter just has to
9 get words. So one of the attorneys or I may ask you
10 to repeat something. Thank you. Are you...?

11 BY MR. MOGIL:

12 Yes, I'm going to -- I'm going to mark all
13 these I guess of Mr. Bitton, but I'll just ask to
14 mark this one for demonstrative purposes really. So
15 that you -- I want you to be able to see -- it's the
16 only picture we have of anybody showing where she
17 was found.

18 BY MR. COGGIN:

19 Your Honor, is this being submitted for
20 evidence, or is it demonstrative purposes?

21 BY MR. MOGIL:

22 Well, I'll submit it for evidence since we
23 allowed the other ones in, and I'm not representing
24 it to be a picture of her at the time. I'm ---

25 BY MR. COGGIN:

1 Yes, I would rather have it demonstrative
2 rather than in evidence.

3 **BY COMMISSIONER JAMES:**

4 All right. Let's go off the record for a
5 moment.

6 **OFF THE RECORD**

7 **BY COMMISSIONER JAMES:**

8 Mark it as Defendant's Exhibit 3.

9 (COURT REPORTER MARKS PHOTOGRAPH DEFENDANT'S EXHIBIT
10 NUMBER 3, RETAINED IN COMMISSION FILE)

11 **BY MR. MOGIL:**

12 We didn't make photocopies, so you can have
13 that picture. Thank you, Your Honor.

14 **DIRECT EXAMINATION RESUMED BY MR. MOGIL:**

15 Q. Okay. Ms. Baden, the location that you saw in the
16 picture, is that where you found Ms. Bridges?

17 A. Yes.

18 Q. Okay. And then what happened next after you found
19 her?

20 A. I asked her if she wanted me to call 9-1-1, and she
21 said, "Yes." I got on the phone with the operator.
22 Told her where we are and we needed an ambulance. I
23 told her she fell. The 9-1-1 operator asked "How
24 far did she fall?" I asked Lynn, and she pointed to
25 the very bottom step on the ladder.

1 Q. So, Ms. Bridges pointed to you to the bottom step on
2 the ladder?

3 A. Yes, closest to the floor.

4 Q. Prior to you calling 9-1-1, did you have any
5 conversations with any other employee in the
6 business?

7 A. No, other than Leticia when she told me that Lynn
8 fell.

9 Q. So, you immediately called 9-1-1?

10 A. Yes.

11 Q. Okay. Continue. So, you're on the phone with 9-1-
12 1?

13 A. Yes.

14 Q. And then what?

15 A. I stayed on the phone 'til the EMTs got there. I
16 went outside. I flagged 'em down. I brought 'em
17 in, took them to where she was. And while they were
18 getting her on the gurney, she asked me to call
19 Chuck.

20 Q. Before we get to she asked you to call Chuck, did
21 you have any further conversations with Ms. Bridges
22 while you were waiting for the EMT to arrive?

23 A. Not really. I mean, the lady on the phone asked me
24 how old she was, where -- where she was hurt, stuff
25 like that, but...

1 Q. Did Ms. Bridges get on the phone directly with EMT?

2 A. No.

3 Q. Did anybody else from Island Republic -- I mean,
4 Harbour Town General Store get on the phone with
5 EMT?

6 A. No.

7 Q. Okay. So, now the EMT has arrived, and then Ms.
8 Bridges asked you to call Chuck, and then what?

9 A. I asked her what his phone number was, and she told
10 me to go get her phone, and it was behind the
11 counter in the other corner of the store. So I went
12 and grabbed her phone. She unlocked it for me, and
13 I called Chuck when they were getting her on the
14 gurney.

15 Q. Chuck is the person who, when we all started this
16 hearing, was in the room with her, ---

17 A. Yeah.

18 Q. --- same Chuck? Do you know his last name?

19 A. No.

20 Q. Okay. So, you called Chuck while EMT was there?

21 A. Yes.

22 Q. Okay. And then what?

23 A. I called Chuck. I told him what happened. He was
24 very furious. He was yelling, screaming at me, and
25 then he said that he told Lynn to not call an

1 ambulance. He was upset that she called an
2 ambulance.

3 Q. Okay. Did he tell you when he told Lynn not to call
4 an ambulance?

5 A. No, he just demanded that I put Lynn on the phone.
6 I said, "I can't 'cause EMT's back there putting her
7 on a gurney."

8 Q. Now, did Lynn have her phone with her to hand to you
9 -- where was her phone when you called Chuck?

10 A. It was on -- it was behind the counter up in the
11 corner in the front of the store.

12 Q. So, from your observation, Lynn had not called Chuck
13 ---

14 A. No.

15 Q. --- after she fell?

16 A. No.

17 Q. And you're sure you recall what Chuck said to you?

18 A. Yes.

19 Q. When you say "He was furious," what do you mean?

20 A. He was yelling. He was very angry.

21 **BY MR. COGGIN:**

22 Your Honor, I'm going to have to object on the
23 basis of relevance. I don't know if somebody on the
24 telephone is yelling or is upset. We don't know if
25 he was upset because she was hurt or whatever. It's

1 characterizing as being furious, et cetera. I don't
2 know.

3 BY COMMISSIONER JAMES:

4 I'm going to allow it. You can continue.

5 DIRECT EXAMINATION RESUMED BY MR. MOGIL:

6 Q. Okay. So, did you have any further conversation
7 with Chuck?

8 A. No.

9 Q. Did you hang up?

10 A. I told him that I need the phone. I gave the phone
11 back to Lynn, and I said that she would call you
12 whenever she could.

13 Q. Okay. Did Lynn call -- in your presence, did Lynn
14 call Chuck after you gave her back the phone?

15 A. No, she was in the ambulance.

16 Q. Okay. Was there anybody else at the store who
17 observed your phone conversation with emergency
18 management?

19 A. Yes.

20 Q. Who was that?

21 A. Leticia.

22 Q. And did anybody else in the store observe your
23 conversation with Chuck?

24 A. No, I was outside.

25 Q. You were outside the store?

1 A. Uh-huh.

2 Q. Did you hear Lynn fall?

3 A. No.

4 Q. When you came to the scene after she fell, what did
5 you see other than her?

6 A. There were candies on the floor, and she was propped
7 up up against the wall and the ladder was up.

8 Q. Was she crying?

9 A. No.

10 Q. Was she yelling?

11 A. No.

12 **BY MR. COGGIN:**

13 Leading. Objection, leading, Your Honor.

14 **BY COMMISSIONER JAMES:**

15 Sustained.

16 **DIRECT EXAMINATION RESUMED BY MR. MOGIL:**

17 Q. What did you hear from Lynn when you arrived?

18 A. I asked her if she wanted me to call 9-1-1, and she
19 said, "Yes," and I asked her the questions that the
20 lady on the phone needed, and that was about it.

21 Q. What did you observe about her physical condition?

22 A. She looked like she was in pain. She was breathing
23 kind of weird, but she wasn't crying or screaming or
24 -- or nothing like that.

25 Q. Earlier in the week, had Lynn complained to you that

1 she was having any issue?

2 A. With her leg 'cause she was limping, and she said
3 that a table fell on her at her grandson's
4 graduation.

5 Q. She said that to who?

6 A. To everyone. We all asked her what was going on.

7 Q. Did she say it to you specifically?

8 A. Yes.

9 Q. Was she complaining about any other injuries that
10 week?

11 A. No, but she had eye -- eye complications in the
12 past.

13 Q. Do you know anything ---

14 **BY COMMISSIONER JAMES:**

15 Had what?

16 **BY THE WITNESS:**

17 She had eye complications in the past.

18 **DIRECT EXAMINATION RESUMED BY MR. MOGIL:**

19 Q. Do you know anything about those complications?

20 A. I know she was out for a while doing doctor's
21 visits. She was on a bunch of medication.

22 Q. Have you had any conversations with Lynn since the
23 day of that incident?

24 A. No.

25 **BY MR. MOGIL:**

1 No further questions for the witness. Thank
2 you.

3 BY COMMISSIONER JAMES:

4 Cross.

5 CROSS-EXAMINATION BY MR. COGGIN:

6 Q. Raven, this first question I ask you for probably
7 all the world; where did you get that first name?

8 A. My mom.

9 Q. What does it mean -- what does it mean?

10 A. Dark-haired beauty.

11 Q. I was just wondering about that, that's all. It's
12 very, very cool. Lynn -- or excuse me, Raven, you
13 still are working for Amir; is that correct?

14 A. Yes.

15 Q. And how long have you worked there?

16 A. Since March of 2017.

17 Q. March of 2017. What is your position?

18 A. I work retail. I'm a sales associate.

19 Q. Okay. You're working at Harbour Town Surf Shop?

20 A. No, I scoot around. I go to all the stores. I -- I
21 work 'em all.

22 Q. And you work how many hours a week?

23 A. Thirty a week.

24 Q. Thirty a week?

25 A. Uh-huh.

1 Q. Have you ever worked -- you've worked overtime
2 though in the past, haven't you?

3 A. No.

4 Q. You've never worked overtime in the past?

5 A. No.

6 Q. You've never worked 40, 50, 60 hours?

7 A. No, sir.

8 Q. Okay. You're paid every two weeks; is that correct?

9 A. Yes.

10 **BY MR. COGGIN:**

11 Mark this as exhibit number one for
12 identification, please.

13 **BY COMMISSIONER JAMES:**

14 Okay. Why don't you have her identify it
15 first, because we don't have a jury, you don't have
16 to mark it for identification.

17 **BY MR. COGGIN:**

18 I'm going to distribute it.

19 **BY COMMISSIONER JAMES:**

20 Okay.

21 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

22 Q. Can you take a look at that, please?

23 A. (Witness views document).

24 Q. Let me lay a foundation for that. Do you recognize
25 this?

- 1 A. Yes, this is the schedule.
- 2 Q. Schedule?
- 3 A. Uh-huh.
- 4 Q. Do you see the dates on the top of it?
- 5 A. I do.
- 6 Q. You were working at that time; is that right?
- 7 A. Uh-huh.
- 8 Q. 6/11/18 to 6/17/18; is that correct?
- 9 A. Yes, sir.
- 10 Q. You are number -- count from the top and tell me
- 11 which one you are.
- 12 A. (Witness complies). One, two, three, four, five,
- 13 six.
- 14 Q. Okay. And that is Raven; is that right -- what's
- 15 your last name, Raven, I'm sorry?
- 16 A. Baden.
- 17 Q. Baden, okay. Raven, let's work across this. You're
- 18 familiar with this, but tell the jury and answer a
- 19 couple of preliminary questions. The dates on here
- 20 are on the top; is that right?
- 21 A. Yes.
- 22 Q. Okay. So, it would be June 11th -- or June 11th,
- 23 June 12th, June 13, 14, 15, 16 and 17; is that
- 24 right?
- 25 A. Yes.

1 Q. So, that's a week's work. How do you get the -- who
2 provided you with these?

3 A. Alon, the owner.

4 Q. Okay. How do you receive them?

5 A. They either get texted to us, or we get a hard copy
6 in the actual store.

7 Q. Okay. And the reason you get this is to know when
8 you're going to work; is that correct?

9 A. Right.

10 Q. Okay. Raven, the first day, Monday, you worked nine
11 to ten; is that right?

12 A. Not all the times. If we're not busy, ---

13 Q. We're talking -- no, we're talking about the ---

14 A. Okay.

15 Q. All right. Did you work nine to ten -- are you
16 scheduled for nine to ten?

17 A. Yes, on the schedule.

18 Q. Okay. That's 13 hours. You were off the next day;
19 is that correct?

20 A. Uh-huh.

21 **BY COMMISSIONER JAMES:**

22 Is that a "yes"?

23 **BY THE WITNESS:**

24 Yes, I'm sorry.

25

CROSS-EXAMINATION RESUMED BY MR. COGGIN:

Q. And you're off on Wednesday; is that right?

A. Yes.

Q. Thursday you worked 12 hours; is that right?

A. Yes.

Q. Friday you were scheduled for 13 hours; is that correct?

A. So the schedule says, yes.

Q. Saturday you were scheduled for 13 hours; is that correct?

A. Yes.

Q. And Sunday you were scheduled for 13 hours; is that correct?

A. Yes.

Q. That's about 56 hours; is that 30 hours?

A. No, but that doesn't mean that I worked all those days.

Q. Now, on the schedule, you worked -- you're scheduled for -- and you worked 56 hours according to this schedule; is that right?

A. The schedule's a guideline. If we're not busy, then some of us get to go home earlier. This is just kind of a guideline.

Q. And your busy season is the summer; is that right?

A. Yes.

1 Q. Okay. This was June 11th to June 17th. Isn't that
2 part of your busy season?

3 A. It is. But when it rains, it slows down; anything
4 like that.

5 Q. Okay. But this is you're scheduled to work; is that
6 correct?

7 A. This is what I'm given, but it doesn't mean I work
8 it.

9 BY MR. COGGIN:

10 This is the next week schedule, and this is the
11 last one I'll do.

12 BY COMMISSIONER JAMES:

13 Okay. And I don't have the first week's
14 schedule.

15 BY MR. COGGIN:

16 Oh, excuse me.

17 BY COMMISSIONER JAMES:

18 I mean, I don't -- well, ---

19 BY MR. MOGIL:

20 They were already admitted, Your Honor.

21 BY MR. KILLEN:

22 It's Exhibit 1, I think.

23 BY MR. COGGIN:

24 This is Exhibit 1. I'm sorry, I thought I gave
25 it to you. It's Exhibit 1.

1 BY COMMISSIONER JAMES:

2 Okay. You're looking at Exhibit 1? Okay, I
3 thought maybe you were looking at something knew.

4 BY MR. COGGIN:

5 No, this is 6/11/18. I don't know if that's
6 your Exhibit 1 there or not. It gets confusing.

7 BY MR. KILLEN:

8 We're on page three of Exhibit 1.

9 BY COMMISSIONER JAMES:

10 I do have that. All right. Well, if we can --
11 so what the witness has been looking at for ---

12 BY MR. COGGIN:

13 Is exhibit -- I guess ---

14 BY COMMISSIONER JAMES:

15 --- is the third page of Claimant's Exhibit 1.

16 BY MR. COGGIN:

17 Okay. I should be giving her ---

18 BY COMMISSIONER JAMES:

19 And what you're about to show her is the fourth
20 page of Exhibit 1?

21 BY MR. COGGIN:

22 I believe it's the fourth page, yes.

23 BY COMMISSIONER JAMES:

24 Okay, thank you.

25 BY MR. COGGIN:

1 And let the record reflect that I'm handing
2 Raven Baden the fourth page of Exhibit 1.

3 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

4 Q. Raven, do you recognize that?

5 A. (Witness views document). Yes, it's the schedule.

6 Q. Okay. And what's the dates for the schedule?

7 A. It says "6/18/18."

8 Q. Until when?

9 A. 'Til 6/24/18.

10 Q. Okay. And Raven, it looks as if on Monday you were
11 scheduled from nine to ten; is that correct?

12 A. Yes.

13 Q. How many hours is that?

14 A. Thirteen.

15 Q. And Tuesday you were scheduled from three to nine?

16 A. Yes.

17 Q. How many hours is that?

18 A. Six.

19 Q. Nineteen hours. Nine to nine on Wednesday?

20 A. That says "nine to ten."

21 Q. Excuse me, nine to ten. Thank you. I was looking
22 at that. So that's thirteen hours; is that right?

23 A. Yes.

24 Q. So, that's thirty-two, if I've got that right. On
25 Thursday, nine to ten, right?

1 A. Yes.

2 Q. Okay. That's forty-five hours. Friday, nine to
3 six?

4 A. Yes.

5 Q. Okay. And that is eight hours we'll say. That's
6 fifty hours, and you're off on Saturday, right?

7 A. So the schedule says.

8 Q. And it's off on -- on Sunday, you work nine to ten;
9 is that correct?

10 A. Yes.

11 Q. Did I get that right, sixty-three hours?

12 A. I wasn't doing the math in my head, but that doesn't
13 mean that I worked it.

14 Q. I think that's how it works. It's your busy season,
15 right?

16 A. Yes.

17 Q. Maybe it rained, maybe ---

18 A. But as you see, I go in a half day and get off at
19 six. That doesn't mean I worked ---

20 Q. But you worked 63 hours according to the schedule;
21 is that right?

22 A. According to the schedule, yes, but that's not
23 actually when I was there.

24 Q. And you're going to maintain that you worked 30
25 hours a week?

1 A. Yes.

2 Q. When you got paid, how did you get paid?

3 A. I got a paper check.

4 Q. Every two weeks, three weeks, four weeks, how?

5 A. Two weeks.

6 Q. Every two weeks. Every two weeks you were paid
7 what, how many hours?

8 A. Sixty. Sixty every two weeks.

9 Q. Sixty hours. I'm a little bit confused. If you get
10 paid sixty hours every two weeks, and they don't
11 know what you were paying -- what you were working,
12 what happens to that time over the sixty hours?

13 A. I didn't work over sixty hours.

14 Q. In this case here though, if I added them up
15 correctly, you would have worked a hundred and
16 twenty-two hours.

17 **BY MR. MOGIL:**

18 Object to the form.

19 **BY MR. KILLEN:**

20 Object because that's not what she testified
21 to. She testified -- we know that she testified
22 that it was on the schedule, but that's not what she
23 actually worked.

24 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

25 Q. According to the schedule, okay, you worked a

1 hundred and sixty-two hours. You're telling me you
2 got paid for thirty hours?

3 BY COMMISSIONER JAMES:

4 Mr. Coggin, you mean she was scheduled for a
5 hundred and twenty hours?

6 BY MR. COGGIN:

7 Yes.

8 BY COMMISSIONER JAMES:

9 Okay.

10 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

11 Q. You were scheduled for a hundred and twenty hours.
12 You're telling me you only worked thirty hours?

13 A. Yes.

14 Q. Okay, we're going to leave that. Now, Raven, you
15 are under oath here, and you are saying that ---

16 A. Yes, sir.

17 Q. --- you worked thirty hours, and you were scheduled
18 for a hundred and ---

19 A. Yes, sir.

20 Q. --- twenty-two?

21 BY MR. MOGIL:

22 Objection.

23 BY MR. KILLEN:

24 Objection. She testified she worked sixty
25 hours over those two weeks rather than thirty.

1 BY COMMISSIONER JAMES:

2 All right. Mr. Coggin, you want to rephrase.

3 BY MR. COGGIN:

4 She was scheduled, I recollected, fifty-four
5 hours and sixty-two hours. We'll do the math. I
6 think it's a hundred and twenty-two.

7 BY MR. KILLEN:

8 I don't know, I wasn't ---

9 BY MR. COGGIN:

10 I'm looking at you. She was scheduled for a
11 hundred and twenty-two, ---

12 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

13 Q. And you worked thirty hours; is that correct?

14 BY MR. MOGIL:

15 Your Honor, this ---

16 BY COMMISSIONER JAMES:

17 All right. Are you adding both weeks?

18 BY MR. COGGIN:

19 Yes.

20 BY COMMISSIONER JAMES:

21 Okay. Then it would be sixty hours. So, I'm
22 just trying to help y'all with the ---

23 BY MR. COGGIN:

24 No, I think you're right.

25 BY COMMISSIONER JAMES:

1 --- apples and oranges here, but if you're
2 going to ask one week, ask one week, but if you're
3 going to ask two weeks, ---

4 **BY MR. COGGIN:**

5 I asked her -- here's what I asked her, Your
6 Honor. I asked her when she got paid, "How many
7 hours did you get paid for?" and she said, "Thirty
8 hours." She also said she got paid every two weeks.

9 **BY COMMISSIONER JAMES:**

10 Right. And you just added the two weeks. I'm
11 just trying to help ---

12 **BY MR. COGGIN:**

13 Okay, all right.

14 **BY COMMISSIONER JAMES:**

15 --- everybody keep the apples and apples and
16 oranges and oranges.

17 **BY MR. COGGIN:**

18 Let's do it that way. And I apologize, you're
19 right.

20 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

21 Q. You worked -- in two weeks when you got paid, what
22 would your sheets say that came with the pay check?

23 A. I worked sixty hours.

24 Q. Sixty hours. So, you worked sixty hours, and on the
25 schedule, you were a hundred and twenty-two; is that

1 right?

2 A. Yes.

3 Q. Okay. If you ever worked overtime, what happened
4 with that?

5 A. I never worked overtime.

6 Q. You never worked -- and working now, you never
7 worked overtime there?

8 A. Uh-uh.

9 Q. Okay. I just want to know ---

10 **BY COMMISSIONER JAMES:**

11 Is that a "no"?

12 **BY THE WITNESS:**

13 It's a "no."

14 **BY COMMISSIONER JAMES:**

15 Okay, thank you.

16 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

17 Q. And how many years did you work there?

18 A. Almost three.

19 Q. Three years. In three years, let's just get the
20 statement right, you have never worked overtime?

21 A. I have never worked overtime, correct.

22 Q. You know other people who have worked overtime,
23 don't you?

24 A. Not that I know of, no.

25 Q. Nobody ever worked overtime?

1 A. Not that I know of.

2 Q. Even in the busy season?

3 A. Even in the busy season.

4 Q. Has anyone talked to you -- has Amir talked to you
5 before you testified today?

6 A. No.

7 Q. Has anyone tried to guide your testimony at all?

8 A. No.

9 Q. Okay. Now, you talked about Lynn coming to work.
10 When did you see her after she came back from North
11 Carolina?

12 A. I saw her on a Monday.

13 Q. You saw her on a Monday. Okay. And describe what
14 she looked like to you on that Monday.

15 A. She was limping. She looked like she was in pain,
16 and she was real skinny. She lost a lot of weight
17 within those couple of months.

18 Q. Forgive me. She was gone for four days.

19 A. But throughout the months, she was losing the
20 weight, and she was just getting skinnier.

21 Q. Okay. So, she looked thinner. I want to talk about
22 the foot. It was her left foot; is that correct?

23 A. Yes.

24 Q. Okay. Now, I've had different testimony on as how
25 it was wrapped. Zack, for example, said that it was

1 an Ace bandage ---

2 A. She had an Ace bandage on it.

3 Q. --- with white gauze on it. Was there white gauze
4 on this?

5 A. No.

6 **BY MR. MOGIL:**

7 Objection.

8 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

9 Q. Yesterday, Chase ---

10 **BY COMMISSIONER JAMES:**

11 All right. Hold on.

12 **BY MR. MOGIL:**

13 He's just mixing the names up; that's all.

14 He's taking testimony from one witness and
15 attributing it to the other.

16 **BY MR. COGGIN:**

17 No, no, I ---

18 **BY MR. MOGIL:**

19 If you would just not use the names of the
20 witnesses, maybe he could do it, but that's not what
21 Zack testified to. That is what Leticia testified
22 to.

23 **BY MR. COGGIN:**

24 Your Honor, Zack has testified, and that is the
25 testimony he gave in deposition and -- yesterday, or

1 on Wednesday.

2 **BY COMMISSIONER JAMES:**

3 Okay. Well, we don't have the benefit of the
4 transcript yesterday from the hearing. You may have
5 some other transcript, but we don't have benefit of
6 a transcript from yesterday.

7 **BY MR. COGGIN:**

8 Okay.

9 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

10 Q. Chase testified, okay, she said, "it was a black
11 boot." That's what you said?

12 A. Uh-huh.

13 Q. Describe the black boot.

14 **BY COMMISSIONER JAMES:**

15 Is that a "yes"?

16 **BY THE WITNESS:**

17 Yes.

18 **BY COMMISSIONER JAMES:**

19 I'm sorry, ---

20 **BY THE WITNESS:**

21 Sorry.

22 **BY COMMISSIONER JAMES:**

23 --- I'm just trying to help the court reporter.

24 **BY THE WITNESS:**

25 Gotcha. I'll try to fix it.

CROSS-EXAMINATION RESUMED BY MR. COGGIN:

Q. Describe the black boot.

A. It went up to maybe ankle-high, maybe a little higher than ankle-high. Her toes would stick out. It was just a normal black boot.

Q. Okay. Chase said, "toes were black and blue."

A. I never really looked at her toes.

Q. You didn't look at her toes?

A. I just know that she had a black boot on.

Q. Zack said, "the ankle looked twisted."

A. Yes, she ---

BY MR. MOGIL:

Objection, Your Honor. I'm just going to make a continuing objection. Because I don't believe he's attributing those statements to the witnesses who testified. That testimony may have come out but not from those witnesses. I just don't think it's appropriate unless he's certain that the witness said what they said that he make a specific statement like that.

BY MR. COGGIN:

Michael, I'm absolutely certain. And I'll bet you \$60 that that's what it says in deposition, okay?

BY MR. MOGIL:

1 Well, you said, "yesterday."

2 BY MR. COGGIN:

3 No, I said that was ---

4 BY MR. KILLEN:

5 And Chase didn't -- her deposition ---

6 BY MR. MOGIL:

7 Chase's deposition wasn't ---

8 BY MR. COGGIN:

9 All right. Chase on Wednesday said, "her toes
10 were black and blue." Sorry, guys, you're right.
11 I'm sorry.

12 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

13 Q. In the deposition, Zack said, "The ankle looked
14 twisted." Do you agree with that?

15 A. Yes.

16 Q. Okay. How was it twisted?

17 A. It was slightly crooked when she took the boot off,
18 and all she had on was an Ace bandage.

19 Q. Okay. And when she took the boot off, what did the
20 leg look like? Swollen? Were there marks on the
21 leg, anything like that?

22 A. No, she just had an Ace bandage on it, and I didn't
23 really pay attention 'cause I also worked in the
24 other store.

25 Q. Okay. But you noticed there was a deformity and

1 that it looked twisted; is that correct?

2 A. Yes.

3 Q. It was twisted enough to know that it was twisted.
4 Did you comment on that to her?

5 A. No.

6 Q. The entire week that she was there, was she limping
7 the whole week?

8 A. I don't think she was there the whole week, but,
9 yes, she did limp on it when she was there.

10 Q. She was off on Friday. Monday, Tuesday, Wednesday
11 and Thursday, was she limping, ---

12 A. Yes.

13 Q. --- it's a simple question? Okay. Was she on
14 crutches?

15 A. No.

16 Q. Did she seem in obvious distress?

17 A. Yes.

18 Q. Did she ever complain to you more about that?

19 A. No.

20 Q. But you could tell she was hurt; is that right?

21 A. Yes.

22 Q. Who told you that a table had fallen on her leg?

23 A. Lynn did.

24 Q. Did she describe the table?

25 A. It was a white fold-up table.

1 Q. And did she tell you how this accident took place?

2 A. It was at the after-party of her son's graduation --
3 her grandson's.

4 Q. Did the table fall off a truck?

5 A. No, they were trying to set it up, and it fell.

6 Q. Set-up and it fell. If somebody said, "the table
7 fell off a truck," they wouldn't know what they were
8 talking about?

9 A. Unless that's what she told them, but what she told
10 me was that they were setting it up and it fell on
11 her.

12 Q. Did you overhear any conversations between Lynn and
13 Zack?

14 A. No.

15 Q. Huh?

16 A. No.

17 **BY MR. COGGIN:**

18 Your Honor, I don't know what number this is.

19 **BY COMMISSIONER JAMES:**

20 They're right here (indicating).

21 **BY MR. MOGIL:**

22 That was the last exhibit.

23 **BY COMMISSIONER JAMES:**

24 It's 5, Claimant's number 5.

25 **BY MR. COGGIN:**

1 Thank you. Let the record reflect that I'm
2 showing Ms. Baden Exhibit Number 5 for the Claimant.

3 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

4 Q. Ms. Baden, what do you see in that picture?

5 A. (Witness views photograph). People on the beach.

6 Q. Okay. Do you recognize anyone?

7 A. I'm assuming there's a point, so I'm assuming that's
8 probably Lynn there laying down (indicating).

9 Q. Do you recognize the person with the hat on?

10 A. That one?

11 Q. The woman with the hat on?

12 A. It could look like Lynn, it could not. I don't
13 know. It's pretty blurry.

14 Q. Do you think that might be Lynn?

15 A. It could be. It's blurry though.

16 Q. Look at the -- how is she dressed?

17 A. In a bikini.

18 Q. Pardon me?

19 A. In a bikini.

20 Q. In a bikini. Look at her legs.

21 BY MR. MOGIL:

22 Objection, Your Honor. Simply, I don't -- this
23 was a -- this witness didn't take the picture. She
24 wasn't at the scene. This isn't the scene of the
25 accident. I don't know why he's -- any questions

1 about Chase's -- I mean, Raven's view of this
2 picture -- Your Honor is capable of looking at the
3 picture herself, as is Lynn. You know, I don't know
4 why her view is even relevant.

5 BY MR. COGGIN:

6 What's your basis for your objection?

7 BY MR. MOGIL:

8 Relevancy.

9 BY MR. COGGIN:

10 Relevancy?

11 BY COMMISSIONER JAMES:

12 You can go ahead ask the question.

13 BY MR. COGGIN:

14 The Claimant is claiming that she was injured.

15 It's as easy as that.

16 CROSS-EXAMINATION RESUMED BY MR. COGGIN:

17 Q. Does she have any bandages on her leg?

18 A. No, not as you can tell.

19 Q. Is there a black boot on her leg?

20 A. No.

21 Q. The leg looks just like the other leg; is that
22 right?

23 A. Yes.

24 Q. Thank you. I appreciate that.

25 BY MR. COGGIN:

1 Thank you, Your Honor.

2 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

3 Q. I asked you already if you've talked to anyone about
4 this. Have you talked to any of the witnesses; have
5 you talked to Zack?

6 A. No.

7 Q. Have you talked to Leticia?

8 A. No.

9 Q. Have you gone over your testimony with the
10 attorneys?

11 A. Yes.

12 Q. And what did they tell you to say?

13 A. The truth.

14 Q. Good.

15 **BY MR. COGGIN:**

16 Just give me a second here.

17 **CROSS-EXAMINATION RESUMED BY MR. COGGIN:**

18 Q. And you indicated, Raven, that, for lack of a better
19 word, that you didn't like Lynn; is that correct?

20 A. No, not really. I didn't say "I didn't like her."

21 Q. What were your feelings about her?

22 A. We were coworkers. She worked on the other side,
23 and I worked on the other end.

24 Q. Did she treat you badly?

25 A. No.

1 Q. But you said you didn't care for her very much?

2 A. That's an opinion.

3 Q. Any basis for that opinion?

4 A. She wasn't very talkative. Tell her good morning,
5 she'd look at you and just keep walking.

6 Q. Okay. Last thing, and then I'll let you go. You
7 maintain that you've worked throughout that whole
8 period of 30-hours a week?

9 A. Yes.

10 Q. Okay. Are you still working 30-hours a week?

11 A. Yes.

12 **BY MR. COGGIN:**

13 Okay. No further questions.

14 **BY COMMISSIONER JAMES:**

15 Cross.

16 **BY MR. KILLEN:**

17 Thank you, Your Honor.

18 **CROSS-EXAMINATION BY MR. KILLEN:**

19 Q. Ms. Baden, my name is Tim Killen; I represent the
20 South Carolina Workers' Compensation Uninsured
21 Employers' Fund, and we've never met before, have
22 we?

23 A. No.

24 Q. Okay. I introduced myself to you this morning. We
25 shook hands and that's it, right?

1 A. Yes.

2 Q. Okay. Do you have any medical experience ---

3 A. No.

4 Q. --- or training?

5 A. No.

6 Q. This schedule you were asked about, it's fair to say
7 that it does not accurately and truly reflect the
8 hours you actually worked, correct?

9 A. Yes.

10 Q. Now, do you know what date this picture of someone
11 on the beach was taken?

12 A. The bottom of it says 6/15-something.

13 Q. Okay.

14 **BY MR. COGGIN:**

15 It's right there (indicating).

16 **CROSS-EXAMINATION RESUMED BY MR. KILLEN:**

17 Q. All right. Now, on the date she says she got hurt,
18 did Amir come into the store?

19 A. Yes.

20 Q. Okay. Did you hear Amir give Ms. Bridges any
21 instructions?

22 A. Yes, he told her not to go on the ladder.

23 **BY MR. COGGIN:**

24 Objection, Your Honor. Leading the witness.

25 **BY COMMISSIONER JAMES:**

1 This is cross. All right, you can go ahead.

2 BY MR. KILLEN:

3 And I asked her if ---

4 CROSS-EXAMINATION RESUMED BY MR. KILLEN:

5 Q. I'm sorry. Did you hear Amir give Ms. Bridges any
6 instructions?

7 A. Yes. He told her not to go on the ladder that she
8 was looking hurt, she just needed to be behind the
9 counter. If she needed any help, to ask any of us
10 to help her.

11 Q. Okay. Did Amir give you any instructions?

12 A. Yes. He came over and told me that if Lynn needed
13 any help, to do it, no questions asked. Or if I
14 needed to go on a ladder, then that's what I had to
15 do, but she was not supposed to go on the ladders at
16 all.

17 Q. And those instructions were given to you because she
18 was already injured, correct?

19 A. Yes.

20 Q. All right. Did Lynn ask you for any help to get
21 anything off the ---

22 A. No.

23 Q. Get any red hots for instance?

24 A. No.

25 Q. Okay.

1 BY MR. KILLEN:

2 All right. That's all I have. Thank you very
3 much.

4 BY COMMISSIONER JAMES:

5 Any re-direct?

6 BY MR. MOGIL:

7 Just one quick question, or a few quick
8 questions, Your Honor.

9 RE-DIRECT EXAMINATION BY MR. MOGIL:

10 Q. On the schedule that was marked -- I don't know if
11 it was marked separately, but it's the second page
12 of the schedule for the week of 6/18 through 6/24
13 that Mr. Coggin was asking you about the hours.

14 BY MR. MOGIL:

15 Is that...?

16 BY COMMISSIONER JAMES:

17 It's not marked separately. It's Exhibit 1,
18 page three.

19 BY MR. MOGIL:

20 Claimant's Exhibit 1.

21 RE-DIRECT EXAMINATION RESUMED BY MR. MOGIL:

22 Q. And your name on this schedule is the sixth name
23 down; is that correct?

24 A. (Witness views document). Yes.

25 Q. What is the name three below yours?

1 A. Patricia Celeste Lynn.

2 Q. Was there any other Lynn that worked at the ---

3 A. No.

4 Q. --- any of the companies that you're aware of?

5 A. No.

6 Q. And what does it say that Lynn was scheduled to work
7 that week?

8 A. Eight to ten Monday, eight to ten Tuesday, off
9 Wednesday, eight to ten Thursday, eight to ten
10 Friday, eight to ten Saturday, and off Sunday.

11 Q. Okay. Do you have any -- now, this schedule ---

12 **BY MR. COGGIN:**

13 What schedule is she referring to, Mike?

14 **BY MR. MOGIL:**

15 The second page from the week that commenced
16 6/18.

17 **BY COMMISSIONER JAMES:**

18 Third page of Exhibit 1.

19 **BY MR. COGGIN:**

20 What's the date at the top of it?

21 **BY COMMISSIONER JAMES:**

22 6/11/18 to 6/17 ---

23 **BY MR. MOGIL:**

24 No, 6/18/18 ---

25 **BY COMMISSIONER JAMES:**

1 All right. That's the fourth page, excuse me.
2 Fourth.

3 **BY MR. MOGIL:**

4 And, Your Honor, what we're referring to is
5 below Raven's name, three down is Lynn's name on
6 that same schedule.

7 **RE-DIRECT EXAMINATION RESUMED BY MR. MOGIL:**

8 Q. Okay. So, the incident with the EMS was on Saturday
9 the 16th. So to your recollection, did Lynn work
10 any days at the store after June 16th?

11 A. No, she did not.

12 Q. But she's on that schedule for ---

13 A. Right.

14 Q. --- 50 hours, isn't she?

15 A. Right.

16 Q. Did she work any of those days?

17 A. No.

18 Q. Is that typical that people didn't work the days
19 they were on the schedule?

20 A. Yes, it's a guideline.

21 **BY MR. MOGIL:**

22 Okay, thank you. No further questions, Your
23 Honor.

24 **BY MR. COGGIN:**

25 I got one question for her.

RE-CROSS EXAMINATION BY MR. COGGIN:

Q. When were these schedules issued to these people?

A. We either get 'em Thursday or Friday.

Q. Of what, the next week?

A. The week -- the week that we're already working for next week.

Q. Okay. So, you would have received this schedule that Mike's talking about on a Thursday or a Friday; is that right?

A. Yes.

Q. So, she was on the schedule because she hadn't been hurt yet; is that correct?

A. Yes.

BY MR. COGGIN:

Okay. No further questions.

BY COMMISSIONER JAMES:

Any further cross?

BY MR. KILLEN:

No, Your Honor.

BY COMMISSIONER JAMES:

All right. Thank you, ma'am.

BY MR. COGGIN:

Raven, thank you.

BY THE WITNESS:

You're welcome.