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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG) C/A No.: 2019-CP-38-00053

Kacey D. Green and)
Charinrath Green,)
Plaintiffs,) TRANSCRIPTION OF HEARING FROM
vs.) AUDIO RECORDING
Mervin Lee Johnson,)
Defendant.)
_____)

- - - - -
Transcribed by
Gretchen H. Wise
WISE COURT REPORTING, LLC
102 Sandy Run Court
Gaston, South Carolina 29053
(803) 290-1988
wisecourtreporting@gmail.com

HEARING

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APPEARANCES STATED ON RECORDING

Presiding: The Honorable James B. Jackson, Jr.

For the Plaintiffs: Virginia W. Williams, Esquire
Edgar Mason West, Esquire

Also present: Kacey D. Green
Charinrath Green

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(* The exhibits have never been in the transcriber's possession and therefore are not included with this transcription from audio recording.)

HEARING

1 P R O C E E D I N G S
2 (Beginning of recording.)
3 THE COURT: -- Kacey D. Green and --
4 MS. GREEN: Charinrath.
5 THE COURT: -- Charinrath Green, is that how you
6 pronounce --
7 MS. GREEN: Yes.
8 MR. GREEN: Charinrath. Yes, sir.
9 THE COURT: -- versus Mervin Lee Johnson. The plaintiffs
10 are present represented by their attorneys Ginny
11 Williams and Mr. -- tell me again.
12 MR. WEST: Mason West.
13 THE COURT: -- Mason West. I'm sorry. All right. Case
14 number is 2018-CP-38- -- Ms. Williams, what's the
15 last number? It's not on this one.
16 MS. WILLIAMS: Is it on the side, on the filed, the
17 clocked thing?
18 THE COURT: It is. It probably is. 0053 is the last
19 number.
20 MS. WILLIAMS: Okay.
21 THE COURT: All right. Ms. Williams, I'll turn it over
22 to you to proceed. I'm ready to hear from you.
23 MS. WILLIAMS: Thank you, Your Honor. May it please the
24 Court. Just, if we may, put the service and notice
25 and all that. I'm not sure if you have a copy of

HEARING

1 that with your file.

2 THE COURT: I -- again, we didn't -- we didn't --

3 MS. WILLIAMS: Okay.

4 THE COURT: -- put it up on my binder.

5 MS. WILLIAMS: Okay.

6 THE COURT: I know it's in the system. But go ahead.

7 MS. WILLIAMS: Your Honor, our first exhibit would be the
8 affidavit of personal service for the defendant in
9 this case. He was served at his home on 348 High
10 Street in Orangeburg on January 26, 2019, through
11 his mom who lives there.

12 (Exhibit 1 is introduced.)

13 THE COURT: Okay.

14 MS. WILLIAMS: Have not received a response, Your Honor.
15 And, as you can tell, more than 30 days has gone
16 by.

17 And then if we can make as Exhibit 2 a copy of
18 the notice of the damages hearing and informing him
19 of today, that we also sent by regular mail to 348
20 High Street, which is the last known address.

21 (Exhibit 2 is introduced.)

22 THE COURT: And all of these have been filed, E-filed --

23 MS. WILLIAMS: Yes, sir.

24 THE COURT: -- or --

25 MS. WILLIAMS: I think the -- this should have the stamp

HEARING

1 on it. I guess the affidavit of personal service
2 that I pulled did not have the stamped copy, but
3 the notice --

4 THE COURT: Right.

5 MS. WILLIAMS: -- I believe does.

6 THE COURT: Right. All right.

7 MS. WILLIAMS: Okay. And I'll just -- if you'd like,
8 I'll just tell you briefly --

9 THE COURT: Sure.

10 MS. WILLIAMS: -- what we're here about. So it's a wreck
11 that occurred in Charleston County. As you can
12 see, Mr. Johnson lives in Orangeburg County, so
13 that's why we've brought the case here. He was
14 driving a tractor-trailer truck, and the clients
15 will explain more thoroughly exactly what happened
16 in the wreck.

17 We also have a video that might be helpful.
18 It's a unique situation. Mr. Green is a -- was an
19 Uber driver, and his vehicle, the Tesla, had all
20 sorts of cameras on it, so we get a unique
21 understanding of what happened.

22 Just in general, they were rear-ended three
23 different times by the same truck driver. So,
24 obviously, we'll be asking the Court for some
25 punitive damages on that, which I think the

HEARING

1 evidence will support.

2 THE COURT: Okay.

3 MS. WILLIAMS: So the -- I have my computer. I can show
4 you this video. We can certainly offer it as an
5 exhibit, if that's okay --

6 THE COURT: Well --

7 MS. WILLIAMS: -- with this thumb drive.

8 THE COURT: All right. We can probably look at it --

9 MS. WILLIAMS: Okay.

10 THE COURT: -- with that, so --

11 MS. WILLIAMS: Okay.

12 THE COURT: -- let's just leave it with me.

13 MS. WILLIAMS: Okay.

14 THE COURT: And if I feel like I need to see it --

15 MS. WILLIAMS: Okay.

16 THE COURT: -- I'll look at it.

17 MS. WILLIAMS: All right.

18 MR. GREEN: Pardon my language on that.

19 MS. WILLIAMS: What's that?

20 MR. GREEN: Pardon my language.

21 MS. WILLIAMS: Oh, okay. Well, we'll call Mr. Green if
22 that's okay with Your Honor.

23 THE COURT: All right. Mr. Green, if you'd come over to
24 my chair here and raise your right hand for me.

25 Whereupon,

HEARING

1 KACEY D. GREEN, having been duly sworn and
2 cautioned to speak the truth, the whole truth, and
3 nothing but the truth, testified as follows:

DIRECT EXAMINATION OF KACEY D. GREEN

4
5 BY MS. WILLIAMS:

6 Q. Mr. Green, if you would just introduce yourself,
7 your full name, and tell us a little bit about
8 yourself.

9 A. I'm Kacey Dewayne Green. I am -- what would you
10 like to know about me?

11 Q. Where are you from? What do you do for a living?

12 A. I'm a military kid, so I grew up all over the
13 country. And we have been in Charleston now for a
14 couple years. And we just bought our first house.
15 And we like it here.

16 Q. Okay. And I see you looking at Mrs. Green.

17 A. Oh, yes, I was looking at my wife.

18 Q. Who is she?

19 A. Charinrath Green. Her nickname is Gig, G-I-G. Gig
20 Green.

21 Q. Okay.

22 A. And she's from Thailand, and we moved down here
23 together to start our -- our family and --

24 Q. How long have you been married?

25 A. Will be six years in August.

HEARING

1 Q. So 2013? Is that right?

2 A. Yes, 2013.

3 Q. Okay.

4 A. Yes.

5 Q. All right.

6 A. We got married at the Swan Lake Gardens before the
7 hurricane took it out.

8 Q. Okay.

9 A. Yeah.

10 Q. Tell us what you did for a living back in 2018.

11 A. All right. So, 2018, I was, and still am, a -- a
12 IT engineer, contract. And then I also do Uber
13 driving on the side just for a little extra income.
14 And that's -- that's pretty much what I do.

15 Q. Okay.

16 A. Yeah.

17 Q. Now, and your wife, you stated she's from Thailand;
18 is that right?

19 A. She's from Thailand, yeah.

20 Q. Is she learning English as her second language?

21 A. Yeah, she's learning as her second language. And
22 she -- she came here to visit her aunt, to learn a
23 little bit about how to run a restaurant. And we
24 met up before it was time for her to go back, and I
25 said, I'm going to keep this one.

HEARING

1 Q. Okay. And back in 2018, when this wreck occurred,
2 what was she doing --

3 A. She was --

4 Q. -- for a living?

5 A. She was waitressing for living.

6 Q. Okay.

7 A. And she would work all -- all week except for one
8 night. And then we'd come home after I was done at
9 work and, you know, we'd just have our personal
10 time.

11 Q. And did you say where you're an IT engineer?

12 A. Yeah.

13 Q. I may have missed it.

14 A. I work for a government contractor, for, it used to
15 be SPAWAR, now it's NIWC.

16 Q. Okay.

17 A. Yeah.

18 Q. And that's in Charleston?

19 A. That's in Charleston, yeah.

20 Q. Where do you live?

21 A. We live in Summerville, South Carolina, in
22 Charleston County.

23 Q. Okay.

24 A. Yeah.

25 Q. All right. Well, we're here to talk about a wreck

HEARING

1 --

2 A. Yes.

3 Q. -- that occurred with Mr. Johnson, the defendant.

4 Can you tell the judge a little bit, when that
5 wreck occurred and --

6 A. February 28th.

7 Q. -- what happened? February 28th.

8 A. Yeah. We had just gone down to the DMV to get new
9 plates for the car so I could use the -- the -- the
10 truck plates so we could use the -- the loading
11 zones --

12 Q. Okay.

13 A. -- in downtown Charleston. And we were on our way
14 back from the DMV. And we got to just before the
15 off-ramp for Ashley Phosphate when --

16 Q. So you were on I-26?

17 A. We were on I-26 headed east.

18 Q. Coming from Charleston --

19 A. Or headed west from Charleston.

20 Q. Coming from Charleston --

21 A. Yes.

22 Q. -- going back to Summerville?

23 A. Back to Summerville.

24 Q. Okay. Go ahead.

25 A. And -- and so we were approaching that exit, and --

HEARING

1 and before we got to it, this -- this semi truck
2 with the, it looked like a full trailer and a 20-
3 foot intermodal cube on the back, and he was in the
4 right lane. Our car is partially autonomous, so
5 when you set the cruise control; it'll make sure
6 that you don't run anybody over; it'll keep you
7 solidly inside of the lane; it'll make sure that
8 you don't have any surprises. And so then this
9 truck that we passed, we passed it, and then after
10 about one or two car lengths, you'll have to look
11 at the video to be exact, he comes over, and then
12 he hits us really hard.

13 And I thought, oh, well, this -- this sucks.
14 It's a -- so pardon my French. This is terrible.
15 It's a -- it's a collision. Gotta pull over.
16 There goes our day.

17 And then as I'm thinking all this, boom, we
18 get hit again. I'm like, oh, man, what did we do
19 to make this guy upset?

20 And then boom, again. And at that point, I
21 laid the -- the hammer down on the car and we
22 accelerated out of that third hit. And then once
23 we had cleared the nose of the truck by a
24 significant margin, we saw his flashers come on and
25 he starts to pull over. So then we were

HEARING

1 comfortable he wasn't trying to murder us, and we
2 pulled over as well and called the police.

3 Q. Okay.

4 A. And the trooper had given Mr. Johnson a hundred
5 percent at fault.

6 Q. So you were hit once?

7 A. Yes.

8 Q. And then again?

9 A. And then again.

10 Q. Significant -- well, tell us about those first two
11 --

12 A. Yeah, both of the first hits were full force. When
13 we set the cruise on that car, you can set it to
14 anywhere, but ours is defaulted to five miles an
15 hour over the speed limit for highway. So the
16 speed limit there is 60. We're doing 65. And he's
17 doing obviously enough to catch us multiple times,
18 so I want to say, what, 70, 75.

19 Q. Now --

20 A. After he moved over. Because he was -- we passed
21 him, so he was going slower at first.

22 Q. Okay. Tell us about the car you were driving, your
23 car.

24 A. Yeah. Yeah. We were driving a 2016 Tesla Model S
25 90D with the Autopilot 1.0 package.

HEARING

1 Q. Now, I've seen a Tesla, I think --

2 A. Yes. Yes.

3 Q. -- once or twice maybe.

4 A. Yeah.

5 Q. But can you -- and I don't know if Judge Jackson
6 knows, but can you tell us why a Tesla? What is
7 significant --

8 A. We -- we chose a Tesla --

9 Q. -- about Tesla?

10 A. -- because it's super safe. When we looked at the
11 crash test, it's five stars, but not just five
12 stars like anybody gets five stars, but they went
13 down into each and every subcategory. So you had
14 driver's head, driver's thorax, passenger seat,
15 rear seat, and then like for roof crash that if
16 somehow you managed to flip this thing over it
17 could stand six cars on top of each other. So for
18 me it's always been about safety for my family.
19 And so we got this car to protect us should
20 something happen. And it did its job that day.

21 Q. And I understand that there were some videos --

22 A. Yes.

23 Q. -- on your vehicle.

24 A. Yes.

25 Q. Tell us about those.

HEARING

1 A. So, with me running Uber, I have seen lots of stuff
2 in the news, and my wife and my father were
3 concerned with me running downtown with all the
4 strangers and all the tourists, and they wanted me
5 to have some protection. And I didn't feel having
6 a weapon in the vehicle was the right answer. So I
7 recorded -- not recorded, but I had -- since South
8 Carolina is a one-party consent state, I put a
9 visible dash camera with the light so they could
10 see that they were being recorded, one facing
11 inside the cabin and one facing out to the road.
12 And the one in the cabin, I made it so it could see
13 me and all the other seats and then out the back
14 window so that if something like this happened you
15 would be able to see what went down, and that way
16 if something terrible happened to me and I wasn't
17 able to speak to them, my wife and father could
18 see.

19 Q. Okay.

20 A. And know what happened.

21 Q. These videos that you have, did they capture all
22 three hits?

23 A. They captured all three hits. And so you see -- on
24 the first hit, you see us come forward. And you
25 see my codes, errors flash up. And then on the

HEARING

1 first or the second hit, you see that package shelf
2 on the car come out the back and up. And I've
3 never been able to get that thing to go back in
4 that direction. I've only been able to pull it out
5 the way it was designed to come out.

6 Q. Can you tell -- I know you've told me this. And
7 I'm not very mechanical.

8 A. Okay.

9 Q. And I'm sure you are.

10 A. Yeah.

11 Q. Because you're an engineer. What do you mean, the
12 -- this came out? What it is it? A -- what kind
13 of shelf?

14 A. It's a shelf that hides what's in the trunk, that
15 way people don't --

16 Q. Okay.

17 A. -- see you as a target. And -- and then you can
18 put light items on it, like a pillow or something.
19 But it's only designed to come out the back towards
20 the opening to the trunk. And if you push it in,
21 it kind of clicks. And that's all it does. And
22 this force was so hard that it went out backwards
23 the way it doesn't go and popped up. And you can
24 see it in the video. It's like, well, that's --
25 where did that come from?

HEARING

1 Q. Okay.

2 A. And --

3 Q. So you see that in the video?

4 A. You see that in the video, yeah.

5 Q. Okay. Anything else you want to share about what
6 you see in the video?

7 A. We also had a Chevrolet Volt. And if we had been
8 driving that that day to get the -- the paperwork
9 done, I don't know -- I don't know how it would
10 have turned out, because it's not as robust.

11 Q. Okay. Was the Tesla damaged?

12 A. The Tesla was damaged. It's a heavy vehicle. This
13 particular one weighed 4848 pounds. So almost --
14 almost -- almost two and a half tons.

15 Q. Okay.

16 A. And so it was able to do what it was designed to
17 do. It was able to withstand the impact. But it
18 did suffer significant dollar amount damage.

19 Q. Okay.

20 A. I want to say, was it \$3,000.00 or something? It's
21 in here.

22 Q. Okay.

23 A. They were able to pull the bumper off. And they
24 noticed that underneath it needed some clips
25 replaced, and they did that and put a new bumper on

HEARING

1 it.

2 Q. Okay.

3 A. But again, because it's so heavy, they said -- the
4 guys at the body shop said, "Man, what hit you?"
5 And I showed them the video. And they said, "Oh,
6 my goodness, you're lucky to be alive." Because
7 they had had other collisions. And they said,
8 "That's -- that's all? I expected to see \$8,000.00
9 worth of damage on this thing at a minimum just --
10 just for the cosmetics."

11 Q. Yeah.

12 A. And for the mechanicals, they expected it to be
13 almost \$20,000.00. And they're like, "Wow, this
14 is" -- they said, if they could afford it, they
15 would get one themselves as well because it's so
16 safe.

17 Q. So you had it repaired?

18 A. Had it repaired.

19 Q. Okay. And do you still have the Tesla?

20 A. No. We went ahead and -- and we wanted to get a --
21 because we were thinking about starting a family,
22 we wanted to get an SUV, so we got the Tesla SUV.
23 And then when we sold the -- the Model S, we took
24 it all around town and nobody wanted to touch it
25 because it was a luxury car that had a dirty CARFAX

HEARING

1 because it had been in a collision. And they
2 normally ask you what happens. I -- I -- whenever
3 somebody asks me, like at a job, like, "Hey, what's
4 your fault," I'm like I'm too -- too
5 straightforward and honest. And so that I'd tell
6 them it was in a collision, repaired.

7 Q. Uh-huh.

8 A. And I'd show them the pictures. I didn't want to
9 show them the video and freak them out.

10 Q. Yeah.

11 A. So I showed them the pictures. And like, "See,
12 look, it -- it didn't look bad." And -- and nobody
13 wanted to touch it, so we ended up selling it back
14 to the guys that we bought it from and we lost over
15 \$10,000.00, because they had to justify selling it
16 to somebody else with the CARFAX.

17 Q. So when you say you lost over \$10,000.00, can you
18 explain that? What do you mean by you lost
19 \$10,000.00?

20 A. So, because the CARFAX was dirty, like, everywhere
21 said it should be \$50,000.00 or \$60,000.00, and
22 they could only offer us \$10,000.00 less than that
23 because of it. And so I had to actually put that
24 on a credit card to make the -- the loan hold so we
25 could get the next car.

HEARING

1 Q. Okay. Okay.

2 A. Yeah.

3 Q. When did you sell it?

4 A. We sold it September -- 20th -- the last week in
5 September, because we picked the new one up
6 September 22nd.

7 Q. Of 2018?

8 A. Of 2018, yes.

9 Q. Okay.

10 A. It was going to be the beginning of September, but
11 Hurricane Florence had our new car running the
12 country.

13 Q. Okay.

14 A. Avoiding it.

15 Q. Okay.

16 A. Yeah.

17 Q. So you've suffered some -- you had some property
18 damage --

19 A. Had property damages.

20 Q. -- that you need to recover?

21 A. Yes.

22 Q. Okay. Now, my understanding, you received some
23 treatment; is that right?

24 A. Yes. We --

25 Q. And then --

HEARING

1 A. -- had an ER visit, and then we had the physical
2 therapy.

3 Q. Okay.

4 A. The ER visit was disappointing. They -- they kind
5 of looked at us. They didn't touch us. And, you
6 know, "Bend your neck." The closest they came to
7 touching me was to put the pulse oximeter on my
8 finger to get my pulse and my oxygen level. And
9 then for my wife, they kind of -- kind of -- like a
10 -- looked like a scoliosis test. Basically, they
11 ran the spine, finger down the spine. And they
12 sent us on and said, "Hey, you're going to hurt in
13 four days." And, "If it doesn't go away in a week,
14 go see another professional."

15 Q. Okay.

16 A. And so that's when we -- at the -- we were
17 recommended to see Dr. Buncher. And they did an
18 extensive, what, three months or so of treatments
19 on us.

20 Q. So you and your wife went to the ER?

21 A. Correct.

22 Q. Do you recall the name of the ER?

23 A. I don't. They asked us if we --

24 Q. Is that Roper? Does that --

25 A. Yeah, Roper.

HEARING

1 Q. Does Roper sound right?

2 A. Roper's the one, yes.

3 Q. Okay.

4 A. And the only reason we chose them and chose not to
5 go with the ambulance is because we were sitting on
6 the off-ramp by the time that we had the police
7 come. And I said, "Well, is there a way I can
8 specify an ambulance to be on my insurance?"
9 Because I didn't want to be one of these horror
10 cases where they're coming after us for like
11 \$50,000.00 for a two-minute ride. And -- and they
12 said that they -- they were just going to call, and
13 whoever shows up shows up. And I said, well, we're
14 on the off-ramp; I'm just going to go forward 1,000
15 feet.

16 Q. Okay.

17 A. And turn right to the -- to the ER. And so that's
18 what we did.

19 Q. So the day of, right after the wreck occurred?

20 A. The minute of. As soon as the cop released us, we
21 safely merged back into the off-ramp. And then
22 when the light turned green, we went through,
23 because this Roper ER is at the Northwoods Mall,
24 and that is right on the off-ramp. And so we went
25 through and immediately went inside and gave them

HEARING

1 insurance and told them what happened, we'd been in
2 a collision with a semi-truck and ...

3 Q. Okay. Now, after that, you said you went to go see
4 another doctor, Dr. Buncher; is that right?

5 A. Dr. Buncher, yes. Uh-huh.

6 Q. Why don't you tell the judge first about your
7 treatment with Dr. Buncher? Then I'm going to ask
8 you to --

9 A. Okay.

10 Q. -- explain what you understand about your wife's
11 treatment.

12 A. Okay. So, for my treatments, I had some neck pains
13 and some back pains. And they started with some
14 stretching. They put a cervical stretcher on. And
15 acupuncture, deep tissue massage, some physical
16 therapy to make sure that I -- my body sat straight
17 the way it's supposed to, and some electro
18 stimulation to make sure that my muscles would stop
19 clenching so that I could relax and sit in a chair.
20 And we did a couple months of that.

21 And it got to the point where I was able to
22 function at work again. But I am still unable to
23 -- like, we have a really small yard and house,
24 because it's a -- it's a starter house; we're just
25 getting started. And so I can cut my front yard

HEARING

1 with our -- we have a plastic lawnmower. It's
2 super light, so -- but it's a push mower. And our
3 yard is almost flat. So I can do the front yard or
4 the backyard. But then the -- I have to wait until
5 the next day before my back feels good to do the
6 other half of the yard.

7 Q. So the -- when the wreck happened and you went to
8 the ER, was your neck and your back bothering you
9 at that point?

10 A. I mean, they were stiff because they had just had a
11 shot, but they -- just like the ER doc said, there
12 was no major pain at the time, and it was exactly
13 like she said. She said, "Hey, in three to four
14 days, you're going to be -- you know, feel like
15 something ran you over." And it -- it was
16 terrible.

17 Q. When you were going through your treatment with Dr.
18 Buncher, was he focused on both your neck and your
19 back?

20 A. Yes. Yes. And then it would -- as he got one
21 straight, the other one would start acting up more.
22 And eventually he got it down to the point where I
23 could make it through a workday. But, for me, a
24 workday is not that intense. I'm a computer guy,
25 so I sit in a chair, I walk between desks, I sit

HEARING

1 back in a chair.

2 Q. Okay.

3 A. Yeah.

4 Q. So even that sort of day, your neck and your back
5 would bother you?

6 A. Oh, yeah, they did, until the treatment was
7 finished. And when the treatments were finished, I
8 could make it through a normal day. But, like, I
9 can't stand for extended periods without my back,
10 lower back hurting right here. I'm point out the
11 right side here. And I can -- I can lean on
12 something, like a desk or a wall, or sit down for a
13 minute, and then I can stand for another hour or
14 two. But I can't -- like, if we we're -- if we're
15 in training or if -- if I'm at a -- on a client's
16 site and they don't have enough chairs, I -- I feel
17 terrible, because sometimes I have to ask -- if
18 there's a lady in the front, I just have to ask,
19 "Hey, do you mind if I borrow that chair for a
20 minute?" And that's not the way I was raised.

21 Q. So certainly you're still having problems; it's not
22 resolved?

23 A. Yes, exactly.

24 Q. How about your neck?

25 A. My neck is generally fine. But like if something

HEARING

1 shocks me and I have to turn, or like say if I
2 sleep on it wrong, towards the right-hand side, if
3 I -- sometimes it just doesn't have the motion.
4 But generally it's -- it's workable. So, like, I
5 could watch a 3-D movie; I could ride a ride.

6 Q. Okay.

7 A. But occasionally it just acts up and it's painful.

8 Q. And here we are, this is now May 2019.

9 A. Yes.

10 Q. And this wreck happened in February of --

11 A. That was 2018.

12 Q. -- 2018.

13 A. Uh-huh.

14 Q. So it's been over --

15 A. Over a year.

16 Q. A year and three months?

17 A. Yes.

18 Q. Right about?

19 A. Yeah.

20 Q. And you're still having trouble?

21 A. Yes.

22 Q. As far as you can recall, how -- well, how about
23 this: How old are you?

24 A. I am pushing 33. I'll be 33 this July.

25 Q. Your memory should be great.

HEARING

1 A. It should.

2 Q. But as far as you can recall, have you ever had
3 neck or back problems before this?

4 A. Never.

5 Q. Okay.

6 A. Never. The closest you could get is if you try to
7 pick up too many weights but you know immediately
8 to put them down, and you put them down and
9 everything's good. Yeah.

10 MS. WILLIAMS: Thank you.

11 A. So, yeah, no -- no neck or back problems before
12 this.

13 Q. So you are -- you'll be 33 in --

14 A. July --

15 Q. -- July?

16 A. -- 29th.

17 Q. Okay.

18 MS. WILLIAMS: Your Honor, I'd ask that the Court would
19 take judicial notice that his life expectancy, as
20 of today, being 32, under 19-1-150, is 44.

21 THE COURT: All right. I'll take judicial notice.

22 Q. Okay. Anything else you want to share with us
23 about the injuries that you've had and how it's
24 affected your life since the wreck in February of
25 2018?

HEARING

1 A. Well, I mean, some nights we can't have relations
2 --

3 Q. Okay.

4 A. -- because one of us is in pain. Not every night,
5 thankfully. But that -- she wanted to have a kid
6 over, you know, that last year, and --

7 Q. Uh-huh.

8 A. -- we're still trying, because --

9 Q. Okay.

10 A. -- you've got to line it all up. And, like I said,
11 doing my chores.

12 Q. Uh-huh.

13 A. Like, I -- I'm not able to do some of the chores
14 around the house anymore. Like if I clean the
15 bathroom, you know, from that bending, my back just
16 flares way up. And, like I said, with the -- the
17 lawn, doing the lawn work.

18 Q. Uh-huh.

19 A. I'll -- like I'll do one half of the lawn at a
20 time. And when I handwash the car, again, that'll
21 -- that'll light up either the lower back or the
22 neck, and then I've got to go lay down after I wash
23 the car. And because of the Ubering, and I just
24 picked up YouTube when we got the new car, because
25 of those two, you need to have what they call the

HEARING

1 Uber uniform, which the car has to be spotless;
2 otherwise, you're going to get points off. You get
3 too many points off, they fire you.

4 Q. Are you still working with Uber?

5 A. I'm not doing as much as I used to, because I can
6 only maintain the, you know, while I'm driving and
7 then maintain the proper attitude with the
8 customers for a few hours at a time now. I can't
9 make it through a whole night anymore.

10 Q. Because of?

11 A. Because my back was hurt, acting up, or just
12 shocked from whenever -- Charleston doesn't have
13 the best drivers.

14 Q. Uh-huh.

15 A. And so if I have too many of them just acting up,
16 like say, it's a party night or something, then I
17 just, I get off the road, because I don't want to
18 have a repeat.

19 Q. And so that's something new?

20 A. Yeah. Yeah, I did --

21 Q. Since this wreck?

22 A. I've done millions of miles, or like a million and
23 a half easily, and -- and I've never been afraid to
24 get on the road and drive. And now it's like I
25 beep at -- I beep at truck drivers all the time.

HEARING

1 Like if they -- if they have a wheel in my lane,
2 I'm like, "Hey, no."

3 Q. Yeah.

4 A. Yeah.

5 Q. Well, let's look briefly at the medical expenses
6 related to your care.

7 A. Okay.

8 Q. I'm going to show you, we'll mark this as Exhibit
9 3. I think we're up to 3.

10 (Exhibit 3 is introduced.)

11 A. Okay.

12 Q. Have you seen this chart before?

13 A. I haven't seen it as a chart, but --

14 Q. Seen the bills?

15 A. Yeah. Yeah, I haven't seen the actual bills is
16 what I'm saying.

17 Q. Okay.

18 A. But they all look right.

19 Q. If you just would flip through them and tell the
20 Court what these bills represent.

21 A. Okay. Let's see. This first one is where I got
22 the -- the drugs that were prescribed to me by Dr.
23 Buncher. They were a painkiller and a muscle
24 relaxer. On the -- on the first page there, after
25 the total.

HEARING

1 Q. Uh-huh.

2 A. And then let's see here. This is at Dr. Buncher's
3 office, we did -- these all appear to be my -- my
4 care.

5 Q. And Dr. Buncher, he's a medical doctor, or what
6 kind of doctor is he?

7 A. He is a medical doctor, and his -- his practice is
8 in pain and spine, and he is not too far from where
9 I used to work, but because my wife doesn't drive,
10 I would have to go back to Summerville or her
11 office and -- and get her, and then we'd go back to
12 the doctor's office together. So that was several
13 hours, each treatment, off of work. And --

14 Q. Based on these bills, it looks like you continued
15 to go to see Dr. Buncher starting in March of 2018
16 and through May of 2018. Does that --

17 A. Yes.

18 Q. -- sound about right to you?

19 A. Yes. And March wasn't far, because it was February
20 28th when we were --

21 Q. Right.

22 A. -- in the collision.

23 Q. Right.

24 A. Yeah.

25 Q. Now, and I think we've talked about this, but just

HEARING

1 to make it clear: Just because you've stopped
2 going to Dr. Buncher, does that mean you're all
3 better?

4 A. I am not all better.

5 Q. Okay.

6 A. But I am able to do my basic functions and stay
7 gainfully employed at my day job. But, like I
8 said, I have alternate income and they have
9 suffered.

10 Q. And there's also a bill for Roper ER. Did you see
11 that in there?

12 A. Yes.

13 Q. And that's from the date of this wreck, correct?

14 A. Correct.

15 Q. And then the last one is a physician's bill from
16 Roper as well from the date of the wreck?

17 A. Yes.

18 Q. Okay.

19 A. And that one they came after me directly for rather
20 than putting it in the suit as requested by you
21 guys.

22 Q. And what is the total of those medical expenses on
23 that first page?

24 A. \$5,970.00.

25 Q. Does that sound about right to you as far --

HEARING

1 A. It sounds --

2 Q. -- as charges?

3 A. -- about right, yeah.

4 Q. Okay. All right.

5 MS. WILLIAMS: Your Honor, we'd offer this as evidence.

6 THE COURT: So admitted.

7 Q. Okay. All right. I also have here your tax
8 returns from 2017 and 2018.

9 A. Yes.

10 Q. Are you familiar with these?

11 A. I am.

12 Q. Okay. Now, your -- these are filed for you and
13 your wife jointly?

14 A. Joint, yes.

15 Q. So it includes both what you were making as an
16 engineer, as an Uber driver; and then what she was
17 making as a waitress?

18 A. Correct.

19 Q. Okay.

20 A. And then for '18 it shows the last of her -- she
21 had to quit because of her pains. It showed the --
22 the last of my -- of her income, showed my Uber
23 driving; and then where we started the YouTube,
24 that should all show as a loss, the YouTube stuff.

25 Q. Okay. All right. Now, when I look at 2017, it's

HEARING

1 got total income of around \$80,000.00.

2 A. That's correct.

3 Q. And then 2018 it's the total of about 105,000.

4 A. That's correct.

5 Q. Which is more.

6 A. It is.

7 Q. But I understand what you're telling me is you lost
8 the Uber income.

9 A. Yes. I -- I -- I --

10 Q. Or some of it?

11 A. -- did very little of it. Most of it.

12 Q. Okay. And then your wife had to stop working in
13 2018?

14 A. '18, yes.

15 Q. Do you recall when she stopped?

16 A. I don't recall the exact month, but it -- it -- it
17 just got to the point where they were on her about
18 her performance, like, "Hey, why are you sitting
19 down?"

20 Q. Okay.

21 A. "Hey, how come you weren't extra nice to this
22 customer?" And she's like, "Well, I hurt."

23 Q. Okay.

24 A. And so she stopped.

25 Q. Can you look at these two and explain to us how you

HEARING

1 --

2 A. Okay.

3 Q. -- would show that your Uber income went down and
4 your wife's income stopped --

5 A. Okay.

6 Q. -- from 2017 to 2018?

7 A. So on the first page here, you can see the combined
8 incomes.

9 Q. Uh-huh.

10 A. So that was 80,774. And then if you take out the
11 W-2 for my engineering and the Uber statements that
12 I gave you, then you're left with her income.

13 Q. Which is?

14 A. I -- if I take out the 11, which appears to be the
15 Uber for that year, and -- I don't want to tell you
16 wrong. I'd rather type it up. So if I just say,
17 literally, if you take the total, and you take out
18 my W-2 --

19 Q. Uh-huh.

20 A. -- and you take out the Uber statements --

21 Q. Okay.

22 A. -- then you're left with -- with her income.

23 Q. Okay.

24 A. To be precise.

25 Q. Do you have a general idea of what that number

HEARING

1 would be? A range?

2 A. It was -- it was under 30.

3 Q. Under 30,000?

4 A. Yes.

5 Q. So -- so in 2017, the Uber income and her income
6 brought in somewhere just under 30,000, about?

7 A. Correct, it was right around 30.

8 Q. And then what did the 2018 --

9 A. So 2018 I was blessed with, I got an offer from a
10 competing contractor, and they gave me a 65 percent
11 raise.

12 Q. Okay.

13 A. And I took that. But then I was also missing all
14 of her income at that point. Well, not at that
15 point, but shortly after that point. And, like I
16 said, I had been unable to do full shifts on Uber,
17 so I -- I'm down that as well.

18 Q. Okay.

19 A. And then the YouTube that I started is -- is --
20 basically, it's a Tesla YouTube, but it hasn't hit
21 monetization yet, so it's got a lot of expenses for
22 when we bought our camera equipment and bought the
23 drone. But it doesn't have any advertising revenue
24 coming in just yet.

25 Q. Okay. Do you have an idea, based on your 2018

HEARING

1 income, what you've lost on the Uber, or a general
2 idea, if you could tell us?

3 A. Let's see what I put in for over here. We listed
4 it as ride share for 2018. And we showed gross
5 receipts of profit or loss was 24,216. Now, with
6 the new vehicle, it had two extra seats, so it
7 qualified as not just Uber Premium but also Uber
8 XL. So we had a few more rides than normal. But
9 then, because I was unable to run them on the
10 regular --

11 Q. Uh-huh.

12 A. -- I wasn't able to make up for the loss of her
13 income.

14 Q. Okay.

15 A. Yeah.

16 Q. Okay. Now --

17 A. And that was the -- that was a partial year, the
18 24,000.

19 Q. Okay. Okay.

20 A. Because we expected it to be around, say, 40 or so.

21 Q. Okay. You expected it to be around 40 or so --

22 A. Yeah.

23 Q. -- but it was only about 24 --

24 A. Correct.

25 Q. -- for twenty eight- --

HEARING

1 A. Correct.

2 Q. -- 2018?

3 A. Yeah.

4 Q. Okay. All right.

5 MS. WILLIAMS: Your Honor, if we may offer 2017 and 2018
6 tax returns as evidence of the --

7 THE COURT: You sure you want to put his income tax
8 returns into evidence?

9 MS. WILLIAMS: I know. That's the only thing, with the
10 --

11 THE COURT: Let's -- he's testified to that.

12 MS. WILLIAMS: Yeah.

13 THE COURT: You know, I --

14 MS. WILLIAMS: With the Social Security number and all
15 that sort of stuff --

16 THE WITNESS: Yeah.

17 MS. WILLIAMS: -- we're probably better to hang on to it.

18 THE COURT: That's --

19 MS. WILLIAMS: Thank you, Your Honor.

20 THE COURT: Sure.

21 THE WITNESS: Thank you.

22 BY MS. WILLIAMS:

23 Q. All right. Well, let's talk a little bit about how
24 this has affected -- well, is there anything else
25 you want to share with us about you and how this

HEARING

1 wreck has affected you?

2 A. I mean, other than it makes me more skittish around
3 large vehicles or poor drivers, and the fact that I
4 can't always stand as long as I need to, and my
5 basic chores now get broken up with naps and days
6 off.

7 Q. Okay.

8 A. I mean, I should be able to clean my house without
9 trouble, and I can't.

10 Q. Sure. At age 33.

11 A. At age 33. It's not like I'm 65.

12 Q. Yeah.

13 A. I can understand if I had a broken hip. I don't.

14 Q. Yeah.

15 A. Yeah.

16 Q. All right. Well, let's talk about your wife.

17 A. Okay.

18 Q. Okay. And as we know, she's learning English.

19 She's going to take the stand, but I want to
20 understand, from your perspective, how this wreck
21 has affected her. And we can start with her
22 physical injuries, if that's okay with you, first.

23 A. She has a lot of headaches and -- and neck pains,
24 and -- more than she used to, because she never had
25 -- I mean, maybe once or twice when she had her

HEARING

1 period, she might need to drink some water or take
2 a pill. But not like just randomly just out of the
3 blue, boom, has a headache, or, oh, my neck hurts.
4 And so she's a lot less energetic than she used to
5 be. Now that she isn't working, she spends most of
6 her time in the living room or, you know, just
7 basically a little bit of laundry, and even -- even
8 she doesn't do all her chores in one go anymore
9 either. I don't know if it's the lack of energy or
10 if it's the pain, but --

11 Q. How old is your wife?

12 A. She was born in '91, so she is 28 now.

13 Q. Okay.

14 MS. WILLIAMS: Your Honor, we'd ask the Court to take
15 judicial notice of the plaintiff Mrs. Green's life
16 expectancy from today. She's 28 and her life
17 expectancy is 52 years.

18 THE COURT: So noted.

19 Q. So her injury -- she went to the ER as well; is
20 that correct?

21 A. She went to the ER, and the same with the physical
22 therapy with Dr. Buncher.

23 Q. Okay.

24 A. Yes.

25 Q. Did you actually go with her to those appointments?

HEARING

1 A. I have to go with her. She doesn't drive. So in
2 order to get her anywhere, I have to take off work
3 and go home and go get her. And we live in
4 Summerville, and everything we do is in Charleston.

5 Q. Sure. Your understanding of her injuries was
6 mostly her neck, or her back, or what, what was --

7 A. The neck and the back, same as me. But her --
8 hers, she had a lot more head pains, so to the
9 point where Dr. Buncher, I believe, referred her to
10 get a whole-head MRI.

11 Q. Okay.

12 A. And our eye doctor had noticed that she had a
13 tracking problem with one of her eyes. And that --
14 that frightened him as well.

15 Q. Have y'all figured out what is causing that?

16 A. We have not.

17 Q. Not exactly?

18 A. Yeah.

19 Q. But it certainly -- she didn't have those problems
20 before --

21 A. She did not --

22 Q. -- this wreck?

23 A. -- have these problems before.

24 Q. Okay. Do you recall her having any problems with
25 her neck or back --

HEARING

1 A. No.

2 Q. -- prior to this?

3 A. None.

4 Q. So she went to Dr. Buncher as well, and then you
5 had the -- she had an image done, the MRI --

6 A. Yes.

7 Q. -- of her brain, and also had some medicines; is
8 that right?

9 A. Yes.

10 Q. I'll show you --

11 A. Okay.

12 Q. -- similar to like we did --

13 A. Okay.

14 Q. -- with yours, what we'd offer as Plaintiff's
15 Number 4.

16 (Exhibit 4 is introduced.)

17 Q. And are these the medical bills associated with her
18 care following the wreck?

19 A. They are.

20 Q. And, again, it's the Roper ER visit, a physician's
21 charge from Roper, Dr. Buncher's expenses at
22 Charleston Pain and Rehab, and then the MRI at
23 Southeastern Medical, and finally pharmacy
24 expenses?

25 A. Correct.

HEARING

1 Q. Do those seem to be an accurate reflection of what
2 you understand the expenses to be?

3 A. They do.

4 Q. And her treatment with Dr. Buncher, like yours,
5 started shortly after the wreck in March and
6 continued through May as well?

7 A. Yes. I think she has an extra week or two than I
8 did of treatments.

9 Q. Okay. Let me take one page off.

10 A. Certainly.

11 Q. I accidentally attached a record we don't need to
12 that.

13 A. Okay.

14 Q. And what is the total of her expenses?

15 A. Her total came to sixty -- \$6,856.00.

16 Q. Is that your understanding, more or less, of what
17 her expenses have been?

18 A. Correct.

19 Q. But you're still -- y'all are still trying to
20 figure out what's going on with the headaches; is
21 that right?

22 A. Yes. Yes.

23 Q. And those have not stopped?

24 A. They have not stopped.

25 Q. Okay. And same question like I asked you: Just

HEARING

1 because she's not going to Dr. Buncher anymore,
2 does that mean she's better?

3 A. Oh, she's definitely not better.

4 Q. Okay.

5 A. She medically can function, but obviously the fact
6 that she was getting those complaints at work about
7 her performance or her -- her -- she wasn't as
8 chipper as she should have been as a waitress, and
9 she wasn't standing as long as she should have been
10 standing, like, apparently, her bosses didn't like
11 her sitting in the corner in the kitchen or
12 whatever until the customer needed her again.

13 Q. Okay.

14 A. So she, rather than argue with them, she decided to
15 terminate her employment.

16 MS. WILLIAMS: There you go, Your Honor. Exhibit 4.

17 Q. Other than physical injury and her inability to
18 work like she used to, is there anything else that
19 you've noticed different about your wife since this
20 wreck?

21 A. She is very quick to anger, and like especially if,
22 like, I do anything minor while she's in the middle
23 of one of her headaches, she'll just snap at me.
24 And it didn't used to be like that.

25 Q. It wasn't like that?

HEARING

1 A. Not like that. I mean, she was hot tempered, but,
2 you know, it had to be something reasonable, like I
3 would have had to really screw up, or -- or -- or
4 just be joking at the wrong time and -- you know
5 how men can be. And -- and now it's like if --
6 it's a lot quicker and a lot shorter fuse than
7 before, especially when she's got her headaches.

8 Q. And you mentioned your desire, you and your wife's
9 desire to start --

10 A. Yes.

11 Q. -- a family.

12 A. Yes.

13 Q. And that's been put off?

14 A. It hasn't been put off. It's just --

15 Q. It just hasn't happened yet?

16 A. -- become difficult because you've got to line
17 everything up. And --

18 Q. Right.

19 A. -- some of the days where you would need to be
20 there and just can't.

21 Q. Can't.

22 A. So then got to wait another month.

23 Q. Okay.

24 A. Yeah.

25 Q. You testified that your wife, you know, she's not

HEARING

1 working anymore and she's not doing a whole lot
2 around the house either.

3 A. Right.

4 Q. Tell us about that.

5 A. So not doing a lot around the house seems to be
6 like -- like some of the days where her headaches
7 are bad, she'll just either take an extra nap or
8 two or she'll wake up late. Like, she'll make sure
9 that, you know, I have food for work, and then
10 she'll go right back to bed. She'll make sure, you
11 know, that all the pressing issues are taken care
12 of, but she just doesn't seem to have the energy
13 she used to have.

14 Q. How is that affecting you and what you have to do
15 around the house?

16 A. I mean, like I said, so that makes me do more
17 chores as well. And -- and for me to try to do
18 chores when I'm hurting, that means that, you know,
19 we don't keep the kind of house that we like to
20 have. So we don't -- you know, can't always invite
21 people over, because it's messy, so you take extra
22 time to heal up and go to somebody else's house,
23 and so it puts extra load on them.

24 Q. Is that something that y'all used to do, have folks
25 come over to your house?

HEARING

1 A. We would occasionally have folks over, yeah. And
2 -- and now we've had -- we've probably had people
3 over like two or three since then.

4 Q. Okay.

5 A. Versus, you know, before, we were like, "Hey, come
6 on down." And whether they come or not, that's on
7 them.

8 Q. Yeah.

9 A. But we don't invite people over anymore.

10 Q. Now, how about laundry? Was that something that
11 she would usually do?

12 A. Yeah, she would usually do the laundry and --

13 Q. Is she able to do that still or --

14 A. She's still able to do it, but she used to do it
15 every day, and now, like, she'll do it when the
16 basket's full or if, hey, we're running out of
17 underwear or running out of towels, and she'll make
18 an effort to do all the laundry that needs doing
19 that she can do. But it used to be everything was
20 folded, everything was hung up, even while she was
21 working. It was just phenomenal.

22 Q. Yeah.

23 A. And she doesn't have that energy.

24 Q. Anything else specifically around the house that
25 you've had to start to do that she used to do?

HEARING

1 A. Like I said, just whatever she needs me to help do
2 with, and so I'm helping out. And, I mean, it was
3 kind of like a 1950s style of separation, but it
4 worked for us.

5 Q. It worked?

6 A. Yeah.

7 Q. I want to take you back to the actual wreck for
8 just a little bit longer. And we've talked about
9 the three hits. What was going on with you and
10 your wife emotionally when that happened?

11 A. We -- we had just got -- we had just got the -- the
12 -- the permits and tags that we needed for our
13 business, and we were going home, and we were
14 looking forward to a nice lunch. And just an
15 afternoon off of work, because, you know, it took
16 long enough that, you know, there was no point
17 going back to work that day. And so you'll hear me
18 talking to my boss about Taco Bell. And he -- he
19 thought that -- at the time my boss, he's not my
20 boss anymore, he thought that Taco Bell was bad
21 food because it made him go to the bathroom, so he
22 makes a joke about how I should keep a bucket. And
23 -- and then right there, she -- she didn't find the
24 joke that funny, so she kind of made a face at me.
25 And -- and then that's when -- that's when the

HEARING

1 incident started. And --

2 Q. And then what happened with your emotions after
3 that?

4 A. Oh, we were all over the place. So she -- she had
5 a lot of anxiety and shock. And -- and I -- I --
6 like I said, I was frightened at first, and then I
7 was confused and angry. It was like -- because the
8 second hit, it's like -- that's the first hit.
9 This is terrible. I've got to deal this. The
10 second hit, it's like, did I make a face? Does he
11 know me? Why is he trying to -- to run me off the
12 road?

13 A. And on the third hit, I just slammed the
14 accelerator down just -- just to get away. And I
15 didn't know what was going to come next until I saw
16 him put those flashers on and slowly start to move
17 over. I was -- I was in full flight mode there,
18 just fear, because, you know, the dude's got a
19 80,000 pound truck and I'm in a large sedan.

20 Q. And how did you see your wife respond to -- to
21 those multiple impacts?

22 A. She was -- she was shook up. It was -- I mean,
23 she's not normally afraid of anything. Like, she's
24 the one that kills the bugs in the house. She's
25 not afraid of heights or anything. Me, I don't

HEARING

1 like to go to the edge of a building if we're -- if
2 we're like at a rooftop bar or whatever. I don't
3 -- if there's not a railing, I don't like to mess
4 with it. And like -- like I said, she does all the
5 bug killing. And -- because I don't -- I don't
6 like the creepy crawlies. And so she didn't used
7 to have any fear, and now she's a lot more cautious
8 than she used to be.

9 Q. Okay.

10 A. Yeah. And then like while we're driving down the
11 road, she sleeps a lot, and so if -- if I have some
12 debris in the road and I shake it, she jumps up,
13 frightened. "So I know what it is, what's going
14 on?" And -- and every time, so it's like the first
15 thing she does is she grabs me and screams. And
16 it's like -- like, "No, it's okay. There was a
17 tire in the road. I had to go around it."

18 Q. Uh-huh.

19 A. And that's why the car shook, because I had to get
20 out of the lane. I'm still -- I'm still a very
21 safe driver. I've never had, other than this, a
22 collision. I've never had tickets. You'd find a
23 warning in -- in Cayce, South Carolina. Some cop,
24 I just don't think that he -- when we were picking
25 her uncle up from the airport, and he's like, well,

HEARING

1 wait, why are you driving this nice car out at
2 night? And I'm like -- so that was a -- he -- he
3 made up some story about -- and then he said his
4 radio went off. He just drove off. Didn't do a
5 written warning, didn't do a verbal warning. So I
6 think they just wanted to make sure why this nice
7 car was out at night in Lexington.

8 Q. Yeah.

9 A. And so, literally, I have nothing with -- with bad
10 driving. And so I'm still safe. And so, like I
11 said, if I see some debris in the road, I'll grab
12 the wheel and I'll -- I'll move it. But if it's --
13 if it sneaks up on you, because, you know, it's
14 night and the tire's black or whatever, and so I'll
15 -- sometimes it's a quicker move. And if that
16 wakes her up and startles her, it's not -- it's not
17 pleasant.

18 Q. Not pleasant.

19 A. Takes a lot to calm her back down. And, like, like
20 I said, if she's out cold, it takes another hour
21 for her to feel comfortable enough to go back to
22 sleep. Because we do a lot of road trips with that
23 YouTube.

24 Q. Yeah.

25 A. Yeah.

HEARING

1 Q. Okay. I think that's all the questions I have.

2 MS. WILLIAMS: Judge, I don't know if you have any for
3 him.

4 THE COURT: I don't think I have anything. You can step
5 down.

6 MS. WILLIAMS: Thank you.

7 THE WITNESS: Thank you, sir.

8 MS. WILLIAMS: Mrs. Green, we'd like to call you to the
9 stand. If you could have a seat over there,
10 please.

11 THE COURT: Raise your right hand for me.

12 Whereupon,

13 CHARINRATH GREEN, having been duly sworn and
14 cautioned to speak the truth, the whole truth, and
15 nothing but the truth, testified as follows:

16 THE COURT: Thank you. You can have a seat.

17 DIRECT EXAMINATION OF CHARINRATH GREEN

18 BY MS. WILLIAMS:

19 Q. Mrs. Green, I know you're learning English, so you
20 tell me if you need me to repeat something or say
21 it another way, okay?

22 A. Okay.

23 Q. Have you heard your husband give testimony here
24 today?

25 A. Yes.

HEARING

1 Q. And he's talked about what happened during the
2 wreck. Do you remember when the wreck happened?

3 A. Yes.

4 Q. How would you describe how it happened?

5 A. That day, we come back from do the bill for pay tax
6 everything, and we gonna go home. And the big
7 truck then come and hit us the first time. And,
8 "What happened?" And I'm scared. The first thing
9 I think, "He gonna kill me? He gonna kill my
10 husband? What my husband do for him?"

11 Q. Uh-huh.

12 A. And I just talked with my husband like this and he
13 hit again, thoop(ph), and --

14 Q. So that second hit, you were actually turning?

15 A. Yes, I still talked with my husband, like, "What
16 happened? Why he want to kill us?" And he again.
17 And I tell my husband, "What -- what are we going
18 to do? What we gonna do?"

19 Q. Uh-huh.

20 A. And he -- it's good thing he forecast with protect
21 me and him, like drive fast before -- and then
22 before he hit us again and again, because he not
23 stop.

24 Q. Uh-huh. So you remember three hits as well?

25 A. Yes.

HEARING

1 Q. Were they hard hits?

2 A. It's hard hit. It's make me, like, "We gonna die
3 here?"

4 Q. Uh-huh.

5 A. Because it's hard. He not stop. He -- my feel
6 like he not stop to hit us again. I mean not stop
7 to hit us again.

8 MR. GREEN: Didn't stop hitting us?

9 THE WITNESS: Uh-huh.

10 Q. What did your body do when he hit the truck -- your
11 car?

12 A. When my husband park, my feel like my body shake
13 and shock. Like I can -- can't breathe. And it's
14 what I going to do with -- for him myself. You got
15 this shake, shake, and I can't breathe. And it's
16 good thing I have some Coke next to me. And I try
17 to drink that for make me calm down.

18 Q. Uh-huh.

19 A. Yeah. And that's -- I can't ...

20 Q. Take a deep breath and --

21 A. Yes.

22 Q. Your husband said you got -- you went to the ER
23 department. Do you remember going to the hospital
24 the day of the wreck?

25 A. Oh, yes. After that, the police ask, "You need a

HEARING

1 ambulance or not?" My husband, "No." Because of
2 we check, okay, well, the hospital close, very
3 close to us. And, okay, we go the hospital in near
4 Northwood Mall.

5 Q. Okay.

6 A. That one is really close. And we go there. And we
7 go. Them just asked about what's your name, how
8 your height, what -- how your weight. And that's
9 it. And we go into another room. And them check
10 just about here.

11 Q. Okay.

12 A. For I don't know what it's called. But them check
13 here. And them said --

14 Q. Your blood pressure maybe?

15 A. Maybe. Like a how my -- and then I breathe in
16 deep. And they say nothing, everything okay. And
17 I think, it's not okay, my husband hurt.

18 Q. Uh-huh.

19 A. And I'm hurt inside. And how you say we are okay?
20 We just get hit from the big truck.

21 Q. Uh-huh.

22 A. And then that's why I said get husband, we need to
23 go to the nearest hospital for check up everything,
24 because it's never happened to me and my husband
25 before.

HEARING

1 Q. What was bothering you? What was hurting you?

2 A. It's hurt my body and it's too much with my head.

3 Q. Okay.

4 A. It's really hurt like for five minute, ten minute.
5 When I'm work, it's hurt, hurt, hurt. Made me cry
6 and like a stop do anything, just stand the light
7 and make them stop hurt.

8 Q. Uh-huh.

9 A. Yeah. And that's why I tell my husband I'm not
10 okay.

11 Q. Okay. Do you still get headaches, even now?

12 A. Right now, not much like before, but sometimes.

13 Q. Still get them?

14 A. Yeah.

15 Q. Okay.

16 A. When we go check with the doctor about do what you
17 call for take care about back, about head,
18 everything. And I'm tired with that, because three
19 -- one -- one week, we go to take care body three
20 day.

21 Q. Uh-huh.

22 A. And one week and go three day every week.

23 Q. Uh-huh. That was with Dr. Buncher?

24 A. Yes.

25 Q. Okay. Did that treatment help you?

HEARING

1 A. It's help a lot.

2 Q. Did it make you back to normal?

3 A. No.

4 Q. You're still affected by this wreck?

5 A. Yes.

6 Q. Okay. And your husband testified that you had to
7 go get an image of your brain in your head. Do you
8 remember doing that?

9 A. Yes.

10 Q. Okay.

11 A. And then the doctor said we call it really a
12 headache. And every 10 minute, 15 minute, it's too
13 much, and I need to take a pill from the doctor
14 order for me for make me not a headache, too much
15 light, that -- and then them send me to check my
16 brain. Yeah.

17 Q. Do you still have to take medicines for headaches?

18 A. Last year, yeah, every day.

19 Q. Every day? That's you don't take it as frequently
20 now; is that right?

21 A. Yes.

22 Q. Okay. But still have headaches?

23 A. Yes.

24 Q. Okay. Your husband talked a lot about how this has
25 affected your marriage and your home life.

HEARING

1 A. Yes.

2 Q. Can you tell us, from your perspective, how it has
3 affected your marriage and your home life?

4 A. About our marriage?

5 Q. Uh-huh. Has this wreck, has it changed the way you
6 and your husband --

7 A. Oh, yeah.

8 Q. -- interact?

9 A. Before, I work every day, just one day I'm off
10 every week, right, just six day a week I work. And
11 last year, about -- what month? I stop working
12 because it's -- because it's -- I can't work.

13 Q. Where were you working?

14 A. I work in the Thai restaurant.

15 Q. Which one?

16 A. Ti-Ney. Ti-Ney Bangkok in Summerville.

17 Q. Okay.

18 A. Yeah, because I have a headache and it's not
19 feeling good when I can't take care customer like
20 hundred percent because I need to stop, and I can't
21 work, I can't do anything when I'm a headache.
22 That my boss don't like that.

23 Q. Did you have headaches like that before the wreck?

24 A. Before --

25 Q. Did you have problems with headaches before this

HEARING

1 wreck happened?

2 A. No.

3 Q. This is something new?

4 A. Yes.

5 Q. Are you working now?

6 A. No.

7 Q. What do you do?

8 A. I just take care of my husband at home, take care
9 of house, and try to sell some stuff at home, sell
10 online or something like that.

11 Q. Are you able to take care of your home like you
12 used to before the wreck?

13 A. I don't understand.

14 Q. Sure.

15 A. How --

16 Q. So the wreck happened in February 2018.

17 A. Yes.

18 Q. Has it changed how you take care of your home?

19 A. It's -- that happened, it change me about I stop
20 working. I not -- I can't work hundred percent.
21 Like I work -- I work every day.

22 Q. Uh-huh.

23 A. And that made me a headache and that made me stop
24 work and that made me not have income when I
25 stopped work. Like I waitress. And if I stop

HEARING

1 work, they not pay me, because my work been come
2 from tip. And --

3 Q. And at home, doing laundry and washing dishes --

4 A. Yeah, I --

5 Q. -- how -- has it affected that?

6 A. I -- I wash everything. And that sometime make me
7 -- I hate it with that and made me upset sometime.

8 Q. Okay. Your husband said that you -- you get
9 angrier quicker.

10 A. Yes.

11 Q. Do you agree with that?

12 A. Yes.

13 Q. And that's something new since the wreck?

14 A. When -- when I'm a headache, like when he -- when
15 he walk, just do something, and make me upset. I
16 don't know. Because I a headache, you need to
17 quiet, don't do anything. It's make me angry.

18 Q. Uh-huh. And that's something new since the wreck?

19 A. Yes.

20 Q. Okay.

21 MS. WILLIAMS: Your Honor, that's all the questions that
22 we have.

23 THE COURT: Okay.

24 MS. WILLIAMS: I don't know if you have any.

25 THE COURT: I don't believe I have anything. You can

HEARING

1 step down.

2 MS. WILLIAMS: Okay. Thank you, Mrs. Green.

3 THE WITNESS: Thank you.

4 MS. WILLIAMS: Your Honor, we have prepared a draft
5 order.

6 THE COURT: Okay.

7 MS. WILLIAMS: If you want me to hand that up --

8 THE COURT: Sure.

9 MS. WILLIAMS: -- to you now. I just wanted to double-
10 check one thing that my assistant added.

11 Your Honor, so, in the order, we've laid out
12 the procedural history of the case as well as
13 general facts of the case. We included conclusions
14 of law.

15 We think that the plaintiffs are entitled to
16 recovery for past medical expenses, future medical
17 expenses, pain and suffering, both in the past and
18 the future, all of those elements, loss of
19 enjoyment of life, as well as the loss of
20 consortium claims that they've presented to you
21 today, the property damage to the vehicle, and
22 given that they were hit multiple times by this
23 large truck, we think that a punitive award is
24 appropriate in this case. So we've included all
25 the -- the law that's associated with those damages

HEARING

1 in there.

2 I have not entered a number. The -- well,
3 I've included in here the uncontested medical bills
4 of \$12,826.00. That's the both of theirs combined.
5 And we did put in there a \$10,000.00 loss for the
6 Tesla that he testified about.

7 I didn't add into the order what we think
8 would be appropriate for the personal injury claim
9 and the punitive damage award. I'll be happy to
10 tell you what our thoughts are on that or --

11 THE COURT: Sure.

12 MS. WILLIAMS: And I just think that based on what we've
13 had history of, and with jury trials, we are seeing
14 anywhere from 100 to 150 times medical expenses on
15 the actual damages. So we think that close to a
16 million dollars in this case would reflect what the
17 juries in Orangeburg are doing on the actual
18 damages, and then a 750,000 award for punitives.

19 THE COURT: Okay. All right. Let me review your order.

20 MS. WILLIAMS: Sure.

21 THE COURT: -- And I'll --

22 MS. WILLIAMS: Okay.

23 THE COURT: I'll let you know.

24 MS. WILLIAMS: Okay.

25 THE COURT: And once we do that, you'll have to, of

HEARING

1 course, file it electronically.

2 MS. WILLIAMS: Yes, sir.

3 THE COURT: And then we'll get it signed.

4 MS. WILLIAMS: All right. Very good.

5 THE COURT: All right. Great.

6 MS. WILLIAMS: Thank you so much.

7 THE COURT: Thank you for coming.

8 MS. BEACH (ADMIN. ASSISTANT): We're off the record.

9 MS. WILLIAMS: Oh, and one more, I guess. Did you want

10 -- I do have the videos. I don't know if you would

11 --

12 THE COURT: Yeah, leave them with me.

13 MS. WILLIAMS: Okay.

14 THE COURT: I don't know if I'll --

15 MS. WILLIAMS: I guess we can mark this as number --

16 (End of recording.)

17 (**This transcript may contain quoted material. Such
18 material is reproduced as read or quoted by the speaker.)

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HEARING

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