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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Martha M. Rivers, Circuit Court Judge

Lower Court Case No. 2018-CP-02-01903

Gloria Allen, Personal Representative of the Estate of Helen Williams,
Appellant,

v.

Estate of Calvin Warren, Estate of Diane Warren, Estate of Travis Robinson,
and Marcus Williams, Defendants,

of which Estate of Calvin Warren, Estate of Diane Warren and Estate of
Travis Robinson are the Respondents.

Appellate Case No. 2025-000208

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT FOR REVIEW:

Plaintiff's Exhibit 3 (Flash Drive—Audio Recording of Interview of Travis Robinson);
Plaintiff's Exhibit 8 (911 Calls).

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

Docket No.: 2016-CP-02- 02194

Gloria Allen, Personal Representative for)
The Estate of Helen Williams,)
)
Plaintiff,)
)
Vs.)

SUMMONS
[WRONGFUL DEATH]

Marcus Williams, Personal Representative)
for the Estate of Calvin Warren, Personal)
Representative for the Estate of Diane Warren,)
and Personal Representative for the Estate of)
Travis Robinson, Individually and Collectively,)
)
Defendants.)

[JURY TRIAL REQUESTED]

TO: THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to appear and defend by answering the Complaint of Plaintiff in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the Complaint on the subscriber at his office, by delivering your Answer to the Complaint to 712 Richland Street, 2nd Floor, Suite I, Columbia, South Carolina 29201 or by mailing to Post Office Box 2027, Columbia, South Carolina 29202, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to do so, judgment by default will be rendered against you for the relief demanded in the Complaint.

THE LAW OFFICE OF VANNIE WILLIAMS, JR., ESQ., LLC

BY: *[Signature]*

FILED 9/30 2016
[Signature]
[Signature]
2:30 *[Signature]*

Vannie Williams, Jr., SC Bar No. 11807
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Attorney for the Plaintiff

September 29, 2016

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

Gloria Allen, Personal Representative for
The Estate of Helen Williams,)

Plaintiff,)

Vs.)

Marcus Williams, Personal Representative
for the Estate of Calvin Warren, Personal
Representative for the Estate of Diane Warren,)
and Personal Representative for the Estate of)
Travis Robinson, Individually and Collectively,)

Defendants.)

COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

Docket No.: 2016-CP-02-02194

COMPLAINT
[WRONGFUL DEATH]

[JURY TRIAL REQUESTED]

TO: THE ABOVE NAMED DEFENDANT(S):

PARTIES

1. That Gloria Allen is the duly appointed Personal Representative for the Estate of Helen Williams, having be so appointed by the Aiken County Probate Court on and shall be referred to hereinafter as "Plaintiff", and brings this action for the beneficiaries of Helen Williams, the decedent herein.

2. That Marcus Williams is an individual and shall be referred to hereinafter as "Defendant Williams".

3. That a duly appointed Personal Representative for the Estate of Calvin Warren, has been, or will be, so appointed by the Aiken County Probate Court for Estate of Calvin Warren, and shall be referred to hereinafter as "Defendant Calvin Warren".

FILED 9/30 2016
Shirley Gooding
Christina M. Kyle
2:30

4. That a duly appointed Personal Representative for the Estate of Diane Warren, has been, or will be, so appointed by the Aiken County Probate Court for Estate of Diane Warren and shall be referred to hereinafter as "Defendant Diane Warren".

5. That a duly appointed Personal Representative for the Estate of Travis Robinson, has been, or will be, so appointed by the Aiken County Probate Court for the Estate of Travis Robinson and shall be referred to hereinafter as "Defendant Robinson".

6. That Helen Williams is the decedent at issue in this matter and shall hereinafter be referred to as "Decedent".

PERSONAL JURISDICTION

7. That Plaintiff and all Defendants are all residents and citizens of Aiken County, South Carolina, with the exception of Defendant Williams who is resident and citizen of the State of Georgia, but Defendant Williams owned and maintained the residential dwelling at issue herein within the County of Aiken, South Carolina, and Defendant Williams caused injury to Plaintiff within the County of Aiken, South Carolina.

SUBJECT MATTER JURISDICTION

8. That Plaintiff is seeking compensation in this negligence cause of action for wrongful death, actual, compensatory, consequential and punitive damages for personal injuries sustained by Helen Williams, Decedent, arising out of a house fire that

occurred on or about October 1, 2013, pursuant to the common laws of the State of South Carolina and the wrongful death statute as codified at South Carolina Code of Laws, as annotated, Section 15-51-10 et seq., and such other and further relevant statutes.

VENUE

9. That the Parties, witnesses, and all other evidence, including the residential dwelling at issue, are located in the County of Aiken, State of South Carolina, and the injury and death of Decedent occurred in the Aiken County and State of South Carolina.

NONREMOVAL

10. That there does not exist complete diversity of residency and citizenship as between the Plaintiff and Defendants, and there is no federal question at issue in this matter; therefore this matter is not removable to the Federal Court, and should any Defendant seek to remove this matter, Plaintiff will be entitled to seek attorney's fees and costs in contesting the removal action.

STATEMENT OF INCORPORATION OF AVERMENTS

11. That every averment is incorporated into every other cause of action, where not inconsistent with the cause of action to which it is being incorporated, as fully as if repeated therein verbatim.

HISTORICAL BACKGROUND FACTS

12. That Decedent is the mother of the Personal Representative for Decedent's estate, Grandmother of Defendant Williams, mother-in-law of Defendant Calvin Warren, mother of Defendant Diane Warren, and Grandmother of Defendant Robinson.

13. That the house that was destroyed by fire at issue herein was located at 2276 Edgefield Highway, Aiken, South Carolina 29801.

14. That the destroyed house at issue was titled to Defendant Williams, and Defendant Williams exercised dominion and control over the said dwelling, and had free and unfettered access, use, entry and occupancy of the said dwelling.

15. That Defendant Williams allowed Defendant Diane Warren, Defendant Calvin Warren and Defendant Robinson to reside in the said house as a product of the family relationship, and did not require a lease nor rent, and the relationship was not a commercial transaction.

16. That at all times herein Defendant Williams was a custodian of the said dwelling that burned, together with Defendant Calvin Warren, Defendant Diane Warren and Defendant Robinson, who shared custodial duties and obligations equally with Defendant Williams.

17. That Tameka Latoya Williams Karanja, Miesai Charima Williams and

Gregory J. Williams, all consented to Defendant Williams having management and custodial authority over the said dwelling, and took no active role in the management or upkeep of the said dwelling.

18. That on October 1, 2013, Decedent was an invited guest of Defendant Williams, Defendant Calvin Warren, Defendant Diane Warren and Defendant Robinson, and Decedent was exercising an overnight visitation.

19. That on October 1, 2013, the said dwelling herein was destroyed by fire, and Decedent died as a result of smoke inhalation, carbon monoxide poisoning and thermal burns sustained in the house fire, of which the etiology of the fire is a product of Defendants alleged negligence, or otherwise unknown.

FOR A FIRST CAUSE OF ACTION
[WRONGFUL DEATH OF HELEN WILLIAMS, DECEDENT]

20. That Decedent's death was the direct and proximate result of the wrongful acts, negligent and grossly negligent acts and omissions of Defendants, individually and collectively, as specifically alleged herein, complained of and set forth herein below.

21. That Plaintiff, as Personal Representative for the estate of the Decedent is authorized by South Carolina Code of Laws Section 15-51-10, et seq. to bring this action on behalf of the beneficiaries of the Decedent.

FOR A SECOND CAUSE OF ACTION
[NEGLIGENCE OF MARCUS WILLIAMS]

22. That Defendant Williams had access and control over the said dwelling that burned, which fire, smoke, fumes, gases and heat which developed as a result of the fire, caused the death of Decedent.

23. That negligence of Defendant Williams was the direct and proximate cause of the injuries sustained by Decedent, and the particulars of negligence are as follows:

- a) Failure to insure proper installation and maintenance of smoke/fire/temperature/carbon monoxide alarm/detector(s);
- b) Failure to insure proper installation and maintenance of fire extinguisher/suppressant system/devices;
- c) Failure to insure proper installation and maintenance of exits;
- d) Failure to insure proper installation and maintenance of ladders, slides and escape devices;
- e) Failure to provide notice of fire escape plan, map/route or assistive devices;
- f) Permitting the storage of flammable and hazardous materials in the dwelling;
- g) Permitting, and failing to correct, improper installation, construction, design, building techniques, and use of improper materials, in the construction and renovation of the dwelling;
- h) Failure to make a reasonable inspection of dwelling for unsafe and hazardous conditions on a recurring basis, and with failure to correct known and obvious conditions that posed a risk to health and safety of Decedent while occupying dwelling;
- i) Failure to provide Decedent with reasonable notice of unsafe conditions;
- j) Failure to take reasonable steps to secure the safety and welfare of Decedent to the dwelling, who was known to have physical, mental and cognitive handicaps and limitations;

- k) Failure to properly install and maintain, or provide, handicap ramps, rails and escape assistive devices;
- l) Failure to take such steps that would insure safety and welfare of Decedent while an occupant of the said dwelling when Defendant knew, or should have known, of physical condition of dwelling that made the dwelling prone to rapid destruction by fire, and difficulty of escape;
- m) Failure to take such steps that insure safety and welfare of Decedent while an occupant of the said dwelling when Defendant knew, or should have known, that no fire hydrants nor fire departments were in the immediate vicinity of the dwelling;
- n) Failure to render aid to Decedent in an effort to assist Decedent's exit from the dwelling during the fire;
- o) Failure to reasonably and timely notify or alert Decedent, fire officials and emergency services of the fire;
- p) Failure to take reasonable steps to insure the safety and welfare of Decedent while an occupant in the said dwelling when Defendant knew, or should have known, that an accidental fire in the dwelling was foreseeable, together with injuries to Decedent as a consequence of such said fire;
- q) Such other and further incidences of negligence as may be demonstrated at the trial of this matter.

FOR A THIRD CAUSE OR ACTION
[NEGLIGENCE OF CALVIN WARREN]

24. That all of the averments of negligence as previously alleged are incorporated herein as if repeated verbatim as against Defendant Calvin Warren.

25. That the negligence of Defendant Calvin Warren was the direct and proximate cause of the injuries and damages sustained by Decedent herein.

FOR A FOURTH CAUSE OF ACTION
[NEGLIGENCE OF DIANE WARREN]

26. That all of the averments of negligence as previously alleged are incorporated herein as if repeated verbatim as against Defendant Diane Warren.

27. That the negligence of Defendant Diane Warren was the direct and proximate cause of the injuries and damages sustained by Decedent herein.

FOR A FIFTH CAUSE OF ACTION
[NEGLIGENCE OF TRAVIS ROBINSON]

28. That all of the averments of negligence as previously alleged are incorporated herein as if repeated verbatim as against Defendant Travis Robinson.

29. That the negligence of Defendant Travis Robinson was the direct and proximate cause of the injuries and damages sustained by Decedent herein.

FOR A SIXTH CAUSE OF ACTION
[NEGLIGENCE PER SE]

30. That all of the negligent acts and omissions of Defendants were violations of city codes and/or county ordinances and/or state or federal statutes and/or regulations, thus making the conduct negligence per se, in the following particulars:

a) That Defendants acts and omissions were violations of the provisions of the following:

- i. Aiken County Residential Building Ordinances, Aiken County Code of Ordinances Section 5.1 et seq. and such other and further ordinances;
- ii. South Carolina Residential Building Codes, S.C. Code of Laws Section 5-15-10 et seq., and 5-25-310 et seq., 5-25-400 et seq., 5-25-900, et seq., 5-25-1310 et seq., 6-9-5 et seq., and such other and further statutes and regulations;
- iii. 2015 International Construction Codes, South Carolina Building Codes Council, South Carolina Department of Labor, Licensing and Regulation, S.C. Code of Laws 6-9-50, et seq. and such other and further statutes and regulations;
- iv. South Carolina Residential Landlord And Tenant Act, S.C. Code of Laws 27-40-10, et seq., and such other and further statutes and regulations;
- v. Authorizing statutes S.C. Code of Laws Section 44-1-140(7) and 44-55-2310 et seq., and such other and further statutes and regulations; and
- vi. Such other and further incidences of negligence per se as may be demonstrated at the trial of this matter.

FOR A SEVENTH CAUSE OF ACTION
[NEGLIGENT ENTRUSTMENT AS AGAINST DEFENDANT WILLIAMS]

31. That all prior averments of negligence herein are incorporated as if set forth herein verbatim.

32. That Defendant Williams did negligently entrust the maintenance of the dwelling at issue to Defendant Calvin Warren, Defendant Diane Warren and Defendant Robinson, which was the direct and proximate cause of the injuries sustained by Decedent.

33. That Defendant Williams knew, or should have known, that said

Defendants would not maintain, and had not maintained, the dwelling in a manner that would protect the safety, health and life of the Decedent in the event of a fire.

DAMAGES

ACTUAL AND COMPENSATORY DAMAGES

34. That as a direct and proximate result of the acts of omissions complained of herein by Plaintiff as against Defendants, individually and jointly, Decedent suffered physical injury, inclusive of, but not limited to permanent scarring, loss of life, emotional injury, and psychological injury, and had to incur expenses and debts associated with this matter, to include but not limited to attempted rescue by fire departments, attempted rescue and funeral expenses.

35. That Decedent sustained personal injuries as a direct and proximate result of the acts of omissions complained of herein by Plaintiff as against Defendants, individually jointly, as elements of actual and compensatory damages to include any and all such other and further damages.

PUNITIVE DAMAGES

36. That as a direct and proximate result of the acts and omissions complained of as against Defendants, which were acts of negligence, gross negligence, and negligence per se, Plaintiff is entitled to an award of punitive damages.

CONSEQUENTIAL DAMAGES

37. That as a direct and proximate result of the acts and omissions complained of as against Defendants, which were acts of negligence, gross negligence, and negligence per se, Plaintiff is entitled to an award of consequential damages.

INCIDENTAL DAMAGES

38. That as a direct and proximate result of the acts and omissions complained of as against Defendants, which were acts of negligence, gross negligence, and negligence per se, Plaintiff is entitled to an award of incidental damages.

FUNERAL EXPENSES **S.C. Code of Laws Section 15-5-100**

39. That as a direct and proximate result of the acts of omissions complained of as against Defendants, which were acts of negligence, gross negligence, and negligence per se, Plaintiff is entitled to an award of funeral expenses damages.

STATUTORY/LEGAL RATE OF INTEREST ON OFFER OF JUDGMENT **[South Carolina Rule of Civil Procedure Rule 68]**

40. That Plaintiff is entitled to the legal statutory rate of interest, as set by the the South Carolina Supreme Court, on the amount of the Offer Of Judgment, commencing on the date of service of the Offer Of Judgment upon Defendants, until satisfied in full.

REIMBURSEMENT OF LITIGATION EXPENSES **[South Carolina Rule of Civil Procedure Rule 68]**

41. That Plaintiff is entitled to reimbursement of all litigation expenses as a

incurred in this matter commencing on the date of service of the Offer Of Judgment upon Defendants.

PAYMENT OF ATTORNEY FEES
[South Carolina Rule of Civil Procedure Rule 68]

42. That Plaintiff is entitled to reimbursement of all attorney fees which are incurred in this matter commencing on the date of service of the Offer Of Judgment upon Defendants.

PRAYER FOR RELIEF

43. That Plaintiff prays that a judgment be rendered against Defendants, individually and jointly, on all of the cause of actions herein, and an award be made as to each consistent with the law and fairness, granting unto Plaintiff the following:

- a) Actual/Compensatory damages;
- b) Consequential damages;
- c) Punitive damages;
- d) Incidental damages;
- e) Funeral expenses;
- f) Statutory/legal rate of interest on Offer of Judgment;
- g) Reimbursement of all litigation expenses;
- h) Attorney fees; and
- i) Such other and further relief as justified by facts and fairness.

THE LAW OFFICE OF VANNIE WILLIAMS, JR., ESQ., LLC
BY: 

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Attorney for the Plaintiff

September 29, 2016

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Gloria Allen, Personal Representative for the Estate of
Helen Williams

Plaintiff(s)

vs.

Marcus Williams, Estate of Calvin Warren, Estate of
Diane Warren, and Estate of Travis Robinson,
Individually and Collectively,

Defendant(s)

Submitted By: Vannie Williams, Jr., Esquire
Address: 712 Richland St., Ste. 1 (29201)
P.O. Box 2027, Columbia, SC 29202

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2016-CP - 02- 02194

SC Bar #: 11807
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NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

* If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts**
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____

- Inmate Petitions**
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____

- Special/Complex /Other**
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in
an Out-of-County Action (660)
☐ Pre-Suit Discovery (670)

- Torts - Professional Malpractice**
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____ -NI- ____ - ____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____

- Administrative Law/Relief**
☐ Reinstatement Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____

- Torts - Personal Injury**
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☒ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) _____

- Judgments/Settlements**
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured
Settlement Payment Rights
Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Other (799) _____

- Real Property**
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____

- Appeals**
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____

Submitting Party Signature:

SCCA / 234 (03/2016)

014

Date: September 20, 2016

Page 1 of 2

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

Docket No.: 2016-CP-0202195

Gloria Allen, Personal Representative for)
The Estate of Helen Williams,)
Plaintiff,)

Vs.)

Marcus Williams, Personal Representative)
for the Estate of Calvin Warren, Personal)
Representative for the Estate of Diane Warren,)
and Personal Representative for the Estate of)
Travis Robinson, Individually and Collectively,)
Defendants.)

SUMMONS
[SURVIVAL ACTION]

[JURY TRIAL REQUESTED]

TO: THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to appear and defend by answering the Complaint of Plaintiff in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the Complaint on the subscriber at his office, by delivering your Answer to the Complaint to 712 Richland Street, 2nd Floor, Suite I, Columbia, South Carolina 29201 or by mailing to Post Office Box 2027, Columbia, South Carolina 29202, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to do so, judgment by default will be rendered against you for the relief demanded in the Complaint.

THE LAW OFFICE OF VANNIE WILLIAMS, JR., ESQ., LLC
BY: 

FILED 9/30 2016



2:30 

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Attorney for the Plaintiff

September 29, 2016

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

Docket No.: 2016-CP-02-02195

Gloria Allen, Personal Representative for)
The Estate of Helen Williams,)
)
Plaintiff,)
)
Vs.)

COMPLAINT
[SURVIVAL ACTION]

Marcus Williams, Personal Representative)
for the Estate of Calvin Warren, Personal)
Representative for the Estate of Diane Warren,)
and Personal Representative for the Estate of)
Travis Robinson, Individually and Collectively,)
)
Defendants.)

[JURY TRIAL REQUESTED]

TO: THE ABOVE NAMED DEFENDANT(S):

PARTIES

1. That Gloria Allen is the duly appointed Personal Representative for the Estate of Helen Williams, having be so appointed by the Aiken County Probate Court on and shall be referred to hereinafter as "Plaintiff", and brings this action for the benefit of the Estate of Helen Williams, the Decedent herein, for injuries sustained by Decedent.

2. That Marcus Williams is an individual and shall be referred to hereinafter as "Defendant Williams".

3. That a duly appointed Personal Representative for the Estate of Calvin Warren, has been, or will be, so appointed by the Aiken County Probate Court for Estate of Calvin Warren, and shall be referred to hereinafter as "Defendant Calvin Warren".

FILED 9/30 2016

Shari Haddard
William M. Kyle
2:30

4. That a duly appointed Personal Representative for the Estate of Diane Warren, has been, or will be, so appointed by the Aiken County Probate Court for Estate of Diane Warren and shall be referred to hereinafter as "Defendant Diane Warren".

5. That a duly appointed Personal Representative for the Estate of Travis Robinson, has been, or will be, so appointed by the Aiken County Probate Court for the Estate of Travis Robinson and shall be referred to hereinafter as "Defendant Robinson".

6. That Helen Williams is the decedent at issue in this matter and shall hereinafter be referred to as "Decedent".

PERSONAL JURISDICTION

7. That Plaintiff and all Defendants are all residents and citizens of Aiken County, South Carolina, with the exception of Defendant Williams who is resident and citizen of the State of Georgia, but Defendant Williams owned and maintained the residential dwelling at issue herein within the County of Aiken, South Carolina, and Defendant Williams caused injury to Plaintiff within the County of Aiken, South Carolina.

SUBJECT MATTER JURISDICTION

8. That Plaintiff is seeking compensation in this negligence cause of action for survival action, actual, compensatory, consequential and punitive damages for personal injuries sustained by Helen Williams, Decedent, arising out of a house fire that

occurred on or about October 1, 2013, pursuant to the common laws of the State of South Carolina and the wrongful death statute as codified at South Carolina Code of Laws, as annotated, Section 15-5-90 et seq., and such other and further relevant statutes.

VENUE

9. That the Parties, witnesses, and all other evidence, including the residential dwelling at issue, are located in the County of Aiken, State of South Carolina, and the injury and death of Decedent occurred in the Aiken County and State of South Carolina.

NONREMOVAL

10. That there does not exist complete diversity of residency and citizenship as between the Plaintiff and Defendants, and there is no federal question at issue in this matter; therefore this matter is not removable to the Federal Court, and should any Defendant seek to remove this matter, Plaintiff will be entitled to seek attorney's fees and costs in contesting the removal action.

STATEMENT OF INCORPORATION OF AVERMENTS

11. That every averment is incorporated into every other cause of action, where not inconsistent with the cause of action to which it is being incorporated, as fully as if repeated therein verbatim.

HISTORICAL BACKGROUND FACTS

12. That Decedent is the mother of the Personal Representative for Decedent's estate, Grandmother of Defendant Williams, mother-in-law of Defendant Calvin Warren, mother of Defendant Diane Warren, and Grandmother of Defendant Robinson.

13. That the house that was destroyed by fire at issue herein was located at 2276 Edgefield Highway, Aiken, South Carolina 29801.

14. That the destroyed house at issue was titled to Defendant Williams, and Defendant Williams exercised dominion and control over the said dwelling, and had free and unfettered access, use, entry and occupancy of the said dwelling.

15. That Defendant Williams allowed Defendant Diane Warren, Defendant Calvin Warren and Defendant Robinson to reside in the said house as a product of the family relationship, and did not require a lease nor rent, and the relationship was not a commercial transaction.

16. That at all times herein Defendant Williams was a custodian of the said dwelling that burned, together with Defendant Calvin Warren, Defendant Diane Warren and Defendant Robinson, who shared custodial duties and obligations equally with Defendant Williams.

17. That Tameka Latoya Williams Karanja, Miesai Charima Williams and

Gregory J. Williams, all consented to Defendant Williams having management and custodial authority over the said dwelling, and took no active role in the management or upkeep of the said dwelling.

18. That on October 1, 2013, Decedent was an invited guest of Defendant Williams, Defendant Calvin Warren, Defendant Diane Warren and Defendant Robinson, and Decedent was exercising an overnight visitation.

19. That on October 1, 2013, the said dwelling herein was destroyed by fire, and Decedent died as a result of smoke inhalation, carbon monoxide poisoning and thermal burns sustained in the house fire, of which the etiology of the fire is a product of Defendants alleged negligence, or otherwise unknown.

FOR A FIRST CAUSE OF ACTION
[SURVIVAL ACTION OF HELEN WILLIAMS, DECEDENT]

20. That Decedent's injuries and death was the direct and proximate result of the wrongful acts, negligent and grossly negligent acts and omissions of Defendants, individually and collectively, as specifically alleged herein, complained of and set forth herein below.

21. That Plaintiff, as Personal Representative for the estate of the Decedent is authorized by South Carolina Code of Laws Section 15-5-90, et seq. to bring this action on behalf of the beneficiaries of the Decedent.

FOR A SECOND CAUSE OF ACTION
[NEGLIGENCE OF MARCUS WILLIAMS]

22. That Defendant Williams had access and control over the said dwelling that burned, which fire, smoke, fumes, gases and heat which developed as a result of the fire, caused the death of Decedent.

23. That negligence of Defendant Williams was the direct and proximate cause of the injuries sustained by Decedent, and the particulars of negligence are as follows:

- a) Failure to insure proper installation and maintenance of smoke/fire/temperature/carbon monoxide alarm/detector(s);
- b) Failure to insure proper installation and maintenance of fire extinguisher/suppressant system/devices;
- c) Failure to insure proper installation and maintenance of exits;
- d) Failure to insure proper installation and maintenance of ladders, slides and escape devices;
- e) Failure to provide notice of fire escape plan, map/route or assistive devices;
- f) Permitting the storage of flammable and hazardous materials in the dwelling;
- g) Permitting, and failing to correct, improper installation, construction, design, building techniques, and use of improper materials, in the construction and renovation of the dwelling;
- h) Failure to make a reasonable inspection of dwelling for unsafe and hazardous conditions on a recurring basis, and with failure to correct known and obvious conditions that posed a risk to health and safety of Decedent while occupying dwelling;
- i) Failure to provide Decedent with reasonable notice of unsafe conditions;
- j) Failure to take reasonable steps to secure the safety and welfare of Decedent to the dwelling, who was known to have physical, mental and cognitive handicaps and limitations;

- k) Failure to properly install and maintain, or provide, handicap ramps, rails and escape assistive devices;
- l) Failure to take such steps that would insure safety and welfare of Decedent while an occupant of the said dwelling when Defendant knew, or should have known, of physical condition of dwelling that made the dwelling prone to rapid destruction by fire, and difficulty of escape;
- m) Failure to take such steps that insure safety and welfare of Decedent while an occupant of the said dwelling when Defendant knew, or should have known, that no fire hydrants nor fire departments were in the immediate vicinity of the dwelling;
- n) Failure to render aid to Decedent in an effort to assist Decedent's exit from the dwelling during the fire;
- o) Failure to reasonably and timely notify or alert Decedent, fire officials and emergency services of the fire;
- p) Failure to take reasonable steps to insure the safety and welfare of Decedent while an occupant in the said dwelling when Defendant knew, or should have known, that an accidental fire in the dwelling was foreseeable, together with injuries to Decedent as a consequence of such said fire;
- q) Such other and further incidences of negligence as may be demonstrated at the trial of this matter.

FOR A THIRD CAUSE OR ACTION
[NEGLIGENCE OF CALVIN WARREN]

24. That all of the averments of negligence as previously alleged are incorporated herein as if repeated verbatim as against Defendant Calvin Warren.

25. That the negligence of Defendant Calvin Warren was the direct and proximate cause of the injuries and damages sustained by Decedent herein.

FOR A FOURTH CAUSE OF ACTION
[NEGLIGENCE OF DIANE WARREN]

26. That all of the averments of negligence as previously alleged are incorporated herein as if repeated verbatim as against Defendant Diane Warren.

27. That the negligence of Defendant Diane Warren was the direct and proximate cause of the injuries and damages sustained by Decedent herein.

FOR A FIFTH CAUSE OF ACTION
[NEGLIGENCE OF TRAVIS ROBINSON]

28. That all of the averments of negligence as previously alleged are incorporated herein as if repeated verbatim as against Defendant Travis Robinson.

29. That the negligence of Defendant Travis Robinson was the direct and proximate cause of the injuries and damages sustained by Decedent herein.

FOR A SIXTH CAUSE OF ACTION
[NEGLIGENCE PER SE]

30. That all of the negligent acts and omissions of Defendants were violations of city codes and/or county ordinances and/or state or federal statutes and/or regulations, thus making the conduct negligence per se, in the following particulars:

a) That Defendants acts and omissions were violations of the provisions of the following:

- i. Aiken County Residential Building Ordinances, Aiken County Code of Ordinances Section 5.1 et seq. and such other and further ordinances;
- ii. South Carolina Residential Building Codes, S.C. Code of Laws Section 5-15-10 et seq., and 5-25-310 et seq., 5-25-400 et seq., 5-25-900, et seq., 5-25-1310 et seq., 6-9-5 et seq., and such other and further statutes and regulations;
- iii. 2015 International Construction Codes, South Carolina Building Codes Council, South Carolina Department of Labor, Licensing and Regulation, S.C. Code of Laws 6-9-50, et seq. and such other and further statutes and regulations;
- iv. South Carolina Residential Landlord And Tenant Act, S.C. Code of Laws 27-40-10, et seq., and such other and further statutes and regulations;
- v. Authorizing statutes S.C. Code of Laws Section 44-1-140(7) and 44-55-2310 et seq., and such other and further statutes and regulations; and
- vi. Such other and further incidences of negligence per se as may be demonstrated at the trial of this matter.

FOR A SEVENTH CAUSE OF ACTION
[NEGLIGENT ENTRUSTMENT AS AGAINST DEFENDANT WILLIAMS]

31. That all prior averments of negligence herein are incorporated as if set forth herein verbatim.

32. That Defendant Williams did negligently entrust the maintenance of the dwelling at issue to Defendant Calvin Warren, Defendant Diane Warren and Defendant Robinson, which was the direct and proximate cause of the injuries sustained by Decedent.

33. That Defendant Williams knew, or should have known, that said

Defendants would not maintain, and had not maintained, the dwelling in a manner that would protect the safety, health and life of the Decedent in the event of a fire.

DAMAGES

ACTUAL AND COMPENSATORY DAMAGES

34. That as a direct and proximate result of the acts of omissions complained of herein by Plaintiff as against Defendants, individually and jointly, Decedent suffered physical injury, inclusive of, but not limited to permanent scarring, loss of life, emotional injury, and psychological injury, and had to incur expenses and debts associated with this matter, to include but not limited to attempted rescue by fire departments, attempted rescue and funeral expenses.

35. That Decedent sustained personal injuries as a direct and proximate result of the acts of omissions complained of herein by Plaintiff as against Defendants, individually jointly, as elements of actual and compensatory damages to include any and all such other and further damages.

PUNITIVE DAMAGES

36. That as a direct and proximate result of the acts and omissions complained of as against Defendants, which were acts of negligence, gross negligence, and negligence per se, Plaintiff is entitled to an award of punitive damages.

CONSEQUENTIAL DAMAGES

37. That as a direct and proximate result of the acts and omissions complained of as against Defendants, which were acts of negligence, gross negligence, and negligence per se, Plaintiff is entitled to an award of consequential damages.

INCIDENTAL DAMAGES

38. That as a direct and proximate result of the acts and omissions complained of as against Defendants, which were acts of negligence, gross negligence, and negligence per se, Plaintiff is entitled to an award of incidental damages.

FUNERAL EXPENSES **S.C. Code of Laws Section 15-5-100**

39. That as a direct and proximate result of the acts of omissions complained of as against Defendants, which were acts of negligence, gross negligence, and negligence per se, Plaintiff is entitled to an award of funeral expenses damages.

STATUTORY/LEGAL RATE OF INTEREST ON OFFER OF JUDGMENT **[South Carolina Rule of Civil Procedure Rule 68]**

40. That Plaintiff is entitled to the legal statutory rate of interest, as set by the the South Carolina Supreme Court, on the amount of the Offer Of Judgment, commencing on the date of service of the Offer Of Judgment upon Defendants, until satisfied in full.

REIMBURSEMENT OF LITIGATION EXPENSES **[South Carolina Rule of Civil Procedure Rule 68]**

41. That Plaintiff is entitled to reimbursement of all litigation expenses as a

incurred in this matter commencing on the date of service of the Offer Of Judgment upon Defendants.

PAYMENT OF ATTORNEY FEES
[South Carolina Rule of Civil Procedure Rule 68]

42. That Plaintiff is entitled to reimbursement of all attorney fees which are incurred in this matter commencing on the date of service of the Offer Of Judgment upon Defendants.

PRAYER FOR RELIEF

43. That Plaintiff prays that a judgment be rendered against Defendants, individually and jointly, on all of the cause of actions herein, and an award be made as to each consistent with the law and fairness, granting unto Plaintiff the following:

- a) Actual/Compensatory damages;
- b) Consequential damages;
- c) Punitive damages;
- d) Incidental damages;
- e) Funeral expenses;
- f) Statutory/legal rate of interest on Offer of Judgment;
- g) Reimbursement of all litigation expenses;
- h) Attorney fees; and
- i) Such other and further relief as justified by facts and fairness.

THE LAW OFFICE OF VANNIE WILLIAMS, JR., ESQ., LLC
BY: 

Vannie Williams, Jr., SC Bar No. 11807
712 Richland Street, 2nd Floor, Suite I
Post Office Box 2027
Columbia, South Carolina 29202
Tele: (803) 799-1703 Fax (803) 799-1704
Email: williams.vannie@att.net
Attorney for the Plaintiff

September 29, 2016

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Gloria Allen, Personal Representative for the Estate of
Helen Williams

Plaintiff(s)

vs.

Marcus Williams, Estate of Calvin Warren, Estate of
Diane Warren, and Estate of Travis Robinson,
Individually and Collectively.

Defendant(s)

Submitted By: Vannie Williams, Jr., Esquire
Address: 712 Richland St., Ste. I (29201)
P.O. Box 2027, Columbia, SC 29202

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2016-CP - 02- 02194

SC Bar #: 11807
Telephone #: (803) 799-1703
Fax #: (803) 799-1704
Other: Cell (803) 319-0151
E-mail: williams.vannie@att.net

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ General (130) ☐ Breach of Contract (140) ☐ Fraud/Bad Faith (150) ☐ Failure to Deliver/ Warranty (160) ☐ Employment Discrim (170) ☐ Employment (180) ☐ Other (199) _____	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20 ____ -NI- ____ ☐ Notice/ File Med Mal (230) ☐ Other (299) _____	Torts - Personal Injury ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☒ Wrongful Death (360) ☐ Assault/Battery (370) ☐ Slander/Libel (380) ☐ Other (399) _____	Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499) _____
Inmate Petitions ☐ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599) _____	Administrative Law/Relief ☐ Reinstate Drv. License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899) _____	Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Confession of Judgment (770) ☐ Petition for Workers Compensation Settlement Approval (780) ☐ Other (799) _____	Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SCDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Comm. (990) ☐ Employment Security Comm (991) ☐ Other (999) _____
Special/Complex /Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☐ Other (699) _____ ☐ Sexual Predator (510) ☐ Permanent Restraining Order (680)	☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☐ Pre-Suit Discovery (670)		

Submitting Party Signature:

SCCA / 234 (03/2016)

029

FILED

Date

Page 1 of 2

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)
Gloria Allen, Personal Representative for)
The Estate of Helen Williams,)
Plaintiff,)
Vs.)
Marcus Williams, Estate of Calvin Warren,)
Estate of Diane Warren, and Estate of Travis)
Robinson, Individually and Collectively,)
Defendants.)

COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

Docket No.: 2016-CP-02-02194

ORDER

[Consent Order Restoring Case To Trial Docket]

Wrongful Death Action

THAT THIS MATTER CAME BEFORE THE COURT upon the Motion of Plaintiff to restore this matter to the docket pursuant to South Carolina Rules of Civil Procedure Rule 40 (J).

IT APPEARING that the Motion was timely filed, and the Parties hereto are consenting to the restoration of this matter, the Court finds that it is appropriate and proper for this matter to be restored to the trial docket.

WHEREFORE, the Clerk is directed to assign a new docket number to this matter and restore this matter to the trial docket.

AND IT IS SO ORDERED.

Presiding Administrative Judge

Dated this ____ day of _____, 2018

I SO MOVE AND CONSENT:

S/ Vannie Williams, Jr.
Vannie Williams, Jr., Esq., Attorney for Plaintiff

I CONSENT:

S/Damon C. Włodarczyk
Damon C. Włodarczyk, Esq., Attorney for Defendants: Estate of Calvin Warren; Estate of Diane Warren; and Estate of Travis Robinson
Signed by Parties August 10, 2018



Aiken Common Pleas

Case Caption: Gloria Pr Allen , plaintiff, et al VS Marcus Ind/PR Williams ,
defendant, et al
Case Number: 2016CP0202194
Type: Order/Restore Case To Active Docket

Circuit Judge (Code #2050)

s/ William P. Keesley

Electronically signed on 2018-08-13 11:40:01 page 2 of 2

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
 Gloria Allen, Personal Representative for)
 The Estate of Helen Williams,)
)
 Plaintiff,)
)
 Vs.)
)
 Marcus Williams, Estate of Calvin Warren,)
 Estate of Diane Warren, and Estate of Travis)
 Robinson, Individually and Collectively,)
)
 Defendants.)

COURT OF COMMON PLEAS
 SECOND JUDICIAL CIRCUIT

Docket No.: 2016-CP-02-02195

ORDER

[Consent Order Restoring Case To Trial Docket]

Survival Action

THAT THIS MATTER CAME BEFORE THE COURT upon the Motion of Plaintiff to restore this matter to the docket pursuant to South Carolina Rules of Civil Procedure Rule 40 (J).

IT APPEARING that the Motion was timely filed, and the Parties hereto are consenting to the restoration of this matter, the Court finds that it is appropriate and proper for this matter to be restored to the trial docket.

WHEREFORE, the Clerk is directed to assign a new docket number to this matter and restore this matter to the trial docket.

AND IT IS SO ORDERED.

 Presiding Administrative Judge

Dated this ____ day of _____, 2018

I SO MOVE AND CONSENT:

S/ Vannie Williams, Jr.
 Vannie Williams, Jr., Esq., Attorney for Plaintiff

I CONSENT:

S/Damon C. Włodarczyk
 Damon C. Włodarczyk, Esq., Attorney for Defendants: Estate of Calvin Warren; Estate of Diane Warren; and Estate of Travis Robinson
 Signed by Parties August 10, 2018



Aiken Common Pleas

Case Caption: Gloria Pr Allen , plaintiff, et al VS Marcus Pr Williams , defendant, et al
Case Number: 2016CP0202195
Type: Order/Restore Case To Active Docket

Circuit Judge (Code #2050)

s/ William P. Keesley

Electronically signed on 2018-08-13 11:40:05 page 2 of 2

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Gloria Allen, Personal Representative of the
Estate of Helen Williams,

Plaintiff,

v.

Marcus Williams *et al.*,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO.: 2018-CP-02-01903

**ANSWER
(JURY TRIAL DEMANDED)**

Defendants Estates of Warren and Robinson (hereinafter "Defendants"), by and through their undersigned counsel and by way of Answer to Plaintiffs' Complaint, herein allege as follows:

FOR A FIRST DEFENSE

1. That Plaintiff has failed to allege facts sufficient to constitute a cause of action against these Defendants and, therefore, the Complaint should be dismissed.

FOR A SECOND DEFENSE

1. That each and every allegation not hereinafter specifically admitted is denied.

2. Paragraphs 1 through 6 are admitted upon information and belief.

3. Paragraph 7 is admitted as to Plaintiff and Defendant Williams. The remaining allegations are denied.

4. Paragraph 8 is admitted to the extent it alleges this court has subject matter jurisdiction. To the extent it seeks to establish liability against Defendants, the allegations are denied.

5. In response to paragraphs 9 and 10, Defendants do not challenge the venue of Aiken County. The remaining allegations are denied.

6. Paragraph 11 is answered as set forth above.
7. Paragraph 12 and 13 are admitted.
8. Defendants lack sufficient knowledge or information to admit or deny the allegations in paragraphs 14 through 18 and, therefore, the allegations are denied and strict proof is demanded thereof.
9. Only so much of paragraph 19 is admitted that can be construed to allege decedent died in the fire. The remaining allegations are denied.
10. Paragraph 20 and 21 are denied.
11. Defendants lack sufficient knowledge or information to admit or deny the allegations in paragraphs 22 through 24 and, therefore, the allegations are denied and strict proof is demanded thereof.
12. Paragraph 25 is denied.
13. Paragraph 26 is answered as set forth above.
14. Paragraph 27 is denied.
15. Paragraph 28 is answered as set forth above.
16. Paragraphs 29 and 30 are denied.
17. Paragraphs 31 through 33 are directed at another party and no response is required. To the extent the allegations seek to establish liability. The allegations are denied.
18. Paragraphs 34 through 43 are denied.

FOR A THIRD DEFENSE

1. Plaintiff's claims for punitive damages violate the United States and South Carolina Constitutions.

FOR A FOURTH DEFENSE

1. That Plaintiff's damages were the sole and proximate cause of a party other than these Defendants.

FOR A FIFTH DEFENSE

1. That Defendants plead the open and obvious nature of the condition as a complete bar to the cause of action.

FOR A SIXTH DEFENSE

1. That Defendants plead Act of God as a complete bar to the cause of action

FOR A SEVENTH DEFENSE

1. That Defendant pleads the sole and/or intervening negligence of another party or non-party as a complete bar to the cause of action.

FOR AN EIGHTH DEFENSE

1. That Defendants plead assumption of risk as a complete defense.

FOR A NINTH DEFENSE

1. That Defendants plead lack of proper service on these defendants and lack of *in personum* jurisdiction as the Plaintiff was the duly appointed personal representative of the estates when the action was filed and she cannot accept service of a lawsuit in which she is both the Plaintiff and Defendant in an action.

FOR A TENTH DEFENSE

1. That the statute of limitations expired as an action was not timely commenced.

WHEREFORE, having fully responded to Plaintiff's Complaint, Defendants requests that the same be dismissed with fees and costs awarded to Defendant, and for such other and further relief as this Court may deem just and proper.

RILEY POPE & LANEY, LLC

s/Damon C. Wlodarczyk
Damon C. Wlodarczyk, SC Bar No. 70460
Post Office Box 11412
Columbia, South Carolina 29211
Telephone (803) 799-9993
Facsimile (803) 239-1414
Attorneys for Defendants Estate of Warren
and Robinson

Columbia, South Carolina
August 14, 2019

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Gloria Allen, Personal Representative of the
Estate of Helen Williams,

Plaintiff,

v.

Marcus Williams *et al.*,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO.: 2018-CP-02-01904

**ANSWER
(JURY TRIAL DEMANDED)**

Defendants Estates of Warren and Robinson (hereinafter "Defendants"), by and through their undersigned counsel and by way of Answer to Plaintiffs' Complaint, herein allege as follows:

FOR A FIRST DEFENSE

1. That Plaintiff has failed to allege facts sufficient to constitute a cause of action against these Defendants and, therefore, the Complaint should be dismissed.

FOR A SECOND DEFENSE

1. That each and every allegation not hereinafter specifically admitted is denied.

2. Paragraphs 1 through 6 are admitted upon information and belief.

3. Paragraph 7 is admitted as to Plaintiff and Defendant Williams. The remaining allegations are denied.

4. Paragraph 8 is admitted to the extent it alleges this court has subject matter jurisdiction. To the extent it seeks to establish liability against Defendants, the allegations are denied.

5. In response to paragraphs 9 and 10, Defendants do not challenge the venue of Aiken County. The remaining allegations are denied.

6. Paragraph 11 is answered as set forth above.
7. Paragraph 12 and 13 are admitted.
8. Defendants lack sufficient knowledge or information to admit or deny the allegations in paragraphs 14 through 18 and, therefore, the allegations are denied and strict proof is demanded thereof.
9. Only so much of paragraph 19 is admitted that can be construed to allege decedent died in the fire. The remaining allegations are denied.
10. Paragraph 20 and 21 are denied.
11. Defendants lack sufficient knowledge or information to admit or deny the allegations in paragraphs 22 through 24 and, therefore, the allegations are denied and strict proof is demanded thereof.
12. Paragraph 25 is denied.
13. Paragraph 26 is answered as set forth above.
14. Paragraph 27 is denied.
15. Paragraph 28 is answered as set forth above.
16. Paragraphs 29 and 30 are denied.
17. Paragraphs 31 through 33 are directed at another party and no response is required. To the extent the allegations seek to establish liability. The allegations are denied.
18. Paragraphs 34 through 43 are denied.

FOR A THIRD DEFENSE

1. Plaintiff's claims for punitive damages violate the United States and South Carolina Constitutions.

FOR A FOURTH DEFENSE

1. That Plaintiff's damages were the sole and proximate cause of a party other than these Defendants.

FOR A FIFTH DEFENSE

1. That Defendants plead the open and obvious nature of the condition as a complete bar to the cause of action.

FOR A SIXTH DEFENSE

1. That Defendants plead Act of God as a complete bar to the cause of action

FOR A SEVENTH DEFENSE

1. That Defendant pleads the sole and/or intervening negligence of another party or non-party as a complete bar to the cause of action.

FOR AN EIGHTH DEFENSE

1. That Defendants plead assumption of risk as a complete defense.

FOR A NINTH DEFENSE

1. That Defendants plead lack of proper service on these defendants and lack of *in personum* jurisdiction as the Plaintiff was the duly appointed personal representative of the estates when the action was filed and she cannot accept service of a lawsuit in which she is both the Plaintiff and Defendant in an action.

FOR A TENTH DEFENSE

1. That the statute of limitations expired as an action was not timely commenced.

WHEREFORE, having fully responded to Plaintiff's Complaint, Defendants requests that the same be dismissed with fees and costs awarded to Defendant, and for such other and further relief as this Court may deem just and proper.

RILEY POPE & LANEY, LLC

s/Damon C. Wlodarczyk
Damon C. Wlodarczyk, SC Bar No. 70460
Post Office Box 11412
Columbia, South Carolina 29211
Telephone (803) 799-9993
Facsimile (803) 239-1414
Attorneys for Defendants Estate of Warren
and Robinson

Columbia, South Carolina
August 14, 2019

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Gloria Allen, Personal Representative for
The Estate of Helen Williams,

Plaintiff,

v.

Marcus Williams, Personal Representative
for the Estate of Calvin Warren, Personal
Representative for the Estate of Diane
Warren, and Personal Representative for
the Estate of Travis Robinson,
Individually and Collectively,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO.: 2018-CP-02-01903

ORDER CONSOLIDATING CASES

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Gloria Allen, Personal Representative for
The Estate of Helen Williams,

Plaintiff,

v.

Marcus Williams, Personal Representative
for the Estate of Calvin Warren, Personal
Representative for the Estate of Diane
Warren, and Personal Representative for
the Estate of Travis Robinson, Individually
and Collectively,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO.: 2018-CP-02-01904

The above-captioned actions are tort actions relating to a house fire in which the Plaintiff is a decedent. One case is an action for wrongful death and the companion action sets forth a survival claim.

Defendants filed a Motion to Consolidate on August 14, 2019, on the grounds that both actions arise from allegations of negligence relating to the house fire in which the Plaintiff is a decedent, both cases involve common questions of fact and law; and both cases are currently pending before this Court.

A hearing was scheduled for this motion at which time Plaintiff's counsel consented to the relief sought.

NOW THEREFORE, with the consent of the parties hereto, the Court finds that the above referenced matters shall be consolidated for trial pursuant to Rule 42(a) of the South Carolina Rules of Civil Procedure. Both cases shall proceed under Civil Action Number 2018-CP-02-01903.

AND IT IS SO ORDERED.

SIGNATURE APPEARS ON NEXT PAGE



Aiken Common Pleas

Case Caption: Gloria Pr Allen , plaintiff, et al VS Marcus Ind/PR Williams ,
defendant, et al

Case Number: 2018CP0201903

Type: Order/Consolidate

So Ordered

s/Frank R. Addy, Jr., 2159

Electronically signed on 2019-11-01 14:55:35 page 3 of 3

STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
COUNTY OF AIKEN	)	2018-CP-02-01903
	)	
	)	
	)	
	)	
GLORIA ALLEN, ET AL,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
ESTATE OF CALVIN WARREN,	)	
ET AL,	)	
DEFENDANTS.	)	
_____	)	

January 6-9, 2025
Aiken, South Carolina

B E F O R E:

THE HONORABLE MARTHA M. RIVERS, JUDGE.

A P P E A R A N C E S:

JOHN W. HARTE, ESQ.
Attorney for the Plaintiff

DAMON WLODARCZYK, ESQ.
Attorney for the Defendant

PENNY M. JOHNSON
Court Reporter III

1 or stay a little bit later. Some of that will just
2 determine how the witnesses are laying out, how long a
3 witness is or how short they are. So we try to say we will
4 end between four and six o'clock everyday, but I can't give
5 a hard guarantee on exactly when we will end. I think all
6 of you understood that when you came into service and I hope
7 that won't present a problem for anyone.

8 We will take a longer than normal lunch break today
9 because of the event happening in the courtroom. And I hope
10 -- I don't know, we've talked about the witnesses. We'll
11 see where the witnesses go today and how long after five
12 o'clock, if at all, we need to stay.

13 Counsel, anything we need to take up before the jury is
14 sworn in?

15 MR. HARTE: Nothing from the Plaintiff, Your Honor.

16 MR. WLODARCZYK: Nothing from the Defendant.

17 THE COURT: Thank you.

18 Madam Clerk.

19 (WHEREUPON, the jury was sworn.)

20 THE COURT: Mr. Harte.

21 MR. HARTE: Thank you, Your Honor.

22 OPENING STATEMENT BY THE PLAINTIFF

23 MR. HARTE: Good morning, ladies and gentlemen. As the
24 Judge said, you'll probably hear it a lot of times, but we
25 do appreciate your service. There's probably very few

1 things in life that are more important than what you have
2 accepted the responsibility of doing and I appreciate very
3 much the fact that you are here and doing it.

4 This is a case that involves the death of a very fine
5 lady. You will hear testimony about her background, about
6 how she came up working hard, about how she and her husband
7 planned and delivered to their children a full life and a
8 full education.

9 Both of those parents, Helen Williams and her husband,
10 both worked very, very hard. The father worked two jobs.
11 He had a job first at Savannah River Site, then at
12 Graniteville. And he was having shifts so that he could
13 come home and work a farm. Raised cotton initially, and the
14 children were asked to pick cotton. They learned their work
15 ethic from their mother and father.

16 Now, imagine this, if you will, the father didn't have
17 the money to buy a cotton picker. Now, in today's world, we
18 don't remember much about picking cotton, although I do have
19 the good fortune to have been alive when people did, in
20 fact, pick cotton by hand. And I can tell you that it's a
21 very laborious process. The boles would cut your hands.
22 It's very difficult. But the children learned from that
23 what the value of work was. And you'll hear at some point
24 in time, he switched over to soybeans and everybody was real
25 happy because it's a little different situation.

1 As she grew older, she suffered a major stroke. The
2 stroke left her unable to speak. She could not walk. She
3 could not talk and she could only use her arms in a limited
4 way. Her two daughters, Diane and Gloria, entered into an
5 agreement as to how they would take care of her. And they
6 were able to do that because Helen lived in her own house in
7 North Augusta and there was another relative who, actually,
8 lived there with her. And then Gloria would go over to that
9 house during the week and take care of Ms. Williams in that
10 house and then on the weekends, she would be taken care of
11 by Diane Warren, who is one of the people who is named in
12 this case as a Defendant. Sometimes, she would stay at the
13 house of one or other of the daughters.

14 On the occasion when this fired occurred, Ms. Williams
15 was staying with Diane at her house. That house was
16 occupied by Diane Warren, Calvin Warren and Travis Robinson.
17 Travis Robinson was Diane's son and the stepson of Calvin.
18 He was about 39 years of age.

19 They had a room on the first floor, sort of a guest
20 room, suite where Ms. Williams would stay at night. You'll
21 hear testimony about what she could do, not just what she
22 couldn't do. And what she could do is enjoy her life as it
23 was. She had children. She had grandchildren. She had
24 great-grandchildren. These are things that she thoroughly
25 enjoyed. You could see a smile. You could see her know

1 that she was happy to be a part of this family that she and
2 her husband had worked so hard to create.

3 When you reach certain ages in life, the years you have
4 left become very precious and you don't want them taken away
5 from you through carelessness or negligence or foolishness
6 or lack of care. You're going to hear some evidence -- not
7 some evidence, but you're going to receive some instructions
8 about what relationship legally Ms. Williams had to the
9 people who were in control of the house.

10 And one of the things you're going to hear is that they
11 had a responsibility to provide for her care, at least,
12 consistent with what they would do for themselves. Also,
13 you're going to be asked to consider what her actual
14 condition was and the fact that, of course, everyone in the
15 house knew what her condition was and knew what her
16 limitations were. And everyone in the house had to know how
17 dangerous a fire would be for her.

18 You will hear evidence that on the night when this
19 fire started, Travis left the house. He went to help his
20 girlfriend, who was on the Interstate with a broken down
21 car. After he assisted her and spent some time at her
22 house, he then went to another house where he visited with
23 the people there and their children, or one of their
24 children.

25 At some point in time, he left there. And in that

1 intervening period from the time he left the house where Ms.
2 Williams was staying -- and oh, incidentally, Ms. Williams
3 was staying at that house that weekend. She had just been
4 dropped off by Gloria Allen. Gloria Allen's last time to
5 see her mother was when Travis helped get her out of the car
6 to get her inside the house. That's important because it
7 demonstrates that Travis knew he had a responsibility for
8 Ms. Williams.

9 Travis is gone to visit his -- take care of his
10 girlfriend, visit his friend. And somewhere in that
11 intervening period before he returned home, he consumed
12 alcohol. You will hear his voice on the interviews, which
13 he gave on that same evening. Now, I will ask you to listen
14 to how he sounds. I will ask you to use your own good
15 common sense, which the Judge will tell you you are free to
16 use, to see what you think his condition is, whether or not
17 he had become so intoxicated that he really wasn't in a
18 position to do much of anything in a rational way.

19 You have to ask yourself this question. If I know that
20 I have a profoundly disabled person who I have said I will
21 help with her care, is it negligence to become so
22 intoxicated that you can't even give a 911 call? That's a
23 fair question for you to ask.

24 Because when Calvin [sic] returns to the house, he's
25 driving his parents' Jaguar. He has a Ford Explorer, but he

1 drove the Jaguar that evening. When he pulls it into the
2 carport, which, incidentally, is filled with papers and rags
3 and every other kind of flammable thing you can think of.

4 Incidentally, you'll hear testimony about a canine who
5 alerted on material that proved to be an accelerant. What
6 accelerant means is it's like racing fuel. It's something
7 that is highly flammable. Not just like gasoline, but way
8 above that. So that was in that garage. Incidentally, it
9 was, also, in the trunk of -- in the back of Calvin's [sic]
10 Ford Explorer.

11 So Calvin [sic], in that garage, where he was known to
12 smoke, he gets out of the car and he then sees a glow. And
13 the glow is a small fire. He goes to the Ford Explorer --
14 which it's a three parking garage that's attached to the
15 house. It was built after the house was built, but it's
16 there. And it's open on the front.

17 But he gets in the Ford Explorer and he says he's going
18 to get the keys to the house, but instead of going and
19 getting the keys and opening the door and screaming and
20 waking everybody up, let's get out, let's get out, let's get
21 out, he gets in the Ford Explorer and he saves the Ford
22 Explorer. He backs the Ford Explorer out.

23 Now, this is the part that's very important. There is
24 a very long delay between when he saw that fire and when he,
25 actually, made the 911 call. That's the golden window. You

1 hear about heart attacks. You know, if you have a heart
2 attack, you have a golden window to get help. Well, the
3 same is true with fire. When a fire starts, you have a
4 golden window, an opportunity to save people. He didn't
5 take that opportunity.

6 He finally makes the call. You'll hear testimony about
7 -- actually, you're going to hear the 911 call and you'll
8 see how confused he was, how he had trouble communicating
9 where he was. He started to send them off in the totally
10 wrong direction. The house was on Edgefield Road and he
11 sends them to Edgefield Avenue -- or Edgefield Street in
12 Aiken. So where the firemen were about to start was the
13 totally wrong direction.

14 Then they get to the house and you'll hear testimony
15 about how he misled them as to who was in the house, who
16 wasn't in the house. Again, we have a delay. All of this
17 time, things are happening. All of that testimony will come
18 in and I want you -- of course, you will pay attention to
19 it. I know you will.

20 The issue that you're going to have to determine is
21 going to revolve around a couple of things. First of all,
22 you're going to be asked to determine what was the
23 relationship between Ms. Williams and Travis and Diane and
24 Calvin. Then you're going to be asked to determine whether
25 or not those three people acted in accordance with that

1 relationship.

2 Now, one of the things you're going to hear is that a
3 social guest is something the law calls a licensee. You
4 don't have the same duty to a licensee as you would if this
5 person had come to do business with you. There's a
6 difference in the level of responsibility. But you have to
7 do, at least, as much as you would do for yourself. You
8 have to provide the same level of safety.

9 In addition to that, there's an added factor, two added
10 factors that make it important for you to take into
11 consideration, that I suggest you should take into
12 consideration.

13 First is her condition. A heightened degree of
14 responsibility when you have someone in your house whom you
15 have said I will take care of her. The second is whether or
16 not because of her age, because of her disabilities, because
17 of the nature of what was going on, did these people have a
18 special relationship with her? In other words, was there an
19 overriding responsibility for Ms. Williams that made their
20 responsibility greater than it would have been if she had
21 just been somebody they had invited over to stay for the
22 night?

23 Now, we're going to have some photographs. And I'll
24 tell you upfront they're photographs of fire. We have made
25 -- Mr. Wlodarczyk has been kind enough in terms of working

1 with me, candidly, he's on the other side of the case, but I
2 will tell you, frankly, he's been very professional and
3 we've been able to work together. We have selected
4 photographs that will not show any of the deceased bodies.
5 You might be able to see a little bit, but you're not going
6 to see anything that's going to be horrendous. We're not
7 going to show you that. You know what that sort of thing
8 looks like, you don't need to be forced to look at that.
9 You'll see that and you'll see how the house burned.

10 I'm going to ask you to pay particular attention to the
11 condition in the room where Ms. Williams was found. Now,
12 they found Calvin -- oh, by the way, this was happening in
13 the very early morning hours. I'm not going to try to tell
14 you -- Calvin returned -- not Calvin, Travis returned to the
15 house sometime between nine o'clock and one o'clock. The
16 call to the 911 wasn't made until 2:10 in the morning,
17 meaning that from the timeline, I believe it will show, I
18 believe you will find that he waited well over 30, maybe as
19 much as an hour to place that 911 call.

20 All that time, fire is coming to Helen. And Helen
21 Williams was lying in bed unable to save herself, unable to
22 even scream for help. She could hear. And what would she
23 hear? I want you think about that as you look at the fire
24 pictures and how this fire progressed. And you're going to
25 find that she didn't die from being burned to death, she

1 died because she was subjected to extraordinary heat and to
2 carbon monoxide poisoning.

3 Her pain and suffering are an element of damage. And
4 we will ask you to award damages based on what you think
5 that pain and suffering justifies. We'll talk more about
6 that when I do the closing.

7 In addition to that, you have the family members. Now,
8 this is not a case where anybody is going to say that they
9 were expecting to receive money from Ms. Williams during her
10 lifetime. It's not like she was providing income to them.
11 So this is not going to be a case where you're going to be
12 asked to calculate how much would she have paid to the
13 children and grandchildren. But you are -- one of the
14 questions you were asked was could you award damages if
15 there were no monetary loss and all of you are here because
16 you said you could.

17 But the bottom line is that these damages, pain and
18 suffering of Helen Williams, her loss of what lay ahead of
19 her -- now, she was 89 years of age, so she wasn't going to
20 live another hundred years. She wasn't going to live
21 another 50 years. But she would have lived by law in South
22 Carolina -- there's a table that you use to calculate how
23 long people live. She, at 89 -- incidentally, she was in
24 good health. She had a pacemaker. I've got one of those.
25 Second one I've had, works pretty good. She was not

1 diabetic. She was able to eat soft foods. She was as
2 healthy as an 89-year-old could be except for the stroke.
3 So she lost those years. In the intervening -- we'll talk
4 about that later. In addition to that, her family lost her
5 companionship.

6 And just so I can give you the whole picture and we
7 know where everybody was, Helen died in the downstairs
8 bedroom where she had been set up to stay. Calvin, in the
9 early morning hours, had come downstairs and he was found
10 dead in the dining room. Diane was on the upstairs,
11 apparently, moved from where she was sleeping and she died
12 up there. So that's where everybody was.

13 These are cases that are very, very important because
14 they're important not only to the family in this case, not
15 only important to Helen Williams, who worked so hard to be
16 able to spend the last years of her life with her children,
17 it's important for her, but it's, also, important because
18 this is just not the way to do things.

19 Thank you.

20 THE COURT: Thank you, sir.

21 Mr. Wlodarczyk.

22 MR. WLODARCZYK: May it please the Court?

23 THE COURT: Yes, sir.

24 OPENING STATEMENT BY THE DEFENSE

25 MR. WLODARCZYK: Ladies and gentlemen, it gives me no

1 pleasure to be here today. This is a very sad and
2 unfortunate event for the family members that occurred back
3 in 2013.

4 Now, you heard some things said from Mr. Harte that's
5 supposed to be a layout of what the facts will show. And I
6 say there's some discrepancies which we disagree with, but
7 one thing I will tell you, nobody actually knows in terms of
8 people in this courtroom what happened.

9 What we do have is the investigation that took place
10 after the fire. We have the Eureka Fire Department. We
11 have the Aiken Fire Department. We have Aiken County
12 Sheriff's Department. We have South Carolina Law
13 Enforcement Division, SLED, their forensics and arson unit.
14 We have the AFT, who was conducting operations nearby
15 participate. There was interviews done with Travis. There
16 was interviews done with his girlfriend, with the people
17 whose house he was at. We have an oral recording, which
18 you'll hear. We have the 911 tapes. And all of that
19 information is what I have and what the Plaintiffs have.
20 And that's what we know about this case.

21 Travis Robinson had issues. Ms. Allen knew that he had
22 some issues from conversations with her sister. He was
23 former military. He was 101st Airborne. He wasn't working.
24 He had an apartment in North Augusta, but moved out and
25 moved in with his parents, who were renting the house that

1 the brother of Ms. Warren and Ms. Allen used to live in. He
2 passed away and I believe when he passed away, Ms. Allen was
3 serving as representative of the estate. And the brother
4 left the property to his children.

5 And Marcus Williams, who was the nephew of Ms. Allen
6 and Ms. Warren, the son of the brother, kind of served as
7 the overseer of the property. Initially, they were going to
8 sell it, but then Diane and Calvin wanted to rent it. It
9 was family. So they moved in about 2010. And this fire
10 happened about 2013.

11 At some point after that, Travis moved in with them.
12 He had no job. He got his income from odd jobs, lawn jobs.
13 He had a drinking problem. He was an insulin-dependent
14 diabetic. And that didn't mix.

15 Ms. Allen will tell you -- and I say this because I had
16 the opportunity to depose her or speak with her under oath
17 before this as with other witnesses. So we know,
18 essentially, everything that's going to come out in this
19 case. There should be no surprises whatsoever between the
20 parties. But one to two months prior to this, he was
21 hospitalized and he was hospitalized several times after
22 this. And at age 40, while staying at inpatient care at the
23 VA down in Augusta, he passed away.

24 So what you have here is in 2013, Travis lost his mom,
25 lost his stepdad, lost his grandmama and then three years

1 later passed away himself.

2 And Ms. Allen stepped up, as she always did, and she
3 served as the personal representative of the estate of her
4 mom. And what that means is you have to probate all your
5 property, assets. As you heard, she had a house in North
6 Augusta. And someone has to take responsibility of that and
7 she does that. And she, also, served as the personal
8 representative of the estate of her sister, Diane, and her
9 brother-in-law, Calvin, because you had to probate those
10 estates.

11 And just about three years before -- or three years
12 after the fire, little bit before, in October, Ms. Allen, as
13 personal representative of her mom's estate, with the
14 assistance of her first attorney in this case filed two
15 lawsuits against her nephew, Marcus, who is the manager and
16 landlord of the house, her dead sister, her dead
17 brother-in-law and her deceased nephew. That's when I get
18 involved.

19 In this case, nothing has really changed since I first
20 became involved in 2016. Now, you're probably saying why is
21 the table empty? Why am I here? There's people behind the
22 scenes. Mr. Robinson, who is Travis's dad, he's the
23 personal representative of the Estate of Travis Robinson.
24 He received the lawsuit, but he knows nothing about the
25 case. In fact, nobody knows anything about the case except

1 what you're going to be presented from law enforcement
2 investigations.

3 Ms. Allen, again, was representing her sister and
4 brother-in-law. She accepted service on behalf of the
5 estates. So if the caption was true, it would have read
6 Gloria Allen, as personal representative of the Estate of
7 Helen Williams vs. Gloria Allen, as personal representative
8 of the Estate of Diane Warren and Calvin Warren. But you
9 can't do that, right, you can't sue yourself. So there is
10 an attorney who has been appointed. It's called a special
11 administrator. And he is representing the estates for the
12 purpose of this lawsuit.

13 We don't know specifically the timeline of what
14 happened. You will hear the oral interview conducted by law
15 enforcement of Travis Robinson. He's going to say, I had
16 two beers. You're going to hear the investigators say,
17 There's no way you had two beers. It's six o'clock in the
18 morning or seven o'clock in the morning after the fire, I
19 smell the alcohol on you now.

20 You're going to hear that Ms. Allen brought Helen
21 Williams, her mother, to this house first thing in the
22 morning. She was going to go to work. She took her out,
23 put her in the house. Ms. Allen went to work.

24 Sometime in the afternoon, Travis gets a call from his
25 girlfriend, she's broke down. He leaves. He takes mom's

1 Jaguar, Diane Warren's Jaguar. And he goes off and he's
2 gone. And you'll hear from the interviews where he went.
3 But the one thing we do know from witness investigation
4 through law enforcement is that he was drinking vodka and
5 soda, some drink that he drank with vodka as late as 12:00,
6 12:30 in the morning and, again, 911 was called at 2:10.

7 Now, Calvin -- I'm sorry, not Calvin, Travis told law
8 enforcement initially he got back to the house at 9:00 p.m.
9 from his girlfriend's. That ain't true because there's
10 witnesses saying he was drinking at their house till 12:30,
11 12:00 or 12:30. Then you're going to hear statements that
12 he was there till 1:00. And then he reported to someone
13 else that he was there at 2:00.

14 The simple fact is we don't know what happened from the
15 time he left his friend's house at 12:00 or 12:30 until he
16 placed the first 911 call at 2:10. And there were two other
17 calls at approximately the same time from a lady who lived
18 across the street, the dog woke up her, and you'll hear
19 these calls, as well as a lady who was on her way to work
20 who said yeah, I see the house on fire.

21 Calvin [sic] told investigators and told others that
22 when he got home because he wasn't driving his car, he
23 didn't have keys to get in the back door. So he got out, he
24 goes over to his truck and then he notices this glow. And
25 there's a question -- there's no question. Nobody knows

1 what caused the fire and nobody knows specifically where it
2 originated. But there is going to be information presented
3 to you from fire investigators that it originated around the
4 Jaguar, okay, not around any accelerates. There's no arson
5 charges, no criminal charges. The fire was ruled as
6 accidental. As best as those investigators could tell, it
7 originated somewhere around or in the Jaguar.

8 So he sees the fire -- or he sees the glow. He does,
9 he pulls his SUV out and backs it straight back on the
10 property. You'll see photos, I presume, of it. And he gets
11 out and he says, By the time I got out, the back, I couldn't
12 get to it. He called 911 and it is not something you really
13 want to listen to. He is -- doesn't make sense. He is
14 seeing the house on fire. He is panicking. He is excited.
15 I'd say he's probably intoxicated as well. I mean, if you
16 just gave me that information -- I listened to the tape. He
17 mentions the one road, I think Augusta Road versus Augusta
18 Highway.

19 But the short and skinny of all this is, you know, we
20 have documents from 911. The first call to 911 is made at
21 2:10. The first fire truck on scene is seven minutes later.
22 The coroner's report -- Helen Williams had to undergo a
23 coroner's report because this was a criminal investigation.
24 You have a fire suspicious. You'll see the documents that
25 say suspicious fire. You have three fatalities. You have

1 one guy who was the only witness who was intoxicated when he
2 arrived. And they did a thorough investigation.

3 The coroner's report indicates that Ms. Williams died
4 at 2:10. Now, I'm not going to represent to you -- I am not
5 a medical person. There's a reason why I went to law school
6 and not medical school. I can barely pronounce the terms
7 and I'll probably muddle some in the coroner's report to
8 you. But the coroner, as part of the autopsy, determined
9 she died at 2:10, which was the time that the first call was
10 made.

11 It's been said that Ms. Williams was in good health for
12 an 89-year-old. The coroner's report shows that one, she
13 couldn't take care of herself. My understanding is she
14 couldn't speak or was not verbal due to the stroke, that she
15 had 90 percent occlusion of both arteries, that she was on
16 medications and her blood tested positive for two opioids,
17 Ambien and an anti-depressant.

18 The reason I say that is because opioids and Ambien
19 have sedative effects. Ambien is an assistant for sleeping.
20 You will not hear any testimony from the coroner or a
21 medical person saying that Ms. Williams ever woke up from
22 her sleep. She died of carbon monoxide poisoning. Thermal
23 burns was, also, noted, but as you will see in the photos,
24 there was no direct fire [indiscernible]. And that's
25 something that you're going to have to take into effect.

1 Because if a person is not conscious, you can't award
2 damages or money for conscious pain and suffering because
3 that is the specific language, conscious pain and suffering.

4 So for example, if you were in a very bad car accident
5 and you died instantaneously in that car accident, you can
6 still sue for the loss and grief that you have of the
7 person, which is wrongful death, but the survival would be
8 the conscious pain and suffering.

9 Now, if you're in that bad car accident and you're
10 thrown from the vehicle and you lie there for several hours
11 and then they take you to the hospital by air ambulance and
12 you spent four days in the hospital before you die, and I
13 say this because I had a case like that, you have conscious
14 pain and suffering from the time the accident happened until
15 the time you passed away.

16 The Plaintiff has the burden in this case. This is
17 their case. They have to establish to you by a
18 preponderance of the evidence -- just think of the scales of
19 justice. All you've got to do is tip it slightly in favor
20 one way or the other -- to say that she, in fact, regained
21 consciousness. If she didn't, if she was asleep, then
22 there's no conscious pain and suffering and you're only
23 focused on whether or not these folks did anything wrong.

24 And I say that -- when I said that it gives me no
25 pleasure to be here is because I am the only voice for three

1 people who are dead. And I say that because the family --
2 or Ms. Allen, are specifically saying here today to you 12
3 folks, plus the two alternates if you get to be seated, that
4 Diane Warren, Calvin Warren and Travis Robinson were the
5 direct cause of Helen Williams's death. That is why we are
6 here today. As much as it was an accident, that is what
7 they're saying, these three people are the reason why she is
8 dead. And they have no way to defend themselves, except
9 through me.

10 I will submit to you that at the end of this case when
11 you hear all the evidence, you will have the ability to say
12 this was an accident, an unforeseen fire from a vehicle, a
13 bad fire. Calvin died downstairs. He wasn't asleep in his
14 bed. Diane was in Travis's room, presumably, looking for
15 her son because she didn't know, I'm guessing, whether he
16 was home or not. She died there. They didn't leave Helen
17 Williams to die in that room by herself. They died in that
18 fire and Travis, three years later died as well.

19 Thank you for your service and I look forward speaking
20 to you at the end of this case.

21 THE COURT: Thank you, sir.

22 Mr. Harte, you may call your first witness.

23 MR. HARTE: Thank you, Your Honor. I call Larry
24 Cleveland.

25 THE COURT: Place your left hand on the Bible and raise

1 your right.

2 LARRY CLEVELAND,

3 after being duly sworn, testified as follows:

4 MR. HARTE: Your Honor, may it please the Court. We
5 have two exhibits, Plaintiff's Exhibit No. 1 and Plaintiff's
6 Exhibit No. 2 and I offer them into evidence.

7 MR. WLODARCZYK: No objection, Your Honor.

8 THE COURT: Thank you, sir.

9 (WHEREUPON, Plaintiff's Exhibit Nos. 1 and 2 were
10 admitted into evidence.)

11 THE COURT: Please state your name for the record.

12 THE WITNESS: Yes, ma'am. My name is Larry, L-A-R-R-Y,
13 Cleveland, C-L-E-V-E-L-A-N-D.

14 DIRECT EXAMINATION

15 BY MR. HARTE:

16 Q Mr. Cleveland, are you a former member of the Aiken
17 County Sheriff's Department?

18 A Yes, sir.

19 Q In 2013, October of 2013, what would your position have
20 been with the sheriff's department at that time?

21 A I was an investigator in CID, criminal investigation
22 division.

23 Q Thank you. How long did you remain with the sheriff's
24 department?

25 A Until January the 2nd, 2019.

1 Q During the time in October of 2013, were you a part of
2 an investigating team that looked at the fire on Edgefield
3 Road?

4 A Yes, sir.

5 Q And let me show you what's been marked as Plaintiff's
6 Exhibit 2. By stipulation this is the file from the
7 sheriff's department. Sir, how did you find out about the
8 fire on Edgefield Road?

9 A I was on call that night and I received a call from
10 dispatch saying there was a fire at that location and there
11 was people inside.

12 Q And did you respond?

13 A Yes, sir.

14 Q And when you arrived at that scene, what did you see?

15 A I saw a big white building that had been almost totally
16 burned, gutted. The roof was gone and everything else. The
17 fire department had already put it out by the time I
18 arrived.

19 MR. HARTE: Excuse me, Your Honor. We need to access
20 this device here.

21 THE COURT: Okay.

22 Madam Clerk, I think he's asking for help.

23 Ladies and gentlemen, this is our video system here.
24 You will be able to watch. This being an older courtroom,
25 we do not have the system that comes out of the ceiling. So

1 it just takes a minute for someone to hook up their
2 computer. And I'm going to come down here so I'll get to
3 see what they're presenting to you as well.

4 BY MR. HARTE:

5 Q Mr. Cleveland, if you could come down as well, please,
6 sir.

7 A (Witness complies.)

8 THE COURT: Mr. Cleveland, it may be beneficial if you
9 speak into that microphone on the corner for the court
10 reporter.

11 THE WITNESS: Yes, ma'am.

12 BY MR. HARTE:

13 Q All right, Mr. Cleveland, I'm showing you what has been
14 marked as Plaintiff's Exhibit 1A. Do you recognize that
15 photograph?

16 A Yes, sir, that's the house that's in question that
17 burned that night.

18 Q All right, sir.

19 MR. HARTE: Next one, please?

20 Q Is that, also, the same?

21 A Yes, sir.

22 THE COURT: Is this 1-B, Mr. Harte?

23 MR. HARTE: Yes, it is. And this next one, this would
24 be 1-C, Your Honor.

25 BY MR. HARTE:

1 Q Do you know -- if we have the photograph. On the right
2 side, there's an area here under a roof. Do you know what
3 was under that roof?

4 A I think the gentleman's grandmother.

5 Q All right. And am I correct that the fire appears to
6 be primarily in the main portion of the building?

7 A Yes, sir, from that photo, but I think it started in
8 the garage area.

9 Q Thank you.

10 A There's an attached awning-like frame.

11 Q Yes, sir.

12 MR. HARTE: Next.

13 Q Now, do you recognize this as being -- can you tell me
14 what this is?

15 A It's a top view of the house with the fire department
16 there.

17 Q And is this the -- what area is over in here?

18 A That would be where the attached garage was. It's not
19 really a garage, it's open in the back, so like an attached
20 carport.

21 MR. HARTE: Next.

22 BY MR. HARTE:

23 Q All right, what are we looking at here?

24 A It looks like the back of the house where the vehicles
25 were parked under that garage.

1 Q Can you tell us by looking at this which of these two
2 vehicles would have been the Jaguar?

3 A It was the one closer to the house.

4 Q That would be this vehicle?

5 A Yes, sir.

6 Q All right. What was the nature of this vehicle? What
7 was that?

8 A I can't recall.

9 MR. HARTE: Next video, please.

10 Q And I take it that's another photograph taken from a
11 different angle?

12 A Yes, sir.

13 Q All right. This is a photograph of what it looked like
14 before the fire. Had you ever seen it before that?

15 A I have been down that road a thousand times and
16 probably saw the house, but it just didn't register as
17 anything out of the ordinary, except a nice house.

18 Q All right. I want to invite your attention to this
19 area here, which is taken after the fire. Do you see the
20 area where it was burned on the roof and on the side?

21 A I can see some, looks like, smoke damage.

22 MR. HARTE: Next one. Go to the next one.

23 Q Do you recognize that vehicle?

24 A Yes, sir, that was the truck that the gentleman backed
25 out that was his vehicle.

1 MR. HARTE: Next. Next. Next. Next. Next. Next.

2 BY MR. HARTE:

3 Q Now, what are we looking at here?

4 A I'm sorry, I had retina surgery, so I'm using one eye.

5 Q I apologize. Would you like to come a little closer?

6 A Yes, sir.

7 Q Please.

8 A That's the house.

9 Q All right. And is this --

10 A And the two vehicles.

11 Q All right. Is this the Jaguar?

12 A Yes, sir.

13 Q And this is the other vehicle?

14 A Yes, sir.

15 Q Was it a three-car?

16 A Yes, sir. His truck was parked to the right of that
17 second vehicle.

18 MR. HARTE: All right. Next, Krissy.

19 Q This is another view of the same thing from a different
20 angle?

21 A Yes, sir.

22 MR. HARTE: Go back, Krissy. Go to the next one.

23 BY MR. HARTE:

24 Q Do you know what room of the house that was?

25 A If I'm not mistaken, that's where his grandmother was.

1 Q Could that possibly be the dining room area?

2 A Possibly.

3 Q Or the den, perhaps?

4 A It's been --

5 Q That's okay. That's all right.

6 A -- so long.

7 MR. HARTE: Continue on.

8 Q Now, what are we looking at here?

9 A That looks like the back of the house.

10 Q And the attached structure would have been where this
11 part of a vehicle is shown?

12 A Yes, sir.

13 MR. HARTE: Next. Go ahead. And again.

14 Q And these photographs are just showing the fire damage
15 in the area, which was the attached structure, correct?

16 A Yes, sir.

17 Q All right. Now, this is the inside of the building,
18 correct?

19 A Yes, sir.

20 Q Do you recognize what that is depicting?

21 A That's a stairwell.

22 MR. HARTE: Go to the next one.

23 BY MR. HARTE:

24 Q Do you recognize this photograph?

25 A Yes, sir. I'll have to come around.

1 Q That's all right.

2 A I want to say that's the front door, but I can't be
3 positive.

4 Q All right, sir, but it is a door that leads to the
5 outside, correct?

6 A Yes, sir.

7 MR. HARTE: Go ahead. You can continue. Go ahead,
8 Krissy.

9 Q All right, do you recognize this particular photograph
10 here?

11 A Yes, sir, that's the interior of the house.

12 Q All right, sir. Now, Mr. Cleveland, let me ask you to
13 step over just again, if you would, please. If you look
14 closely at this and if you can tell me what that is.

15 A That looks like a foot or part of a human body.

16 Q And where was Calvin found?

17 A The father?

18 Q Yes, sir.

19 A Was found close to the front door like he was trying to
20 get out.

21 Q Thank you.

22 MR. HARTE: Next one. Keep going, Krissy. You can
23 continue.

24 BY MR. HARTE:

25 Q And these are all photographs of the fire damage in the

1 building, correct?

2 A Yes, sir.

3 MR. HARTE: Go ahead.

4 Q Now, do you recognize this photograph?

5 A Yes, sir. That looks like where his grandmother was.

6 Q And would the -- under the sheet, it looks like the
7 face has been covered, but would that have been where she
8 was found?

9 A Yes, sir.

10 Q And I'll ask you to notice, does this window open to
11 the outside?

12 A That, I cannot answer.

13 Q All right. Okay.

14 MR. HARTE: Next.

15 Q And these are continuing to show the fire damage,
16 correct?

17 A Yes, sir.

18 Q Had you at that time been trained in fire
19 investigations?

20 A I never have been trained in fire investigation, but
21 our forensics unit had two people who were trained as fire
22 investigators. And one of them was Lieutenant Clay Adams
23 and he was there that night.

24 Q All right.

25 MR. HARTE: You can continue.

1 KRISSEY: That was the last one.

2 MR. HARTE: That's the last one. Thank you.

3 I'm sorry, we're going to need to play something else.

4 THE COURT: All right. If you will take that
5 photograph down if you're not going to go straight into the
6 next exhibit just so it's not distracting.

7 BY MR. HARTE:

8 Q So now, when you were on the scene after you arrived,
9 how long did you remain there?

10 A Hours. A long time. I mean, I can't say from, you
11 know, 0300 to noon. I was just there a good while.

12 Q All right, sir. And then was there a point in time
13 when you were present when Travis Robinson was interviewed?

14 A Yes, sir.

15 Q And did you sit through the interview?

16 A Yes, sir. I think it was at 6:00 or 7:00 that morning.

17 Q And in preparation for this appearance today, I asked
18 you to listen to the interview; is that correct?

19 A Yes, sir.

20 Q And can you confirm for us whether that recording is an
21 accurate record of what transpired in the interview?

22 A Yes, sir.

23 MR. HARTE: Your Honor, we'll offer into evidence the
24 flash drive containing the interview with Travis Robinson.

25 MR. WLODARCZYK: No objection, Your Honor.

1 THE COURT: So entered without objection.

2 Plaintiff's Exhibit No. 3, correct?

3 MR. HARTE: Yes, Your Honor.

4 (WHEREUPON, Plaintiff's Exhibit No. 3 was admitted into
5 evidence.)

6 MR. HARTE: Your Honor, we will publish this now.

7 THE COURT: Yes, sir. Is it audio only or video as
8 well?

9 MR. HARTE: Audio only, Your Honor.

10 THE COURT: Thank you.

11 (WHEREUPON, Plaintiff's Exhibit No. 3, Travis Robinson
12 interview, was published in open court for the jury.)

13 BY MR. HARTE:

14 Q Mr. Cleveland, is that an accurate record of what
15 transpired in that interview?

16 A Yes, sir.

17 Q Now, in the course of that interview, he indicated that
18 he backed the truck out; is that correct?

19 A Yes, sir.

20 Q And did he express -- what, if anything, did he say
21 about whether he had the keys to the house when he backed
22 the truck out?

23 A He didn't mention it on the scene.

24 Q When he referred to the fact that he had gone to his
25 truck, did he not mention that the keys to the house were in

1 his truck?

2 A No, sir.

3 Q I believe he said he didn't the keys because his keys
4 were in the truck, correct?

5 A Yes, sir.

6 Q And that's where the keys to the house were?

7 A That's what he said, but it's kind of hard to check,
8 the condition of the door and all.

9 Q But that's what he said?

10 A Yes, sir.

11 Q Okay, just so we're clear. Okay. This fire from your
12 observation started -- well, from your observation and what
13 he said, this fire started in the garage; is that correct?

14 A Yes, sir.

15 MR. HARTE: Your Honor, I'm going to move into evidence
16 at this time what will be Plaintiff's Exhibit 4. And I have
17 shown Mr. Wlodarczyk that.

18 MR. WLODARCZYK: No objection.

19 THE COURT: All right. So entered without objection.

20 (WHEREUPON, Plaintiff's Exhibit No. 4 was admitted into
21 evidence.)

22 THE COURT: Mr. Harte, the audio that's the flash
23 drive, is that still in the laptop?

24 MR. HARTE: No, I'll take it out, Your Honor.

25 THE COURT: Let her do it.

1 MR. HARTE: We have another one for you, Your Honor.

2 THE COURT: Have you presented that? I just don't want
3 to lose track of anything.

4 MR. HARTE: This will be Plaintiff's Exhibit No. 3,
5 Your Honor.

6 BY MR. HARTE:

7 Q If you could, Mr. Cleveland, if I could just ask you to
8 step this way for me, please.

9 A (Witness complies.)

10 Q Now, is this the attached carport?

11 A Yes.

12 Q And there's a door here; is that correct?

13 A Yes, sir.

14 Q And where was the Jaguar in relation to that door?

15 A Right there right up next to the porch.

16 Q All right. And can you show us the front of the house?

17 A (Witness complies.)

18 Q And the front door is on the direct opposite side; is
19 that correct? This is the front door, correct?

20 A Yes, sir.

21 Q Did you observe as to whether or not there was an
22 entrance door into the wing where the grandmother was
23 staying?

24 A No, sir, I didn't notice.

25 Q All right. Here's the -- is this the carport?

- 1 A Yes, sir.
- 2 Q And this is the main house, correct?
- 3 A Yes, sir.
- 4 Q And these marks on the walls, what would those things
5 be?
- 6 A That one right there looks like where the roof line
7 went and these are soot from the fire.
- 8 Q And I have to assume this is the room where the
9 grandmother was?
- 10 A Yes, sir.
- 11 Q And what is this right here?
- 12 A Looks like a door.
- 13 Q Yes, sir. And I'll ask you to tell us whether or not
14 you observe any fire markings on that particular section of
15 the house?
- 16 A No, sir.
- 17 Q Now, the SUV, according to him -- can you tell in this
18 photograph where the SUV started out before he moved it?
- 19 A It looks like from on scene and what he said at the
20 sheriff's office, my understanding it was parked in the
21 garage right here, because it was a three-car carport.
- 22 Q So he was able to travel the distance from the Jaguar
23 to the truck; is that correct?
- 24 A Yes, sir.
- 25 Q And he was able to back it out?

1 A Yes, sir.

2 Q All right. When the truck came to rest, how far away
3 from it was it to this door?

4 A I can't answer that.

5 Q All right. But he was still in the yard, correct?

6 A Yes, sir.

7 Q Now, again, looking at this photograph, I'll ask you to
8 assume that these windows lead into the room where his
9 grandmother was staying?

10 A Yes, sir.

11 Q Do you see any evidence of fire in this area here at
12 all?

13 A No, sir.

14 Q And there's another window here in the rear. Do you
15 see any evidence of fire on that window?

16 A No, sir. The only thing I see is where it burnt up
17 here.

18 Q Thank you. If you'll have a seat again, please.

19 A Yes, sir.

20 Q Other than the fact that he had two beers and was
21 scared, did he give you any reason as to why he did not go
22 -- since he had the keys, why he did not go to either the
23 front door or the door that led into his grandmother's
24 bedroom?

25 A No, sir.

1 Q I understood him to say that there were gasoline cans
2 and other things in the garage and the attached structure
3 that he was afraid of. Did you hear him say that?

4 A Yes, sir.

5 Q Did the investigation prove that to be true?

6 A There was newspapers and stuff like that stacked up by
7 the side of the house. I can't tell how high it was or how
8 much it was because of the burn damage. But there was stuff
9 packed up, stacked up beside the house, between the house
10 and the Jaguar.

11 Q Was there a lawn mower?

12 A Yes, sir, there was a lawn mower on -- I think it was
13 on the back wall with a gas can.

14 Q Did you participate at all in the K-9 use?

15 A In the K-9?

16 Q When the K-9 was brought out?

17 A No, sir. I think the guy from SLED brought a K-9 down.

18 Q All right, sir. Based on your investigation, were you
19 able to determine whether there was any support for his
20 statement that he had returned home at nine o'clock in the
21 evening?

22 A No, sir.

23 Q What, if anything, did your investigation reveal about
24 when he returned home?

25 A We talked to one of the people he named and she -- the

1 lady, I can't recall her name -- told us that he called her
2 and told her he wanted to come over and see her because of
3 some girlfriend problem. She called her husband. He got
4 off work and came home. And they said he stayed there until
5 about midnight and then left.

6 Q Were you able to determine how far away that house was
7 from the home?

8 A It's in Augusta, Georgia. It was probably a good 45
9 minutes to an hour.

10 Q So if he left that house at -- did you say about --

11 A About midnight, probably a little later.

12 Q So he would have been home sometime between 1:00 and
13 1:30?

14 A 1:30 to 2:00 maybe. Because he said he was having
15 problems with the car, with the steering. So I'm giving him
16 the benefit of the doubt on that.

17 Q All right. But he could have been home as early as one
18 o'clock if he had driven in a normal manner?

19 A Probably, yes, sir.

20 Q With regard to some of the things he told you,
21 observing his demeanor and his way of speaking and the
22 things that you use to judge credibility, was he credible on
23 all matters that he told y'all that night?

24 A No, sir.

25 Q Was he credible as to the time of his leaving to go

1 home?

2 A No, sir, because I think in the interview, he said he
3 came home around 9:00ish and we proved that he was out at
4 midnight.

5 Q And do you know what time the 911 call was made? If
6 you don't, just tell me.

7 A I could take a wild guess, but that would be a guess.
8 I know what time I was called.

9 Q And what time were you called?

10 A A few minutes after 3:00, 3:21, I think.

11 Q Beyond what I asked you about, did you receive any
12 information that led you to conclude that Travis had been
13 untruthful about the amount he had had to drink?

14 A Yes, sir.

15 Q Tell me what you learned about that.

16 A A day or so later, we were interviewing the lady in
17 Augusta and her husband and they said that he had vodka and
18 a 20-ounce bottle of Gatorade. But we couldn't tell how
19 much vodka was in the bottle, only that he had a bottle with
20 vodka and Gatorade in it.

21 MR. HARTE: No further questions, Your Honor.

22 THE COURT: Thank you, Mr. Harte.

23 Yes, sir.

24 MR. WLODARCZYK: May it please the Court?

25 CROSS-EXAMINATION

1 BY MR. WLODARCZYK:

2 Q Mr. Cleveland, this is your investigative report, part
3 of Plaintiff's Exhibit No. 2?

4 A Yes, sir.

5 Q You're familiar with that report; is that correct, sir?

6 A Yes, sir.

7 Q I have here what I have marked as Defendant's Exhibit
8 No. 1. This is part of the SLED investigation, but it was,
9 also, in the sheriff's file that we received. Have you ever
10 seen that document?

11 A No, sir, not that I recall.

12 Q Okay. I represent that was created by SLED and that is
13 the sketch?

14 A I have no idea what SLED created or did.

15 Q I'm just saying we've agreed it's admissible, so if you
16 look at the right top where it discusses the case, fire
17 death investigation, date, October 1st, 2013, case number
18 35-130095, sketch prepared by Special Agent William Keller.
19 Do you see where it says that?

20 A Yes, sir.

21 Q It shows -- the first page shows the location of Ms.
22 Williams, deceased female, in the bed. Do you see that,
23 sir?

24 A Yes, sir.

25 Q Does that accurately reflect what you recall about

1 where she was found?

2 A Yes, sir.

3 Q And then Mr. Calvin Williams, downstairs in the dining
4 room area corner?

5 A Yes, sir.

6 Q Having reviewed that, does that reflect where his body
7 was located?

8 A I'm going to take SLED's word, but I have a vague
9 recollection of him being in the floor in the living room
10 going to the door.

11 Q And if this is accurate pursuant to the SLED witnesses
12 who prepared this diagram, I just wanted to clarify your
13 prior testimony was that Calvin was close to the front door
14 trying to get out?

15 A That's the impression that I had on scene.

16 Q Well, this document reflects that he was actually in a
17 different room; does it not?

18 A Well, SLED and I have different recollections.

19 Q Okay. So you're saying that's wrong?

20 A No, I'm saying that's the way SLED sees it and they are
21 the fire experts, so.

22 Q So you'd defer to SLED?

23 A I'd defer to SLED.

24 MR. WLODARCZYK: Your Honor, if I could circulate this
25 through the jury while I continue to ask questions?

1 THE COURT: Yes, sir. Are you moving it in? I know we
2 stipulated to its admissibility.

3 MR. WLODARCZYK: Yes, I move it in as Defendant's
4 Exhibit No. 1.

5 MR. HARTE: Your Honor, it's in Plaintiff's 4.

6 THE COURT: I don't think Plaintiff's Exhibit No. 4 was
7 published at this time.

8 MR. WLODARCZYK: It's not, Your Honor. But most of my
9 exhibits have been pulled from Plaintiff's Exhibit No. 4.

10 THE COURT: Thank you, sir. So it's already in is what
11 you're saying.

12 (WHEREUPON, Defendant's Exhibit No. 1 was admitted into
13 evidence.)

14 BY MR. WLODARCZYK:

15 Q Did Travis Robinson submit to your interview without an
16 attorney being present?

17 A Yes, sir.

18 Q Did Travis Robinson submit to a second interview with
19 SLED that was reflected in your report?

20 A Yes, sir.

21 Q Did Travis Robinson give you permission to search his
22 vehicle?

23 A We asked if we could retrieve his keys and only his
24 keys and he agreed to that.

25 Q And did he provide his cell phone to you so you could

1 --

2 A Yes, sir.

3 Q At any point in time, did Mr. Robinson obstruct your
4 investigation?

5 A No, sir.

6 Q Would you agree that there was several discrepancies in
7 terms of when Travis said he arrived back at his house?

8 A Yes, sir.

9 Q Initially, he said 9:00. Your investigation was that
10 he left his friend's house sometime after 12:00?

11 A Around midnight, yes, sir.

12 Q Now, would you agree that in determining when he
13 actually got home, the only actual evidence that exist would
14 be the 911 call that was placed by him at the property?

15 A Yes, sir.

16 Q And you said it could be 45 minutes to an hour from the
17 location in Augusta. That would be presuming that he went
18 straight home, didn't stop anywhere, do anything; is that
19 correct?

20 A Yes, sir.

21 Q Did Mr. Robinson tell you when questioned that he did
22 not -- aside from moving his vehicle out of the carport, he
23 did not delay calling 911?

24 A There was no indication that he did.

25 Q Okay. Just one other quick -- look to Page -- I'm not

1 sure -- here's what I'm starting with, your supplemental
2 report. Do you have that, sir, in that packet from the
3 sheriff's office? Because I have both documents behind
4 this. I want to make sure we're on the same page.

5 A This one?

6 Q See, I have that after this one. So I'm looking for
7 this one first. You want to look through it real quick?

8 A Well, you can.

9 Q I'll make it easy, sir. That supplemental report, was
10 that created by you?

11 A Yes, sir.

12 Q Would you just read the highlighted sections?

13 A Sergeant Mathis, a deputy with Aiken County Sheriff's
14 Office, told [indiscernible], which is me, the original call
15 was made at 2:10, October 1st, 2013, and the first person to
16 arrive at the incident was Eureka Assistant Fire Chief Chad
17 Auvenshine, who arrived at 2:20.

18 Q So according to that, from the time that Mr. Robinson
19 made the first call to the time the first person arrived on
20 scene was ten minutes?

21 A Yes, sir.

22 Q All right. If you will keep on going, sir.

23 A Sergeant Mathis stated that Mr. Travis P. Robinson's
24 story kept changing. His initial story was his wife and
25 child were in the house, then his mother, Diane Robinson,

1 and grandmother, Helen Robinson, and his stepfather, Calvin
2 Warren, were in the house.

3 Q Does it go on after that for a second, where he says
4 nobody is in the house after that?

5 A He then stated he did not know who was in the house.

6 Q Is it fair to say that based on his statement back then
7 he didn't know who was in the house?

8 A Yes, sir.

9 Q I think we might be on the same page now. In your
10 report, second paragraph, it says when you asked why he
11 waited so long to call 911, he said he didn't; is that
12 correct?

13 A We're not on the same sheet.

14 Q I think that's page -- yeah, here we go, starting here.

15 A When asked why he waited so long to call 911, he said
16 he didn't. Keep going?

17 Q No, sir, I just wanted to confirm that's what he said.

18 A Okay.

19 Q On Page 3 of your report, sir.

20 A I wasn't provided with Page 3. Are you talking about
21 the last page?

22 Q Yes, I have a numeral three at the bottom of your
23 report.

24 A I don't have Page 3, I've got 1 and 2.

25 Q I may have to supplement this exhibit with the actual

1 complete report. Again, this is what I have from the
2 sheriff's department. If you can confirm that's a
3 continuation of your report?

4 A October 2nd, 2013, 10:17 a.m., Travis Robinson provides
5 another interview with Aiken County Sheriff's Office
6 forensics supervisor, Lieutenant Clay Adams, and SLED arson
7 investigator. And I sat in on the interview. Mr. Robinson
8 stated he arrived at home, parked his mother's 2003 Jaguar
9 in the three-car garage in the parking spot nearest the
10 house.

11 He then stated he exited the vehicle, fixing to walk up
12 to the steps to the residence and he saw a glow behind him.
13 There was no lights in the garage area. He turned around
14 and saw flames coming from the right side front wheel.

15 He stated he then went to his green Ford Explorer to
16 get the house keys and there were no house keys on his
17 Jaguar ring. He stated the fire had spread to the stack of
18 papers and clothing that his mother had stored next to the
19 house and caught fire and was unable to gain entry into the
20 residence. He said he returned to his green Ford Explorer
21 and back it away from the fire and called 911.

22 During the interview, he stated the Jaguar was driving
23 funny and the steering wheel would vibrate when he got up to
24 about 55 miles per hour. He stated other than that, he had
25 noticed nothing wrong with the vehicle.

1 Q In terms of questions about whether Mr. Robinson had
2 been truthful, would you agree that the interview that he
3 gave, your recorded statement, which we heard, and the
4 second interview that he gave to SLED with you present that
5 he consistently said that he drove the Jaguar home, he
6 parked it, got out, he noticed the flame. He went to his
7 vehicle to get the keys to go in the house because he didn't
8 have it. At that point in time, the flames spread. He
9 pulled out his vehicle and then he called 911?

10 A Yes, sir, that's what he said.

11 Q And in terms of the photograph of the house showing the
12 door to the room in which the mother-in-law suite -- the
13 room in which Ms. Helen Williams was in, do you know if he
14 had a key to that door?

15 A I have no idea.

16 Q Do you know if the door was locked?

17 A I have no idea.

18 Q Do you have any idea if he had any ability to go in
19 through that door?

20 A I have no idea.

21 Q In terms of the windows on the back side and front side
22 of the house of that mother-in-law suite, do you know the
23 distance between the ground and the bottom of the window?

24 A No, sir.

25 Q Would you agree, at least, on the front and the side

1 there were bushes in front of those windows?

2 A Yes, sir.

3 MR. WLODARCZYK: That's all the questions I have, sir.

4 I appreciate your time.

5 THE WITNESS: Yes, sir.

6 THE COURT: How long is your redirect?

7 MR. HARTE: It's going to be very short, Your Honor.

8 THE COURT: Okay.

9 I remind the jury we're not taking notes in this trial.

10 REDIRECT EXAMINATION

11 BY MR. HARTE:

12 Q Mr. Cleveland, those windows that he was referring to
13 were glass, weren't they?

14 A To best of my knowledge.

15 Q And they could have been broken out, couldn't they?

16 A Yes, sir.

17 Q And, in fact, the door that was in the entranceway to
18 where the grandmother was could have been kicked in if it
19 had to be?

20 A Yes, sir.

21 Q And this was a man who had been in the 101st Airborne,
22 right?

23 A I have no clue about his military service.

24 Q Let's assume that for the moment, we won't go any
25 further. But there was, also, a front door that was easily

1 accessible, wasn't it?

2 A Yes, sir.

3 Q And he said he had the keys to the house, didn't he?

4 A Yes, sir.

5 Q Now, I'm going to ask you to assume that the coroner's
6 report says that the time of death for Ms. Williams was 2:10
7 and that the time -- and I'll ask you to assume that the 911
8 call was clocked in by the computer at 2:10. If, in fact,
9 he had made the call when he first discovered the fire,
10 surely, that fire didn't instantly from that fire in front
11 of the car kill Ms. Williams, did it?

12 MR. WLODARCZYK: Objection, Your Honor, calls for
13 speculation.

14 THE WITNESS: That's above my pay grade.

15 THE HARTE: Thank you, sir.

16 That's all I have, Your Honor.

17 THE COURT: The witness answered that he did not know,
18 so I think we're okay on that without further ruling.

19 Mr. Harte, is that everything for this witness?

20 MR. HARTE: It is, Your Honor. I ask the witness be
21 excused.

22 THE COURT: Any objection?

23 MR. WLODARCZYK: No objection, Your Honor.

24 THE COURT: All right. You are excused, sir.

25 THE WITNESS: Pardon?

1 remind you we do sometimes have people going in and out
2 during testimony. Please try to keep your attention on the
3 witness.

4 This is Mr. Platanis who works for me. Sometimes I
5 send him out or he hears something that needs to be taken
6 care of and walks in and out or the counsel may have folks
7 that go in and out as well. I think they informed you that
8 earlier.

9 MARCUS WILLIAMS,

10 after being duly sworn, testified as follows:

11 THE CLERK: Please take a seat. State and spell your
12 full name for the court reporter.

13 THE WITNESS: Marcus Williams.

14 DIRECT EXAMINATION

15 BY MR. HARTE:

16 Q Mr. Williams, where do you live, sir?

17 A Douglasville, Georgia.

18 Q And are you related to Helen Williams?

19 A Yes.

20 Q How are you related to Helen?

21 A That was my grandmother.

22 Q And are you familiar with the house in which Diane and
23 Calvin were living at the time of the fire?

24 A Yes.

25 Q What is your relationship to that house?

1 A I grew up there.

2 Q Tell me, did there come a point in time when you were
3 in charge of the house?

4 A Yes.

5 Q And explain that to us, if you will.

6 A After 2008 when my father passed, I remodeled the home
7 and, basically, was over the estate.

8 Q All right. And, ultimately, what was the arrangement
9 by which Diane and Calvin occupied the house?

10 A They were renting the home.

11 Q And were they paying rent there?

12 A Yes.

13 Q To you?

14 A Yes.

15 Q Now, in regard to when they moved in, what, if
16 anything, did you do in preparation for them to move into
17 the house?

18 A Let's see, new carpet, painted walls, redid the
19 kitchen, backsplash and new batteries in the smoke
20 detectors. There was a multitude of things. Removing old
21 items that belonged to my parents as well.

22 Q And there was, I believe, a three-car attached
23 structure; is that correct?

24 A Yes.

25 Q And what, if anything, did you do as far as repairing

1 that structure for them to take occupancy?

2 A Just, more or less, cleared it, cleaned it, removed
3 some old lumber and materials that my father had there.

4 Q When you finished with it and turned it over to them,
5 what, if any, fire hazards were there in that three-car
6 structure?

7 A None.

8 Q What, if any, buildup of any rags or papers or anything
9 of that nature was in that structure?

10 A No, no, I completely swept and cleaned the entire thing
11 from top to bottom.

12 Q When did you first hear of the fire?

13 A The morning of the fire, I received a call from my
14 cousin.

15 Q When was the last time before that you had seen your
16 grandmother?

17 A I couldn't give you an exact date or time. It probably
18 had been a few weeks or more.

19 Q How often would you see her?

20 A Depending on what was going on and time of the year
21 between military service and my civilian job.

22 Q All right. And after the fire -- when was the first
23 time that you knew she had passed in the fire?

24 A I'm sorry, repeat the question.

25 Q When was the first time you knew she had died in the

1 fire?

2 A When I received the call that morning from my cousin.

3 Q What, if any, effect did that have on you?

4 A Tremendous effect.

5 Q Can you give us an explanation?

6 A The fact that I lost my grandmother and, also, my aunt
7 and her husband. And the fact that my cousin was probably
8 devastated over losing his mother. She's like another mom
9 to me.

10 Q Now, with respect to your grandmother, were you with
11 her enough to see whether she could enjoy life?

12 A Yes. When I did see her, I could tell that she enjoyed
13 the fact of being in the home that my father and my
14 grandfather built.

15 Q Did you have any opportunity to observe her with her
16 grandchildren?

17 A Yes. Yes.

18 Q Did she have great-grandchildren?

19 A Yes.

20 Q And did you observe those children with her?

21 A Yes.

22 Q And tell me what, if anything, you observed about how
23 she would react when the children were with her?

24 A Always with a smile and just full of joy.

25 Q Was she able to hold the small grandchildren?

1 A They were able to hop in her lap. So I can't say
2 totally just hold normal, but they would hop in her lap.

3 Q All right.

4 MR. HARTE: Thank you. No further questions. The
5 witness is with Mr. Wlodarczyk.

6 THE COURT: Thank you, Mr. Harte.

7 CROSS-EXAMINATION

8 BY MR. WLODARCZYK:

9 Q Mr. Williams, it's my understanding your aunt and her
10 husband moved in in about 2010; does that sound about right?

11 A Yes, I believe that's right. I would have to look at
12 the rental agreement to give you an exact date and time.

13 Q Did you have to perform any maintenance on the house at
14 any point in time when they moved in?

15 A Not after they moved in, no.

16 Q Any calls from them for any problems whatsoever about
17 the house?

18 A There was an issue where a pipe busted under the house
19 and flooded the basement or whatever, but they ended up
20 calling someone to retrieve their stuff on that. There
21 really wasn't anything that I did at that point.

22 Q Aside from family visits at the house while they were
23 there, did you do any inspections as a landlord?

24 A Not necessarily because I let them know in the contract
25 that they were responsible for maintaining the property.

1 Q And you were a part of this lawsuit when it was first
2 filed, correct?

3 A Yes.

4 Q And you're no longer a party to the lawsuit?

5 A Say it again.

6 Q You're no longer a party to the lawsuit?

7 A No.

8 MR. WLODARCZYK: Thank you, sir. I have no further
9 questions.

10 REDIRECT EXAMINATION

11 BY MR. HARTE:

12 Q Marcus, after this fire was over, did you have any
13 conversation with Travis?

14 A Yes --

15 MR. WLODARCZYK: Objection, Your Honor, it goes beyond
16 the scope of my cross.

17 THE COURT: I believe it is, Mr. Harte.

18 MR. HARTE: I'll just recall him a little later than.

19 MR. WLODARCZYK: That's not how it works, Judge.

20 THE COURT: Ladies and gentlemen of the jury, could
21 you, please, go to the jury room for one second.

22 (WHEREUPON, the jury exits the courtroom at 2:32 p.m.)

23 THE COURT: Mr. Harte, explain to me the rule where you
24 get to recall him for something you didn't ask him on
25 direct.

1 THE WITNESS: I heard.

2 (WHEREUPON, the jury enters the courtroom at 2:33 p.m.)

3 THE COURT: Well, that was a quick one.

4 Mr. Harte, I believe you said that's all you had for
5 this witness?

6 MR. HARTE: That's correct, Your Honor.

7 THE COURT: All right. Thank you, sir. You may step
8 down.

9 And may the witness be excused?

10 MR. HARTE: From my perspective, yes, Your Honor.

11 MR. WLODARCZYK: No objection, Your Honor.

12 THE COURT: Thank you for being here.

13 THE WITNESS: Thank you.

14 THE COURT: Mr. Harte, you may call your next witness.

15 MR. HARTE: Call Daren Vaughn, Your Honor.

16 Also, Plaintiff's Exhibit No. 4, I wanted to make sure
17 that was admitted into evidence.

18 THE COURT: My recollection is it was admitted into
19 evidence. I do not have a description of what it is.

20 MR. HARTE: It is the SLED file, Your Honor.

21 THE COURT: If it was not previously admitted, I will
22 admit it now without objection, but I believe it was
23 admitted earlier.

24 DAREN VAUGHN,

25 after being duly sworn, testified as follows:

1 THE CLERK: Have a seat and state your full name for
2 the court reporter.

3 THE WITNESS: I am Daren Vaughn. I work for the South
4 Carolina Law Enforcement Division. Daren, D-A-R-E-N.

5 DIRECT EXAMINATION

6 BY MR. HARTE:

7 Q Mr. Vaughn, how long have you been with the South
8 Carolina Law Enforcement Division?

9 A Seventeen years.

10 Q In your experience in that area, what sort of work have
11 you done as being a SLED officer?

12 A In 2008, I was hired by the South Carolina law
13 enforcement division in the arson investigative unit where I
14 investigated fires throughout the State of South Carolina.
15 And in 2019, I was promoted to lieutenant in investigative
16 services, where I currently serve.

17 Q All right, sir. In 2013, what was your position with
18 South Carolina Law Enforcement Division?

19 A I was a special agent inside the arson investigative
20 unit, primarily the upstate of South Carolina.

21 Q And were you called upon to travel to the site of the
22 fire in which Helen Williams passed?

23 A Yes, sir, I was.

24 Q Would you explain to me what your discussions were or
25 what your assignment was there at that site?

1 A Usually, of course, it comes with a request. This
2 request was received at the time from Lieutenant Clay Adams
3 with the sheriff's office. It's my understanding, he holds
4 a different rank now. But Lieutenant Adams called in
5 reference to three deceased fire victims inside of a
6 structure and asked that we respond to conduct what was
7 determined to be an origin and cause investigation.

8 MR. HARTE: Your Honor, I'm going to get the screen
9 back up here.

10 THE COURT: Okay.

11 BY MR. HARTE:

12 Q When you arrived at the scene, how long was it after
13 the fire?

14 A Can I review my report?

15 Q Yes, sir. And what you're reviewing is part of the
16 SLED file; is that correct?

17 A Yes, sir.

18 MR. HARTE: And, Your Honor, that is a portion of
19 Exhibit No. 4, Plaintiff's Exhibit No. 4.

20 THE COURT: And Mr. Harte, I'll alert you, it appears
21 the back of the -- the second screen appears to be working.

22 MR. WLODARCZYK: Your Honor, it turns on, we couldn't
23 get it to --

24 THE COURT: Oh, actually get a signal.

25 MR. WLODARCZYK: It can only be one TV.

1 THE COURT: So he has to turn off this back TV, is that
2 it?

3 BY MR. HARTE:

4 Q Mr. Vaughn, can you come down?

5 A Yes, sir.

6 Q Were you there when the fire was active?

7 A No, sir, I was not.

8 MR. HARTE: Would you move it to the aftermath?

9 Q Do you recognize this photograph?

10 A Yes, sir.

11 Q What is this?

12 A That's the top of the structure. That was a photograph
13 taken by me in a ladder truck. You can see the shadow of
14 the ladder truck off to the left side of the house.

15 Q All right, sir.

16 MR. HARTE: Next, please.

17 Q Now, this area over here, can you tell me what this
18 area over here is?

19 A That was a covered carport garage area.

20 Q All right. And what are we looking at right here?

21 A It was a vehicle.

22 MR. HARTE: Continue.

23 Q Again, what do we have here?

24 A Another vehicle.

25 Q Now, do you know what the parameters of that building

1 were? How many sides were there on the building?

2 A I can look back in my report, but I believe there were
3 three.

4 Q All right. And was one of them the house itself?

5 A Yes, sir.

6 Q And that's a brick structure there, correct?

7 A Yes, sir.

8 Q And, of course, it appears that the attached structure
9 has been completely destroyed by the fire. Now, what was
10 the first thing you did when you arrived at the scene?

11 A First thing we did was make sure that we have legal
12 entry into the structure, which that would be a search
13 warrant. The search warrant for the structure was provided
14 to us by the Aiken County Sheriff's Office, Lieutenant
15 Adams.

16 Once we do that, we start a systematic approach
17 throughout this fire scene. Me, I'm a creature of habit, so
18 I like to go in a certain direction. So I do that, I'll
19 start going in a clockwise manner taking photographs, taking
20 overall photographs just so you get kind of the glimpse of
21 the scene and so you can see everything. But we use that
22 systematic approach to go through that structure on the
23 outside, what I called then as an exterior cursory
24 inspection and then we make our way to the inside of the
25 structure doing the same thing.

1 Q With regard to the status of the property, were the
2 deceased persons removed by the time you got there?

3 A No, sir, they were still inside.

4 MR. HARTE: Go to the next one.

5 BY MR. HARTE:

6 Q Again, what are we looking at here?

7 A So through a fire investigation, what you want to
8 attempt to do as best as possible is get the fire scene back
9 to prefire conditions. Obviously, fire is one of the most
10 destructive things on this planet. So what we try to do is
11 layer away fire debris to ground level. And that's kind of
12 what you see in this picture. What you saw in the previous
13 picture was initial photographs and in this picture is
14 actually when we go out and layer away the fire debris with
15 a flat shovel. A lot of hard work. So this is after
16 excavation and layering away that fire debris.

17 Q Did you learn anything of importance as you were doing
18 the layering away?

19 A Here, there was so much fire damage. As my report
20 states, you know, this was an undetermined fire. You just
21 have a lot of fire damage in this area.

22 Q And following --

23 MR. HARTE: Let's go to the next photograph.

24 Q And I believe this is a picture of the house after the
25 fire. You can see -- tell me what we can see there.

1 A What you see is the front side of the structure. If
2 you look on the bottom -- if you look kind of on the bottom
3 floors, you can see soot staining on those bricks. That
4 just determines there was fire inside of that residence. At
5 some point, that window failed.

6 Q When you say the window failed, what do you mean by
7 that?

8 A It broke. And a lot of times, what people hear maybe
9 down the road, they say an explosion, that's usually windows
10 failing.

11 Q And that's when the windows are being blown out?

12 A Yes, sir.

13 Q What causes the windows to be blown out?

14 A It could be different reasons for many different
15 things, but a lot of times heat causes that.

16 Q Are you familiar enough with the house to be able to
17 tell us what this area on the right side -- our left side,
18 but on the right side of the building?

19 A I can look at my sketch just to refresh my memory.

20 Q Please do.

21 A It appears to be a living room area.

22 Q All right, sir. Can you tell from your sketch and from
23 this photograph where Ms. Williams was found?

24 A That was the elderly female?

25 Q Yes, sir.

1 A She would have been on this side.

2 Q All right. It appears there's significantly more fire
3 damage on what I'm saying is left side, which is my left.
4 What conclusions did you draw from that?

5 A Well, it's just fire spreads. So how fire goes is the
6 path of least resistance, just like water. If you pour
7 water down, it's the inverse of that. It goes up and out.
8 So on the back side, if it meets something, whether that be
9 a roof structure or inside of a room, you've probably all
10 seen it on TV how it goes across the ceiling.

11 So what you can tell from this is that there was more
12 fire on this side than there was this side just because of
13 the soot staining and burned debris over here of the room.

14 Q And this is a photograph from the fire, correct?

15 A Yes, sir.

16 Q And again, the area of the house where the grandmother
17 would have been, the elderly lady would have been?

18 A Yes, sir.

19 Q That's another photograph of a similar situation,
20 correct?

21 A Yes, sir.

22 MR. HARTE: Continue on.

23 Q Can you tell us what we're looking at here?

24 A So this would have been the rear of the structure. Of
25 course, you can see where the two vehicles are located here.

1 You can see what we would determine would have been kind of
2 a clean burn, what we call a clean burn. Because the house
3 is white and then you can see where the soot is, but this
4 would have been where the roof structure of that carport
5 garage area was in the back.

6 Q And if we look at the structure that is to the left
7 again, is that the area where Ms. Williams, the elderly
8 lady, would have been?

9 A Yes, sir.

10 Q What was the level of damage done in the area of the
11 door to that part of the house?

12 A This house?

13 Q Yes, sir.

14 A It should be a picture of it.

15 Q Let's see if we can find it.

16 (Pause.)

17 Q We don't have it in this group, but we may come back to
18 it.

19 All right. Tell me about your investigation as far as
20 determining a source of the fire.

21 A An actual source for the fire was never determined.

22 Q All right. And what, if anything, were you able to
23 determine as far as source is concerned?

24 A Nothing as far as source, no, sir.

25 Q All right. Was a K-9 brought in?

1 A Yes, sir, it was.

2 Q Were you present when that happened?

3 A I was, yes, sir.

4 Q And what, if anything, did you observe when the K-9
5 came in?

6 A There's actually pictures of the alert. So when the
7 K-9, which is our accelerate detection K-9, they're trained
8 -- they're better than our lab equipment. So their nose is
9 much better than anything we have in Columbia. So that dog
10 is trained to alert on any type of ignitable liquid.

11 So what it does is it can search a larger area more
12 effectively than we can because we have an instrument that's
13 got a hole in the bottom of it, about like that, and we have
14 to do this with it. And still, the dog's nose is more
15 powerful than that instrument. So we utilize that dog to
16 search large areas.

17 We searched the inside of this house with that dog as
18 well just to see if any ignitable liquids. Two alerts, I
19 believe, were located, one and two. I believe this is a
20 Cadillac here. It was on this side of the Cadillac,
21 driver's side rear.

22 Q What's the significance of the dog alerting on
23 accelerants?

24 A It could be a variety of things. With this, it could
25 be the gas tank failing on the back of that Cadillac.

1 Q Do you know whether tests were run on the material that
2 was taken from the site?

3 A Yes, sir.

4 Q What, if anything, was the result from those tests?

5 A So I can read from my report. According to the report,
6 which is the SLED laboratory analysis report, item one,
7 which would have been alert one, contained a mixture of a
8 isoparaaffinic product, the light aromatic product and the
9 light petroleum distillate, examples including, but not
10 limited to racing fuels, aviation fuels, speciality
11 solvents, xylenes, toluenes, base products, cigarette
12 lighter fluids, some camping fuels.

13 Q Were you able to determine how that accelerant came to
14 be in the -- where it was located by the Cadillac?

15 A No, sir, just that the dog alerted there and it was a
16 positive finding at the lab.

17 Q Is it customary in your experience for homeowners to
18 have racing fuel and things of that nature available to them
19 like that?

20 A And this was a positive alert and that from the lab
21 doesn't necessarily mean it's racing fuel. It could be any
22 one of those things that are in that lab.

23 Q But it's clearly more flammable than gasoline?

24 A I'm not sure based on that.

25 Q But in any event, that was located there. Was there

1 another alert?

2 A I believe, and there's photographs of this as well,
3 just on the other side of alert one. Those may have been
4 put in the same can. I can look. Just because they are in
5 close proximity to the rear of this car.

6 Q They were both in that vicinity?

7 A Yes, sir, absolutely.

8 Q Were you able to determine where the fire started?

9 A Our area of origin, which what that means is if you
10 look at the report, you'll see a triangle. A lot of people
11 like to focus on that triangle because that's where we put
12 it, but with that triangle, our area of origin would
13 determine to be in close proximity -- I believe that's a
14 Jaguar sitting there. In close proximity to this Jaguar and
15 these vehicles.

16 But what that means is there's a lot of accidental
17 sources of ignition inside of that area with it being a
18 vehicle, other components of the structure. But inside that
19 triangle, people want to focus on that, that that's where it
20 started, but it could be adjacent to that as well.

21 Q Were you able to determine whether the fire had a
22 direct relationship to the Jaguar?

23 A No, sir.

24 Q Are you familiar with automobile engine fires?

25 A As far as investigating them, yes, sir.

1 Q And what is the common cause of an engine fire?

2 A It could be a variety of things. Some type of failure,
3 electronic failure maybe. But there's a variety of things
4 that could cause a fire inside of a vehicle.

5 Q That includes a vehicle that has come to a stop and
6 been turned off?

7 A Yes, sir.

8 MR. HARTE: Go to the next one, please.

9 Q Now, we're looking at another view of this. Can you
10 tell us a little bit about this?

11 A Just a different view. I think this is prior to
12 layering away that fire debris, but that's looking in the
13 rear door and you can see the two vehicles parked here.

14 MR. HARTE: Next one. Keep going.

15 Q All right. Now, what are we looking at here?

16 A That is the rear door, going into the rear of the
17 house.

18 Q Now, with regard to the structure of that house and the
19 fire and the connecting structure, what, if anything, could
20 you glean from the fact that there is a brick wall there?
21 What, if any, effect would a brick wall have on the spread
22 of the fire?

23 A Well, fire wants oxygen, that's how it lives. So
24 anything that provided oxygen, heat, fuel, oxygen, any of
25 those things is what's going to take this fire in the

1 direction. So it's looking and it's looking -- I mean, fire
2 is a real breathing thing if you look at it. So what it's
3 looking for is places to consume this wood and to
4 potentially get inside that structure once it's hot enough
5 and those windows fail.

6 Q Is there any benefit from the standpoint of slowing the
7 fire to there being brick on that wall?

8 A It will hold it to some point, but once that roof is
9 consumed, as you see it is, it's going directly -- just like
10 fire wants to go up and out. So once this is consumed, it's
11 into the soffit of that house and into the roof.

12 Q Assuming for the purpose of this question that the fire
13 was started in the vicinity of the Jaguar by virtue of some
14 mechanical or other failure of the Jaguar, is there any way
15 to ascertain a timeline for how long it would take the fire
16 to reach the point that it could access the house through
17 the windows and door that are shown there?

18 A No, sir.

19 Q So in terms of where the Jaguar was --

20 MR. HARTE: Let's go back. Back again.

21 Q Looking at that photograph, the Jaguar is sitting
22 between the Cadillac and the back door to the house, the
23 door going into the house, correct?

24 A Yes, sir.

25 Q All right. Were you able to ascertain whether there

1 were any flammable objects between the Jaguar and the back
2 wall which would have assisted the fire in reaching that
3 black wall?

4 A I don't recall.

5 Q All right, sir. With respect to -- did you form an
6 opinion at what point the back door -- or the fire entered
7 the house?

8 A No, sir.

9 Q All right. And what -- let me ask you this. Was there
10 any indication as to whether the roof had fallen when the
11 fire entered the house?

12 A Roof had fallen?

13 Q Collapsed?

14 A Yes, the roof did collapse.

15 Q All right. And would that have been before or after
16 the fire entered the house?

17 A Timeline would be difficult to say, but more than
18 likely, it would consume the members that held up that roof,
19 so then the roof would fail.

20 Q All right. And that's going to take some time, isn't
21 it?

22 A It depends on what the structure is built out of.

23 Q All right. Assuming a normal structure -- in other
24 words, if that fire started at the Jaguar, it's got to
25 travel from the Jaguar to something else flammable, correct?

1 A Yes, sir.

2 Q Or it's got to ignite the rafters in the roof, correct?

3 A Yes, sir.

4 Q That doesn't happen instantly, does it?

5 A No, sir.

6 Q So there's time between when a fire would be discovered
7 there and the time when the fire would spread to the
8 structure itself?

9 A When the 911 call was made?

10 Q No, no, no, no. The fire starts somewhere in this area
11 here, correct?

12 A Yes, sir.

13 Q And I'm pointing between the two vehicles. That fire
14 is started in this area. In order to reach the house, it's
15 got to have -- the structure itself has got to catch fire;
16 is that correct?

17 A No, sir.

18 Q All right. How would it reach the house otherwise?

19 A So you have a roof structure above the vehicle, just
20 like I said with water, fire wants to go up and out. So
21 once it hits the ceiling of that, it's going up and out in
22 all directions. A vehicle has plastic, has fuels, has
23 everything inside of it to sustain combustion and is a great
24 fuel load, as we all know if you've ever seen a vehicle
25 fire.

1 So what it would do is hit that ceiling, hit the
2 ceiling and the roof, go out, up and out and the entire
3 time, it is impinging on these windows. So the entire time,
4 that heat is coming. And what it does is it forms a heat
5 and smoke layer. And with that smoke layer, it's super
6 heated. So at any point in time, all of that smoke -- some
7 people want to call it flash over if you've ever watched
8 Back Draft or anything like that. But what it is just flame
9 over, all ignites at the same time.

10 Q And can you tell me how long it would take from start
11 -- assuming for the moment that it starts with the engine in
12 that car, can you tell with any degree of certainty as to
13 how long it would take before that heating would reach the
14 roof?

15 A No, sir.

16 Q Could it be more than five minutes?

17 A It would be -- I would not want to say because there's
18 a lot of factors that goes into that.

19 Q What sort of factors are those?

20 A The weather, the humidity level, the items that are
21 being consumed in the fire, what is being consumed in the
22 fire and the path, the wind. There's a lot of factors that
23 play into that.

24 Q All right.

25 MR. HARTE: Let's go to the next one.

1 BY MR. HARTE:

2 Q All right. After you went through that investigation,
3 what was your next step?

4 A Which investigation?

5 Q Well, you said you did a clockwise search. Just take
6 us through what you found.

7 A Once I entered inside of the structure, I found three
8 deceased individuals, two on the bottom floor and one on the
9 upper floor.

10 Q Will you tell me where the two on the bottom floor
11 were?

12 A Referring back to my sketch, a female was located, if
13 facing to the front of the house, it would be to the right
14 side. I believe the male was located in what was determined
15 to be kind of a dining room with a table and then another
16 female was located upstairs in a bedroom.

17 Q And deceased folks were still there in the house?

18 A Yes, sir.

19 Q Is this a sketch that you're familiar with?

20 A Yes, sir, it is.

21 Q So what is this over here?

22 A That is a deceased female.

23 Q And here?

24 A Deceased male.

25 Q And this room is determined to be what?

- 1 A I guess it would be the dining room.
- 2 Q And then this is the living area?
- 3 A Yes, or one of them. I see couches in the other area.
- 4 Q Then you have another living area here?
- 5 A Yes, sir.
- 6 Q And there is -- in the place where the older -- the
- 7 deceased female is here, this is a door leading into it,
- 8 another door leading into it; is that correct?
- 9 A Yes, sir.
- 10 Q Were you able to determine how the deceased male got to
- 11 where he is?
- 12 A No, sir.
- 13 Q What did you observe about his body when you saw it?
- 14 A I believe he was face down. There's actually pictures
- 15 of that as well.
- 16 Q And with respect to the older lady in the bed to the
- 17 right as we see it, what was her situation?
- 18 A She was still in the bed.
- 19 Q All right. Was that room consumed by the fire?
- 20 A No, sir.
- 21 Q Is this the room that she was found in?
- 22 A Yes, sir.
- 23 Q Of course, we've blacked out her face?
- 24 A Uh-huh.
- 25 Q Is that consistent with what you observed at that time?

1 A Yes, sir.

2 Q Are these photographs you took, by the way?

3 A Yes, sir.

4 Q Based on your -- well, have you now told me everything
5 that you did with respect to your investigation?

6 A Yes, sir, I have.

7 Q Did you talk to anyone as part of your investigation?

8 A We were just there for determining origin and cause of
9 the fire. We do take information in that helps us reach
10 that point, but as far as documentation, we leave that to
11 the assisting agency that we are there for. I did take
12 statements from first-arriving fire fighters that arrived on
13 scene.

14 Q Did you have any occasion to speak to Travis Robinson?

15 A I don't recall that.

16 Q All right. With respect to this fire, were you able to
17 determine the precise location -- the precise location where
18 it started?

19 A No, sir.

20 Q Were you able to determine what the precise cause of
21 the fire was?

22 A No, sir.

23 Q The accelerants that were triggered -- that triggered
24 the dog to react, what would it have taken to ignite those
25 accelerants?

1 A Usually, it's some type of open flame.

2 Q Would a cigarette cause such a flame?

3 A Usually, cigarettes doesn't cause fires like you see in
4 the movies.

5 Q So what -- so flipping the cigarette into the
6 accelerant wouldn't trigger it?

7 A No, sir.

8 Q All right. What -- other than -- when a fire like this
9 starts, assuming everything you've told us, would the
10 occupants of the house die -- let me back up. I want you to
11 assume that an individual discovered the fire and that he
12 went to his vehicle, which was the Ford Explorer, and backed
13 it out. Upon backing it out, immediately called 911. Would
14 this fire have had time to consume the house as it did in
15 the time that it took to back the Ford Explorer out and make
16 that call?

17 A There's a lot of factors in there.

18 Q What factors?

19 A The same that I stated previously as far as the
20 weather, how long it takes firefighters to get there, what
21 is being consumed. There's a lot of things that play in a
22 fire.

23 Q Well, I guess my point is -- let me phrase it this way.
24 Let's suppose that the individual who reported the fire saw
25 the fire when he pulled in with the Jaguar and he got out of

1 his car, out of the Jaguar, went over to the Ford Explorer,
2 backed it out and then immediately made the call, which was
3 at 2:10.

4 So if the fire has been burning less than just a matter
5 of minutes and it is determined by the coroner that Ms.
6 Williams died at 2:10, which is the exact time that 911 call
7 was placed, is that consistent with what you would have
8 expected the speed of the fire to have been so that it could
9 move that fast through that house?

10 A That's making a lot of assumptions.

11 Q All right. Tell me what I'm missing.

12 A Like I said, there's a lot of factors that go into
13 that. In making assumptions about how fast the fire moves,
14 I just don't feel that's appropriate in this case.

15 Q All right. So can you make any conclusion at all about
16 how the fire got in the house?

17 A Yes, sir.

18 Q How did it get in the house?

19 A Through flame impingement through the windows and then
20 once it consumed the roof of the garage structure, it went
21 into the soffit into the attic area.

22 Q Now, you can't tell me whether that was a matter of
23 seconds or minutes or what?

24 A No, sir.

25 Q All right. How much gas was in the tank of the Jaguar?

1 A I'm not sure.

2 Q Would that matter?

3 A It would definitely contribute to fire spread at that
4 point in time, depending on how much it was.

5 Q All right.

6 A If the gas tank failed.

7 Q We don't know what happened?

8 A No, sir.

9 Q With respect to the Ford Explorer, do you know what, if
10 anything, was found in the Ford Explorer?

11 A I believe there's photographs documenting what's inside
12 of the Explorer.

13 Q Would you look at these photographs here?

14 A Yes, sir.

15 Q And what, if any, damage do you see from the heat
16 there?

17 A I believe it's that part that she just passed and the
18 driver's side window.

19 Q What, if any, conclusions can you draw from that?

20 A That would have been in close proximity to the fire.

21 Q All right. Do you recognize this photograph?

22 A It would be one I took prior to layering away the fire
23 debris.

24 Q Is that the dining room that we're looking at directly
25 in front of us?

1 A I believe so.

2 Q Are you able to -- if I use the phrase burn pattern, do
3 you know what I mean by that?

4 A Yes, sir, absolutely.

5 Q All right. What, if anything, can you determine from
6 the burn pattern in that room?

7 A That the room reached full involvement with the fire.
8 And that's just, basically, charred all the way from the
9 ceiling to the floor.

10 Q Can you tell where the fire originated?

11 A It's not in that room.

12 Q I mean, can you tell how it entered that room?

13 A I cannot based off of -- I would need to see the other
14 side of the door.

15 Q Do you recognize that?

16 A Yes, sir. This was the front of the house. All the
17 fire spread came from the rear of the house towards the
18 front of the house.

19 Q So when we say the rear of the house, we're talking
20 about the area where the carport --

21 A Yes, sir.

22 Q Attached carport was?

23 A Yes, sir.

24 Q If we look at this sketch, we've got the fire in the
25 carport?

1 A Uh-huh.

2 Q Did you form an opinion as to what openings the fire
3 entered?

4 A No, sir, you had many. There's a couple windows on the
5 back side. There's that rear door and then you have the
6 soffit, of course, that's above it that gets it into the
7 roof.

8 Q So would it come -- it would come in through here?

9 A Yes, sir, and those windows.

10 Q I'm not sure --

11 A Yeah, there's no -- yeah, I think there's one here. I
12 think that rear shot showed how it gets inside.

13 Q So it appears he was over here?

14 A Yes, sir.

15 Q Is it more or less likely that the fire was in here and
16 he opened that door?

17 A I can't say.

18 Q Well, how do you think it got there?

19 A I can't say that either.

20 MR. HARTE: All right. Thank you. If you would,
21 answer any questions of the Defense.

22 THE WITNESS: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. WLODARCZYK:

25 Q Sir, my name is Damon Wlodarczyk and I want to make

1 sure, what is your title currently?

2 A I'm a lieutenant with SLED.

3 Q Appreciate you being here. Looking at your report,
4 this was an all out multi-agency investigation, do you agree
5 with that?

6 A Yes, sir.

7 Q You had SLED?

8 A Yes, sir.

9 Q And it looks like ATF was there?

10 A Yes, sir.

11 Q Is that routine for ATF --

12 A Yes, sir, we work closely with ATF, especially on the
13 fire investigative side of things.

14 Q You, also, had the sheriff's department?

15 A Yes, sir.

16 Q And there was various firefighters from different units
17 there as well?

18 A Yes, sir.

19 Q And if I understand, your purpose, specifically, was to
20 determine whether or not this fire was arson; is that
21 correct?

22 A Well, we determine the area of origin to try to
23 determine what started the fire.

24 Q Okay.

25 A A lot of times with destruction like this, it's just

1 not able to.

2 Q I understand. Is it a criminal investigation, though?
3 Because I know, for example, the sheriff's department here
4 previously Mirandized the witness. Is it criminal in nature
5 or is just for determining --

6 A Well, with three people deceased inside, you definitely
7 want to make sure you dot all your I's and cross all your
8 T's.

9 Q And looking at the final report from the sheriff's
10 department, it indicated it was accidental. Do you have any
11 information contrary to that as we sit here today?

12 A No, sir.

13 MR. WLODARCZYK: Thank you, sir, for your time.
14 Appreciate it.

15 No further questions, Your Honor.

16 MR. HARTE: Your Honor, I would ask the witness to be
17 excused and release him from subpoena, Your Honor.

18 MR. WLODARCZYK: No objection, Your Honor.

19 THE COURT: Sir, you are excused.

20 THE WITNESS: Thank you.

21 THE COURT: Thank you for being here.

22 Mr. Harte, it is now 3:10, is your next witness
23 available?

24 MR. HARTE: No, Your Honor. Unfortunately, the rest of
25 my witnesses are law enforcement officers and they have

1 asked for specific times. And based on what I thought would
2 happen to day, we were expecting that this would take us to
3 the end of the day and we would be up tomorrow.

4 THE COURT: Okay.

5 MR. HARTE: I believe I have two -- just one moment,
6 Your Honor.

7 (Pause.)

8 MR. HARTE: How much longer would you like to go this
9 afternoon, Your Honor?

10 THE COURT: Mr. Harte, we can go quite a while. We
11 have, at least, another two hours that we could do.

12 MR. HARTE: Your Honor, I will switch order and I will
13 call Gloria Allen, Your Honor.

14 THE COURT: Thank you, sir.

15 Ms. Allen.

16 GLORIA ALLEN,

17 after being duly sworn, testified as follows:

18 THE CLERK: Have a seat and state your name for the
19 court reporter.

20 THE WITNESS: My name is Gloria Williams Allen. And
21 you spell that A-L-L-E-N.

22 DIRECT EXAMINATION

23 BY MR. HARTE:

24 Q Go ahead and spell Gloria and the others as well.

25 A G-L-O-R-I-A.

1 Q Thank you. Ms. Allen, where do you live?

2 A I live here in Aiken.

3 Q And what relationship were you to Helen Williams?

4 A She was my mother.

5 Q And tell me about your mother. Where did she come
6 from?

7 A My mother was born in Saluda, grew up in Saluda County.

8 Q And how much education did she have?

9 A Her high school.

10 Q How many times was she married?

11 A Only once.

12 Q How many children did she have?

13 A Eight.

14 Q How many children do you have?

15 A Three.

16 Q And where are they now?

17 A My oldest daughter and her husband live in Summerville.
18 My second oldest lives in Spartanburg. And my son and his
19 wife -- my second oldest daughter and husband live in
20 Spartanburg. My son and his wife live here in Aiken.

21 Q How much education do you have?

22 A I have a Master's, plus 30 hours above on a doctorate.

23 Q And what sort of work have you done in your life?

24 A After graduating college, I started to work in Aiken
25 County. I worked at -- with the school district of Aiken

1 County for, actually, 20 years. 19 in the classroom
2 teaching mathematics at South Aiken High School. After
3 there, I went to the district office and worked as a
4 curriculum coordinator.

5 Then I left the school district and went to USC-Aiken
6 to work for 25 years in the mathematics departments and the
7 school of education. I, also, did consulting work for the
8 State of South Carolina. There were 13 regional math and
9 science centers and I directed one of those centers.

10 Q Are you currently employed?

11 A No, sir, I retired in 2018.

12 Q Now, you grew up where?

13 A I grew up in Edgefield County.

14 Q You have how many brothers and sisters?

15 A I have seven. There were two brothers and five
16 sisters.

17 Q Now, your mother, Helen, did she work outside the home?

18 A She did at one time, but not very long. She,
19 basically, worked as -- well, she was a housewife, but she
20 worked at Regal in Johnston for a short period of time and
21 then she worked for Graniteville Company for a short period
22 of time.

23 Q Now, you said there were eight children. In the order
24 of children, where did you fit in?

25 A I'm the fourth child.

1 Q What sort of plans did your parents share with you for
2 their children?

3 A Well, when we were growing up, I grew up on a farm.
4 And my dad and my mom would always tell us that their plan
5 for us was to receive degrees in higher education, which
6 they held true to that commitment. By their employment, my
7 dad's work and my mom's work, all of us received degrees in
8 higher education either at universities or technical
9 schools.

10 Q What did your dad do while you were growing up?

11 A My dad worked at the Savannah River Site during
12 construction time. And then later, he worked at the
13 Graniteville Company on what they called the third shift.
14 Then he would come home and work on a farm that he and my
15 mom had purchased, the second farm. They purchased one,
16 sold it and purchased another 362-acre farm, which we worked
17 on.

18 Q Tell us a little bit about that farm. What kind of
19 work did everybody do on that farm?

20 A My dad started out growing cotton. And he would go and
21 pick people up from other counties, like McCormick and
22 Greenwood and so on to come and help with chopping cotton
23 and picking cotton. And then by the time I was in middle
24 school, he switched to soybeans, which we were very
25 thankful. So he, basically, grew cotton and soybean on the

1 farm.

2 Q What did the children do?

3 A We helped to work on the farm. We knew that part of
4 our chores were each morning after we would get up and go to
5 work to do various chores in terms of helping with the
6 cotton planting, chopping and whatever. Then when it was
7 harvest time, picking cotton. I was a part of that. So we
8 were expected to do that, of course, until school opened.
9 My dad and my mom were very adamant about children going to
10 school and getting an education. But we would have to do
11 farm chores once we came home from school.

12 Q Did you pick cotton by hand?

13 A Yes, sir, I did.

14 Q Tell us a little bit about that.

15 A Well, it wasn't easy. At the time, I guess, we didn't
16 understand why we were being asked to do that kind of work.
17 We would actually get up early in the morning at sunrise.
18 We would get breakfast if it was in the fall before school
19 and then we would go to the fields. And we would come home.
20 My mom would always have breakfast. We didn't call it
21 lunch, we called it dinner at that time, and in the evenings
22 we would have supper. But we were expected to do our chores
23 working on the farm picking cotton. It was hot. It was
24 very tiring, but we learned later why our parents instilled
25 those kind of work ethics in us.

1 Q What did you learn -- you said you learned later why,
2 what did you conclude from your experience?

3 A It was about having goals in life and high work ethics
4 and being committed to family life as far as children
5 working together with parents to help accomplish goals.

6 Q When there were meals, was the family there, all the
7 family there for meals?

8 A Yes, sir, we were expected to eat breakfast together.
9 We would eat lunch together -- well, dinner is what we
10 called it. And then we would be expected to be there for
11 supper together. It wasn't eat whenever you feel that you
12 need to. Once we had finished what we needed to do as far
13 as chores, then we would come in and have dinner together.

14 Q As the children grew up, did y'all remain close?

15 A Always. All of my siblings, we did. We're very close.

16 Q You were close with Diane?

17 A She was my bestie. Yes, sir, very close with her. We
18 often talked about employment. She worked as a math teacher
19 as well and we talked about teaching mathematics. She
20 worked in Richmond County. She worked in Allendale. She
21 worked in Aiken County. And she retired from Augusta Tech
22 to take care of my mom. But we were very close and talking
23 about work and those kinds of things as well as family.

24 Q What did your mother teach you as far as morals and
25 work ethic and that sort of thing?

1 A It was about being committed to doing things and
2 valuing life and valuing commitment to family and to
3 children. She was just always there to teach us, along with
4 my dad, the importance of just wanting to have goals, as I
5 said, in life and staying committed to those goals and
6 having high work ethics. Because even when she went out to
7 work, there was an elderly lady that at the time when I had
8 learned to drive, we would go and pick up that lady to come
9 and stay with us. So my mom was teaching us then that you
10 can't just go off to work and leave children and do
11 whatever. You have to have something in place so that you
12 know they were well taken care of.

13 Q Was your family an affectionate family?

14 A Very affectionate. We loved each other. There were
15 never any quarrels between sisters and brothers. We were
16 just brought up that way. So whenever -- if we encountered
17 something that was difficult in life, we would talk to each
18 other about it. Talk to mom and dad. They were just always
19 there for us. And so yes, my family was very affectionate
20 when it came to our family members and being a very
21 close-knit family.

22 Q Now, your mother, she had had a stroke of some kind.
23 Can you tell me how it came to be known that she had had a
24 stroke?

25 A Actually, I was at her house in North Augusta because,

1 as it was mentioned earlier, my sister, Diane, would --
2 after she retired from Augusta Tech, she would take care of
3 mom during the week and I would go over and take care of her
4 on the weekends. And so, of course, it was a Sunday
5 afternoon, I was at her house. She had gone to church with
6 my sister, Diane. And I didn't mention earlier, but she and
7 my dad were very active in church, kept us very active in
8 church. My dad was a clerk.

9 But going back to how I found out she had the stroke,
10 my sister, Diane, had taken her to church that morning,
11 brought her back to her house, which I was there. I was in
12 the kitchen. We had cooked dinner. We would have family
13 dinners often, very often. Even after we were adults for
14 those who were living here. And I was in the kitchen after
15 dinner and I asked her a question. And I happened to turn
16 around and look because she wasn't responding to me and I
17 thought, oh, my God, what's going on?

18 And so Diane had just left. And I called her and I
19 said, Diane, mom is not responding to my questions. And I
20 called 911. And they sent an ambulance to the house and
21 picked her up and took her to University Hospital, which is
22 where they confirmed that she had had a stroke.

23 Q And what was the affect of the stroke on your mother?

24 A Well, after the stroke, she was very cognizant of what
25 was going on around her. It didn't affect as far as her

1 ability to understand what someone was saying to her, but
2 she just couldn't speak. She would nod her head yes or no.
3 She could use her arms, very limited use of her arms. Her
4 legs, she couldn't walk. We had to get her in and out of
5 bed. And this was even after rehabilitation at Walton Rehab
6 in Augusta. She couldn't get herself in and out of bed.
7 Technically, she could not feed herself. We would have to
8 feed her and those were pureed foods, soft foods.

9 The interesting thing about the effect of the stroke on
10 her was that when she would go to rehab, she couldn't speak.
11 She couldn't speak, but she could sing. She could sing.
12 And the song she would always sing, and the nurses there
13 would just ask her every time, was Amazing Grace. And she
14 could sing that song. And she would sing it for us, for the
15 grandkids, when she went to rehabilitation. But she
16 couldn't -- we knew that she knew what was going on around
17 her. When someone asked her to do that, she would do it.
18 And she would let us know if she needed something to drink
19 or whatever.

20 Basically, we changed her. We just decided we would
21 keep her at home. We didn't want to put her in a nursing
22 home because we knew when we were growing up, her
23 commitment, my dad's commitment to us as a family and so,
24 Diane and I decided, even though I was still working and
25 Diane retired, that we would take care of mom at home and

1 that's what we would do. And that's where the weekend prior
2 to this house fire, she had been at my house. But she was
3 very dependent, very dependent.

4 Q Did she have a house of her own?

5 A Yes, sir. She had a house in North Augusta.

6 Q And how was her care seen after in that house?

7 A I had a younger sister, who had lost her husband. He
8 was the second solicitor in Columbia and she had lost him in
9 a boating accident. So Debra -- my mom and my dad,
10 actually, went to get Debra and brought her back to live
11 with them. So Debra, my younger sister, was staying with
12 her at all times and she was there in the house with her.
13 But she had her own house. She did not live out on
14 Edgefield Highway.

15 Q And you said that your sister, Diane, participated in
16 her care. What was Diane's part in the care?

17 A Basically, starting from the beginning of the day and
18 even during the night, she would check on her, give her
19 breakfast, make sure her meds were given, lunch, making sure
20 she was dressed for the day. Every day, we would get her
21 up, get her dressed for the day, making sure that she was
22 changed. We had a nurse that would come in as well, but
23 still, she was at home and we were, basically, responsible
24 for her care.

25 So for Diane, she was making sure that her meds were

1 given, that she had doctors appointments. She would take
2 her back and forth to those doctors' appointments. She knew
3 that was her responsibility, basically, during the week.
4 And, of course, I wouldn't just wait until the weekend.
5 Sometimes I would go over after work to help take care of
6 her as well.

7 Q Now, when you say go over, was this --

8 A To North Augusta.

9 Q Is that what Diane did --

10 A Diane would leave her house, right, from out on Highway
11 19 and go to North Augusta to care for her.

12 Q And then were there occasions where Ms. Williams would
13 stay with Diane at her house?

14 A Yes, sir. She would stay occasionally.

15 Q Who was living in that house?

16 A When you say that house?

17 Q The house where the fire took place, who was living --

18 A Oh, Diane and her husband, Calvin, my brother-in-law.
19 They were staying at the house and Travis.

20 Q All right. And when the grandmother -- or your mother
21 had the stroke, did you have conversations along with family
22 about how y'all were going to care for Ms. Williams?

23 A Yes, sir, that's when we decided we weren't going to
24 put her in the nursing home, that we would arrange our
25 schedules so that Diane could be to care for her during the

1 week and, basically, I would be responsible on weekends
2 unless we had something else and we would interchange.

3 Q What, if any, part did Travis have in assisting with
4 the care for Ms. Williams?

5 A Well, he knew that we needed help getting her in and
6 out of bed. We were all trained by the nurses and at Walton
7 Rehab how to get her out of the bed into the wheelchair, how
8 to get her from the wheelchair back to the bed. There were
9 boards that we would use, solid, hard plastic, if anyone has
10 ever cared for an elderly adult, but you could slide it
11 underneath them in the chair, slide them to the bed or you
12 would literally have to lift them. And that's where Travis
13 and Diane's husband, Calvin, would, also, help. We were
14 taught how to lift the person without putting a strain on
15 your back. Basically, they would call it lifting with your
16 knees. So you knew you were not hurting yourself, but at
17 the same time, moving an individual who could not move
18 themselves.

19 Q Was Travis involved at all in administering medicines
20 and things of that nature?

21 A He would help sometimes with giving it to her because
22 my sister, Diane, would have it laid out as far as the
23 dosages and what she would need to take morning, noon and
24 night. And yes, he helped with that. Travis loved his
25 grandma. He was -- at times he wasn't drinking, he really

1 cared for his grandmother.

2 Q You say if he wasn't drinking. Tell me about that part
3 of it.

4 A Well, we knew he had a problem with alcohol. And
5 sometimes if he was drinking, you know, he, just like anyone
6 else who was under the influence.

7 Q Has he ever had any treatment?

8 A I can't really say yes or no. I know he had gone to
9 the Veterans Hospital several times at Eisenhower.

10 Q And he served in the military?

11 A Yes, sir. He was honorably discharged from the
12 military. I don't know if he went overseas, but I know he
13 served in the military. In fact, that's how he was over at
14 the Veterans Hospital when he died. He's actually buried at
15 Fort Jackson.

16 Q How long did he serve in the military, if you know?

17 A It was either three or four years.

18 Q Now, was your mother able to laugh?

19 A Oh, it was her laughter that the grandkids and my
20 children absolutely loved. She would laugh. Even after the
21 stroke, she would laugh. She would make them just feel good
22 about themselves. Before she had the stroke, she would
23 laugh and kid with the children, the grandchildren. My
24 oldest daughter would often talk about before she actually
25 received her driver's license, my mother, her grandmother

1 would take her out near where our farm is located and let
2 her drive so that she could learn how to drive. She said
3 without a license, she was -- she called it the back roads
4 to the farm, but she would let her drive.

5 Q How about Ms. Williams's health, tell me about her
6 health.

7 A Mom was in good health prior to the stroke and even
8 after the stroke. It was the stroke that was debilitating
9 for her. She had a pacemaker, but other than that, she was
10 in good health. She was not a diabetic. She just -- she
11 was in good health.

12 Q You said you were feeding her a pureed diet. Was she
13 able to sustain her weight on that diet?

14 A Pretty much. She lost a few pounds as anyone would
15 without high carbs and that kind of thing.

16 Q We all know this fire occurred on October 1st of 2013.
17 How long had she been -- how long had y'all been caring for
18 her by the time 2013 in October came around?

19 A For about two years.

20 Q So the plan that you had in place, was it working?

21 A It was working.

22 Q And Travis was a part of that plan?

23 A Yes.

24 Q If I ask you to rate your observations as to her
25 enjoyment of life on a scale of one to ten with ten being

1 the very best, where would you have put her enjoyment of
2 life?

3 A Probably a seven or an eight.

4 MR. HARTE: Your Honor, this is Plaintiff's Exhibit No.
5 5 and I would move it into evidence.

6 MR. WLODARCZYK: No objection.

7 (WHEREUPON, Plaintiff's Exhibit No. 5 was admitted into
8 evidence.)

9 BY MR. HARTE:

10 Q Ms. Allen, if you could carefully come down the stand
11 there.

12 A (Witness complies.)

13 Q Ms. Allen, I'm showing you a photograph. Could you
14 tell us what we're looking at here?

15 A That was my mom and my granddaughter, who is now in
16 high school. That was taken in 2010. The grandchildren
17 loved my mother. They looked forward to visiting with her
18 and she would spend time with them. Even as Marcus alluded
19 to, they would get in her lap and just wanted to be around
20 her. So that's a picture of my mom with one of her
21 grandchildren. It was my granddaughter, my oldest
22 granddaughter.

23 Q Is this before or after the stroke?

24 A That was before the stroke. Actually -- yes, that was
25 right before the stroke. This is in 2010.

1 Q And this photograph?

2 A That's my mom.

3 Q And do you know when that was taken?

4 A It was taken probably prior to 2000 because that's when
5 my dad died and she's in the picture with him.

6 Q All right. Now, what are we looking at here?

7 A That's a picture of my daughter, who is here today,
8 Andrea, with my mom at her graduation. That was prior to
9 her stroke. My mom would always want to attend all of their
10 graduations. She would encourage them to do their best in
11 school. She remembered their birthdays. She would,
12 actually, give them things for birthdays and even when they
13 graduated. I remember when my oldest daughter went off to
14 college, she gave her a trunk. My daughter, her
15 granddaughter wasn't expecting that. And she gave her a
16 trunk and she said I want you to put all of her personal
17 items in here and you take this off to school with you. But
18 she was just that kind of person. She was very involved in
19 their lives. So this is her at my daughter's graduation
20 from South Carolina High School.

21 Q And this photograph?

22 A That's my mom and my dad. They're with Lauren, my
23 youngest sister's daughter, who mom encouraged her as she
24 went on from being a baby to middle school to high school to
25 go on to college. Lauren graduated from USC-San Diego. She

1 lives in California now. And that's my dad. My mom, I
2 didn't mention earlier, met my dad when she was, I guess, in
3 high school. They married at 20 and that's when they
4 purchased, like I said, two farms. They sold one and bought
5 the other one, 362 acres. But those same morals and work
6 ethics that she and my dad instilled in us, she, also, did
7 with the grandchildren.

8 Q And that photograph?

9 A And that's me, I guess, in a younger day with my mom
10 celebrating her birthday. And that's mom after the stroke.
11 And that's my younger sister, Pam, that's on the right. And
12 that's Lauren, the baby that you saw a minute ago with my
13 mom, that's Lauren there with her. And that's Diane, my
14 other sister, Diane, that I had taken her out to her house
15 the morning before she died.

16 Q All right.

17 A But she was in a wheelchair there as you can see.

18 Q Thank you. You can go back.

19 A (Witness complies.)

20 Q You said that you took your mother out to Diane's house
21 the morning before the fire; is that correct?

22 A Yes, sir.

23 Q Tell us about that.

24 A Well, mom had spent the weekend -- well, the night, I
25 should say. I had gone over to North Augusta and brought

1 her back to Aiken and she had dinner at my house. My
2 children were home and they wanted to see her. And so I
3 called Diane and I told her that mom was at my house for
4 dinner.

5 And so later, Diane called me back because she and
6 Calvin had been at a class reunion. And she said, Will you
7 bring mom to my house since she's at your house and you're
8 here in Aiken, a little closer, rather than taking her back
9 to North Augusta and I'll just keep her here at my house.

10 So that morning, the Monday morning, I had to be at
11 work. So I -- my son helped me to get her in the car and I
12 took her out to Diane's house, Diane, Calvin and Travis.
13 And when I got there, they all three came out to the car to
14 help get her out of the car. And I remember saying --
15 Travis came out first and then -- well, Diane came out and
16 then Travis came out and then later Calvin came out. And I
17 remember joking with her and saying, You've got them coming
18 out of the woodworks here. All three had come out to help
19 get her out of the car because they knew that it was not
20 something that Diane and I could do on our own. So all
21 three of them, Travis helped to get her out of the car,
22 Calvin helped to get her out of the car and so did Diane.

23 Q And then where did you go after that?

24 A I went to USC-Aiken to work. I had a workshop I was
25 doing for teachers from across the state that day. I

1 remember telling Diane I couldn't stay long, I had to get
2 back to work -- or get into work. So I left and went to
3 work.

4 Q When did you find out about the fire?

5 A I found out about the fire the morning of. My son
6 called me and said, mom, one of his cousins had called and
7 said someone saw on the news that a house was on fire out on
8 Highway 19. And he said it looked like Uncle Zonnie's
9 house. And I asked him, I said, Are you sure? He said,
10 Yes, I'm sure. They said they recognized the house.

11 So I immediately started to call Diane, she didn't
12 answer. I started to call Calvin's number, their cell
13 phones, they didn't answer. And so I -- in the meantime, I
14 just left and went out there.

15 Q And what did you find when you got there?

16 A When I got there, it was -- obviously, the fire trucks
17 were there. It was still flames. The coroner was there,
18 but I didn't know who he was. I just wanted to get in and
19 they weren't letting me in. They had that whole area
20 blocked off with the yellow tape and whatever. And I wasn't
21 even thinking about yellow tape. I just wanted to get in
22 and see my mom, see Diane, see Calvin and Travis.

23 And so I remember an officer came because I was just
24 trying to get in to see her -- or see them and no one would
25 let me in. They just kept saying you can't go in now, you

1 can't go in. And I told them who I was. I needed to see
2 them and they said no, you can't. So I, we and others who
3 had gotten there at the time weren't able to go in. The
4 fire trucks were still there pumping water and things like
5 that.

6 Q Were there other family members there?

7 A My son had come out. He lives here in Aiken. There
8 weren't any other -- Calvin's -- no, his family had not
9 gotten there because they live in Greenwood. So as far as
10 our family members, I was the only one there and my son.

11 Q Can you describe for me how you felt when you received
12 that phone call about the fire at the house?

13 A I was in shock, disbelief and I guess I just wasn't
14 accepting that there could be a fire out there at the house
15 knowing that my mom was there, my sister and my brother. I
16 was just in a state of shock.

17 Q You'd been in the house before?

18 A Oh, yeah.

19 Q Had you observed as to whether or not it was a place
20 where you were comfortable with your mother being there?

21 A I was very comfortable with my mom being there. My
22 brother and his wife lived there. They would have dinners
23 and cookouts in the back of the house all the time. We
24 would meet there. And when Diane and Calvin moved in, when
25 they asked Marcus not to sell the house, but to allow them

1 to live there, to rent it, she kept the inside of the house
2 very neat, very nice, clean. I was comfortable with her
3 being there.

4 Q Marcus testified that he saw to it that there were
5 batteries in the smoke detectors before he turned the house
6 over to Diane and Calvin. Did you see the smoke detectors
7 in the house?

8 A To be honest, I did not look for them.

9 Q Now, when you first arrived at the house, who did you
10 encounter?

11 A The morning of the fire?

12 Q Yes, ma'am.

13 A The person that I learned later was the coroner. I
14 didn't know it then. And there was a police officer that
15 was there. That's who I met when I first got there.

16 Q When did you learn about the fate of the people in the
17 house?

18 A It wasn't until hours later. We were -- by then, other
19 family members, cousins and whomever had come. We were all
20 instructed to stand behind the fence that you may have
21 noticed on the picture. But it wasn't until later that I
22 believe Tim Carlton was the coroner at that time. And he
23 came over and he told me, he said, it would tough for him to
24 tell me, but there were deceased members of my family there
25 and that they were going to bringing them out of the house.

1 And he just wanted us to be prepared. He wanted me to be
2 prepared that they were getting ready to do that. And that
3 was hours later. My pastor at my church had come, he and
4 his wife. They were all there.

5 Q How did that affect you?

6 A Again, just shock and disbelief. Not even if it was
7 one person, but knowing that there were three that they were
8 talking about.

9 Q After the loss set in, what, if any, effect did the
10 memory and dealing with it have on you over the next few
11 weeks?

12 A Well, it was difficult to sleep, I didn't want to eat.
13 And I kept seeing these visions of him bringing my family
14 members out of the house. And thinking about when we had
15 the service for them and we entered the church and there
16 wasn't one casket that was there, there were three lying
17 across the front of the church. And I still see that. I
18 still have visions of going around 520 with three funeral
19 home cars. And just the pain of knowing they were gone.
20 They were just gone.

21 And that I had taken mom out there that Monday morning
22 before going to work, I didn't know that that was going to
23 be last time I would see her, see Diane, see Calvin. I had
24 gotten Diane off the phone the night before because I told
25 her I had work the next day. She wanted to tell me about

1 the class reunion. And even though we had multiple family
2 dinners and all that together, but just the mere fact I said
3 to her, I've got to go. I didn't let her tell me
4 everything. And then when -- I'm sorry, Attorney Harte.

5 Q Take your time. It's all right.

6 A I'm sorry. But I knew I had to be strong because my
7 mom had always been strong and there for us. When we lost
8 family members to whatever causes, she was just always there
9 for us. She was always there for the children, the
10 grandchildren. And I knew they were going to be looking to
11 me, so I just had to keep going. I had to keep going.

12 And I had really close friends that helped me to get
13 through it and family members. And not to just get through
14 it, but just to keep going because you never get through
15 something like that. You just don't. Even though I had
16 people at work to tell me our churches have been praying for
17 you, your family, the community is praying for you, it helps
18 to build strength, but you just keep going. You have to
19 keep going.

20 Q When you had your mother stay with you, did you ever
21 have any trouble waking her up?

22 A No, never. Never.

23 Q Now, you administered her medications; is that correct?

24 A Yes.

25 Q Was she taking any pain killers that you knew of?

1 A No, that came as a total shock to me earlier. Mom
2 didn't take pain killers. Even the reference to opioid or
3 whatever, no, absolutely not.

4 Q Did she ever take anything like Ambien to help her
5 sleep?

6 A Not that I recall. She took her meds. She had meds
7 that the doctor prescribed and Diane and I would make sure
8 she was taking those meds.

9 Q So you knew what she was taking?

10 A I knew what she was taking.

11 Q Had you seen the condition of the garage before the day
12 of the fire?

13 A Yes, there were times we've been out and when Diane
14 moved in, she and Calvin, she brought lots of things there
15 that I guess she didn't want to put in the house, so she put
16 them in the garage. Basically, as you would drive up, we
17 called it the carport, there to the left, there were things
18 in boxes that were packed. She had some file cabinets from
19 work with her materials that were there and other household
20 items that she just didn't want to store inside the house
21 because she was very neat. She just stored them out there.
22 There was a table out there that Travis would often sit at.
23 I don't know that she even let him smoke inside the house.
24 I think she had him smoke outside. So he would sit at that
25 table with things that were underneath the carport.

1 Q And how about long the outer walls?

2 A Basically, lawn equipment, things like that. But her
3 items, as far as papers and maybe there were some newspapers
4 or whatever that were stacked there. But on those other
5 walls were, like, lawn equipment items and the lawn mowers
6 and whatever else that were -- because I don't think they
7 had a storage unit out back. So things you would typically
8 put in a storage unit, she was -- had them stored out in the
9 carport.

10 Q Had you spoken to Travis about this?

11 A I would ask Travis and his response was always the
12 same, that he, basically, would go over what he had done
13 that afternoon, but he didn't remember a lot of what
14 happened. And the last conversation we had about it, I
15 remember he told me that everyone was blaming him and that
16 bothered him. And I told him, I said, You can't live with
17 that on your heart. You've got to talk to someone or get
18 some help or whatever. I said, But you in your heart know
19 what happened out there that night. So I can't tell you one
20 way or the other how to deal with it, but you know what's
21 true and what's not true. And it's what's true that's going
22 to set you free in terms of accepting or, at least, letting
23 someone know.

24 And I would visit Travis, even when he was
25 hospitalized. And the night before he died, I visited him

1 at the VA Hospital. And I will never forget the look on his
2 face. It was as if then he wanted to tell me something, but
3 he just stared. It was something about that stare and that
4 look. And I remember he asked one of the nurses could
5 somebody pray for him. But he never said to me, Aunt
6 Gloria, this is what happened out there. He would just say
7 he didn't -- he didn't remember it all.

8 Q Your mother under the rules of South Carolina would be
9 considered to have a life expectancy that would have been
10 between five and six years because she was 89 years old; am
11 I correct?

12 A Yes.

13 Q All right. So that would be the years between 2013
14 through 2019. What did Helen Williams miss those five or
15 six years?

16 A She missed seeing the children grow older, visiting
17 her, spending time with her. And not only the children, but
18 Diane, myself, my younger sister, Pam, and even three other
19 sisters that I have lost since the house fire. Since mom
20 died, she has had three daughters that have since died. So
21 she missed spending time with them as well. Because as I
22 said, our family would get together. We would have holidays
23 and birthdays and whatever. It was just a very close-knit
24 family.

25 And so my mom -- and I really -- I look at it from the

1 perspective of how much the children and grandchildren meant
2 to her, but they, also, have missed having her in their
3 lives just as I have missed having mom in my life. And I
4 think that meant a lot to her. I think that knowing how
5 hard we were growing up as children that once we were adults
6 that we didn't forget family.

7 And her life with my dad, just how they worked as a
8 team, I mean, a true team in making sure that we all had --
9 I think that we all missed that opportunity to continue to
10 let her know we appreciated her and in her own special way,
11 she would let us know how important we were to her and how
12 much she appreciated us, how much she appreciated Marcus, my
13 other two children, my daughter, who's here, how much she
14 appreciated all of the grandchildren and great-grands.

15 Q What, if any, effect does the way in which your mother
16 died have on you today?

17 A Attorney Harte, do you know how hard it is to relive
18 all of this for over 11 years now? Over and over and over.
19 And you keep saying in your mind what if, what if, what if.
20 And I know you can't live by what ifs. And I think it's my
21 faith in God, how my parents brought me up in the church
22 that has kept me going and to give me strength to just want
23 to keep going and not question all the things that happen.
24 But you want to bring closure to, at least, knowing as much
25 as possible about what happened.

1 And so I'm here representing my whole family that still
2 lives. I not only now have one younger sister who is alive,
3 but all of my brothers' children and grandchildren. I'm
4 here representing all of them. My other nieces and nephews,
5 they live out of state, so couldn't be here, especially when
6 they found out this case was coming up this week and
7 couldn't get time off from their jobs. But just knowing
8 that they, too, are struggling with this, wanting some
9 closure, wanting to know have we done everything that we
10 could.

11 I now understand when people say justice for a person.
12 At first, I didn't really interpret that as what do you mean
13 justice for someone. But just knowing that everything has
14 been done. And when I saw Sergeant Cleveland out in the
15 hallway, the first thing he said to me was, I wish we could
16 have done more. So I told him, I said, When you've done all
17 that you can do, that's all you can do and we appreciate
18 what you have done.

19 And that's how I feel right now. I am just doing what
20 I can do, not for me, but for my family, for my nieces, my
21 nephews, my children, the grandchildren, the
22 great-grandchildren so that when they think about their
23 grandmother, when they think about their Aunt Diane, when
24 they think about their Uncle Calvin, when they think about
25 Travis that they will know did you do what you could do.

1 And that's all I'm trying to do.

2 MR. HARTE: No further questions, Your Honor.

3 Mr. Wlodarczyk, the witness is with you.

4 THE COURT: Wait one second, Mr. Wlodarczyk. I know
5 it's uncommon, but I'd like to give the jury a quick break
6 before you start your cross.

7 MR. WLODARCZYK: Yes, ma'am.

8 THE COURT: Y'all can return to the jury room for a
9 potty break.

10 Ma'am, if you would stay right there.

11 THE WITNESS: Yes, ma'am, I will.

12 (WHEREUPON, the jury exits the courtroom at 4:07 p.m.)

13 THE COURT: Yes, sir, Mr. Harte, you're objecting. You
14 understand Defense counsel intends to publish Mr. Robinson's
15 obituary and you object to it on what grounds?

16 MR. HARTE: On the grounds it's not relevant to the
17 case.

18 THE COURT: All right.

19 Yes, sir.

20 MR. WLODARCZYK: It's as relevant as showing pictures
21 of the decedent and her relationship with the family. It's
22 the only opportunity I have to show who these people are and
23 what was just testified to.

24 THE COURT: I'm going to allow him to put the obituary
25 in. Is there anything specific in the obituary you object

1 to?

2 MR. HARTE: I wouldn't get down that far. But if you
3 allow it, you allow it. It's all right.

4 THE COURT: Yes, sir.

5 (WHEREUPON, the jury enters the courtroom at 4:16 p.m.)

6 MR. WLODARCZYK: Your Honor, at this time, I have
7 Defendant's Exhibit No. 2, which is the coroner report,
8 Defendant's Exhibit No. 3 is the obituary of Mr. Robinson
9 and Defendant's Exhibit No. 4 is Diane and Calvin's business
10 venture website to introduce into evidence.

11 THE COURT: Mr. Harte, your objection from earlier is
12 noted as to Defendant's Exhibit No. 3. Any additional
13 objections?

14 MR. HARTE: No, Your Honor.

15 THE COURT: So moved.

16 (WHEREUPON, Defendant's Exhibit Nos. 2 through 4 were
17 admitted into evidence.)

18 CROSS-EXAMINATION

19 BY MR. WLODARCZYK:

20 Q Ms. Allen, I know that your mother was in a wheelchair,
21 wasn't able to move, she couldn't speak. Did she have use
22 of her arms?

23 A Limited.

24 Q Okay. So she could push things off or move about if
25 she needed to with her arms?

1 A I'm not sure I understand --

2 Q With her arms?

3 A With her arms, okay. Yes, she could move them.

4 Q I'm going to hand you what we've already identified and
5 introduced as Defendant's Exhibit No. 2, which is a copy of
6 the coroner's report. Have you reviewed the coroner's
7 report in this case?

8 A I have.

9 Q And I've just put some tabs there so we can flip
10 through for your convenience so we can get through your
11 testimony as quickly as possible. Just flip through to make
12 sure that you recognize what we've discussed -- or that this
13 is the coroner's report? And you tell me when you're ready
14 to proceed with the questions.

15 A I am.

16 Q Okay.

17 A This is not the same report that I saw, but yes, I am.

18 Q Okay. On the first page, it says coroner's summary
19 report; is that correct?

20 A Yes.

21 Q And the date of death of your mother is October 1st,
22 2013?

23 A Yes.

24 Q And right next to that, it says time of death 2:11
25 a.m.?

1 A Yes.

2 Q And then the person certifying the death was Coroner
3 Tim Carlton?

4 A Yes.

5 Q And that's who you spoke with at the house?

6 A Yes.

7 Q And then as you go down, it indicates that the cause of
8 death was carbon monoxide poisoning and thermal injury,
9 house fire?

10 A Yes.

11 Q The manner of death was accidental?

12 A Yes.

13 Q And the mechanism of death was house fire?

14 A Yes.

15 Q And the doctor performing the autopsy was Dr. Janice
16 Ross?

17 A Yes.

18 Q Okay. And this was done at the Newberry County
19 Hospital?

20 MR. HARTE: Your Honor, I object to the form of the
21 question. It's okay if he wants to let her publish it, I
22 suppose, but this is not her document. But he asked her was
23 the autopsy performed at Newberry. She can't possibly know
24 that.

25 BY MR. WLODARCZYK:

1 Q Does the document say that the autopsy was performed at
2 the Newberry County Hospital?

3 A It does.

4 Q Okay. If you would go to the second tab, third page.

5 A (Witness complies.)

6 Q It says this report -- you tell me if I am accurately
7 stating what is in this document -- that this particular
8 page is from the Newberry Pathology Associates, PA?

9 A Yes.

10 Q And that it's a necropsy report FA13-696. Do you see
11 that right next to it?

12 A Yes.

13 Q Okay. And below that, the name of the person was Helen
14 Williams, your mother; is that correct?

15 A Right.

16 Q And the type of autopsy was a complete autopsy?

17 A Yes.

18 Q Going down, the finding in necropsy diagnosis, number
19 one says evidence of smoke inhalation, soot in the airway,
20 cherry red discoloration of the blood?

21 A Yes.

22 Q Number two is thermal injury; is that correct?

23 A Yes.

24 Q Number three says cardiomegaly? I am not good at
25 medical terminology, I explained that, but it does say that;

1 is that accurate?

2 A Yes.

3 Q And number four is atherosclerosis, you see that?

4 A Yes.

5 Q It says A, 90 percent occlusion of the right coronary
6 artery?

7 A Yes.

8 Q And B says 90 percent occlusion of the left anterior
9 descending coronary artery?

10 A Yes.

11 Q If you'd flip to the next tabbed page, please.

12 A (Witness complies.)

13 Q This page is from NMS Labs, do you see that?

14 A Yes.

15 Q And it states it's a toxicology report issued on
16 October 16th, 2013?

17 A I see that.

18 Q And the patient's name is Williams, Helen, your mother;
19 is that correct?

20 A Yes.

21 Q Below that, it has positive findings, compound
22 tramadol, O-Desmethyiltramadol, zolpidem, mirtazapine and
23 carbo X hemoglobin. Do you see all that?

24 A Yes.

25 Q If you'd flip to the next page, please.

1 A (Witness complies.)

2 Q The print is a little fine, but under number two of
3 that report, it says Mirtazapine, in parentheses, Remeron,
4 with a little registered trademark, femoral blood. Do you
5 see that?

6 A Yes.

7 Q And it says that that particular mirtazapine has been
8 used as an anti-depressant since 1994. Do you see that?

9 A Yes.

10 Q And you're saying that your mother was not on any
11 anti-depressants?

12 A Not that I was aware of, that's what I said.

13 Q If you'd flip to the next page, please.

14 A (Witness complies.)

15 Q And at the very top, it says O-Desmethyiltramadol and in
16 parentheses, it has tramadol metabolite, again, in the
17 femoral blood. Do you see that?

18 A Yes.

19 Q It says tramadol is a synthetic opioid receptor used
20 for the management of moderate to moderately severe pain.
21 Do you see that?

22 A Yes.

23 Q And you're saying that to your knowledge, your mother
24 was not on any opioids for pain?

25 A Not that I was aware of.

1 Q And below that is tramadol, and in parentheses, it has
2 Ultram, which is another registered trademark for Ultrex,
3 registered trademark, again, in the femoral blood. Did I
4 say that correctly?

5 A Yes.

6 Q And it says tramadol is a synthetic opioid receptor,
7 again, used for the management of moderate to moderately
8 severe pain. Did I say that correctly?

9 A Yes.

10 Q And then, finally, zolpidem, in parentheses, it says
11 Ambien with a registered trademark in the femoral blood. Do
12 you see that? Number five.

13 A Yes.

14 Q And it says zolpidem is a sedative hypnotic. It is
15 used for the short term treatment of insomnia. Did I say
16 that correctly?

17 A Yes.

18 Q And to your knowledge, your mother was not taking any
19 medications such as Ambien for insomnia?

20 A I was not aware of that. This is the first time I've
21 seen this part of the report.

22 Q I'm going to hand you Defendant's Exhibit No. 3, which
23 is Travis's obituary. Is that a picture of Travis?

24 A Yes, it is.

25 Q And do you know approximately when that picture was

1 taken?

2 A No, I do not.

3 Q Okay. Is that how he looked when he passed around the
4 age of 40?

5 A Pretty much, yes.

6 Q Defendant's Exhibit No. 4, can you tell the jury what
7 that?

8 A It's a personal financial success company, Warren
9 Financial.

10 Q Is that a company that your sister and brother-in-law
11 brand?

12 A I remember -- or I recall that Calvin talked about
13 companies that he had worked with, but I was not familiar
14 with the name of it.

15 Q Okay. I was going to ask you to describe your
16 relationship with your sister, Diane, and you did that on
17 your direct examination. What was the relationship like
18 between Diane and her husband, Calvin?

19 A As far as I could see from visits and when they would
20 visit us, it was fine.

21 Q How long had they been married?

22 A I'm not sure about the number of years, probably seven,
23 eight years.

24 Q And you said Calvin, also, helped take care of your
25 mother when they came to the house?

1 A Yes.

2 Q And he received training from nurses as well as to how
3 to properly move your mother?

4 A Right.

5 Q And did he take an interest in caring for your mother?

6 A He did. He was very helpful.

7 Q He didn't complain or gruff around?

8 A No.

9 Q And the same for Travis, you said he loved your mother,
10 his grandmother and would help out when he could; is that
11 correct?

12 A That is correct.

13 Q You never expressed any concerns about the condition of
14 the house or the garage at any point to Calvin or Travis or
15 Diane, did you?

16 A No, I didn't.

17 Q And you didn't have any issues taking your mother over
18 to their house to be cared for, did you?

19 A No.

20 Q Okay. And you said that your sister kept a very clean,
21 organized house. So there was nothing that you walked in,
22 like, ooh, I don't know if mom should be here, was there?

23 A Right.

24 Q And the first time that anything tragic, unfortunately,
25 this incident happened, that was the first time that you

1 found out that there was an issue; is that correct?

2 A Correct.

3 Q And that was approximately -- well, I guess they moved
4 in around 2010, according to Marcus, round about then and
5 this fire happened in 2013?

6 A That's correct.

7 Q And I know you said that you and your sister had been
8 taking care of your mother predominantly at your mother's
9 house for about two years before the fire?

10 A For about two years.

11 Q Aside from taking care of your mother, did you all have
12 social events over at the house with the whole family, your
13 mother, you, Calvin, Diane, any of the other family members?

14 A I recall Diane having a Christmas dinner, I believe,
15 yes.

16 Q No Thanksgivings or things like that?

17 A Basically, Christmas.

18 Q Christmas, okay. Now, Marcus had issues with alcohol,
19 didn't he?

20 A You mean Travis?

21 Q Travis, I'm sorry, yeah. I should wear my glasses when
22 I'm reading my notes. Travis had issues with alcohol?

23 A Yes.

24 Q And he was not working at the time of the fire; is that
25 correct?

1 A Right.

2 Q And prior to the fire, a month or two, he had been
3 hospitalized for some issues; is that accurate?

4 A Correct.

5 Q Do you know what he was hospitalized for?

6 A I did not.

7 Q Did you ever express any concerns to Diane about
8 Travis's alcohol use around your mother?

9 A No, because, basically, she didn't allow him to
10 interact with her when he was -- when he had been drinking.

11 Q He was, also, diabetic, Type I diabetic, insulin
12 diabetic?

13 A Yes.

14 Q And I believe you said that when he was near passing
15 that you were visiting him at the VA?

16 A Yes.

17 Q And how long had been in inpatient care at the VA
18 before he passed?

19 A I'm not sure, maybe a month.

20 Q Do you know why --

21 A Couple of months.

22 Q Why is he was in inpatient care, for what condition?

23 A No.

24 Q Did he ever express or tell you why he was there?

25 A No.

1 Q You said Travis expressed to you that he felt everyone
2 was blaming him for your mother's death and the death, I
3 guess, of his mother and stepfather?

4 A He did.

5 Q And you're bringing this lawsuit on behalf of the whole
6 family for closure; is that correct?

7 A Yes.

8 Q And you realize that bringing this lawsuit on behalf of
9 your family that you're blaming Travis directly for the
10 death of your mother?

11 A There were other, but that's a part of it, yes.

12 Q No, that's all of it. There are three people that you
13 are blaming collectively as the representative of the
14 estate, you said Travis is responsible for your mother's
15 death, Calvin is responsible for your mother's death and
16 Diane is responsible for your mother's death. Do you
17 understand that?

18 A I understand that, but it relates to actions taken by
19 them.

20 Q Okay. I have no --

21 A Or inactions. May I ask one of you?

22 Q You can't.

23 A Well, I'll have my attorney ask them.

24 MR. WLODARCZYK: Thank you.

25 THE COURT: Unfortunately, you cannot ask questions.

1 THE WITNESS: Okay.

2 THE COURT: Mr. Harte, redirect?

3 REDIRECT EXAMINATION

4 BY MR. HARTE:

5 Q You were asked about your relationship with Diane and
6 matters related to your mother. Did Diane have a special
7 relationship with your mother in terms of any duties she had
8 taken on?

9 A Diane and I both had Durable Power of Attorney for my
10 mom.

11 Q And did your mom rely on her for --

12 MR. WLODARCZYK: Objection, Your Honor, I think this
13 goes beyond what I asked on my very limited
14 cross-examination.

15 MR. HARTE: Your Honor, the point is that he raised
16 issues related to the relationship.

17 Anyway, I move into evidence Plaintiff's Exhibit No. 6.

18 MR. WLODARCZYK: I have no objection, Your Honor.

19 THE COURT: We can enter the exhibit without objection.
20 One second, please, on any other matter.

21 (WHEREUPON, Plaintiff's Exhibit No. 6 was admitted into
22 evidence.)

23 THE COURT: Mr. Harte, do you intend to go into that
24 line of questioning? Because I'm looking over the cross. I
25 do not believe that was involved in the cross.

1 MR. HARTE: No.

2 THE COURT: Thank you, sir.

3 MR. HARTE: No, ma'am.

4 THE COURT: Thank you, sir.

5 BY MR. HARTE:

6 Q Ms. Allen, the issue about -- he asked you why you were
7 bringing the lawsuit, and did you realize you were blaming
8 Travis and Diane and those sorts of things. You understand
9 what the jury can do here?

10 A Yes.

11 Q And are you asking them to return a monetary judgment?

12 A That's the jury's decision.

13 MR. HARTE: Thank you. That's all I have, Your Honor.

14 THE COURT: Thank you, sir.

15 Ms. Allen, you may step down.

16 Ladies and gentlemen, we've finished up with plenty of
17 time. Please do not discuss the case tonight at all with
18 your family members, with your friends or anyone. As
19 always, do not look up anything independently regarding the
20 law or the facts of any issue that has been presented with
21 you today.

22 We anticipate a full day of testimony tomorrow. I'll
23 ask you to be in the courthouse in the back room by 9:15.
24 Again, we hope to start up testimony immediately barring any
25 unforeseen issue coming up. And then we can move forward to

1 the jury in?

2 MR. WLODARCZYK: Nothing from the Plaintiff, Your
3 Honor.

4 MR. HARTE: Your Honor, I don't think so.

5 THE COURT: All right.

6 Is the jury all here?

7 THE BAILIFF: They're all here.

8 THE COURT: Bring them on in.

9 (WHEREUPON, the jury entered the courtroom.)

10 THE COURT: Good morning. I hope everyone had a
11 restful evening.

12 Mr. Harte, are you ready to continue?

13 MR. HARTE: Yes, ma'am.

14 THE COURT: You may call your next witness.

15 MR. HARTE: The Plaintiff calls Brian Wright.

16 THE CLERK: Place your left hand on the Bible and raise
17 your right.

18 BRIAN WRIGHT,

19 after being duly sworn, testified as follows:

20 THE COURT: Say your name and spell it, spell your last
21 name.

22 THE WITNESS: Brian Wright, B-R-I-A-N, W-R-I-G-H-T.

23 THE COURT: Mr. Harte, your witness.

24 MR. HARTE: Thank you, Your Honor.

25 DIRECT EXAMINATION

1 BY MR. HARTE:

2 Q Mr. Wright, tell us what your current occupation is.

3 A Yes, sir. I work for the State Law Enforcement
4 Division, SLED. During that time, I was in an arson unit as
5 a K-9 handler and an arson investigator. I've been at SLED
6 for 12 years, been in law enforcement 22.

7 Q Tell me a little bit about the training you've had to
8 work with K-9s.

9 A So in the fire service, we have what they call arson
10 detection K-9s, same difference as narcotics K-9s, bomb
11 sniffing dogs, anything like that. We are sent to a school
12 to train on accelerants. There's lots of different
13 accelerants, from gas to a light aromatic, which I'm not the
14 chemist, but I can tell you on the dog side. There's a lot
15 of different things the dogs can pick up.

16 A dog's scent is -- the best way to explain it, the way
17 I got it explained to me was if you refer back to childhood,
18 as your mom's cooking something in the kitchen, like,
19 spaghetti or something like that, we smell certain things.
20 Well, a dog can smell every ingredient in that. The dogs'
21 noses are way better than ours. The dogs pick up on things.

22 The school process is pretty -- a pretty long school.
23 This particular dog -- I've had two dogs. I had this dog
24 for about three years before he went out of service because
25 of some medical issues, then I got another dog. But this

1 particular dog was named Gunter. Gunter was a lab. Gunter
2 was provided to the State Police through the main State
3 Police and State Farm. State Farm has a program that will
4 sponsor dogs to help us where it doesn't cost us anything,
5 so it's a free dog. These dogs range from 10,000 to \$14,000
6 if you have to buy them, so we try to save the State some
7 money.

8 So in this process, I was sent to Maine, Alfred, Maine.
9 We were up there for five weeks. We trained about 200 hours
10 of training. And this includes -- the dog has a little
11 training when we get there, but they match the dog's
12 personality with our personality. So if you're a go-getter,
13 they want you to get a go-getter dog. It's kind of the same
14 thing.

15 So these dogs are food reward, meaning everyday -- you
16 feed them twice a day everyday. You feed them in the
17 morning, but the only way the dog eats is he smells gas.
18 And gasoline is kind of the mid-level of the accelerant base
19 that we're looking for. So that kind of covers most of the
20 stuff, instead of throwing alcohol or some other type of
21 accelerant. So gasoline kind of covers the whole spectacle
22 of it.

23 So every morning, you -- the dog gets up. You put some
24 accelerant out and the dog alerts to it by sitting. Once
25 the dog alerts, you have like a little food pouch, give him

1 some kiblets. But this is how the dog eats. It doesn't eat
2 out of a bowl like a normal dog does. So when the dog
3 alerts, you hand feed it and however much you want to do it.

4 So you have to vary the food everyday because a dog is
5 a creature of habit. And if you give him two handfuls of
6 food, he knows he's going to eat. Some days you give him a
7 little bit, some days you give him a lot. So you have to
8 kind of -- hope this makes sense. It can't just be the same
9 everyday. So do this twice a day. We do it seven days a
10 week. So everyday for three years.

11 Q So after you had finished the training -- and that was
12 with Gunter, right?

13 A Yes, sir.

14 Q All right. So then did you and Gunter come back to
15 South Carolina?

16 A Yes, sir. So May 11th -- and I can tell you these
17 dates. Like, May 12th is when I graduated from the school
18 -- May 2012, I'm sorry, from Maine. So when we come back,
19 we're ready to work. We're certified. The agency bring in
20 a third party. What that means is the guy providing the dog
21 doesn't certify you. The guy -- and the reason why we do
22 that is because, obviously, if you sell dogs, you want to
23 get that dog certified to get paid. The way you get around
24 that is if you pay, you get the dog, which I'm saying it was
25 free, but they, obviously, want the dog to certify. So then

1 you get a third party, which means, like, the State police
2 came. So you have two different people looking at the dog.

3 The way that you get certified is through that 200-hour
4 process, you have to do drops of gas in rooms, on vehicles,
5 in parking lots. You burn debris in a can and put a drop.
6 And when I say a drop, I mean, like, if you take a toothpick
7 and dip it in the gas and put that toothpick in the ground.
8 So it's really, really small amounts of gasoline and stuff
9 of scent that the dogs find. So once you do that, you show
10 that you're certified. They, also, look at obedience,
11 things like that.

12 So all through that process, that's when you get the
13 certification and you, actually, get a letter from the State
14 -- through State Farm through the State Police that you're a
15 certified K-9 handler.

16 Q When did you and Gunter return to South Carolina and,
17 actually, go to work?

18 A We went -- I'm going to refer to my notes where I can
19 be --

20 Q Yes, sir.

21 A May 11th, 2013 is when we were certified through the
22 State Police.

23 Q And between May 11th and October of 2013, did you and
24 Gunter work other jobs besides this fire?

25 A Yes, sir. We worked fires -- gosh, I think around that

1 time, we were -- and I have that number if you'll give me
2 just a second. In the K-9 world, you have to keep very,
3 very detailed records. So it was -- I can't exactly tell
4 you exactly how many fires we worked, but -- before this
5 fire, but it was several fires.

6 Q And during that period of time, was Gunter's
7 performance satisfactory to you?

8 A Yes, sir.

9 Q And did he have the skills that a K-9 should have for
10 the purpose for which he was intended?

11 A Yes, sir.

12 Q And then, did you have occasion to be contacted about
13 the fire on Edgefield Road here in Aiken County?

14 A Yes, sir. When I was certified, I was the only K-9
15 handler for the State Police, so I rode -- I took the whole
16 state. I was at every fire the State had.

17 Q And can you tell us about when you arrived at the scene
18 of this fire, do you recall what the state of the scene was
19 at that time?

20 A My memory of that scene, it was a large two-story
21 house, a lot of fire damage. As a fire investigator, when
22 we get there, mostly, everything is done. It's still a
23 chaotic scene. Usually, the victims and family show up and
24 stuff like that, so it's still a chaotic scene, but not as
25 bad as the responding.

1 So when I got there, obviously, the fire was put out.
2 The sheriff's office was there along with other arson units
3 from the State Police. Obviously, we had some ATF members
4 out there, too, who helped assist in the fire investigation.

5 Q All right, sir. And tell us how you deploy -- well,
6 tell us what preparation you made to deploy Gunter?

7 A Our typical day -- this was an early morning fire. So,
8 typically, I would not have fed Gunter. I had just a
9 regular police Tahoe with a kennel in the back. So we left
10 and we got there. Part of the K-9 world is you have to get
11 the dog acclimated to the scene. Scents in Greenville
12 versus scents in Myrtle Beach versus a scent in Aiken is
13 different to dogs. So you have to acclimate them to that.

14 So when I got to the scene, obviously, I met with
15 investigators. They were already on scene. I got my dog
16 out. We call it a break where he goes to the bathroom.
17 During that time is when you kind of get him acclimated to
18 the scene. You don't put him in the scene, but you just
19 walk him around outside. Let a dog be a dog.

20 Q All right, sir. And then tell us how you went about
21 deciding how to deploy him on the scene. What areas did you
22 start him at and how did you deploy him?

23 A So, typically, when fatalities are involved, we --
24 obviously, that's our main priority is to get that out where
25 we can start working. And we don't want any more damage to

1 the body and things like that. So, typically, and on this
2 case, every fatal fire we work, I would get the dog out, let
3 him break, let him acclimate to the area and then I would
4 put a collar on him.

5 A dog is a creature of habit and they get used to
6 things. So the way to keep a dog from being just your
7 normal to work mode, obviously, is you put a collar on him.
8 So he has his work collar. So we put the work collar on
9 him, now he knows it's time to go to work.

10 So we would bring him in the way everybody was coming
11 in the house. And I would just let him run in the house and
12 -- on a lead, obviously, just to protect him and stuff like
13 that where he doesn't fall through the floor and things like
14 that. So we've already checked all that. The condition of
15 the house means a lot because I'm not putting him in
16 something where he's going to get hurt. Obviously, that's
17 not a good thing to do.

18 So put his collar on and put him in the house and we go
19 to the bodies. Where the bodies are, I'll give him his sign
20 to find what I need him to find, you know, accelerant, and
21 we'll run him around the body. Once you do the body, if he
22 doesn't alert -- if he does alert -- he does alert to
23 bodies. He'll, basically, go and you'll see a change of
24 behavior. Once the change of behavior, he'll sit, that's a
25 positive alert through the dog, not through the lab, that's

1 what he thinks.

2 So we ran him around all three, no behavior change or
3 anything like that. Then I brought him back out, put him
4 back in the truck, let him rest. Then we moved the bodies.
5 Once we moved the bodies, we checked the immediate area
6 where the body was at. Then same thing, take him out of the
7 truck, let him go to bathroom, put his collar back on, run
8 him back in and he didn't alert to anything inside where the
9 bodies were.

10 Q So just to be clear, when you put the collar on him, he
11 knows the work whistle has been run? In other words, time
12 to go to work?

13 A Time to go to work.

14 Q And you deployed him in the house, first, around the
15 bodies?

16 A Yes, sir.

17 Q And, again, to be clear, he didn't alert on anything
18 there?

19 A No, sir.

20 Q And then you removed the bodies and you deployed him so
21 that he could test the areas where the bodies were; am I
22 correct?

23 A Yes, sir.

24 Q And just to be clear, he didn't alert on anything
25 there?

1 A No, sir.

2 Q So then what was the next step that you followed?

3 A So once we did that, we ran the rest of the house and
4 no alerts were there. We came outside into the garage
5 around the vehicles and he did alert to around the vehicles.
6 There was a Jaguar and a Cadillac. The Jaguar being on the
7 left, closest to the house, and a Cadillac to the right.

8 Q All right. If you could come down so you can see this
9 screen. If you could, tell us what we're looking at here.

10 A This is a SLED K-9 report. We fill this out every time
11 a dog is deployed. If he doesn't alert anything, we would
12 put that, did not alert.

13 So in this, as you can see, K-9 Gunter was acclimated.
14 We conducted a detailed search. A detailed search is he's
15 checked everything. We feel pretty good. When I say
16 detailed, like, you're actually on the floor and you're
17 presenting things to see if he will alert.

18 So alert one. So when we went around the vehicle, he
19 alerted to the left rear driver's side door of the Cadillac.

20 MR. HARTE: Now, if we could show the photograph again.

21 BY MR. HARTE:

22 Q Now, do you recognize this photograph?

23 A Yes, sir.

24 Q Tell me what you understand that to be.

25 A This is the garage, which had a roof that's all gone.

1 All this is roofing material and stuff that's fallen down.
2 Cadillac and Jaguar. This is the roof part.

3 Q And did Gunter alert in that area?

4 A Yes, sir.

5 Q Can you indicate to us where he alerted?

6 A Can I see that report one more time? So left rear
7 driver's door of the Cadillac in the garage.

8 Q So would you point to where you understand that to have
9 been?

10 A So this area.

11 Q And then after he alerted at that point, what, if
12 anything, did you do?

13 A So when the dog alerts, I'll have, like, a cone or
14 something that I'll put out. The cones are sterilized, so
15 we don't use them scene to scene. So I would mark it as
16 alert one and I'd put it down. Sometimes it's actually a
17 little placard like forensics uses. I would put it there.
18 Actually, I would see it, kind of note it in my head, run
19 him around again to check and make sure and then put the
20 placard down.

21 Then once we do that, we would photograph it. Once we
22 photograph it, we will get the area that we think and we'll
23 put it in a can. So all this debris and stuff, all this is
24 burnt up stuff into a can that absorbs the accelerant.

25 Once we get that can, we'll take the can and we'll make

1 a game out of it, which is another thing on the
2 certification you have to do. So it's, basically, a
3 gallon-size paint can. It doesn't have paint or anything in
4 it. It's a sterile can. We'll light up, like, three. If I
5 put one down, the dog is smart is enough to know he'll alert
6 to it because it's the only can there. So they play games,
7 so you have to put three. So I'll put one -- or put the one
8 that we think that we got and if he gets it, we'll mark it
9 again. If he doesn't, we'll go back and pull more stuff and
10 put it in another can until we get -- because I can't smell
11 it. He can smell it, I can't. But sometimes if he's strong
12 enough, we can smell it.

13 Q But the object of the three-can approach is to be sure
14 that the can -- and the can is going to be sent where after
15 it's complete?

16 A So the can, we'll collect -- and it may be me, it may
17 be another agent, we'll collect the can and grab an evidence
18 bag and we'll put it in evidence at SLED. And SLED will --
19 once we put it in evidence will go run the test on it to see
20 if there is an accelerant in it.

21 Q So the purpose of the three cans is to be sure that the
22 material you're sending to the SLED lab is, actually, some
23 of the material that Gunter alerted on; is that correct?

24 A Yes, sir.

25 Q And just so we understand, can you describe for us

1 Gunter's conduct when he alerts? What did he do to tell you
2 that he was alerting?

3 A So in the K-9 world, if you -- I'm trying to make this
4 make sense. A dog gets happy because he knows he's going to
5 get fed. It's kind of like if you give a normal dog a bone
6 or a ball, he'll start wagging his tail. He may move his
7 body. He'll start breathing real hard. He may open his
8 mouth. It's an excitement.

9 So Gunter does the same thing, except worse. So once
10 you see that behavior change, that's when you know, okay,
11 he's into something. You see dogs jump up, you see them
12 jump down because the scent is coming off like a V. So he
13 may run past it and catch the corner of it and come back by
14 it. So you have to -- it's very, very important that you
15 know your dog and what he does.

16 And Gunter was real easy to read. He would -- like,
17 his mouth would get wide open, his tongue would come out and
18 he would start wagging and then he'd sit. And he's point at
19 it with his nose once he's alerted.

20 Q And is that what you observed there at that location?

21 A Yes, sir.

22 Q After you had completed the capture of the material
23 there at the alert one site, what did you do then?

24 A So we continued the search. So went to another ground
25 level at left rear bumper of Cadillac in garage. So he hit

1 on a left rear driver's door and then the back bumper, rear
2 bumper.

3 Q So the left rear driver's door would be there?

4 A Right.

5 Q And then back again at the rear bumper; is that
6 correct?

7 A Yes.

8 Q And, again, was there any difference between the way he
9 alerted on those two?

10 A Obviously, he did the same thing I was saying. He
11 alerted. He showed a lot of change in behavior. And,
12 basically, did the same thing as he did there. And the
13 reason why we collected both is because there could be a
14 small amount of gas here or a small amount of gas here,
15 doesn't mean it's connected. So that's why we had two
16 samples.

17 Q Now, we had fire in -- according to the version that
18 was given, there was a fire that was in the front area,
19 front right bumper area of the Jaguar, which is the vehicle
20 as we're looking at it to the left. Did Gunter alert
21 anywhere on that vehicle?

22 A No, sir.

23 Q Assuming for the moment that there was a gas fire in
24 front of the vehicle and the gas was -- the burning gas was
25 coming onto the surface of the floor there, what would you

1 expect Gunter to -- would Gunter alert on that?

2 A Yes, he would.

3 Q Did he alert on that location?

4 A No.

5 Q I want to be clear on this, even if the fire was a
6 gasoline fire and the gas on fire was coming out of the
7 front of the Jaguar onto --

8 MR. WLODARCZYK: Your Honor, I'm going to object
9 because the testimony from the fire investigator who created
10 the report was that the cause or the origin was
11 undetermined. The hypothetical is not based on any
12 evidence.

13 MR. HARTE: I'm not asking him to determine the source
14 of origin, Your Honor. I'm asking him to explain what the
15 dog would have alerted on or not alerted on. Perhaps, I can
16 rephrase it, Your Honor.

17 THE COURT: I was about to say, Mr. Harte, let's
18 rephrase it to make sure you're asking about what the animal
19 does and does not do.

20 MR. HARTE: Let's go back to the photograph of the
21 material.

22 BY MR. HARTE:

23 Q All right, if we're looking at this photograph, the
24 engine compartment of the Jaguar, which is the vehicle on
25 the left, would be at the far end of that vehicle, correct?

1 the ground at that location, would the dog alert on it.

2 MR. WLODARCZYK: Again, there's no evidence that this
3 fire, even if located where it was supposed to located, had
4 anything to do with gas. The testimony was engine fires can
5 have a number of reasons and none of it was the fire
6 investigator had to do with gas.

7 THE COURT: I agree with you, Mr. Wlodarczyk. I'm
8 sorry, I have a hard time with your last name.

9 MR. HARTE: Wlodarczyk.

10 THE COURT: Thank you.

11 As to whether that was the cause of the fire is up to
12 debate. I think he can ask if the dog would alert to a
13 portion of where burning gas is.

14 I would, also, say, Mr. Harte, you may have already
15 asked that question, but if you want to phrase it that way
16 and ask that.

17 MR. HARTE: Let me just ask it this way.

18 BY MR. HARTE:

19 Q Will a dog alert to a location where there was
20 previously burning gas?

21 A Yes.

22 Q Did he alert anywhere in the garage other than where
23 you have said?

24 A No, sir.

25 Q After you completed the alert process and your

1 collection of evidence, what did you do at that point?

2 A So we -- I ran the dog around. We put the cans -- or,
3 actually, put the cans where the dog alerted. Did the can
4 line up and he alerted to the two cans. The way we run the
5 cans, you put a can, the same everything, the same size,
6 same everything. You put a blank can in the middle or
7 something like that to kind of throw him off. And he
8 alerted to both cans.

9 We took that can -- there is usually an agent standing
10 right beside me when I'm running him and as soon as he does,
11 he puts the lid on it. Most of the time on the cans, the
12 dog can alert through the lid if it's strong enough. So we
13 kind of crack the lid a little bit where he doesn't stick
14 his nose or damage it -- and the reason why I put him on a
15 leash is I don't want him putting his nose in there or
16 scratching it and knocking the can over. So, basically, as
17 soon as he alerts, we put the can -- put the lid on it, seal
18 it, write it and then the agent takes it and puts it in his
19 vehicle.

20 Q All right, sir. Did you have any further involvement
21 from that point forward?

22 A I did. Agent Vaughn located a Ford Explorer outside,
23 actually, parked in the rear. In some cases, we can put the
24 dogs inside a vehicle, a burnt vehicle or a nonburnt vehicle
25 and sometimes -- so my first way I would do it is run him

1 around it. If nothing alerts, then I will put him in it.
2 And, obviously, this was not a burned vehicle, so I put him
3 inside the rear to a gas container.

4 MR. HARTE: Can you show us the next one?

5 BY MR. HARTE:

6 Q Do you recognize that photograph?

7 A Yes, sir.

8 Q And what is that a photograph of?

9 A That's a red gasoline can.

10 Q Is that the can that Gunter alerted on?

11 A Yes, sir.

12 Q And what did you do when he alerted on that can?

13 A So, obviously, there's no reason to kind of know what
14 that is, that won't fit in a can, so we will take it and put
15 it in a bag and seal the bag. Obviously, we would open the
16 door to put Gunter inside and open the doors. As you can
17 see, these are open. Once we do that, same scenario, we put
18 it in a bag, seal it and put it in an agent's vehicle.

19 Q Now, this photograph, was this taken before or after
20 Gunter went through the vehicle?

21 A Before.

22 Q So the position of the can, the red can, appears to be
23 laying on its side, is that the condition it was when you
24 opened it?

25 A Yes, sir.

1 Q And then what became of the can after that?

2 A So in the fire service, we leave everything as it.
3 We'll have the pre-fire stuff -- or not pre-fire, but pre --
4 I don't know what all they went into yesterday as far as the
5 way the process goes to collect evidence. So we
6 photographed it and then I put Gunter in. He would,
7 obviously -- he may move some stuff, so that's why we want
8 to photograph it the way it was originally. Then once I
9 bring him out, I take the collar off, put him back in the
10 vehicle, let him rest. Then we would come and collect and
11 we would put a placard and photograph it.

12 Q And did you collect that can?

13 A Yes, sir.

14 Q Now, did you deliver the evidence --

15 A No, sir.

16 Q So you turned it over to someone else?

17 A Yes, sir, Agent Roberts.

18 Q All right. And did that conclude your work and
19 Gunter's work?

20 A Yes, sir.

21 Q Just a little bit more information. What breed of dog
22 is Gunter?

23 A A lab.

24 Q And about how old was Gunter when you were working with
25 him?

1 A So when I got him, he was about two, so probably four.
2 I'd say three, actually.

3 Q Is Gunter still with us?

4 A No, sir, he, actually, passed away a week from
5 Christmas.

6 Q How long did he live?

7 A 14 years.

8 MR. HARTE: Thank you, sir.

9 Mr. Wlodarczyk, the witness is with you, sir.

10 MR. WLODARCZYK: Thank you.

11 CROSS-EXAMINATION

12 BY MR. WLODARCZYK:

13 Q Looking at your report, the narrative, just want to
14 seek some clarification. The alert number one, do you have
15 that with you, sir?

16 A No, sir.

17 MR. WLODARCZYK: May I approach, Your Honor?

18 THE COURT: Yes, sir.

19 BY MR. WLODARCZYK:

20 Q Can you read what alert number one actually states?

21 A Yeah, fire debris, ground level, at left rear driver's
22 door of Cadillac in garage.

23 Q And I may have misheard you, but I think your initial
24 testimony was that it was on the driver's door and, in fact,
25 per your report, it was on the ground debris that the alert

1 was at.

2 A Ground level at left rear, yes, sir.

3 Q Fire debris, ground level --

4 A Yes, sir, just laying on the ground.

5 Q So it wasn't, actually, on the vehicle?

6 A No, sir.

7 Q If you did get a hit or alert from Gunter -- say,
8 somebody just doused the car with gasoline, how would the
9 dog react at that and how would you take those samples?

10 A So there's a couple of different ways. We can -- if
11 it's the interior of a car, we can take the seats or
12 anything that absorbs. I've been known to take doors off of
13 cars and take samples of that. So any way we can do to take
14 a piece of that sample and, actually, get it into a machine.
15 Sometimes we can swab, meaning like a Q-tip or something
16 like that. Forensics has a long Q-tip and we can swab it,
17 too, and then document that, too.

18 Q And the second one, I don't know if you've looked at,
19 but I'm just going to read it. It says, Alert number two,
20 ground level at left rear bumper of Cadillac in garage?

21 A Yes, sir.

22 Q So, again, it wasn't on the vehicle, it was at that
23 location of the vehicle on the ground?

24 A Yes, sir.

25 Q And my understanding from your prior testimony is

1 Gunter -- if you took a toothpick dipped in gasoline and
2 buried it under the debris, he would be able to detect it?

3 A Yes, sir.

4 Q So when Gunter detects something, you can't tell if
5 someone poured a whole gallon of gasoline in the spot or if
6 somebody maybe spilled a drop of gasoline in the spot?

7 A Actually, if it's a big amount, it kind of overwhelms a
8 dog, so he does act a little different. But I can't smell
9 what he smells, obviously.

10 Q Did he act in a way where he was overwhelmed?

11 A No.

12 Q And is there any way for you to know when Gunter alerts
13 you how long whatever he's being alerted to was present?

14 A No.

15 Q Also, this was on fire debris, you and I were
16 discussing before we came in our experience with fires and
17 you have a lot more. Debris is -- is it correct that debris
18 can be in layers in a scene?

19 A Yes, sir.

20 Q So, for example, Gunter, when he alerts you, it could
21 be something at ground level that existed before the fire
22 and debris fell on it or it could be in the debris itself
23 that was on top?

24 A Yes.

25 Q So when he alerts you, the procedure, my understanding

1 is, you kind of take a whole area sample of all the debris,
2 put it in the can rather than -- I guess the alternative
3 would be you take just a top layer and move down?

4 A Yes.

5 Q Is that correct?

6 A Take as much as we can.

7 Q So what was in the can and sent off was, basically, an
8 area of debris that collected based on Gunter alerting?

9 A Correct.

10 MR. WLODARCZYK: Thank you, sir. I have no further
11 questions.

12 THE COURT: Any redirect?

13 MR. HARTE: The witness may be excused, Your Honor.

14 THE COURT: Thank you, sir.

15 Is your next witness here?

16 MR. HARTE: I'll check. Your Honor, he's due here at
17 10:00, so he should be here or almost here.

18 THE COURT: Okay. If he's here, we'll go straight into
19 him. If not, we'll take a brief recess while we wait on
20 him.

21 THE CLERK: Please place your left hand on the Bible,
22 raise your right hand.

23 JOHN ROBERTS,

24 after being duly sworn, testified as follows:

25 THE CLERK: Please take a seat in the witness box.

1 State your name for the record.

2 THE COURT: Mr. Harte, if we need to, we can go ahead
3 and take a break.

4 MR. HARTE: I think that's probably a good idea.

5 THE COURT: Ladies and gentlemen of the jury, if you'll
6 just retire to the jury room while we get this set up. I
7 appreciate it.

8 (WHEREUPON, the jury exits the courtroom at 9:59 a.m.)

9 (WHEREUPON, a short recess was taken.)

10 THE COURT: Let's bring the jury in.

11 (WHEREUPON, the jury enters the courtroom at 10:11
12 a.m.)

13 THE COURT: Mr. Roberts, would you, please, state your
14 name and spell your last name?

15 THE WITNESS: John Roberts, R-O-B-E-R-T-S.

16 THE COURT: Thank you, sir.

17 Mr. Harte, your witness.

18 MR. HARTE: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MR. HARTE:

21 Q Mr. Roberts, would you tell us what your line of
22 profession is?

23 A I work for the South Carolina Law Enforcement Division,
24 more commonly called SLED. I'm a lieutenant in the arson
25 investigations unit.

1 Q And what was your position -- or were you with SLED in
2 October of 2013?

3 A Yes, sir, I was.

4 Q And what was your job at SLED at that time?

5 A At that point, I hadn't gotten promoted. I was a
6 special agent in the arson investigations unit.

7 Q And did you respond to the fire scene in Aiken County
8 at the Edgefield Road location?

9 A Yes, sir.

10 Q And when you arrived at that scene, can you tell me
11 what you saw and what you observed?

12 A I can't tell you hardly anything about it.

13 Q If I show you the SLED records, would that of
14 assistance to you?

15 A It could be, yes, sir.

16 MR. HARTE: This, Your Honor, is Plaintiff's Exhibit
17 No. 4 that I'm handing up.

18 THE WITNESS: This is the arson unit report written by
19 -- and case file written by now Lieutenant Vaughn.

20 BY MR. HARTE:

21 Q Let me ask you this question, do you recall responding
22 to a fire in Aiken County?

23 A I know that I responded to the fire because I have it
24 written down that I responded to the fire.

25 Q Do you recall passing out the interview sheets?

1 A I do, yes, sir.

2 Q And do you know who transported the evidence from --
3 the evidence that the K-9 had alerted on to Columbia?

4 A Yes, sir, I do know.

5 Q And who was that?

6 A That was me.

7 Q And would you just explain the process by which you did
8 that?

9 A So what happens on the fire scene is when they decide
10 to take a sample, usually, it's taken in a gallon can. I
11 think in this case, it was collected and put into a lined
12 gallon can and then sealed, signed, labeled and given to me.
13 I put it in my truck and I transported it up to the lab.
14 According to the records which I looked at earlier today, I
15 turned it into the lab the next day.

16 So I held onto it overnight and then I went to the lab,
17 because I live in Columbia -- or I live in Lexington and the
18 lab's in Columbia. And I transported it to the lab. I
19 submitted it to them. I got all that paperwork, which was
20 added to the case file and then someone from the lab did the
21 analysis on it to see if there were any ignitable liquids in
22 the sample.

23 Q As far as the samples that -- or the evidence that you
24 took from the scene, did anyone handle that besides you
25 between the time it left the scene in Aiken and was

1 delivered to the lab in Columbia?

2 A No, sir. When I got it, I locked it up in my truck.
3 At that point, I had 1500 Chevrolet with two truck boxes in
4 it, one of which was dedicated to fire investigation stuff.
5 I locked it in that. I'm the only that's got a key to it at
6 that point. So it stayed locked up until I removed it the
7 next day and turned it in the lab.

8 Q While you were at the scene, looking at the records
9 that you've got there, did you have any recollection of
10 collecting the witness statements from the witnesses?

11 A Other than what the report said, I handed out eight or
12 so statement forms to the different firefighters who
13 responded. They filled it out. I signed them as a witness
14 to their written statements and then I collected -- or after
15 I collected them, I signed them and I gave them to, at that
16 point, Agent Vaughn.

17 Q And would you look through that report, I believe there
18 were statements in that report, would you take a look there
19 and be sure your signature is on the statements that were
20 made?

21 A In the report, the statements that I collected are
22 attachment seven. My signature as a witness is on all of
23 these statements.

24 MR. HARTE: Your Honor, we've already moved into
25 evidence Plaintiff's Exhibit No. 4.

1 BY MR. HARTE:

2 Q Did you have any conversations with any of the
3 individuals on the scene, Travis Robinson or any members of
4 the family?

5 A No, sir.

6 MR. HARTE: Just one moment.

7 (Pause.)

8 MR. HARTE: No further questions of this witness, Your
9 Honor.

10 THE COURT: Yes, sir.

11 MR. WLODARCZYK: May it please Your Honor.

12 CROSS-EXAMINATION

13 BY MR. WLODARCZYK:

14 Q Good morning, Lieutenant.

15 A Good morning.

16 MR. WLODARCZYK: Your Honor, if I may approach to let
17 the witness look at this?

18 THE COURT: Yes, sir.

19 BY MR. WLODARCZYK:

20 Q I believe this is in that packet of documents, I just
21 wanted to point it out to your attention. It's a two-page
22 document. Can you identify what that is?

23 A This is a SLED laboratory forensic services request
24 form.

25 Q And is your signature on that second page?

1 A Yes, sir, it is.

2 Q And what does that form indicate?

3 A So this form indicates in general -- or do you want me
4 to be specific about this one?

5 Q Let's start in general and then specific.

6 A In general, what happens when you turn in evidence at
7 the lab, you go onto a computer and you pre-log it. This is
8 to save time when you get to the lab. So in this case, what
9 I would have done is gone in and listed the evidence that I
10 had to turn in. And when I get to the lab, I have this
11 piece of paper. I give it to the lab log in person. She
12 looks at it, she makes sure that everything is okay, makes
13 sure all the evidence is signed and sealed. Then she
14 submits it for analysis.

15 Specifically, in this case, this piece of paper list
16 that I turned in SLED lab item number one, fire debris, one
17 gallon can with fire debris from K-9 alerts one and two.
18 And then I requested trace evidence analysis.

19 Q Is there any indication on that form that you collected
20 and turned in a gas can that's been referred to as alert
21 number three?

22 A No, sir. There's nothing on there.

23 MR. WLODARCZYK: That's all the questions I have, Your
24 Honor.

25 MR. HARTE: No redirect.

1 THE COURT: May this witness be excused?

2 MR. HARTE: Yes, Your Honor.

3 May we approach the bench?

4 THE COURT: Can I excuse the witness first?

5 MR. HARTE: Yes.

6 (WHEREUPON, a bench conference was held in the presence
7 of the jury, but outside the hearing of the jury.)

8 MR. HARTE: Your Honor, we call Michael Moskal.

9 THE CLERK: Place your left hand on the Bible and raise
10 your right.

11 MICHAEL MOSKAL,

12 after being duly sworn, testified as follows:

13 THE CLERK: Please have a seat in the witness box.
14 State your name for the record and spell your last for the
15 court reporter.

16 THE COURT: Counsel, this is a digital courtroom, so
17 let's make sure -- and to the witness. If you get down, we
18 have to move the microphone so we can try to catch you.
19 Then you're facing the jury and not the microphone and no
20 one can see your mouth. So just make you speak into a
21 microphone when you're asking questions or answering
22 questions, please.

23 THE WITNESS: Yes, ma'am.

24 THE COURT: And could you say your name and spell your
25 last name, please, sir.

1 THE WITNESS: Michael Moskal, M-O-S-K-A-L.

2 DIRECT EXAMINATION

3 BY MR. HARTE:

4 Q Mr. Moskal, by whom are you employed?

5 A I am currently employed by South Carolina Law
6 Enforcement Division, what's commonly known as SLED.

7 Q And how long have you been employed by the SLED
8 department?

9 A Since June of 2006.

10 Q And I assume you were so employed in 2013?

11 A Yes, sir.

12 Q What was your position in 2013 with SLED?

13 A I am assigned to the trace evidence department.

14 Q What is your training, sir, education and training?

15 A I have a chemistry degree from the College of
16 Charleston. Then I taught chemistry for seven years before
17 being hired at SLED. Once I was hired at SLED, I began
18 internal training where in the trace evidence, we analyze
19 fire debris evidence, gunshot residue, paint, glass, fibers,
20 explosives, tape, and then kind of a catchall category, just
21 a general unknown identification and comparison.

22 So when I began at SLED, each one of those disciplines
23 has a training period that's somewhere between six months
24 and a year. In that timeframe, you are working along side a
25 court-qualified analyst in that discipline. You're reading

1 and taking lectures about the instrumentation. You're
2 taking lectures and reading about the evidence itself.

3 Towards the end of that training period, you begin
4 working cases with and for your training officers. And then
5 at the final stage of it, you're given a mock case where you
6 receive evidence, you analyze it, you write a report and
7 then you defend it in a mock court setting. At the
8 completion of that, they deem you competent to take cases
9 and then you begin taking cases. So that's kind of my
10 training for fire debris.

11 Q Sir, and in 2013, do you recall receiving evidence from
12 a fire in Aiken County?

13 A I received evidence on a lab number L1312697.

14 Q And from did you -- do you recall from who you received
15 it?

16 A From an individual or from an agency?

17 Q Do you know who that was?

18 A It was submitted from South Carolina Law Enforcement
19 Division.

20 Q All right, sir. Let me show you what's been marked
21 Plaintiff's Exhibit No. 4. I'm going to ask you to turn to
22 attachment eight in this exhibit. If you would look at that
23 for me.

24 A (Witness complies.)

25 Q Can you tell us what we're looking at here?

1 A These appear to be copies of a submission request for
2 that agencies fill out when they submit evidence to the
3 laboratory.

4 Q And does that submission tell you where the -- what it
5 is you're going to be analyzing?

6 A Yes, sir, it gives a very brief description.

7 Q Would you tell us what was turned over?

8 A Yes, sir. So this identifies item one as fire debris,
9 one gallon can from fire debris from K-9 alerts one and two.

10 Q All right, sir. And can you tell us whether or not you
11 did, in fact, conduct an analysis of those items?

12 A Yes, sir, I did.

13 Q Would you tell us how you go about conducting such an
14 analysis?

15 A Yes, sir. With fire debris, when evidence comes in,
16 either the analyst or technician goes down to the evidence
17 submission department. We collect the evidence from them in
18 a sealed condition. We bring it up to the laboratory. At
19 that point, we open whatever the evidence is packaged in,
20 whether it's a can or a nylon bag. We briefly look at it to
21 make a description of what we see.

22 With fire debris, we're looking for things that are
23 very volatile. They're got ignitable liquids, but they
24 evaporate very quickly. So when we're looking at it for an
25 item description, we look at it very briefly. We leave the

1 can open as shortly as possible, so it's not a detailed
2 description. But we look at it, if we can identify it, we
3 do. If not, it pretty much gets described as fire debris.

4 While we have it open, we insert a little piece of
5 carbon, it's called a charcoal strip. We put it inside of
6 it, seal it. Then it gets placed into an oven for about 16
7 hours at a temporary around 60 degrees. What that does is
8 if there are any volatile components in that fire debris,
9 they evaporate, they rise up in the can or they rise up in
10 the bag and they adhere to that charcoal strip.

11 At the end of the 16 hours, we will remove that
12 charcoal strip. We'll place it into a test tube with carbon
13 disulfide, which is a solvent, which will then remove any
14 ignitable liquids that were adhered to that charcoal strip
15 and have them in a liquid form in that CS₂, that carbon
16 disulfide.

17 At that point, they get placed onto an instrument
18 called a gas chromatograph mass spectrometer. That's a
19 mouthful, so we refer to it as a GCMS. And then the data
20 from the GCMS allows us to identify any ignitable liquids
21 that were potentially in that fire debris.

22 Q Did you perform those steps on the material that was
23 supplied to you as coming from this fire in Aiken County?

24 A Yes, sir, I did.

25 Q And did you obtain results?

1 A Yes, sir, I did.

2 Q What were the results?

3 A May I refer to my report and read it?

4 Q Please do, sir.

5 A So for item one, the results state a mixture containing
6 a light isoparaffinic product, a light aromatic product and
7 a light petroleum distal that was found. This can be from a
8 blended product or from a physical mixture. Examples
9 include, but are not limited to racing fuels, aviation
10 fuels, specialty solvents, xylenes, toluene-based products,
11 cigarette lighter fluids and some camping fuels.

12 Q Would that be consistent -- is ordinary gasoline, such
13 as one would require from a standard gasoline station fit
14 the description of what you have found?

15 A No, sir, it does not.

16 Q And what would be the difference?

17 A The difference are the chemicals that make up that
18 mixture. Gasoline will have some of those components, but
19 not all of them and it's going to have additional components
20 in it as well.

21 Q Are you aware of any household uses for the liquids or
22 materials that you found to have been in that selection, in
23 that material?

24 A Your xylenes and toluene-based products, those can be
25 found in paint thinners, so that could, potentially, be a

1 household product. The cigarette lighter fluids, you know,
2 if somebody smokes, that could be a solvent or liquid they
3 have in their house.

4 Q Are these items highly flammable?

5 A Yes, sir, they are.

6 Q And what would it take to ignite one of those -- some
7 of that material?

8 A For a cigarette lighter fluid and some of your paint
9 thinners, as simple as a match or striking a cigarette
10 lighter.

11 Q Would it require a spark?

12 A Yes, sir.

13 Q Could it be ignited by a cigarette?

14 A It could be, yes, sir.

15 Q And what other findings did you have with you had
16 completed your work?

17 A That was the end of my results.

18 Q And to whom did you deliver you results after that?

19 A These results were issued to Special Agent Daren
20 Vaughn.

21 MR. HARTE: Thank you, sir. Please answer any
22 questions Mr. Wlodarczyk might have for you.

23 THE WITNESS: Yes, sir.

24 CROSS-EXAMINATION

25 BY MR. WLODARCZYK:

1 Q Mr. Moskal, did you test a gas container?

2 A No, sir, I did not.

3 Q And in terms of flammability, if I take some cigarette
4 fluid and I pour some down here and let it dry. And we've
5 already had testimony that the K-9 dogs detected and the
6 collected debris was sent to you for analysis. Would your
7 spectrometry, would your analysis pick up the fact that
8 there was a substance that could be one of these matters,
9 including lighter fluid even though the product had dried?

10 A Yes, sir, that is possible.

11 Q And it's fair to say that if I sprayed lighter fluid
12 down here, walked away and came back the next day and it had
13 dried and I'm holding a match to it, it's not going to be
14 flammable; is that correct?

15 A I would have to say probably not.

16 Q Okay. Because those things evaporate for the most
17 part?

18 A And the liquid that actually -- it's the vapor that
19 actually burns, so it's an area with air flow.

20 Q I'm going to test your knowledge right here. Don't
21 hold me to it because I'm just pulling up these various
22 things. I'm going to ask you if, in fact, what I read to
23 you could be a product used for these three types of things,
24 okay?

25 A Yes, sir.

1 Q If you don't know, I'm not going to hold you to it. So
2 I pulled up what a isoparaffinic product is. And what I was
3 given as an example, aviation gas or speciality solvents?

4 A Yes, sir.

5 Q And I'm going to read this and you tell me if this is
6 true. It says the difference between a medium
7 isoparaffinic, which was not located, examples are charcoal
8 starters, paint thinners and copier toners. Any of those
9 ring a bell?

10 A That sounds reasonable.

11 Q But the medium wasn't found?

12 A Correct.

13 Q Okay. And now a light aromatic solvent, is it, also,
14 known as an aromatic 100?

15 A An aromatic 100, I believe, is a product that Exxon
16 specifically sells and then that can get used by different
17 manufacturers to produce different products.

18 Q And I'm reading here what says a light aromatic solvent
19 can be used in industrial applications, such as fuel
20 additives, paints, coatings, pesticides, industrial
21 cleaning, sealants, process fluids. Do any of those sound
22 consistent with what that product could be or what tested
23 for?

24 A Can I refer to my notes on that one?

25 Q Absolutely. Absolutely. It wasn't supposed to be a

1 test, I apologize.

2 A So when we list -- when we report that a light
3 isoparaffinic product or a light aromatic product was found,
4 we go by ASTM, their guidelines. ASTM stands for American
5 Society for Testing Materials. And they issue guidelines
6 and we use them as guidelines. So as products and industry
7 change, what they report as being a light isoparaffinic
8 product changes as well. So if I can --

9 Q Absolutely.

10 A So currently, they are saying for a light aromatic that
11 it's automotive parts cleaners, solvents, xylenes,
12 toluene-based products and lacquer, yes, sir.

13 Q Automotive parts cleaners, you said?

14 A Yes, sir.

15 Q And finally, the light petroleum distillate for an LPD,
16 examples include products in water heaters, cook stoves,
17 space heaters and wick fed lamps as well as diesel fuel,
18 high speed diesel engines and portable outdoor heaters and
19 stoves. Again, any of those fit with what a light petroleum
20 distillate is?

21 A No, sir, those do not, according to what I have.

22 Q That's why you should never trust Google; is that
23 correct?

24 A On that one, I would say no, sir.

25 Q But you're clear that, in fact, based on your

1 examination of what you were given that there was not any
2 chemicals showing gasoline?

3 A Correct, there were not.

4 MR. WLODARCZYK: Thank you, sir, for your time.

5 No further questions, Your Honor.

6 MR. HARTE: Nothing on redirect and I'd ask the witness
7 be excused.

8 MR. WLODARCZYK: No objection, Your Honor.

9 THE COURT: Thank you, sir. You're excused. Thank you
10 for coming.

11 MR. HARTE: Your Honor, my witness started out -- he
12 was 20 minutes away when he started and that was about 13
13 minutes ago, so he should be here within the next ten to 15
14 minutes at the most.

15 THE COURT: Okay. We'll take a recess until he
16 arrives.

17 MR. HARTE: Thank you so much, Your Honor.

18 THE COURT: Ladies and gentlemen, y'all enjoy some
19 snacks if there are any back there. We'll return shortly.

20 Please do not discuss the case or anything you've heard
21 in the courtroom thus far.

22 (WHEREUPON, the jury exited the courtroom at
23 approximately 10:39 a.m.)

24 THE COURT: We will be in recess. Just alert the
25 bailiff when you have your witness here.

1 MR. HARTE: Yes, ma'am.

2 THE COURT: Thank you.

3 (WHEREUPON, a short break was taken.)

4 THE COURT: Bring the jury in.

5 (WHEREUPON, the jury enters the courtroom at
6 approximately 10:58 a.m.)

7 THE BAILIFF: The jury is present, Your Honor.

8 THE COURT: Thank you, ma'am.

9 Mr. Harte, your next witness.

10 MR. HARTE: Yes, Your Honor. In advance of that, with
11 the agreement of Mr. Wlodarczyk, I am moving the
12 introduction of Plaintiff's Exhibit No. 7, a photograph of
13 the rear of the Ford SUV, Plaintiff's Exhibit No. 8, which
14 is the recording of the 911 calls, Plaintiff's Exhibit No.
15 9, which is a CAD incident report, and Plaintiff's Exhibit
16 No. 10, which is the Eureka Fire Department incident report.

17 THE COURT: Thank you. So moved without objection.

18 Is that right?

19 MR. WLODARCZYK: That's correct.

20 (WHEREUPON, Plaintiff's Exhibit Nos. 7 through 10 were
21 admitted into evidence.)

22 MR. HARTE: And I call Chad Auvenshine.

23 THE CLERK: Place your left on the Bible and raise your
24 right hand.

25 CHAD AUVENSHINE,

1 after being duly sworn, testified as follows:

2 THE CLERK: Please take a seat in the witness. State
3 your full name for the Court and spell your last name,
4 please.

5 THE WITNESS: Chad Auvenshine, A-U-V-E-N-S-H-I-N-E.

6 DIRECT EXAMINATION

7 BY MR. HARTE:

8 Q Chief, what is your position with the Eureka Fire
9 Department now?

10 A I'm currently the chief of the fire department.

11 Q At the time of this fire in 2013, what was your
12 position?

13 A Assistant chief.

14 Q And did the Eureka Fire Department respond to a fire on
15 Edgefield Road in Aiken County?

16 A That's correct.

17 Q And that was October the 1st of 2013; am I correct?

18 A Yes, sir, that's what the report reflects.

19 Q And you responded -- and you acted in response to a 911
20 call; is that correct?

21 A That's correct. We were dispatched by the dispatcher.
22 We responded to the call.

23 MR. HARTE: Your Honor, at this time, I would play the
24 911 call.

25 THE COURT: Thank you, sir. That's already been

1 entered into evidence.

2 MR. HARTE: Thank you, Your Honor.

3 THE COURT: Is there any video to this, Mr. Harte?

4 MR. HARTE: No, Your Honor, there is not.

5 THE COURT: Thank you.

6 (WHEREUPON, Plaintiff's Exhibit No. 8, 911 calls, was
7 played in open court for the jury.)

8 BY MR. HARTE:

9 Q Chief, after those calls were received by 911, what was
10 the procedure for notifications for your department to
11 respond?

12 A So once she receives the information, she keys in on
13 her board Eureka Fire Department. And that automatically
14 drops on our structure tones. At the time, we had Eureka,
15 Sage Mill Fire Department and Center Fire Department was
16 automatic response departments. So all three of those
17 departments at that time were paged out to respond. As far
18 as our role goes, we have members -- the closest members to
19 the station go to the station and your closest officer,
20 which was me, responded straight to the scene.

21 Q Let me show you what has been marked as Plaintiff's
22 Exhibit No, 9, which is the CAD incident report. Could you
23 tell us what is a CAD incident report?

24 A So on the CAD report, anything -- as soon as the 911
25 call comes in and the dispatcher starts receiving the nature

1 of the call, she'll start documenting all the communication.
2 Every time she -- all the key events, anything as far as the
3 dispatch time, the first office that responds, the
4 apparatuses that respond, when the officer gets on the
5 scene, when it initiate the scene incident command, all
6 those are key items that the dispatch records in the CAD
7 system.

8 Q Can you tell from that CAD report what time the initial
9 911 call came in?

10 A Looks like 0212.

11 Q Which would have been 2:00 a.m. in the morning?

12 A That's correct.

13 Q 2:12 in the morning to be precise. I'm, also, showing
14 you Plaintiff's Exhibit No. 10. Chief, when the call ends
15 to 911, the first one, what can you tell us about your
16 observations -- as the responding fire officer, what
17 concerns, if any, do you have about that call?

18 A Well, at the time, 19 out of 19 fire departments in
19 Aiken County in the county part are all volunteer fire
20 departments. So we do not have people at the station to
21 just on a truck and respond like you do in Aiken City. So
22 the minutes are critical. A structure fire in general,
23 you've only minutes to get out before it becomes an
24 unsurvivable environment. A lot of factors go into that,
25 but the biggest thing we've got to get our people in the

1 road. We've got to get our people notified and get them to
2 the scene so we can start doing what we can do help. You
3 know, the conditions are the conditions, but if we're not
4 getting notified, we can't even begin operation to try to
5 provide assistance.

6 Q What, if any, effect did the communications, the
7 quality of the communications, the inaccuracy of the
8 communications that is shown on that phone conversation,
9 what, if any, effect did that have on your time of response?

10 A Well, for one, they never toned us out until they
11 confirmed that the addressed was Edgefield Highway. Then
12 once we did get a tone of a structure fire on Edgefield
13 Highway, they dispatched it. And we'll be responding
14 whether there's entrapment or not the same way.

15 Now, emotional-wise, if there's a child inside or we
16 know it's confirmed entrapment, you know, that kind of takes
17 it up to another level. But all in all, you're responding
18 the same way, you're trying to do so.

19 Q At the point of response, first response, what, if any,
20 information were you given about whether there was an
21 entrapment in the house you were responding to?

22 A The original tone went out as a child possibly inside
23 the residence. When I approached the scene, we come in
24 contact with the male subject and as I was getting up doing
25 my initial assessments, gearing up, getting my protective

1 clothing on, it was odd because he -- most of the time when
2 there's someone inside, the first thing they do is the
3 family meets you. As soon as you get out your vehicle, they
4 meet you at your vehicle and are telling you hey, the
5 child's in this room or this end of the house. And I didn't
6 get that. He was a little bit off. Kind of on the cell
7 phone, walking around in circles. So I had to kind of
8 verbally prompt him to come and try to get the information.
9 And he originally -- as soon as I asked for that, he
10 original said that everybody was out of the residence.

11 Q So let me be sure I understand. When you arrived at
12 the scene, rather than coming directly to you to provide you
13 information, he was off doing other things?

14 A Yes, I had to get pretty firm with trying to get his
15 attention to try to communicate with me on what we had.

16 Q Did that cause a delay?

17 A I mean, it's an action that, you know, your normally --
18 you know, I normally don't have to go pull information out
19 of a person when I pull up on scene.

20 Q What was the first information he gave you about
21 whether there was anyone entrapped in the residence?

22 A The original communication was that everyone was out of
23 the house. I said, So there's not a child inside? No,
24 everybody's out. So I got on the radio and it should
25 reflect here in the CAD where I advised all units -- being

1 advised by subject on scene that there's no victims inside.
2 Everybody made it out. Then he immediately come back up and
3 said my child is inside. I said, Is there a child inside or
4 not? And that's when he kind of -- the same communication
5 that you heard on the dispatch line was the same information
6 I was getting on the scene. You could something was a
7 little bit off.

8 Q And with respect to once you're on the scene like that,
9 if you have an entrapment, what, if any, difference is there
10 in the procedure that you follow from what you would follow
11 if there is no entrapment?

12 A If you know there's entrapment and you can see that
13 you've got viable space -- you know, time is against us at
14 that point already. But you know the conditions are getting
15 are worse. So you try to search.

16 If you know exactly where the occupants are, you try to
17 make a push in. If I see heavy fire conditions on the left
18 side of the residence and I know that's where they're going
19 to be at, then I'm going to try to push in as hard as I can
20 to get to them because those conditions are getting worse.

21 Then I'm going to have my secondary crew start
22 searching the side to the right where the conditions may be
23 a little bit better. We're going to have that secondary
24 search going on simultaneously, but we've got to address the
25 fire in trying to get in because these folks here have the

1 least amount of time.

2 Q At what point in time were you finally given accurate
3 information about who was in the house?

4 A At that point, we just treated it like we had -- we
5 said let's just go to the search. We never get accurate --
6 we never did information that there was three adult subjects
7 in the residence until we found them.

8 Q Chief, I'm going to ask you to come down here with me.
9 Let's see here. Chief, I'm showing you this photograph,
10 Plaintiff's Exhibit No. 1. It's, actually, marked 1A on the
11 exhibit. Can you tell me what we're looking at here?

12 A So this is looking from the right side. This is the
13 neighbor's yard looking in on the front of the structure.
14 So this is the main compartment of the house. The trucks
15 are blocking it, but you've got a mirror image of the same
16 style structure on this side. And then you've got a
17 three-sided garage that runs off the rear, approximately 50
18 to 60 foot long, so kind of like a "T" design.

19 Q Where is the fire concentrated at that time in this
20 picture?

21 A At this time, the -- you can see a lot of the smoke in
22 the backyard, that's where the major fire was. But as we
23 were on scene and progressing through, the fire got between
24 the brick facade and the wood structure, walked up the wall
25 and into the attic space.

1 MR. HARTE: Okay, next one, please.

2 BY MR. HARTE:

3 Q Tell me, if you can, what stage of the fire is this?

4 A This should be -- I can't tell if that front door has
5 been opened. It looks like it has. That's going to
6 probably be 30, 45 minutes into -- probably 45 minutes into
7 the call.

8 MR. HARTE: Let's go to the next one.

9 BY MR. HARTE:

10 Q And the portion of the building which is on the right
11 as we look at it is a room here and that appears to be less
12 involved than the others; is that correct?

13 A That's correct.

14 Q All right. And is that where Ms. Helen Williams, the
15 elderly lady, was found?

16 A It is.

17 MR. HARTE: Let's go to the next one.

18 BY MR. HARTE:

19 Q Again, this is during the time you're fighting the
20 fire?

21 A Yes, that's in the later stages. By this time, all
22 three victims had been found and we're working to try -- the
23 fire is in the attic space. We're trying to get to the
24 attic.

25 Q So even when you arrived, even though the house was

1 ablaze, you were able after the delay caused by Travis
2 Robinson, you were able to reach where the bodies were?

3 A Yes. We were able to get to that through -- if you can
4 back up a picture or two.

5 MR. HARTE: Back up.

6 THE WITNESS: So this truck here, if you've seen --
7 like, out in California, you've seen the wild land type fire
8 departments that have the front monitors on the trucks where
9 they can actually spray water from the truck. As we were
10 doing our normal interior advancement of the front door,
11 there was so much fire on this back side that when we first
12 arrived, all -- none of this was involved. All of this on
13 the back end was the heavy fire conditions. So by us
14 putting this truck here on this side, we pushed the fire
15 back off the back of the house where we can start getting to
16 the first viable room.

17 Q Let me be sure I understand what you just said, Chief.
18 When you first arrived, was the main structure involved in
19 the fire?

20 A No. So when we first -- when I first arrived on scene,
21 the smoke conditions were there. And that's what was kind
22 of odd. It wasn't like your normal fire you would come up
23 and size up. Most of the time when you see these conditions
24 like this, you've got fire blowing out your window. But
25 this was just a heavy, black toxic smoke. And when we first

1 approached the window, as soon as I touched this touch, this
2 glass door here, it shattered in my hand because of the
3 amount of heat that was behind that door.

4 Q Now, you had gloves or something on?

5 A Oh, of course, full protective clothing. But it just
6 -- I mean, it was so much heat and smoke. And that was the
7 black -- most of the time when you look at a wood, synthetic
8 fiber structure burning, you'll see smoke like this and then
9 as the fire progresses, it gets worse, it will turn more jet
10 black once you get your gases built up in that smoke.

11 Q Chief, when you arrived, if you had been given accurate
12 information about who was in the house and where they were,
13 you say the fire was in the rear of the building, what, if
14 any, opportunities would you have had to rescue the people
15 in the house?

16 A We would have went through the front window. If I had
17 known that she was in that level of the house, we could have
18 put that truck on that side, knocked that fire out and
19 instead of trying to come in from the door, coming from the
20 front, we could have went through that window right there.
21 That would be on the right side of the house.

22 MR. HARTE: All right. Let's go to the next slide.

23 BY MR. HARTE:

24 Q I believe this is similar to what we saw before. Now,
25 what does this photograph show?

1 A So at this time, what happened, the fire -- this is the
2 garage area. This is where the two vehicles were parked and
3 where the fire originated from. All this was standing when
4 we got there, but it was fully engulfed. I mean, the whole
5 frame, vehicles, everything was a fully structured that had
6 -- it just looked like a skeleton frame because everything
7 was involved.

8 The brick facade here on the house protected most of
9 the fire encroachment into the main structure, but as the
10 fire progressed up through its access point of the door and
11 the soffit here of the roof, it came up and involved the
12 attic space.

13 This particular picture, once we accessed the attic,
14 there was so much stuff in the attic that we had to use the
15 aerial truck to break the roof and distinguish the fire
16 because you couldn't access the attic.

17 MR. HARTE: Let's go to the next one.

18 BY MR. HARTE:

19 Q Now, can you tell me what we're looking at here?

20 A So this is the Jaguar, this is the Cadillac. And this
21 would have been the covered three-sided open carport area,
22 carport/open garage. These doors and windows were -- if you
23 can look at the roof line, that shows how tall -- how high
24 up the garage area comes and it was encapsulated into that.

25 Q Again, at the point in time when your trucks arrived on

1 scene and Travis was talking on his phone and wondering
2 around other than talking directly to you, had the fire
3 reached the main building at that time?

4 A It had started -- like I said, you had the heavy smoke.
5 I couldn't tell if it had started inside the main structure
6 yet. You can see the burn patterns of how the fire from the
7 garage come, but the biggest thing was the way the wind
8 conditions were that day, you can't tell by this picture,
9 but this is -- the little small section, this is where that
10 fire truck was sitting originally, but there was so much
11 roll over fire coming from this way from this whole side,
12 you couldn't get within 30 to 40 feet because of the amount
13 of heat that was coming from that garage area.

14 MR. HARTE: Go to the next one, please.

15 BY MR. HARTE:

16 Q Tell me what we're looking at here.

17 A It's another picture of the garage part. You had the
18 garage come down, extended out, come back over. It had an
19 enclosed -- little bit of an enclosed storage area here, it
20 ducked in. And you see the three poles, those are your two
21 bays that your car pulled in.

22 MR. HARTE: All right. Next one.

23 BY MR. HARTE:

24 Q Now, this is after the fire had been extinguished; is
25 that correct?

1 A That's correct.

2 Q And that shows the room where Ms. Williams was found;
3 is that correct?

4 A That's correct.

5 MR. HARTE: Go to the next one.

6 BY MR. HARTE:

7 Q Do you recognize this?

8 A Yes, that was the Ford Explorer that was out to the
9 right side of the fire.

10 Q Was there anything wrong with that Ford Explorer?

11 A From what we recognized, the saw the headlights radiant
12 heat damage, but that's really the only thing as far as we
13 were -- you know.

14 MR. HARTE: Go to the next one.

15 BY MR. HARTE:

16 Q Now, let me get this photograph. The material used to
17 construct this house, the exterior walls were made of what?

18 A That's a brick facade.

19 Q What is the significance of a brick facade in
20 connection with a fire such as this?

21 A Brick is a barrier used for a fire wall type
22 construction based off how it's engineered, but it is a lot
23 more -- a lot more effective in creating that barrier, that
24 non-flammable barrier than wood would be. If you'll allow
25 me to --

1 Q Yes, sir.

2 A If you look at the burn pattern, this grass area, when
3 I explained to you about how far the radiant heat come out,
4 can you see the soffit, the soffit melted here and how far
5 that heat was, that's the door we were trying to access.
6 And that's where we had to have that truck with that
7 monitor. It flows a really large amount of water at one
8 time.

9 Q If I understood correctly, you said had you known Ms.
10 Williams was in that room, what would you have done
11 differently?

12 A We would have still what we did to try to cut the fire
13 off, but I possibly could have gotten somebody to access
14 that window.

15 Q The window on the other side?

16 A From the front side.

17 MR. HARTE: Let's go to the next one.

18 BY MR. HARTE:

19 Q This is just a further photograph of the same fire.
20 All right. And this is the other end of the house, I
21 believe; is that correct?

22 A That's correct.

23 MR. HARTE: Continue.

24 BY MR. HARTE:

25 Q Again, we're looking at -- let me ask you, what does

1 this depict there?

2 A Oh, that's going to be the back door of the residence.
3 That would be the one pole that we saw standing on the other
4 picture. This is the garage area and that would be the
5 Jaguar.

6 Q Now, let me go back just a minute. You had the
7 conversation when you finally got his attention with Travis.
8 Would you tell me what -- walk me through the response that
9 you and your fire team undertook at that time?

10 A So --

11 Q Going back to when you first arrived on the scene?

12 A So as soon as we knew it was conflicting information
13 and was possibly an inebriated issue there, we went ahead
14 and treated it like we had multiple victims in the
15 residence. So that's where we had this team here push the
16 fire back. And as soon as they got the fire off the door,
17 they accessed the door and found the first victim. At the
18 same time, we had the other crew coming in the front of the
19 house pushing this fire back enough they could start doing a
20 viable search of the main compartment. And that's when we
21 located the second victim and progressed upstairs and found
22 the third.

23 MR. HARTE: Let's go to the next one.

24 BY MR. HARTE:

25 Q These are photographs of the fire damage in the area of

1 the carport; is that correct?

2 A That's correct.

3 Q Now, what is this a photograph of?

4 A So that's the stairwell. Where the front door was, if
5 you walk through the front door, you would be looking
6 straight at the stairwell. It made kind of an open column
7 setup. That's the second platform you would progress on up
8 into the bedroom areas upstairs.

9 Q All right, sir. Did you, yourself, make entry into the
10 building?

11 A I did eventually. I didn't initially. I had -- once
12 we got to the back victim and started getting more crews on
13 scene, I stepped back and did more of an operation control
14 role.

15 Q And then subsequently, as you go through the building
16 yourself after the fire had -- well, at what point did you
17 enter the building?

18 A I was in and out throughout the whole incident.

19 Q Could you tell me what, if any, you observed about the
20 presence of smoke detectors?

21 A Initially, with the fire extinguishment, we didn't look
22 at it, but as the investigation progressed and being
23 involved with the fire marshal's office and doing a little
24 walk-through with them, in their report they give, it was
25 pointed out there was only one smoke detector upstairs and

1 it was inoperable.

2 Q Did you see it yourself?

3 A Well, I saw the area where it was at.

4 Q And the smoke detector was not operating; is that
5 correct?

6 A That's correct. And further, it didn't have a -- what
7 they told me, it didn't have a battery. It was nonworking.

8 Q What, if any, use do you put to the information you've
9 learned in this fire about smoke detectors?

10 A Smoke detectors save lives. You know, they give you
11 time, they give you a warning to help you.

12 Q What, if any, use have you put to -- the information
13 you gleaned from this fire, what, if any, information -- I'm
14 sorry, let me start again. The information you gleaned from
15 this fire, what, if any, use do you put that in terms of
16 presenting information to others about the importance of
17 smoke detectors?

18 A Well, it's a national campaign to try to get not only
19 smoke detectors put in your residence, but smoke detectors
20 put in the right place. You know, you want them on each
21 floor, over each bedroom and in your hallways. And that
22 just gives you -- based on a residence like this, the way
23 it's cut up, that gives you the earliest amount of warning
24 if you have smoke detectors in the proper places.

25 Q And I believe in that position, you testified that you,

1 actually, use this as an example?

2 A We do. When we talk to different churches and -- you
3 know, we've all been told about smoke detectors and it kind
4 of goes in one each and out the other, check your batteries.
5 But when you start -- especially in our community where it
6 was such a tragic loss, you can -- you know, people is
7 connected to it. They really see what difference it
8 possibly could have made.

9 MR. HARTE: Go to the next one.

10 BY MR. HARTE:

11 Q And what are we looking at here?

12 A That's looking out the front door.

13 MR. HARTE: All right. Let's go on.

14 Q Do you recognize that photograph?

15 A That should be -- if you're looking at the front door,
16 that should be the window to the left.

17 Q What do we have here?

18 A That would be the dining room area.

19 Q Now, was anyone found in the dining room area?

20 A Yes.

21 Q Who was found in the dining room area?

22 A The male subject.

23 MR. HARTE: Go ahead.

24 Q And what are we looking at here?

25 A Well, the male subject appears on the table area.

1 Q Are those his feet there?

2 A They are.

3 Q And what is the area beyond that, do you know?

4 A You've got a living room area on this side. The door
5 curves around and you've got a back door and the kitchen on
6 this die. The stairwell would be more to where I'm standing
7 here.

8 Q Is that that same living area you were pointing to?

9 A That's the same living area, but the window going to
10 the back yard.

11 Q All right. Now, what are we looking at here?

12 A That should be the door directly to the back yard. I'm
13 pretty sure there was another door. One of these doors goes
14 to the garage. One of them goes to a landing out to the
15 back door and the other one goes straight into the garage
16 area. That's the upstairs -- that's the lower area.

17 Q Go ahead.

18 A These windows here would be the front two windows on
19 the right side.

20 MR. HARTE: Go to the next one.

21 Q And what is this a photograph of?

22 A That's the elderly lady's bedroom.

23 Q The window to the right there, do you know what that
24 opens up to?

25 A That would be the -- if you're looking at the front

1 door of the house, the two windows to the right.

2 Q Was that one of the windows that you said you would
3 enter if you had known she was there?

4 A That's correct.

5 Q And she's not very far from that window?

6 A Not at all. Not at all.

7 Q Could you have removed her through that window?

8 A Based on -- the burn patterns in the room look like
9 more smoke damage, so there's a possibility. You know, you
10 -- at what point in that room did it become unsurvivable?
11 You know -- I mean, there's now way to even speculate.

12 Q Clearly, by the time you got there, it was
13 unsurvivable?

14 A Correct.

15 MR. HARTE: Okay. Please return to your seat up there.

16 BY MR. HARTE:

17 Q Chief, aside from the conversation you had with the
18 subject when you first arrived, did you have any further
19 conversations with him?

20 A I did not.

21 Q Was anyone able to determine the exact location of the
22 origin of the fire?

23 A Once the fire marshals come in conjunction with SLED
24 investigators, they're the one that made that final
25 determination.

1 Q The subject who was found in the dining room, were you
2 able to determine how he got into that room?

3 A I feel like --

4 MR. WLODARCZYK: Objection, Your Honor. Either he
5 knows and my understanding from our conversation is anything
6 would be speculative.

7 THE COURT: Yes, sir.

8 The question was what do you know. If you don't know,
9 you can say and if you do, you can say what you know.

10 THE WITNESS: Okay.

11 THE COURT: Thank you, sir. You still need to answer.

12 THE WITNESS: Can you repeat your question?

13 BY MR. HARTE:

14 Q Do you -- well, it's hard to say. What facts would you
15 rely upon to determine how that subject reached the dining
16 room?

17 A I can't speculate.

18 Q All right. Thank you. In reviewing your recollection
19 and the documents that you have before you, what, if any,
20 factors or events reduced your ability to save people in the
21 house?

22 A Time of arrival on scene and accurate information is
23 critical. To me, that would be the most -- the way we could
24 make the most difference in this scene. Conditions, you
25 have to treat your conditions once you get on scene, but to

1 get to the point where you can provide help is the most
2 critical.

3 MR. HARTE: Chief, would you answer any questions Mr.
4 Wlodarczyk or the Court may have for you.

5 CROSS-EXAMINATION

6 BY MR. WLODARCZYK:

7 Q Good morning, Chief.

8 A Good morning.

9 Q Good seeing you again.

10 A Good seeing you.

11 Q Just to confirm, I had the opportunity to take your
12 deposition the summer of '23?

13 A That's correct.

14 Q And I'm going to go ahead -- we've opened up -- I'm
15 going to give you a copy in case you want to rely on
16 anything so I don't have to keep walking back and forth.

17 MR. WLODARCZYK: Your Honor, this is the original that
18 Mr. Harte -- we unsealed it together. Mr. Harte said it was
19 part of the record. It's not going to be an exhibit.

20 MR. HARTE: Your Honor, I wish it to be filed with the
21 Court's file. It's not an exhibit.

22 THE COURT: Thank you, sir, for the clarification.

23 BY MR. WLODARCZYK:

24 Q You heard the 911 call made by Travis Robinson?

25 A That's correct.

1 Q I know the jury is going to have that 911 call when it
2 deliberates. I believe as it goes on -- there's a little
3 timeline at the bottom that starts with a number, ends with
4 a number, how long it is. I believe it's less than a minute
5 total. Can you opine as to -- can you give an opinion as to
6 what a 30-second delay might have made in this case?

7 A Your structure fire survivability is in minutes. You
8 know, less than seven minutes, it goes from being a
9 survivable atmosphere to a nonsurvivable. Where that is is
10 based on material and fire conditions and fuel load. So
11 there's no way --

12 Q There's no way to tell?

13 A There's no way to tell.

14 Q It depends on the fire, the materials being burned, in
15 this case, wind factors. I think Lieutenant Vaughn, who is
16 the SLED fire investigator, said humidity can play a factor,
17 all these various things as to how a fire burns; is that
18 correct?

19 A That's correct.

20 Q And while individuals like yourself can look at burn
21 patterns and get a general idea of how a fire moves, each
22 fire is going to be different, depending on all those
23 various factors going on at that particular time; is that
24 correct?

25 A Exactly.

1 Q You were first on scene?

2 A I was.

3 Q How many folks were with you when you arrived on scene?

4 A I was by myself initially until the first engine
5 company got on scene.

6 Q Okay. And how long was it before the first engine
7 company got on scene?

8 A It's showing Engine 13-2 would be the first engine on
9 scene. And it was dispatched at 2:11, it was on scene at --
10 it was in route at 2:19 and on scene at 2:23.

11 Q Okay. So my understanding is the 911 call was 2:10?

12 A 2:11 is what it's showing.

13 Q 2:11. And you arrived at what time?

14 A I don't think -- she didn't record my on-scene time.
15 My in-route time was 2:14.

16 Q Okay. What equipment did you have with you when you
17 first arrived?

18 A Just me and my personal vehicle.

19 Q Did you have your protective gear with you?

20 A I had my protective gear with me, that's correct.

21 Q Did you have breathing apparatus?

22 A No.

23 Q Okay. So you didn't have the ability -- did you have a
24 ladder?

25 A No, sir.

1 Q So if you were first on scene, you get there between
2 2:11 and before the first engine arriving at 2:19, you don't
3 have any ability yourself to go breaking in the front window
4 and climbing in without a breathing apparatus, do you?

5 A It would be very risky to step in those conditions
6 without the proper equipment.

7 Q Okay. And when you first arrived on the scene, all you
8 saw in terms of -- windows weren't broken; is that correct?
9 When you arrived, the front windows?

10 A The front windows were not broke.

11 Q Okay. But you did see the black toxic smoke through
12 the window?

13 A Correct.

14 Q Or you saw there was black toxic smoke in the house at
15 the time you arrived?

16 A That's right.

17 Q So even though the fire itself may not have moved
18 inside, the house was already completely consumed with that
19 black toxic smoke when you arrived?

20 A The main compartment, that's correct.

21 Q And that being what you're referring to as everything
22 but the mother-in-law suite where Ms. Williams was?

23 A That's what I could observe from the outside of the
24 structure.

25 Q Okay. And we discussed this, tell me the difference in

1 terms of the heat, amount of heat and how quickly a fire can
2 spread with a vehicle fire involved, like in this case with
3 two vehicles underneath the carport, versus a traditional
4 combustible fire where you're just dealing with wood or
5 fiber or materials like that?

6 A It's based on the fire load. And the fire load of a
7 vehicle is pretty substantial. It's going to burn -- you've
8 got fuel, you've got rubber, you've got synthetics. So
9 you've got a lot of factors that create a really significant
10 heat source that's going to put off a lot of radiant heat
11 and a lot of toxic smoke that you can't breath in very long.

12 Q And my understanding, actually, I think you told me
13 this and I've shared with others in my cases, that with a
14 regular fire with your standard combustibles, wood, carpet,
15 upholstery, things like that, like you said, you have
16 generally a matter of minutes to try to get out of the
17 house; is that fair to say?

18 A That's fair.

19 Q And I think you, actually, said you try to hold your
20 breath and get out as quick as possible?

21 A That's correct.

22 Q But the difference is with a toxic black smoke fire
23 like with an automobile, I believe you said as soon as you
24 hit -- that black toxic smoke hits you, it just takes the
25 air out of you; is that accurate?

1 A It's just based on how much oxygen is removed from the
2 air.

3 Q And I think the difference between minutes you said and
4 this type of fire with the black toxic smoke in the main
5 compartment, you only had seconds versus minutes?

6 A That's speculating.

7 Q Well, is it fair to say that if you take a big huff or
8 two of black toxic car fire smoke that your survivability
9 rate is lower than if it was just a standard fire?

10 A That's accurate.

11 Q And, in fact, we know that two of the occupants were
12 awake and moving about the house when they died? Both
13 victims were found in the floor, not in a normal resting
14 area?

15 A Right.

16 Q And I believe Ms. Warren was in the upstairs guest
17 bedroom area in the floor; is that correct?

18 A That's correct.

19 Q Not a place you would traditionally sleep; is that fair
20 to say?

21 A Normally.

22 Q And then her husband, Calvin, was down in the dining
23 room kind of facing the corner face down; is that correct?

24 A That's correct.

25 Q Again, even if he was sleeping at the dining room table

1 face down, he, obviously, was awake at some point and
2 collapsed in the floor, fair to say, from the location of
3 where the body was?

4 A That would be a good assumption.

5 Q Okay. You don't know what the condition of the
6 interior of the mother-in-law suite was when you first
7 arrived; is that fair to say? How much smoke was in it?
8 The survivability level?

9 A I don't. I know -- I do know when we entered -- I had
10 my two guys enter, they found, located, I went in and
11 confirmed that she was deceased. And I can state the
12 conditions at that time.

13 Q But you don't know when she passed away?

14 A No, sir.

15 Q And you don't know if she passed away when you arrived
16 on the scene, before you arrived on the scene or while y'all
17 were battling to get into that particular room?

18 A That's correct.

19 Q It would be all speculation?

20 A Yes.

21 Q Any of those options is a possibility; is that correct?

22 A That's correct.

23 Q You said that if you had known she was in that back
24 room at the time, you may have directed one of your crews to
25 try to go through the front windows; is that correct?

1 A That's correct.

2 Q Again, that's sitting here now thinking about it, is
3 that accurate?

4 A Yes.

5 Q Could be because of your training that you attacked the
6 fire the same way -- or it's possible you would have
7 attacked the fire or had your crews attack the fire the same
8 way regardless if you knew somebody was in that room or not?

9 A With the amount of fire on the back of that building, I
10 would be reluctant to take that front window out unless I
11 knew that it was a subject in that room due to the flow path
12 of the fire.

13 Q I think we discussed that. So one of the reasons why,
14 at least, you explained to me is that garage door, if it had
15 either been opened or burned through that as soon as that
16 door kind of ceases to be a barrier, all that toxic black
17 smoke from that car fire or the car fires kind of got sucked
18 into the main compartment of the house; is that accurate?

19 A That's accurate on the conditions I observed.

20 Q Okay. So when you were on the back side of the house
21 battling the fire to gain entry, at that point in time, you
22 knew the one door to the mother-in-law suite was not
23 breached, but you didn't know if there were any other
24 windows or doors breached to the house; is that fair to say?

25 A The one door to the kitchen area was the only thing we

1 could see at that time.

2 Q Okay. So the risk you run is that if you break a
3 window in the front of the house to try and get her out and
4 there's a breach area or an access to the back of the fire,
5 it runs the risk of sucking all that toxic smoke into the
6 room and then, of course, the survivability rate would lower
7 just from that; is that correct?

8 A Every window or door you open you're going to create a
9 new flow path for the smoke and the fire.

10 Q Is that why generally when you see firefighters
11 attacking fires, they don't just go break all the windows
12 and try to air it out?

13 A Right. The fire is looking for oxygen and when you
14 look at conditions that are jet black, you know that if you
15 give that fire oxygen, it's going to probably flash the
16 whole house.

17 Q Now, it just happens, I guess, by the way of the nature
18 of the fire that you were fighting that the first place you
19 attempted to gain access to happened to be where Ms. Helen
20 Williams -- her room; is that accurate? That back door that
21 had access to where you actually found her first?

22 A That's correct. Once we got the fire pushed off the
23 back of the -- as soon as we got the fire pushed off the
24 back door, we made entry into that space.

25 Q And you looked at those photos after the fire was put

1 out as to the back and even though there was no direct fire
2 damage to the brick or to the door of her room, the
3 mother-in-law suite, as I would call it, the fire was so hot
4 that you were unable to get to that door until you crashed
5 the fire down; is that accurate?

6 A Right, until we pushed that fire back. That's kind of
7 what I was showing on the photographs, how far the burn
8 pattern had come out.

9 Q And you had protective gear, which I assume insulates
10 you somewhat from the extreme heats of fire; is that fair to
11 say?

12 A It helps.

13 Q What if you didn't have anything, like, maybe T-shirt,
14 jeans, light jacket? What happens to the person or a body
15 when you get that close to a fire that degree or that heat?

16 A It would burn you.

17 Q And so the first room that was entered, wasn't you
18 personally, but your crew entered was the room that Ms.
19 Helen Williams was in and at that point in time, she had
20 already passed; is that correct?

21 A That's correct.

22 Q And while it was a -- because, I guess, her bedroom
23 doors were shut, the same amount of smoke was not in her
24 room as was in the main compartment of the house?

25 A That's what we observed.

1 Q Okay. But there, obviously, was enough of something,
2 smoke, carbon monoxide, toxic fumes that she passed away?

3 A Yes.

4 Q Does that -- and since you opened the door from the
5 exterior to gain access to her room and all the other doors
6 were shut based on what you said previously, does the smoke
7 from the main compartment or the fumes or the toxicity,
8 whatever is in the main compartment, get sucked in through
9 the cracks of doors or openings or vents?

10 A Any area that's not air tight sealed, you're going to
11 have seepage of smoke.

12 Q So even though it wasn't as toxic as the main
13 compartment, that combustion that was in the main
14 compartment with just smoke and all that toxicity still had
15 the opportunity to come into her room through various
16 openings?

17 A That's correct.

18 Q We talked about -- or I think you were asked about the
19 smoke detector that you observed. My understanding is you
20 observed a smoke detector. You never did any inspection of
21 the smoke detector; is that correct?

22 A I did not.

23 Q And you, actually, don't know -- personally don't know
24 if there was batteries or not batteries?

25 A I do not. It was just based off what I was told in the

1 report.

2 Q Okay. And that report doesn't reflect anything -- the
3 report that we have doesn't indicate anything about
4 batteries or not batteries, it just indicates it wasn't
5 working; is that fair to say?

6 A Yes, sir, that's fair.

7 Q Do you remember specifically -- and I know it's in your
8 deposition if you want to look at it. But do you remember
9 exactly where you marked as the location of the smoke
10 detector?

11 A I know the general area.

12 Q I'll point out to where I have. I have it tabbed with
13 a purple tab. Can you look at it and tell me if that is
14 what you marked as the location?

15 A Yeah, that's where I marked. Like I said, it's just
16 working of memory from 11 years ago.

17 Q This has been a long time, correct?

18 A Yes, sir.

19 Q And you've done a lot of fires between 2013 and your
20 deposition in 2023?

21 A Right.

22 Q And it's possible -- is it possible that you may have
23 been mistaken about a smoke detector being in that
24 particular location?

25 A It may not have been on that exact "X", that's correct.

1 Q I'm going to hand you what I have marked as Defendant's
2 5, 6 and 7. These are just additional photographs that were
3 taken of the scene. I'll just do 5 --

4 MR. WLODARCZYK: Your Honor, we'd move to have these
5 entered into evidence.

6 MR. HARTE: No objection, Your Honor.

7 THE COURT: So moved.

8 (WHEREUPON, Defendant's Exhibit Nos. 5, 6 and 7 were
9 admitted into evidence.)

10 BY MR. WLODARCZYK:

11 Q So what I've shown you -- and you can compare that to
12 the SLED sketch. What we have here is my understanding is
13 you walk up the stairs -- I'll wait till you're finished
14 looking at it, sir.

15 A I'm good.

16 Q So if you want to look at the SLED sketch of the second
17 floor, you walk up the stairs, you're facing a bathroom in
18 front of you. There's a bedroom to the right, a bedroom to
19 the left. Let's see, there's a drop-down attic there. So
20 where you marked during your deposition as the smoke
21 detector being on the wall that you think that you saw,
22 that, according to these photos, would be in 6, Exhibit No.
23 6. You can take a look at that. And the reason why I did
24 Exhibit No. 5 was to show you that -- 5 shows you standing
25 at the top of the stairwell looking back out towards the

1 front of the house with the -- you see the drop-down ladder
2 to the attic there?

3 A Yes.

4 Q So that just kind of gives you an orientation that the
5 drop-down ladder is to your right. But the wall that you
6 had marked with the fire detector being on would be in
7 Defendant's Exhibit No. 6, which just shows the drop-down
8 ladder and then the wall. If there was a smoke detector, it
9 would have been there; do you agree with that?

10 A That's correct. It was across, the opposite side of
11 the hall.

12 Q Is it fair to say there's no smoke detector, at least,
13 in that photograph taken on that wall?

14 A Yes, sir.

15 Q And I understand it's dark, which is why I gave you the
16 lightened version one as well?

17 A There's no smoke detector on that wall.

18 Q And, again, many, many years ago, lots of fires and
19 that's your recollection, you thought you saw one there,
20 but, obviously, there wasn't one there. Is that your
21 understanding?

22 A Yeah.

23 Q And to your knowledge, there was only one smoke
24 detector in the house anyways?

25 A That's what was stated in the report I saw.

1 Q Is it fair to say that regardless of what took place,
2 if you got 30 seconds, a minute, two minutes more, there's
3 no way to say, other than purely speculating whether you or
4 your crew would have been able to save Ms. Williams?

5 A I mean, fire conditions continue to rapidly grow. So,
6 I mean, time is not on your side during a fire.

7 Q So it would be speculating?

8 A No, it's a fact, fires grow.

9 Q No, I mean, whether you would have been able to save
10 Ms. Williams would be speculation based on these facts?

11 A Every minute, a fire grows more, puts out more smoke,
12 gets worse conditions. So yes, it gets less survivable for
13 every minute that goes by.

14 MR. WLODARCZYK: Thank you, sir. I appreciate it.

15 No further questions, Your Honor.

16 THE COURT: Mr. Harte, any redirect?

17 MR. HARTE: Yes, briefly, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. HARTE:

20 Q Chief, some things we know about this fire and is one
21 of them that the fire started in that garage or carport
22 area?

23 A According to the report that SLED released, it started
24 from the Jaguar area.

25 Q All right. And when a fire starts like that, what is

1 -- how much -- let me ask you this, if a fire starts in a
2 vehicle like that, assuming that fire is spotted under the
3 hood, does that create an immediate total ignition of the
4 vehicle?

5 A Not typically. Typically, when a fire starts, it will
6 start burning the wiring. Most vehicles that we see start
7 from a wiring issue. You're going to have your wiring,
8 you're going to have your hoses, you're going to have your
9 oil start lighting off. All those have low flash points,
10 but it's still fuel that's going to burn. The hotter it
11 gets, the most it's going to start shorting out wires. And
12 if you heard on the 911 tape, when you heard the horn start
13 blowing, that's concurrent with wires melting together and
14 causing the short. So that kind of explains how that growth
15 of that fire is taking place.

16 So once you get to that level and you start getting
17 into your -- you're not going to have a full car explosion
18 until you get into your gas lines, your gas tanks.
19 Typically, what happens is the gas tank burns, it ruptures,
20 it starts dripping gas on the concrete, then you have an
21 explosion.

22 Q So when the -- first of all, for the fire to reach the
23 horns, it takes a period of time; is that correct?

24 A Just depending on where the fire is at in the vehicle
25 when it starts.

1 Q All right. But there's some -- it takes some time,
2 whether it's seconds or whatever it may be, there's some
3 time involved there?

4 A Typically, you don't have a fire starting from horns,
5 so, yes.

6 Q And then after the horn blows, there's an additional
7 period where it reaches the stage where it will explode or
8 become totally engulfed; is that correct?

9 A That's typically how it is.

10 Q So that time is going to pass. Once it becomes totally
11 engulfed, it then begins to produce the smoke and heat
12 you've referred to?

13 A That's correct.

14 Q All right. Assuming that the windows and doors on that
15 brick house were closed, that is not going to immediately
16 enter the house; is it?

17 A That's accurate.

18 Q All right. Now, if the garage were totally filled --
19 if that car had been totally involved and the Ford Explorer
20 had been in that carport, would there be evidence of smoke
21 in that Ford Explorer, assuming the door was open?

22 A There were no doors on the garage. It was an open air
23 garage. For the vehicle outside to get that radiant heat
24 damage it received, it was -- before it was moved, it was --
25 because from accounts on the scene, he got in the Explorer

1 and back it away from the house.

2 Q So the garage could not possibly have been totally in
3 flames at that time, could it? I mean, if it had been
4 totally engulfed, if that structure had been absolutely 100
5 percent full of fire, he could not possibly have backed that
6 SUV out, could he?

7 A When I approached the scene, you couldn't walk up with
8 full protective gear with it fully involved.

9 Q Thank you. So there was a period of time between when
10 whatever happened to start this fire and Mr. Robinson saved
11 his SUV, there was a time period there; was there not?

12 A There was.

13 Q And then once the fire reached the full explosion --
14 full force of the fire reached the house, it had to get
15 through the brick; is that correct?

16 A There had to be a point of entry for the smoke and the
17 fire and the heat to --

18 Q So the -- I'm sorry. So, for example, if the back door
19 were open, that would give it an entry point?

20 A That's correct.

21 Q Just to be clear, did the conversation that was had
22 with the 911 operator, what, if any, effect did it have on
23 the response time?

24 A There was a delay.

25 Q And what is the danger of a delay?

1 A Fire growth.

2 Q And when fire grows, it kills?

3 A That's correct.

4 Q It killed Ms. Williams, didn't it?

5 A That's correct.

6 MR. HARTE: No further questions.

7 THE COURT: Thank you, sir.

8 May this witness be excused?

9 MR. HARTE: Yes, Your Honor.

10 THE COURT: Thank you for coming.

11 MR. HARTE: Your Honor, the Plaintiff rest.

12 THE COURT: Thank you, sir.

13 Ladies and gentlemen of the jury, I'm going to ask you
14 to retire to the jury room briefly. Thank you.

15 (WHEREUPON, the jury exits the courtroom at 12:06 p.m.)

16 THE COURT: Mr. Wlodarczyk, do you intend to present
17 anything in defense?

18 MR. WLODARCZYK: No, Your Honor.

19 THE COURT: Do you have any motions that you'd like to
20 hear now or would you like to defer that until later?

21 MR. WLODARCZYK: I'll tell you this much, Judge, some
22 of the motions we can do now, but some of it is going to
23 depend on what Your Honor decides the law and charge on the
24 case is. So I think it might be better if we take that up
25 after Your Honor decides what its going to charge,

1 especially the special relationship stuff.

2 THE COURT: And that is an interesting point, Mr.
3 Harte, that you have made on pretrial. I tell y'all what I
4 have pulled up, I have read the Roe vs. Bibby case on that.
5 I've looked at the Sims vs. Dial, Singleton vs. Sherer. I
6 found most interesting the Charleston Electrical Services
7 case.

8 MR. WLODARCZYK: Is that the dog one, Judge? I go by
9 the facts.

10 THE COURT: I do, too. Well, this is a guard dog.

11 MR. WLODARCZYK: Guard dog, yes.

12 THE COURT: Not the raccoon one.

13 MR. WLODARCZYK: Jacque Moore did the raccoon case.
14 But yes, the guard dog was, actually, the contribution
15 action, but it involved whether or not there was a duty to
16 warn.

17 THE COURT: But it has the special relationship
18 exception in here. Interestingly, they note in the
19 Charleston Electrical case that the record did not contain
20 any evidence of physical or mental incompetency or inability
21 to care for herself, which is clearly involved in this case.
22 So that does hint of potential for a special relationship, I
23 believe.

24 MR. WLODARCZYK: If I might, Judge, I'll just kind of
25 throw out what I -- I spent a good deal trying to research

1 it last night. And I think maybe the Mims case, Mims v.
2 Babcock Center, that was one. Of course, that involved a
3 residential home for mentally and physically disabled
4 people. There's cases on the --

5 THE COURT: And that clearly is one of the acknowledged
6 relationships.

7 MR. WLODARCZYK: Right.

8 THE COURT: There was one case that listed all of them
9 that we had acknowledged. And children are -- children are
10 put out by definition in some of these cases as invitee,
11 licensee, trespasser or children, which I think the children
12 referenced in my mind is actually going to this special
13 relationship idea in that someone is incapable of either
14 comprehending or otherwise -- not incompetent in the sense
15 of their mental capability, but incompetent in a legal sense
16 to appreciate the issues and deal with that.

17 MR. WLODARCZYK: Interestingly, though, in looking,
18 though, it seems like you kind of have the one case with
19 special relationships is no duty cases. And then you're
20 saying well, there's no duty unless there was a special
21 relationship, in which case there can be a duty. And in
22 those cases, it really doesn't say what the duty is, it just
23 says --

24 THE COURT: I agree with you.

25 MR. WLODARCZYK: Here, we do have a duty. We know

1 there's, at least, a licensee duty. So the question is
2 where does the special relationship come in because Ms.
3 Williams is incapable of caring for herself. And what I did
4 get from the few cases, like in the Mims and things like
5 that, is there is a duty to protect from foreseeable harm.

6 The other question we come to here, is it foreseeable
7 that there's going to be a house fire started by whatever
8 and an obligation to do what --

9 THE COURT: I think I'm going to -- I'm sorry, I didn't
10 mean to interrupt. What I think I'm going to do because
11 we're having a discussion not a motions hearing right now,
12 so what I think I'm going to do because we have this
13 afternoon break is give counsel the opportunity to further
14 look into this.

15 Because Mr. Harte -- specifically, if we find there is
16 a special relationship, I know you talked about presenting
17 it to the jury, but it seems to be almost a matter of law
18 based upon the facts that are presented whether there's a
19 special relationship.

20 MR. HARTE: I'll research that, Your Honor. I have
21 reached a different conclusion. But it's a little early for
22 me to respond to that. I'll check.

23 THE COURT: That's question number one. Question
24 number two would be exactly what the duty would be should
25 there be a special relationship? Because I agree there are

1 cases out there that say there's no duty except if there's a
2 special relationship. We're not talking about a lot of
3 cases, for one thing.

4 And number two, the discussion seems to stop there.
5 And number three, this is often presented in a summary
6 judgment case and it's a very different standard than what
7 we're dealing with now. And not to accuse the court of
8 this, but it's almost like they wiggle out of it and say
9 well, there was not enough discovery or some other reason we
10 should have let that go forward.

11 MR. WLODARCZYK: I've had many cases in the court of
12 appeals.

13 THE COURT: Yeah, it doesn't get addressed.

14 MR. HARTE: And, actually, Your Honor, this case was
15 heard on summary judgment and the summary judgment was
16 denied. I don't believe it was because of the discovery.
17 I'll have to go back and look at Judge Newman's order.

18 THE COURT: Judge Newman did not provide a lot of words
19 in his denial, yes.

20 MR. HARTE: That's fine. Your Honor, my position is,
21 first of all, that the special relationship arose from the
22 following facts: One, that she was a dependent person. I
23 won't use the word vulnerable adult because that runs afoul
24 of what we discussed earlier. But she, clearly, was a
25 dependent person.

1 The second point that I make is that there was an
2 understanding which included Travis Robinson that they were
3 going to be responsible for monitoring her and for caring
4 for her. And a special relationship in the cases that I've
5 seen specifically includes the phrase monitoring.

6 Now, most of the time, those cases involving duty to
7 warn and that sort of thing deal with a situation where you
8 have a dangerous person. The Bibby case speaks to the fact
9 that that household had a child predator. And the question
10 was whether the person in charge of the household had a duty
11 to warn children that were coming into the yard and so forth
12 of the danger. That is the circumstance under which that
13 arises. Of course, that can be -- that certainly includes
14 things like dangerous entities like I've got a lion in the
15 backyard. I mean, there are things like that that pose
16 dangers.

17 Now, here we have a fire that's introduced into the
18 garage. The jury can certainly conclude from the evidence
19 that Travis Robinson introduced the fire into the garage.
20 He, also, was the person who was in the only position to
21 warn the household of the fire. And he had already assumed
22 the responsibility for caring for his grandmother, along
23 with the others in the household, but that was something he
24 had taken on and agreed to. So that is a relationship that
25 cannot be ignored.

1 Beyond that, there is the fact that there are a lot of
2 things that he, from the record, did not do. And I don't
3 have to speculate on this. I know that he did not shout at
4 the house, throw rocks at the windows, go around front and
5 beat on the door, he did none of those things.

6 THE COURT: Well --

7 MR. HARTE: There's no evidence that he did anything --

8 THE COURT: Well, I'm only stopping you because I don't
9 need you to do your whole motion argument here today. We
10 don't actually have a motion on the floor and I don't want
11 you to give away your oratorical skills in advance --

12 MR. HARTE: I've got a few left.

13 THE COURT: So the duty to warn is clearly what we're
14 talking about there as far as Travis Robinson is concerned.

15 MR. WLODARCZYK: And, Judge, one thing for the Court to
16 consider as well in special relationship because it's going
17 to be kind of a three-part argument. So we have the
18 testimony from Ms. Allen about what she and her sister
19 agreed to. We have Calvin and Travis, who, essentially,
20 seemed to help out when needed. And the question is does an
21 undertaking of a special relationship extend to them? So
22 that would be one of the issues. Is it just to Ms. Warren?
23 Is it to Calvin? Is it to all three? Obviously, we're
24 going to argue that it only extends to the agreement between
25 Ms. Warren and her sister.

1 And I think the other one that we had issue with, I
2 didn't charge anything on rescue, but I put under rescue,
3 the undertaking as Travis having obligation to do anything.
4 Because there's no obligation in South Carolina generally.
5 And then I believe the standard is if he was in a special
6 relationship, I think the case says it's got to be -- you
7 have to increase the risk of harm versus if you didn't do
8 anything. That's in the charge that I submitted. I can't
9 really recite that. That's another issue that we're kind of
10 throwing at you.

11 So there's kind of like three issues with regard to the
12 special relationship, who it applies to, who it doesn't
13 apply to and then the issue of what Travis's obligation
14 would be if he does have a special relationship. Once you
15 get all that sorted out, because that's the Judge's job,
16 then I think we'll be in a position --

17 THE COURT: All right.

18 MR. HARTE: Let's bear in mind that I am not conceding
19 that the duty to the licensee, which includes the duty to do
20 that which you would do for yourself was not breached here
21 as well. So even if there is -- you determine there's no
22 special duty, which I think that could be an error, but if
23 you were to conclude that, I still maintain that his conduct
24 breached the duty to do that which he should have done for
25 himself. And, Your Honor, there's, also, the negligence

1 which we believe exist as to the other members of the
2 household. So that's, also, an issue.

3 The case for the Plaintiff and my position is that it
4 does not totally depend on the issue of a special
5 relationship. That's an important part of it, but I think
6 there's more involved here than that. And I think there's
7 evidence to suggest -- we can argue about that later, but I
8 just want to be clear that I perceive one to be the duty to
9 warn based on the special relationship and then the issue of
10 fact as to whether he performed that duty or not. And then
11 secondly, did he provide the same standard of care that he
12 would provide to himself for the licensee.

13 THE COURT: Okay.

14 MR. WLODARCZYK: Something for you to think about,
15 Judge, is that the testimony was that Diane and Calvin were
16 renters and possessors of the property, which is the only
17 duty extended under a licensee. Travis was just living
18 there.

19 MR. HARTE: Well, Your Honor, I disagree that the law
20 doesn't impose upon other occupants of a residence --

21 THE COURT: We're all going to look at this this
22 afternoon.

23 MR. HARTE: Thank you, Your Honor.

24 THE COURT: All right. As you know, we have to take
25 care of other matters in the courthouse. I will not be

1 available in the morning taking care of those other court
2 obligations, so we will start at 11 o'clock. That means
3 that any cases you want me to look at or you think would be
4 particularly helpful, please, deliver them by five o'clock
5 today if at all possible. I understand you might continue
6 to do research and find something you didn't see, but the
7 bulk of anything you would like me to review, I'd like to
8 have by five o'clock today so that I can get that reviewed
9 this evening.

10 MR. WLODARCZYK: Procedurally, Judge, most of my cases,
11 I don't present witnesses anymore. Some of the judges just
12 bring the jury in and I rest and we take up the directed
13 verdict motions after rather than sending them out, argue,
14 bring them back in, send them back out.

15 THE COURT: Right.

16 MR. WLODARCZYK: So we can do that, wait till the
17 morning to do that, however you want to handle the jury.
18 But I'm open to anything so long as the directed verdict and
19 all is preserved for the record.

20 THE COURT: Well, our jury is not going to come in
21 until one o'clock tomorrow.

22 MR. WLODARCZYK: Oh, I didn't know if they were already
23 released.

24 THE COURT: No, they're not released. They're not
25 released. So I can call them back in, but we can have you

1 rest and go straight into closing arguments tomorrow.

2 So we're going to meet at 11:00. We can do it
3 procedurally the normal way where you go ahead and make your
4 motions, we take up any potential charges. We can go ahead
5 and do our charge conference then. Then at 1:00 when they
6 come in, you can formally rest and we can go into closing
7 arguments.

8 MR. HARTE: Your Honor, in terms of the charges, I will
9 assume that you will make the normal charges on burden of
10 proof, et cetera, duty of negligence -- definition of
11 negligence, all of those things.

12 THE COURT: Yes, sir. I'll try to pull up what we've
13 got and send that out to -- what I'm thinking of, I'll try
14 to impose the same timeline on myself to send it out to you
15 this evening.

16 MR. HARTE: Thank you very much.

17 THE COURT: Mr. Whittle, can you bring the jury back
18 in, please, sir?

19 MR. HARTE: And before we leave, Your Honor, I want to
20 be sure the court reporter has all our exhibits.

21 THE COURT: All right. Thank you.

22 (WHEREUPON, the jury enters the courtroom at 12:22
23 p.m.)

24 THE COURT: Ladies and gentlemen, thank you for your
25 close attention through all of the testimony throughout

1 these proceedings. The Plaintiff has now rested, so we are
2 at a kind of natural breaking point in the case. Due to
3 other issues going on with the courtroom, we will have to
4 take an extended delay to bring the case back up. So I'm
5 asking you to be back at one o'clock tomorrow if you could.
6 That gives you this afternoon and the morning to take care
7 of any other business that you have.

8 As always, please, do not discuss anything that you've
9 heard or seen in the courtroom. Do not look up anything.
10 Do not try to find out anything about the issues. We still
11 have a good bit to go in the proceedings and then you will
12 be allowed to deliberate at the final end of the case.

13 Thank you very much. Y'all be safe, stay warm and have
14 a good day.

15 (WHEREUPON, the jury exits the courtroom at 12:24 p.m.)

16 THE COURT: Okay. We will be in recess until 11
17 o'clock tomorrow.

18 MR. HARTE: Thank you, Your Honor.

19 THE COURT: Thank you. Y'all have a good evening.

20 (WHEREUPON, court was adjourned for the day to be
21 reconvened on Thursday, January 9, 2025.)

22 THURSDAY, JANUARY 9, 2025

23 THE COURT: All right, gentlemen, I sent out all
24 possible charges that I thought of. I'm not going to
25 discuss that right now. I'd like you to present any motions

1 you may have at this time at the conclusion of Plaintiff's
2 case, understanding that those are the charges I'm looking
3 at. I understand Mr. Harte has sent some charges as well to
4 look at and I believe the Defense has stated he does not
5 believe it's appropriate to have separate punitive damages
6 charges in the wrongful death action.

7 Quite frankly, all I did was try to remember the
8 complaint roles and anything possible that might come up
9 based on the complaint, which is not one that Mr. Harte
10 drafted, I'm fully aware of.

11 All right. Yes, sir.

12 MR. WLODARCZYK: May it please, Your Honor. Damon
13 Wlodarczyk on behalf of the Defendant. At this time, the
14 Defendant would move for a directed verdict on the following
15 matters.

16 As the initial matter, Your Honor, we would ask for a
17 directed verdict on the survival cause of action. Survival
18 cause of action would be solely for funeral expenses and for
19 conscious pain and suffering of Ms. Williams. There was no
20 evidence of any funeral expenses in this case and that's not
21 an issue. As to the conscious pain and suffering, Your
22 Honor, we don't believe there's any evidence of any
23 conscious pain and suffering.

24 There is one photo that was introduced. One of the
25 reasons that I asked if Ms. Williams had some ability to

1 move her arms is that she was covered with a blanket,
2 bedspread or what have you. That bedspread was not
3 disturbed whatsoever. There was no testimony from any of
4 the fire folks or a medical expert as to the effects of
5 carbon monoxide poisoning or smoke inhalation in terms of
6 would that wake a person up, would that not wake a person
7 up.

8 There was evidence in the coroner's report that Ms.
9 Williams had two opioids and an Ambien sleep medication in
10 her system at the time. I will note that I've done a couple
11 of unfortunate wrongful death fire cases and, usually, one,
12 the coroner is brought in or a medical expert to testify to
13 the effects of smoke or smoke inhalation, can it wake a
14 person up or there's physical evidence.

15 In one case I had, the 90-year-old lady, it looks like
16 she tried to sit up in her bed and fell backwards. So the
17 photos of the crime scene, it was an arson, so it, actually,
18 was a crime scene, showed her legs on the ground in the back
19 perpendicular to the bed, so, obviously, there was evidence
20 that she got up at some point and tried to get out. There's
21 nothing of that in this case. There's no testimony
22 whatsoever. Simply saying well, she might have woken up or
23 she might have gain consciousness or anything like that is
24 pure speculation.

25 So for that reason, we would ask that the cause of

1 action for survival be directed in verdict -- directed in
2 favor of the Defendants. And, really, with the proposed
3 charge, I think all that is is striking the conscious pain
4 and suffering. I know we didn't submit a separate charge
5 for survival.

6 And I don't know if you want to go one by one or if you
7 want me to go through the entire --

8 THE COURT: Go through the entire thing and then I'll
9 --

10 MR. WLODARCZYK: Okay.

11 THE COURT: I'm taking notes, so I'll parse it out.

12 MR. WLODARCZYK: Start off with the estate of Calvin
13 Warren. I know the Court gave charges on special
14 relationship and I know -- I didn't have any objection to
15 what Mr. Harte submitted in terms of there's no general duty
16 unless there is one of the five exceptions.

17 The problem with regard to Mr. Warren is, I believe Ms.
18 Allen's specific testimony was that when Ms. Williams became
19 incapacitated through the stroke -- and this would have been
20 two years before the fire -- that she and her sister, Ms.
21 Warren, decided that they would split up the duties in
22 taking care of her. And my client, Ms. Warren, she resigned
23 from her job and that they would take turns going to Ms.
24 Williams's house for the bulk of care.

25 There were times where I understand Ms. Williams would

1 either be taken care of at Ms. Allen's home and -- for
2 example, prior to this loss, I believe she was at Ms.
3 Allen's home. And then Ms. Warren asked if she would bring
4 her mother over to the house at issue just for convenience
5 purposes. So there were times, obviously, where they were
6 at these various houses, but for the most part, it was Ms.
7 Allen and Ms. Warren providing the care.

8 I do not disagree or raise any defense that Diane
9 Warren entered into -- assumed some form of duty with regard
10 to caring and keeping Ms. Allen. I think that is well
11 within the record.

12 Calvin Warren, though, all that the testimony was to
13 him is that he would help move her when she, like, for
14 example, came to the house. They were trained to get her
15 out of the car or get her out of the wheelchair or put her
16 in the bed. That was really the only testimony as to him.
17 And I don't dispute that he assisted based on the testimony,
18 but the evidence does not give rise to an acceptance of
19 affirmative duty to provide care and keeping for a disabled
20 person. Certainly, he was the husband, he was there, but
21 there was no testimony as to him.

22 So absent a special relationship, which, specifically,
23 would require undertaking to specifically provide care for
24 Ms. Williams, it would just be the general law of licensee
25 status. As a possessor of the home, what duty does he have

1 to her?

2 I would say, Your Honor, that is going to be the issue
3 of there's no obligation for the possessor of land to make
4 the premises safe. There is no obligation for the person to
5 warn of any danger unless there's evidence that the person
6 knew of the danger.

7 There was no testimony as to what Calvin Williams or
8 Diane Warren -- I'm sorry, Calvin Warren or Diane Warren
9 knew with regard to anything. Danger being a fire that
10 would have started in the garage, however it stated.

11 And as to the issue of the smoke detectors, which plays
12 in part because, really, I think the only thing to show is
13 whether or not a smoke detector was working and did the
14 Warrens have any obligation to maintain it. Judge, there is
15 -- I believe the only testimony was from Chief Auvenshine,
16 who said there is a concerted effort to get people to put
17 smoke detectors in their homes because smoke detectors save
18 lives. And while that is a good practice and encourage it,
19 that does not create a legal duty. There are no statutes in
20 South Carolina which require my folks to install or maintain
21 smoke detectors.

22 I even took the risky chance of looking in the muni
23 code for any local ordinances in Aiken County that deal with
24 fire safety. There is one, and it deals with fireworks. So
25 if you go to muni code and you type in Aiken County and look

1 under fire safety, it is -- only deals with fireworks.
2 There's nothing about smoke detectors. And I would say
3 that's important because the City of Aiken, in fact, adopts
4 the international fire safety code. And without having to
5 get into that, that's a whole different thing. So there's
6 nothing either at the state level or the local level that
7 creates a statutory duty.

8 So then we get to well, what is the evidence in this
9 case with regard to smoke detectors. The evidence was there
10 was smoke detectors present in the house when Mr. Marcus
11 Williams's father lived there. When he passed away and
12 Marcus and his siblings became owners, Marcus took the lead
13 and he said -- I believe one of the questions was, What did
14 you do before the Warrens moved in? And I think at this
15 point in time -- you know, there was a gap. I believe he
16 passed away and they inherited in the house in 2008 and the
17 Warrens asked to rent the place and move in sometime in
18 2010. I don't think that he did anything specific for the
19 Warrens, but he said, I, basically, rehabbed the property.
20 I put in new carpet. I put in paint and I changed the
21 batteries in the smoke detector.

22 There was absolutely no testimony that he instructed my
23 clients as to the use and operation of the smoke detector as
24 provided by that statute. There was no testimony that my
25 clients assumed any obligation. So even if there was no

1 duty -- for example, let's say there was testimony that they
2 installed new smoke detectors. You could then maybe argue
3 saying well, they undertook a duty to maintain those smoke
4 detectors by installing them. Or if there was testimony
5 saying oh, yeah, you know, they would tell me all the time
6 that -- they were complaining the batteries were always
7 dying and they were always switching out batteries. You
8 might argue there that you undertook an obligation to
9 replace the batteries.

10 But there's absolutely no evidence in this case that
11 the Warrens knew that there was smoke detectors in there,
12 knew that they were operating or knew that they had an
13 obligation, which they didn't, but even undertook an
14 obligation to swap out smoke detectors.

15 There was no obligation under the licensee status to
16 make the property safe and there's no change in condition of
17 the property -- or, at least, no evidence of change in
18 condition of property because nobody knows why the smoke
19 detectors weren't operating other than there was a mention
20 that someone told Chief Auvenshine that there was no battery
21 in it even though they could not -- there's 300 photos of
22 that fire. I could not locate one smoke detector in those
23 300 photos. And the one place that he, actually, testified
24 there was a smoke detector, he admitted there wasn't a smoke
25 detector. So nobody really knows other than check the box

1 on the Eureka fire report that says smoke detector present
2 yes, operating, no. So that doesn't give rise to any legal
3 duties there.

4 So for all of those reasons, Calvin Warren didn't own
5 any affirmative obligation to Helen Williams.

6 If this was a situation, for example, where he dropped
7 Ms. Williams while trying to put her in the bed because
8 that's what he was trained to do and he undertook that duty,
9 that might be something else. But there's nothing related
10 to the very specific things that he did, which, based on the
11 testimony, was only helping move Ms. Helen Williams when she
12 needed the assistance. Same with Diane Warren with regard
13 to all those legal duties about notice of the smoke
14 detectors and making the premises safe.

15 I would note, Your Honor, and I'll throw this out there
16 because I think in looking at Mr. Harte's information, I
17 believe I have found the duty that should be charged for Ms.
18 Warren. And I believe that is in the Madison case, Madison
19 vs. Babcock. Obviously, that involved a residential
20 facility for mentally/physically disabled individuals. But
21 in getting to what the obligations were in that case, the
22 Supreme Court -- I believe it was the Supreme Court said
23 that -- essentially, cited sections 323 and 324 of the
24 restatement, which deal with undertakings.

25 I don't believe those specifically need to be charged,

1 but on Page 6 of 12 of the actual document that was sent in
2 the first paragraph, it says accordingly, we hold that under
3 the common law, a private person or business entity which
4 accepts the responsibility of providing care, treatment or
5 services to a mentally retarded or disabled client has a
6 duty to exercise reasonable care in supervising the client
7 and providing appropriate care and treatment to the client.

8 And I say that because it appears based on that that
9 any duty is limited solely to the care and keeping of the
10 individual. Obviously, in the Babcock case, that was a
11 person who had mental -- I think they call it intellectual
12 disabilities. I represent health and human services, so
13 they have gotten away from mental retardation. So a person
14 with intellectual disabilities. She was incapable of
15 knowing what to do. She was going out and, I believe,
16 having sexual contact with folks at Babcock.

17 But in this particular case, the scope of the duty was
18 to provide care in terms of making sure Ms. Williams got
19 fed, making sure that she got her medications, making sure
20 that she wasn't soiling herself. All the things relative to
21 care and keeping of that person. There was nothing in this
22 discussion about any extra duties with regard to
23 childproofing a -- I say childproofing --

24 For example, you have to take each person as they are.
25 If Ms. Warren decided that she was going to take care of a

1 person, for example, who was mobile, but, perhaps, didn't
2 have the intellectual capacity or, just hypothetically, say
3 Ms. Williams was mobile, but lost her faculties in terms of
4 knowing what to do. I've had a lot of cases where people
5 use to wander off and there would be arguments that you
6 should have installed locks. There was one person that got
7 ahold of a knife who is mentally disabled and tried to death
8 by a cop type situation. So there was a whole issue about
9 whether the facility should have kept knives away. One
10 person burned themselves with a lighter who is mentally
11 disabled. And that always shows that you have to kind of
12 take the person.

13 In this particular case, I think that the supervision
14 of Ms. Williams would have related solely to making sure she
15 didn't fall out of her wheelchair, making sure she didn't
16 fall out of the bed, things along those lines as well as the
17 care of medication, feeding, et cetera.

18 So if there's --

19 THE COURT: In this case -- let me ask you about this
20 Babcock case. I'm looking over it. I don't think that I
21 read this one extensively prior. Did they classify the
22 status of the client as to premises liability?

23 MR. WLODARCZYK: No, this was not a premises liability
24 case. In that case, it wasn't established whether it was a
25 licensee or whatever. It just said Babcock undertook the

1 duty to provide care -- for compensation, mind you, but,
2 ultimately, if you get into the restatement, it says it's
3 either for compensation or gratuitous. But because they
4 undertook the duty and there was a special relationship
5 because the individual at issue was mentally incapacitated
6 and they were providing for her services --

7 THE COURT: And, therefore, it was a general negligence
8 case?

9 MR. WLODARCZYK: Well, there was an argument by Babcock
10 that there was no duty to prevent her from having sex with
11 other folks there. There was no duty for supervision, it
12 was outside the scope. And what the Court held was --

13 THE COURT: It's a negligence supervision issue then?

14 MR. WLODARCZYK: Well, no, it was -- it set forth the
15 standard there was no duty to protect a person or to warn,
16 except five circumstances. And the Court went on to realize
17 that -- I guess, the first circumstance is special
18 relationship. It said yes, there was a special
19 relationship.

20 THE COURT: And maybe I'm overthinking this, gentlemen,
21 because in this case, you have a classification of Ms.
22 Williams in the home, which we've all agreed is a licensee,
23 and the licensee duty is as you said it, unless there's a
24 special relationship, which is undefined. And then we have
25 this other line of cases that deals with special

1 relationships, which often are contractual in some nature,
2 and seem to not rely on the premises liability strictly.

3 So I'm just wondering about the crossover in the law in
4 that regard, which I think I alluded to in the e-mail I sent
5 out last night when I sent y'all what I thought would be
6 appropriate charge based upon the current law that we have.

7 MR. WLODARCZYK: I would say this, there's no duty
8 unless there's one of five exceptions. And I think the
9 special relationship is just an exception.

10 THE COURT: One of the exceptions. And it's generally
11 undefined, special relationship.

12 MR. WLODARCZYK: Right, because it's going to be
13 different based on what you're dealing with. They mention
14 are you dealing with children? You know, they talk about
15 the intellectual capacity when it's the capacity of a child.
16 In this case, we don't have intellectual issues, we have
17 physical, so it's going to vary.

18 But I would note they found specifically on that that
19 there was three exceptions that applied. There was a
20 special relationship. They said that applied. They said
21 there was a voluntary undertaking, that applied. And they,
22 also, said statutory issues were not in play here because
23 the code regarding disabled individuals set forth that. So
24 that was just enough to say okay, you can't say you don't
25 have a duty because there's these exceptions that apply.

1 So now, what's the duty? And putting aside what the
2 obligations were for the statutory issues, which don't apply
3 here, the Court said -- because Babcock was saying we don't
4 have any duty to supervise. And then the Court, actually,
5 sets forth the common law, which is if you undertake to
6 provide care for, in this case, a disabled patient, which we
7 all agree she was disabled at the time, then you have that
8 specific duty to use reasonable care regarding supervision
9 and the care that you provide. So I think that is the legal
10 duty because there was a special relationship and because
11 there was an undertaking, at least, to Ms. Warren, if that
12 makes sense.

13 Going back to the reasons why we think that Ms. Warren
14 was entitled to directed verdict, because there's no
15 evidence that she breached a duty with regard to her taking
16 care of Ms. Williams.

17 THE COURT: Let me stop you. So you're saying one,
18 your same arguments as Calvin Warren. Two, under the
19 Babcock duty, if she is found to have accepted
20 responsibility and we think she probably has for providing
21 care and treatment services of her mother, then her -- the
22 extent of her duty was to exercise reasonable care?

23 MR. WLODARCZYK: With those specific tasks that she
24 undertook. And I would, also, Your Honor, cite to --

25 THE COURT: And let's just call it the Babcock duty for

1 right now.

2 MR. WLODARCZYK: Restatement, 2D of torts, section 324,
3 which is what's referenced in the Babcock case, it is not in
4 the bold -- you know, the bold duty of that is one who being
5 under no duty to do so takes charge of another who is
6 helpless -- I mean, obviously, that's the situation we have
7 here -- to adequately aid or protect herself because it
8 would be Ms. Williams is subject to liability for the bodily
9 harm caused to Ms. Williams if the failure of the actor to
10 exercise reasonable care to secure the safety of the other
11 while within the actor's charge. The second one is
12 regarding is discontinuation of services, which doesn't
13 apply.

14 But I would note that in the commentary of that
15 regarding care required, which is the commentary under part
16 D, there is a provision that says -- or there is a comment
17 that says the care which the actor must exercise is only
18 that which the recipient of gratuitous services is entitled
19 to expect.

20 And, again, we would argue when you look at that,
21 specific language of the common law duty in South Carolina
22 to provide reasonable care with regard to supervision and
23 the actual care that you're providing and the restatement,
24 which is relied upon the Court, which that Ms. Warren should
25 only exercise care that Ms. Williams was entitled to expect

1 or even Ms. Allen as the co-caretaker would be with regard
2 to the services.

3 There is nothing in there that should say you need to
4 make a premises safe. I really don't know what else you're
5 supposed to do except for the smoke detectors. And I think
6 that goes more to the licensee than any undertaking
7 considering the vast majority of services provided by both
8 were at Ms. Williams's home. And so that's the reason why
9 we would ask that the verdict be directed in favor of Ms.
10 Warren on that.

11 I'm not sure if rescue or whatever is being pled or
12 alleged against either Calvin or Diane with regard to that,
13 but I would say that they both passed away in the house, so
14 what's the doctrine of impossibility -- it's not like they
15 ran out and then she was left there to pass, which may be a
16 completely different set of circumstances. But both of them
17 did pass in the house, so there was no opportunity for them
18 to complete a rescue if, in fact, that's what they were
19 doing.

20 Finally -- or not finally, but as to Travis Robinson,
21 Your Honor, again, we would reiterate everything about the
22 special duty. The only testimony with Travis was that he
23 assisted at times to help move Ms. Williams as needed, that
24 he received that training to make sure, you know, he bent
25 with the knees, didn't hurt his back, didn't hurt her and

1 sometimes he would provide her medication.

2 Certainly, that is a gratuitous assistance, but it's
3 more so as the grandchild, maybe the son of Diane. There's
4 no testimony that he ever went over to Ms. Williams's house
5 to stay with her for the week or that he was feeding her or
6 that he was doing any of the things that specifically were
7 agreed upon between Diane and Ms. Allen.

8 We don't contend that he is a possessor of the land.
9 He was not the renter. I think Mr. Marcus Williams
10 testified that Diane and Calvin were the ones that wanted to
11 rent the property. Even if he was a possessor of the land,
12 the same thing applies with regard to there's no duty to
13 warn of anything and the fact that the smoke detectors, same
14 argument.

15 As to what occurred during the fire itself, there's no
16 duty to rescue in South Carolina. I know, initially, during
17 the summary judgment phase, I believe in this case, there
18 were some allegations -- I don't know if -- I know now there
19 was he should have been yelling or screaming at the house to
20 try to wake people up. I guess that's a warning issue, but
21 I'm not sure if they're still staying with is there a
22 rescue. There was an argument at summary judgment that when
23 he went to get the keys to get into the house, that was the
24 commencement of a rescue and, therefore, he had a duty to
25 see that through.

1 I think the testimony is clear, at least, what he told
2 investigators was that he didn't have the keys to the
3 property. And as he was going there, that's when he saw the
4 fire and that he couldn't gain access to it. So, again, we
5 would argue impossibility as to any rescue.

6 And regarding the 911 call, Judge, I calculated 42
7 seconds from the time he gave the incorrect address to the
8 time that he provided the correct address. And I know
9 there's testimony about seconds matter and all that kind of
10 stuff, but given the situation, is that evidence of
11 negligence when you're in a panic and you give the wrong
12 address? Generally, there has to be some kind of duty.

13 The interesting thing is in South Carolina -- and it's
14 all in the commentary about rescues if you ever look at the
15 restatement. There's some definite questions about the
16 morality of it, but I think one of the discussions in the
17 restatement is I can walk upon somebody drowning in a lake,
18 sit back and light a cigar, smoke it and watch them die and
19 you can't hold me responsible for anything. And they said
20 to the extent that's a moral issue, that's one thing, but,
21 legally, it's never been held that you have any obligation.

22 Presuming he came upon the fire, he didn't have any
23 obligation to call 911. Morally, different story, but,
24 legally, he didn't. But he did call 911 and the question is
25 does that give action as a matter to get to the jury of

1 negligence when there was a 42-second gap?

2 THE COURT: What if he was found to have taken on the
3 same obligation as his mother, Ms. Diane Warren, as to the
4 care of his grandmother? Would he have an obligation at
5 that point?

6 MR. WLODARCZYK: It would be the same thing. The
7 undertaking of the duty was to provide -- if you go by the
8 common law, it's to supervise the disabled person and to
9 provide them the care and treatment, specifically,
10 referencing in this case would be feeding, clothing,
11 grooming, toiletries, medication, things along those lines.
12 There's nothing that would say these individuals undertook a
13 duty to break into a fire-filled, smoke-filled house and try
14 to rescue somebody. That's, essentially, what they're
15 saying a duty would be.

16 And that goes way beyond any scope for providing
17 services to a person -- especially as to him because, again,
18 there's -- he left at 3:30 in the afternoon. He was
19 cleaning the garage per what he told investigators before
20 that, before he got his call from his girlfriend that she
21 broke down.

22 As far as we know, the two hours that he was cleaning
23 the garage and leaving at 3:30, he was gone. He wasn't in
24 the house until he came back. I don't think he can argue
25 that somehow he was the provider or the caretaker of Ms.

1 Warren -- Ms. Williams under those circumstances.
2 Apparently, under all intents and purposes, he was drinking
3 vodka with his friends, pining over his girlfriend or
4 ex-girlfriend.

5 So I think we have two folks, Calvin and Travis, who
6 have no duties and then we have Diane, which, clearly, we
7 don't disagree that she had obligations as set forth by the
8 common law.

9 Finally, Judge, on punitive damages --

10 THE COURT: Wait, let me make clear. Your argument is
11 even if Calvin and Travis were found to have the same common
12 law duties, it doesn't pass muster?

13 MR. WLODARCZYK: It does matter, Judge. What was
14 agreed to provide, that does not extend to somehow providing
15 rescue and -- I mean, that's just -- I don't think that's
16 contemplated under any cases that you would see. Going
17 through in South Carolina, you dial in smoke detectors.
18 There's one case that has no relevance. Smoke alarm doesn't
19 pull up anything. You know, looking over the whole --
20 interestingly, there's other jurisdictions that have all
21 these obligations about smoke. Some say if you don't follow
22 the law regarding installing smoke detectors, that is
23 evidence of negligence or even criminal activity. Others
24 are -- like, South Carolina, it says you can't use it.

25 So I think with regard to -- certainly, if there's no

1 obligation to rescue an individual, I can't see how that
2 would create by saying I provided grandma -- I helped her
3 get into her bed when she needed to go to bed or I gave her
4 some medication if mom couldn't do it, how that translates
5 to these heightened duties for commencing a rescue.

6 I mean, if it appears that Ms. Williams had significant
7 heart blockage and she had a pacemaker, are you going to say
8 because they were taking care of her, they had an obligation
9 to get an AED and keep it on stat in case she had a heart
10 attack. I mean, that doesn't go with what the obligations
11 are.

12 And punitive damages, Judge, whatever I said in my
13 e-mail about I don't believe there's any -- certainly, with
14 Calvin and Diane, there's no conscious indifference for
15 them. Again, they lived in the house from 2010 until they
16 passed away in 2013 in the condition it was in. Certainly,
17 they didn't create any better situation for themselves and
18 leave their mother and mother-in-law out in the cold. They
19 didn't leave the house and leave her there. They didn't
20 abandon her.

21 And as to the Travis, the punitives, however -- if it
22 goes forward to a jury and gets charged, the jury has to
23 take -- certainly, if he gave the wrong information for 42
24 seconds, that's something they can consider, but that does
25 not rise to a level of a conscious disregard. Especially

1 when, apparently, he didn't know who was in the house. He
2 kept going back and forth. So I don't know how you can
3 consciously disregard the rights of the grandmother if he's
4 telling people he didn't know she was in the house and he's
5 worried about his child. So for those reasons, we don't
6 believe a punitive charge should be granted.

7 And I'm going to rest on all of that, Judge. And I
8 don't even want to -- I'm not going to spend two hours going
9 back and forth. I'll let Mr. Harte say his piece and then
10 we'll see what the Judge says.

11 THE COURT: Well, and for the record, as we discussed
12 late in the afternoon, I asked counsel to send me any of
13 their proposals and that I would impose the same timeline on
14 myself. So probably shortly before five o'clock, I sent
15 what I thought could be potential jury charges to submit. I
16 did not look at the Babcock case in that regard, so I'll
17 take a while to look at Mr. Harte's response. Both counsel
18 responded and I ask that we just have everything on the
19 record here today for full argument, which is what we're
20 doing now.

21 We did not take up really the arguments of counsel and,
22 certainly, no rulings by e-mail.

23 MR. WLODARCZYK: I didn't know -- when you said you
24 wanted my position, I didn't know if that was right then or
25 today.

1 THE COURT: I understand. I appreciate that. You
2 know, when you're practicing law, we do so much by e-mail,
3 but I have to be very careful not to handle matters in the
4 same way in this regard.

5 So Mr. Harte, as to the Defense's motion for directed
6 verdict, if you'll just follow the same -- to the extent you
7 can, the same outline as he did in his argument. Number one
8 was the survival cause of action. No evidence of funeral
9 expenses, so he does not think that should be submitted to
10 the jury. I do not -- my notes do not indicate any
11 testimony and there were no exhibits as to funeral expenses.

12 MR. HARTE: That's not an issue.

13 THE COURT: Okay. And the conscious pain and suffering
14 argument, he's asked that that not be submitted to the jury
15 due to a lack of evidence as to whether Ms. Williams did
16 suffer in the fire.

17 MR. HARTE: Well, Your Honor, I would argue that goes
18 more to the weight of the evidence than to the lack of
19 evidence. The evidence shows that she was in a part of the
20 house that was not immediately consumed by fire, that she
21 inhaled noxious fumes enough to fill her lungs with that.

22 The information about what she had ingested, there's no
23 expert testimony to say that that would be sufficient to
24 render her unconscious and unable to feel pain. A jury is
25 not required to leave its common sense and life experiences

1 at home when they come in here. And I think a jury can
2 reasonably conclude that the evidence is sufficient to show
3 that she did suffer some level of mental anguish and pain
4 and suffering as the fire approached her.

5 I think the question becomes -- and he's perfectly free
6 to argue that the time was short or that there's no evidence
7 that she thrashed about, he can argue all of those things,
8 but the jury can take the circumstances that existed in that
9 home, the conditions that she was under, which she's in a
10 bed unable to move, unable to protect herself and this fire
11 is coming towards her and the horn is blowing. All of these
12 things are happening. And that's certainly justification
13 for a jury to consider that she suffered pain and suffering
14 during that period, mental anguish. And the question is not
15 so much whether there's any evidence, the question is what
16 is the weight of evidence and what is the level of recovery
17 based on the conditions that existed.

18 Things which are a matter of common knowledge do not
19 require expert testimony. And I respectfully submit that
20 this particular situation with respect to whether Ms.
21 Williams suffered conscious pain and suffering is within the
22 range of common understanding and does not require expert
23 testimony, Your Honor. And the evidence does include from
24 the coroner that she did, in fact, inhale the noxious fumes.

25 THE COURT: Mr. Harte, my only concern is, as you are

1 very well aware, we cannot let a jury be swayed or overborne
2 by passion in a case. Obviously, this is a case of tragedy,
3 really, for this family, for Ms. Allen and for her extended
4 family.

5 Can you discuss for me how it would not be speculation
6 as Defense counsel has argued for the jury to consider
7 conscious pain and suffering?

8 MR. HARTE: Well, as I say, Your Honor, the fire did
9 not get -- you know, as much as some of the arguments seem
10 to suggest that all of a sudden with the snap of a finger,
11 the whole house was engulfed in flames. Well, that's not
12 what happened. And a juror may reasonably conclude that
13 during that period of time, there would be the sound -- I
14 think we all know fire has a sound, it has a smell, it has a
15 -- it's almost like a living being. It makes noises, it
16 moves, it makes sounds. She is in the bed. She's there
17 unable to protect herself. She's there unable to move
18 herself. And she is in a position where she is just from
19 common sense know that that house is on fire as it
20 approaches her.

21 Now, he's perfectly at liberty to say look at the
22 photograph, she didn't do anything to throw the covers off.
23 She didn't do anything to indicate that she was in extreme
24 pain or discomfort. You know, obviously, we haven't shown
25 her face. But, candidly, her face doesn't really help that

1 much because of the conditions after the fire.

2 But the bottom line is he can argue that she would have
3 been protected from pain by the -- I can't think of what it
4 is now, the medications that she was on. But the bottom
5 line is --

6 THE COURT: It's Tramadol and Ambien, I believe.

7 MR. HARTE: Thank you, yeah. Well, Tramadol is not
8 really -- you know, that's not a -- I take that at night,
9 that's not really --

10 THE COURT: We don't have any evidence as to the
11 medications other than they were in the toxicology report.

12 MR. HARTE: I still can't sleep when I take it, so it's
13 not helping me a whole lot.

14 But the bottom line is -- I could do this several
15 different ways, but my belief is the records show she was in
16 the bed. She had the ability to hear. She had the ability
17 to smell. She had the ability to taste. She was -- as Ms.
18 Allen said, she was a person not difficult to wake up.

19 So all of those things are in the record. She's there.
20 The fire is in the house. The fire is coming for her. It's
21 unrealistic to believe -- you would be speculating wildly to
22 believe that she wouldn't know the fire was coming for her.
23 That would be the speculation.

24 THE COURT: Thank you, sir. All right. Let's take
25 them in the same order that Defense counsel presented them.

1 Mr. Calvin Warren, I think the argument, as I understand it,
2 is that he really didn't have a special duty. He did not
3 undertake any sort of special duty and he should be thought
4 of as a general licensee argument.

5 MR. HARTE: Thank you, Your Honor.

6 First of all -- and I agree that we are dealing with
7 five exceptions to the general rule. In this particular
8 case, the first exception that applies is the acceptance of
9 the position of care. Whether he had a contractual
10 agreement -- if you're considering that Gloria and Diane had
11 a contractual agreement to take care of mom and Calvin was
12 not a part of that, nevertheless, once Ms. Williams began to
13 stay in the house, the evidence is clear that everyone in
14 that house performed care for Ms. Williams. When they do
15 that, they have assumed the duty to exercise due care.

16 Independent of that, Mr. Calvin Warren was in control
17 of the house. The occupant who is in control of the house
18 has a duty to -- and this extends not only to people who are
19 -- the tenants themselves, but particularly with Calvin,
20 he's in control of that house. Not necessarily like he
21 controls every inch of it, but he is in the person who is in
22 possession of that house. He has a duty as the licensee to
23 maintain the premises in a safe manner.

24 Now, Your Honor --

25 THE COURT: Mr. Harte, I hate to interrupt you, but I

1 don't recall the testimony saying that he was in control of
2 the house more than anyone else.

3 MR. HARTE: No, not more than anyone else. I mean, he
4 doesn't have any greater -- I'm not suggesting that he has a
5 duty that is greater than anyone else that was in the house.

6 THE COURT: I just wanted to make sure I understood.

7 MR. HARTE: Right. No, no, I'm not saying that, Your
8 Honor. Candidly, my position is that he had a duty that was
9 -- he and all of them had a duty to her at the very least as
10 is owed to a licensee, but all three of them had a duty
11 because they were occupants of the house. And we'll get to
12 each of them individually, but there's no question but that
13 Mr. Calvin Warren was in control of the house and as such,
14 he had that duty.

15 Now, I maintain that in addition to that, yes, he did,
16 by virtue of what he and his wife had taken on, he did,
17 indeed, have a duty to this lady arising from the
18 understanding that had been reached with Ms. Allen.

19 THE COURT: So as to his -- what is your proposition as
20 to what his duty is?

21 MR. HARTE: Having installed the -- having undertaken
22 -- assumed the house with the smoke detectors in place, he
23 had a duty to maintain those smoke detectors. And I believe
24 that's consistent with -- just one moment, Your Honor.

25 (Pause.)

1 THE COURT: So you want a specific argument as to duty
2 to maintain the smoke detectors or is that the reasonable
3 care, part of the reasonable care is the maintenance of the
4 smoke detectors when she's in their home?

5 MR. HARTE: Well, let me be specific, Your Honor. I
6 maintain in South Carolina, a homeowner who installs a
7 warning device has a duty to maintain it for the benefit of
8 occupants and guests. General principle is that a landowner
9 has a duty to use reasonable care to warn social guests,
10 licensees of any concealed dangerous condition or activity
11 known to the possessor or of any other changes of the
12 condition of the premises that might be dangerous and which
13 the guests may not reasonably be expected to discover.

14 So the failure to maintain the smoke detectors is a
15 change in the premises that makes them more dangerous.

16 THE COURT: And your evidence of the failure to
17 maintain the smoke detectors is Chief Auvenshine?

18 MR. HARTE: Yes, ma'am.

19 THE COURT: I don't know if I'm pronouncing his name
20 correctly, but that's his testimony; is that correct?

21 MR. HARTE: That's correct.

22 THE COURT: Any other evidence of that?

23 MR. HARTE: And the fact that they weren't sounding, I
24 mean, that's the other thing.

25 THE COURT: Other than Auvenshine, is there any

1 evidence that they weren't sounding?

2 MR. HARTE: No, I think not.

3 THE COURT: Okay.

4 MR. HARTE: Also, Your Honor, the other part of this
5 whole matter is the extent to which the garage was filled
6 with flammable materials up to and including accelerants,
7 which were highly different from gasoline. That was a
8 dangerous condition that was maintained by all of the people
9 in the house, including Travis, Calvin and Diane. And I
10 don't think that can be ignored, Your Honor. I think that's
11 a part of what caused this tragedy and I think that's very
12 important to consider.

13 And, of course, that falls right into the duty of
14 possessor of land to use reasonable -- you know, you cannot
15 conduct activities on the land by which dangerous conditions
16 are created. And if you know the dangerous conditions
17 exist, then you have a duty to actually remove the dangerous
18 conditions as to licensees and all other forms of people,
19 except possibly trespassers, but we're not dealing with that
20 today.

21 THE COURT: Yes, sir. I think I took the trespass
22 language out.

23 MR. HARTE: With respect to Calvin Warren, I maintain,
24 first of all, there's sufficient evidence for the jury to
25 conclude that he was part of the agreement for care for Ms.

1 Williams. And secondly, whether he was a part of that
2 agreement or not, he became a part of it by undertaking to
3 provide the care. And then, finally, he is in control of
4 the premises, that he failed to maintain them in a safe
5 condition and, therefore, he is liable to create a danger
6 which led to the expansion of the fire and the lack of
7 notice from the absence of the smoke detectors.

8 THE COURT: Okay. Thank you, sir.

9 MR. HARTE: But even if the smoke detectors are not an
10 issue, Your Honor, the fact that you had such dangerous
11 materials in the garage, certainly, is a fact that the jury
12 could conclude contributing to the lack of time to respond.

13 THE COURT: Thank you, sir.

14 And as to Diane Warren, do you have any additional
15 argument as to her?

16 MR. HARTE: Well, no, nothing other than the fact that
17 I think the failure to maintain the place in a safe
18 condition, the fact that she had -- the evidence was pretty
19 clear about her as far as the agreement to maintain -- to
20 take care of the disabled grandmother.

21 But there's another factor here, Your Honor, when you
22 have a dangerous entity in the house, you have a duty to
23 protect the licensee from that dangerous entity. Now,
24 throughout the testimony, it was known that Travis Robinson
25 had a tendency to abuse alcohol. He was dangerous when he

1 did that. And, in fact, that's evidenced by the fact that
2 the testimony was that Diane would not allow him around
3 Hazel when he was consuming alcohol. She knew that Travis
4 was dangerous and yet, she allowed him to stay in the house
5 while her mother was there. That introduced a dangerous
6 element to it as well.

7 Then we go back to Calvin, by the way, and to her, I
8 mean, there is -- and I'm not going to suggest that I'll
9 argue this, but the reality is that there was certainly some
10 -- how the heck are we going to end up with a car that's in
11 such disrepair that it catches fire? That's a little bit
12 unusual. That doesn't happen everyday.

13 THE COURT: I think you have to talk to Jaguar about
14 that, Mr. Harte. Also, I would point out that I think your
15 client testified she felt safe with her mother in the home.
16 Travis loved his grandmother, really cared for her. There
17 were no problems if he wasn't drinking.

18 MR. HARTE: Well, let me say this, we're talking right
19 now about Diane Warren, Your Honor. I believe I covered the
20 points I would make on that. I'm not going to argue that
21 Travis being -- I made that as an aside, but the bottom line
22 --

23 THE COURT: Yes, sir, I understand. Let me ask you
24 this, because the -- Mr. Wlodarczyk is stating he
25 understands there may be an extra duty as to Diane because

1 -- you know, he's going to argue that Calvin had no
2 relationship that rose beyond a licensee. But his argument
3 to me that even if we accept that Ms. Warren had a
4 heightened duty to her mother based upon Ms. Williams's
5 disability and her assumption of care of Ms. Williams that
6 that duty is only to care for her in her daily life and not
7 to do any extraordinary measures as regard to a fire or a
8 rescue of her, anything of that nature. I believe I
9 understand that correctly. How do you address the duty and
10 standard?

11 MR. HARTE: Well, the duty -- Diane's duty, first and
12 foremost, is as to a licensee, which is to disclose any
13 dangerous conditions and to avoid exposing the licensee to
14 conditions that she knows to exist. And the condition that
15 she knew to exist existed in that garage and the garage
16 itself contained multiple dangerous conditions that were
17 directly involved when that fire arrived. And that is a
18 violation of her duty to the licensee independent of the
19 special relationship.

20 But I don't think the courts peel the onion quite that
21 thin when you say well, you only took on a limited duty.
22 We're going to let you self-define what your limited duty
23 is. When you take on a duty to house, even if just for a
24 weekend, house, feed, medicate, see after, take care of, do
25 all the things that have to be done and then you're going to

1 say oh, well, that special relationship ends right there,
2 that is not my understanding of the law, particularly
3 because she is a disabled person.

4 And this is critical because, as Your Honor knows, I
5 believe it's the Johnson case, the Court more or less,
6 pretty much by dicta is laying out a marker that if you have
7 a situation where the victim is a disabled person, you have
8 a different situation because the court in that case said
9 there's no evidence that this child was unable to take care
10 of himself. Well, there's certainly evidence in this case
11 of that. So my position is that that duty was very clear
12 and it was breached by Diane Warren. And I think it's a
13 factual question, Your Honor.

14 Incidentally, Your Honor, the question arose yesterday
15 about whether it was up to the Court to decide whether there
16 was a special relationship or whether it was up to the jury.
17 And my research tells me that it can be a matter of law, but
18 if there are factual determinations that have to be made as
19 to whether or not the special relationship exist, then the
20 question of whether there's a special relationship falls to
21 the jury.

22 THE COURT: Mr. Harte, I agree with you in this case.
23 I think there are cases that it's already been defined as a
24 legal matter based upon the relationship. The Babcock case
25 probably being one of them in the sense of we can lay out

1 those facts pretty definitively. But in this case, we
2 cannot, which the whole essence of Defense's argument is
3 that Calvin and Travis should be treated differently than
4 Diane. And I think that's probably a factual issue to
5 submit to the jury to determine if they are all in the same
6 position or not.

7 MR. HARTE: I agree with that, Your Honor.

8 THE COURT: Mr. Harte, the duty to rescue.

9 MR. HARTE: Well, I think that is not -- I don't think
10 the duty to rescue -- it's a little hard for me to argue
11 that --

12 THE COURT: The facts of this case are difficult on
13 anyone, I believe.

14 MR. HARTE: Well, it's difficult on -- it's not so
15 difficult on Travis, and I'll tell you why in just a moment.
16 But -- or offer to you why. The matter -- the thing about
17 this situation is that -- here's the position I take. Given
18 the fact that we have a law in this state that says no duty
19 to warn, no duty to rescue absent one of the five
20 conditions, one of them being a special relationship.

21 I believe the law is that if you have an individual who
22 is disabled, as Ms. Williams was, that that fact has to be
23 taken into consideration when you define the duty that exist
24 to where both is a licensee and then under the special
25 relationship. And because merely shouting at her to tell

1 her that there's a fire would be useless, logically, the
2 only way that a person having the special relationship can
3 discharge his duty is to rescue her.

4 And the reality is, as I'll discuss with you in a
5 moment, there was more likely than not ample opportunity to
6 rescue her. But the bottom line is whether there's any duty
7 to rescue her. And I maintain in deciding what the duty is,
8 you have to take into consideration what the conditions
9 were. And, of course, whenever someone undertakes a duty,
10 they have the duty to exercise due care, which means if you
11 know this lady is disabled and cannot save herself that you
12 have a duty to -- since you have undertaken the duty, then
13 you have a duty to exercise the opportunity to rescue.

14 THE COURT: Mr. Harte, how do you feel about the
15 punitive damages charge?

16 MR. HARTE: Well, Your Honor, I think with respect to
17 Diane and Calvin, that's a bit of a stretch. That would be
18 a little beyond what I think is -- I don't think the facts
19 support that.

20 Now, when we get to Travis, that's a bit of a different
21 story. And maybe we could just move on into Travis if that
22 helps some.

23 THE COURT: Yes, sir.

24 MR. HARTE: Here's the thing about Travis, when you
25 look at what was going on, first of all, we know that as far

1 as a duty, a person who is control of premises has a duty to
2 a licensee. We know that duty is limited, but it
3 nevertheless exist. You're not supposed to create a danger.
4 You're not supposed to hide a danger.

5 Travis had a key to the residence. He had the right to
6 use upon permission the car that caused the fire. He was in
7 control of the car the night that this fire occurred. He
8 participated in the care of Ms. Williams.

9 Now, all of those things having been said and he's an
10 occupant of the house, going back to the same point again,
11 who was in control of the dangerous instrumentality? So
12 that he had a duty to act in response to the danger that
13 existed.

14 Now, he was, also, Your Honor, in control of that
15 garage when the fire took place. He was the one in the
16 garage. And by record being made as he said earlier, he was
17 sweeping the garage out. Travis Robinson was in control of
18 the place where the fire started. We have some discussion
19 about what the cause of the fire is, but we know without any
20 question that the fire started in the garage. And we know,
21 because it's in evidence, that Calvin says he saw the fire
22 in the vicinity of the front of the Jaguar.

23 Now, did it start with the Jaguar? Was it caused by
24 the Jaguar? Was it caused by Travis doing what he
25 customarily did, smoking in that area where there was a high

1 flammable nature? I don't think it really matters because
2 when you look at what happened and you look at the timeline
3 of what happened, what you see is that Calvin -- Travis went
4 to help his girlfriend sometime in the afternoon. He stays
5 over there for a while, has, according to him, two beers.

6 He originally said he came straight back to the house,
7 which we know that's not correct because that would have put
8 him back at the house about 9:30. He goes to this other
9 person's house, where he stays for a while and he consumes
10 an interesting cocktail. It's Gatorade and vodka. Well,
11 Gatorade and vodka is specifically designed to speed the
12 alcohol into your system. And back in the '70's, the kids
13 over in Augusta did that and half of them ended up in the
14 emergency room for alcohol poisoning because there was more
15 alcohol in their system than they realized. Well, Calvin
16 [sic] is drinking the same thing.

17 He leaves Augusta by -- there's really no dispute about
18 it. According to everything we've got, he leaves Augusta at
19 midnight. How long does it take to get to this house? No
20 more than 40 minutes. One of the gentlemen said well, give
21 him a little grace period. Okay, fine. So he arrives at
22 the house at one o'clock. He says, I saw the fire and I
23 moved my truck. He says, I immediately made the call. But
24 that doesn't make sense because the timeline puts him in
25 that garage at one o'clock. His version puts him with

1 knowledge of the fire at about 1:00 to 1:30. There's a gap
2 of either 30 minutes to an hour before the call is made to
3 911. That's the golden time, Your Honor.

4 THE COURT: That's the conscious disregard, is that
5 what you're saying?

6 MR. HARTE: Yes. Thank you.

7 THE COURT: Do you have any response to that, sir?

8 MR. WLODARCZYK: No, Your Honor.

9 THE COURT: Anything else, Mr. Harte? I didn't mean to
10 cut you off particularly.

11 MR. HARTE: No, Your Honor. I just would mention that
12 I had asked you to deliver the charge that voluntary
13 intoxication is not a defense to a cause of action such as
14 this.

15 THE COURT: Any objection to that charge?

16 MR. WLODARCZYK: We didn't plead that, so I don't even
17 know if you need to charge it, Judge. That's not something
18 we're going to present to the jury.

19 MR. HARTE: I just don't want the jury to speculate on
20 something like that.

21 THE COURT: I'll listen to your closing and then we'll
22 decide definitively about the necessity for that charge, Mr.
23 Harte, if that's okay.

24 MR. HARTE: Thank you, Your Honor.

25 THE COURT: Not asking you to put a bunch of stuff in

1 your closing in order to get to that charge, mind you, but I
2 am always aware that sometimes when you -- very conscious
3 that when the Court says something, the jury may take it a
4 different way and I don't want to put something in their
5 mind that we should not embellish.

6 Also, I've asked my clerk to look into the specific
7 charge that you e-mailed. He tends to e-mail me stuff as
8 well and put it in a share drive, but, you know, I sit up
9 here and want to see the paper. So I've asked him to go
10 pull out the paper so I can look at that.

11 It's my understanding that you did a particular special
12 relationship charge based on the Babcock case that Defense
13 counsel is not objecting to in specificity.

14 Is that correct?

15 MR. WLODARCZYK: I don't disagree with charging the no
16 general duty, five exceptions, which is in the Babcock case
17 and the other cases. And I'm certainly asking that we
18 charge what the common law duty is for the undertaking
19 caretaker.

20 THE COURT: Okay.

21 MR. WLODARCZYK: And the only other issue that I had
22 with regard to the licensee charge, Judge, is if we could
23 charge the actual verbatim language in Sims vs. Giles. And
24 I think the only difference is --

25 THE COURT: Oh, I thought I did. Did I not?

1 MR. WLODARCZYK: Well, Judge, I think -- and I'm sorry,
2 I don't have multiple screens up here.

3 THE COURT: I might not have.

4 MR. WLODARCZYK: I will note this, whatever is in the
5 bench book is not what's actually in -- I think what you
6 have is in the bench book.

7 THE COURT: I'm not sure. I did not go strictly by the
8 bench book, I'll tell you that.

9 MR. WLODARCZYK: So the specific language in Sims V.
10 Giles, which cites the Neal case, is the possessor -- after
11 definition of licensee, it says for -- this is what the duty
12 is, the possessor is under no obligation to exercise care to
13 make the premises safe for his reception and is under no
14 duty, except, and then A and B. And then it goes on that,
15 therefore, since the licensee is there for their own
16 benefit, they're said to accept the premises as is.

17 I think you have everything except the possessor is
18 under --

19 THE COURT: This says a licensee accepts the premises
20 as they are and demands no greater safety than the possessor
21 or host.

22 MR. WLODARCZYK: Correct. It's just the first sentence
23 I'm asking to be added, which is in the verbatim, under no
24 obligation to exercise care to make the premises safe for
25 his reception.

1 THE COURT: Mr. Harte, any objection to that?

2 MR. HARTE: That's the law, Your Honor.

3 THE COURT: I'll hunt for that actual language.

4 MR. WLODARCZYK: Yes, ma'am, that's at 17 in the
5 citation, Page 5 of 12 of the order under licensees.

6 THE COURT: Okay. Anything else regarding the proposed
7 charges?

8 MR. HARTE: Not from the Plaintiff, Your Honor.

9 MR. WLODARCZYK: Just what I opined about the personal
10 injury, mental suffering, kind of the standard personal
11 injury charges. I think it's just the wrongful death charge
12 that says what you get under wrongful death. And I don't
13 think there was any argument about pecuniary loss --

14 MR. HARTE: No, there's no pecuniary loss here. This
15 case does not include that.

16 MR. WLODARCZYK: So I would just like to delete that.
17 I'd like to keep it as simple as possible with the charges.
18 I think juries get confused enough.

19 THE COURT: Absolutely. Delete the personal injury
20 charge. Mr. Harte has argued to keep pain and suffering,
21 though.

22 MR. WLODARCZYK: We'll just have to treat it as
23 conscious pain and suffering.

24 THE COURT: I'm trying to talk about this quickly.
25 We'll go over it again after your closing. I'm trying to

1 talk about it quickly now to be able to give you a break
2 prior to closing. Just to explain if it appears that I'm
3 rushing through this. This is not the final run-through is
4 what I'm discussing.

5 Then we have perspective damages. Mental suffering.

6 Mr. Harte, I put that in there because there was some
7 idea of mental suffering in a pleading I read. Is there --
8 and I guess in your questioning to the jury panel about the
9 shock and fright Ms. Allen may have suffered, is there an
10 agreement or disagreement on mental suffering?

11 MR. HARTE: I don't think so.

12 THE COURT: All right. The life expectancy table,
13 please remind me how old Ms. Williams was?

14 MR. WLODARCZYK: She was 89 when she passed, Your
15 Honor. I think it's five and change is the --

16 MR. HARTE: Your Honor, I believe the survivors are
17 entitled to recover the grief and mental anguish. I believe
18 that's -- and I would be more inclined to call it mental
19 anguish than mental suffering. I'm not sure that it carries
20 the same meaning, but in my opinion, that's a legitimate
21 claim for --

22 THE COURT: Probably what I'm going to do is move this
23 wrongful death -- and like I say, I'll go over it and move
24 them around so it makes -- flows a little bit better.

25 MR. WLODARCZYK: The wrongful death statute -- or --

1 you've already put that in there, Judge, mental shock and
2 suffering, wounded feelings, grief and sorrow, loss of
3 companionship. So since wrongful death has its own
4 statutory way you recover, I think that covers everything.
5 That's why I was just --

6 THE COURT: I was striking the funeral expenses because
7 there's been no evidence of funeral expenses.

8 MR. WLODARCZYK: We'd ask one be struck because
9 pecuniary loss, so it would be two, three, four, five, six
10 and then strike number seven from wrongful death.

11 MR. HARTE: What is number seven?

12 MR. WLODARCZYK: Medical and funeral expenses.

13 MR. HARTE: That's correct.

14 MR. WLODARCZYK: And then the final paragraph is
15 appropriate. It's not necessary to show the exact amount of
16 damages.

17 THE COURT: Is counsel fine with leaving the wrongful
18 death allegation, just to include number two, mental shock
19 and suffering, without additional definition of that?

20 MR. HARTE: That's all right with me, Your Honor. I
21 have no objection to that.

22 THE COURT: All right. Thank you, sir.

23 Then we have the gross negligence. And the punitive
24 damages, Mr. Harte has asked that to be restricted to Travis
25 Robinson for his conscious disregard.

1 MR. HARTE: Yes, Your Honor.

2 THE COURT: The clear and convincing evidence. I am
3 ruling on Mr. Wlodarczyk's motion and denying that motion
4 for a directed verdict. Looking at the evidence in the
5 light most favorable to Plaintiff, I believe we can submit
6 this to the jury as to whether a disabled person -- you
7 know, what the indications of her conscious pain and
8 suffering would have been based upon her infirmity.

9 In other words, I cannot ask for evidence that she
10 could not have done too much. Given her disability, I
11 cannot expect that her legs would have been thrashed about
12 or anything of that nature. So I will submit that goes to
13 the weight of the evidence.

14 And I agree with Mr. Harte that whether a special
15 relationship existed or other evidence as to Calvin and
16 Travis and the duty that they may have undertaken is an
17 issue to leave to the jury for them to determine as we will
18 charge what the duty may be to her based upon that special
19 relationship.

20 I will caution that we did talk about this case, it's
21 not a complicated case in the fact that we all know three
22 persons died in a fire, but it is a little bit complex when
23 you talk about the landlord/tenant issues and the smoke
24 detector issues as they're in there. We had a pretrial
25 motion to say there was to be no mention of a smoke

1 detector. I did not agree to no mention of smoke detectors
2 being conceded that the lack of smoke detector cannot be
3 used for negligence per se or this whole basis of negligence
4 in this matter. But there has been little evidence of a
5 smoke detector or the Defendant's knowledge of the status of
6 that smoke detector.

7 I will allow counsel to continue to present the
8 evidence as it's been. Of course, we will instruct the jury
9 that they are to make the finding of fact and listen to what
10 their recollection of the testimony is in evidence that's
11 been presented. But I am mindful that our law has said the
12 lack of a smoke detector can't be used for the basis of
13 negligence. I would be interested to know what those other
14 states do.

15 MR. WLODARCZYK: It's mixed. Judge, procedurally,
16 since I have to renew my motions, do you just want when I
17 rest to say motions renewed, same grounds and proceed to
18 closing after that?

19 THE COURT: And I have no problem giving you ten days
20 to submit any additional information for post-trial motions.

21 MR. WLODARCZYK: Thank you, Your Honor.

22 THE COURT: All right. Counsel, let's take a break.
23 The jury is coming back at 1:00. I hope you can get
24 something to eat or a snack or something, prepare for your
25 closing. We'll continue to work on this and come back in.

1 Mr. Harte, I have Plaintiff's request to charge number
2 one, which is the Babcock. We have the voluntary
3 drunkenness you talked about. We'll take that up after
4 closing. And you, also, asked for what was your charge
5 number seven, ability to pay. I'll look at that as well.

6 (WHEREUPON, a lunch break was taken.)

7 THE COURT: Gentlemen, are we ready?

8 MR. WLODARCZYK: Yes, Your Honor.

9 MR. HARTE: Yes, Your Honor.

10 THE COURT: Let's bring the jury in.

11 (WHEREUPON, the jury enters the courtroom at 1:18 p.m.)

12 THE COURT: Ladies and gentlemen, thank you for being
13 prompt today. We did have several matters to take care of
14 in this case and other business of the Court this morning.
15 I appreciate you being flexible and arriving promptly so we
16 can continue with this matter.

17 The Plaintiff has rested. We now have the opportunity
18 for the Defense to present their portion of the case.

19 MR. WLODARCZYK: May it please, Your Honor. The
20 Defendants have no additional witnesses, so we rest.
21 Defendant would renew its motions for the same grounds
22 asserted.

23 THE COURT: Thank you, sir. That is noted and the
24 prior rulings stand at this time.

25 We will now proceed to the closing arguments. Just as

1 the attorneys made opening statements to you to advocate on
2 behalf of each of their clients and to let you know how they
3 are viewing this matter and how it will pertain to the law,
4 they will now provide a closing argument. All evidence has
5 been presented in the case, so they can now use the evidence
6 as it's been presented.

7 Please be mindful that you will be the finders of fact
8 in this case. I will instruct you on that when I instruct
9 you on the law. But they are allowed to advocate and kind
10 of give their summation of how they believe this case is.
11 Anything that is not supported by the evidence as you find
12 it, you do not have to consider. But, likewise, they can
13 point out things to you that they think you should consider.

14 Yes, sir, Mr. Harte.

15 CLOSING ARGUMENT BY THE PLAINTIFF

16 MR. HARTE: Thank you, Your Honor.

17 Good afternoon, ladies and gentlemen of the jury. I am
18 now going to make a few comments to you and outline for you
19 what I think the evidence shows and then y'all will go back
20 and give us the most important answer, which is what do you
21 think the evidence shows.

22 The case we have today is a very sad case. It's a
23 tragic case for the entire family. And it's tragic in part
24 because it didn't need to happen. And that's the most
25 important thing I want to say to you. This did not need to

1 happen.

2 Now, we all know that all of us are going to leave this
3 world. And we would like to think that we will leave it in
4 accordance to God's plan. And we want to leave it in a way
5 that's dignified and we want to do it in consistency for
6 what He plans for us. But we, also, know that there are
7 times when things intervene, people intervene and lives are
8 cut short.

9 This particular instance, Ms. Williams was 89 years
10 old. She was clearly at the ending phase of her life. I'll
11 talk to you a little bit more about her life later. But she
12 had an opportunity to enjoy life for the time that God
13 intended for her to enjoy it.

14 What happened to intervene? Well, first of all, we
15 know that she was staying at her daughter's house, and her
16 husband, Calvin, and Travis. We know that Diane had agreed
17 with her sister, Gloria, to take care of her mother, Ms.
18 Williams, their mother, on a regular basis. We know that
19 was the assumption of a duty and that carried with it
20 certain obligations.

21 Now, we, also, know that the law has certain
22 definitions that apply when you come onto someone else's
23 property. You might be a trespasser if you don't have any
24 permission to be there at all or you might be a business
25 invitee, which means when you go into one of the stores

1 downtown, they're inviting you to come in because it's their
2 benefit for you to be there. Or if you are a social guest
3 in someone's home, you are what is called a licensee. And
4 what that really means is that the person in control of the
5 house has given you permission, given you a license to be on
6 the property.

7 The law is different in terms of what people in charge
8 of property have to do based on the individual who is on the
9 property, what role they play.

10 When you have someone who is on your property as a
11 guest, the duty is limited. You have to avoid creating
12 hazards and you have to avoid concealing hazards and you
13 have to let the licensee know if there's a concealed hazard
14 on the property. You don't have to change the property to
15 make it more safe for a licensee, but you do have to, at
16 least, make it as safe for that person, for the guest, as
17 you would for yourself.

18 So let's begin from the standpoint with Ms. Williams
19 that when she came to visit her daughter, Diane, and Calvin
20 and Travis, she was what the law calls a licensee. She was
21 entitled to certain things. She was entitled not to have a
22 dangerous condition. She was entitled not to have the
23 conditions changed to make it more dangerous. And she was
24 entitled to have the people in charge of the property do as
25 much for her as they should do for themselves.

1 What you're going to -- I believe what the evidence
2 shows is that all three, Calvin, Diane and Travis, failed in
3 that duty to her. That's part one.

4 Secondly, it is true that in South Carolina, no one has
5 a duty to warn somebody else of a danger unless there are
6 certain specific exceptions. So with the licensee, if a
7 danger arises, the duty becomes based on the answer to the
8 question of whether or not Calvin, Diane and Travis had a
9 special relationship to Ms. Williams or whether they
10 undertook a duty to her or whether they negligently or
11 intentionally created a risk.

12 Let's talk first about the house itself and the garage
13 or carport. We know from the evidence that the carport was
14 clean when Marcus turned it over to Diane, Calvin and
15 Travis. We know that after that, it became filled with a
16 tremendous volume of flammable materials. Papers, all sorts
17 of things filled that garage. Gas cans, lawn mowers and,
18 most importantly, highly flammable liquids. Specifically,
19 what appears to be racing fuel.

20 Now, if you've ever been around anything to do with or
21 watched it on television, you know that racing fuel is a
22 very highly, volatile liquid. It doesn't take much of
23 anything to set it off. And when it goes, it goes like blue
24 blazes. It is one of the most dangerous things when it's on
25 fire you can possibly imagine.

1 So when we ask ourselves the question of whether or not
2 Diane and Calvin discharged their duty to Ms. Williams, you
3 have to look at the question of what did they do at the
4 house that made it safe for themselves or unsafe for
5 themselves? And if they made it unsafe for themselves and
6 at the same time allowed Ms. Williams to enter the house,
7 then they have created a danger to her. And having created
8 that danger, they have a duty to alert her, to take care of
9 her if the danger becomes a reality. And, of course, we
10 know that's what actually happened.

11 Now, the other issue is was there a special
12 relationship? Well, you may want to say because that was
13 Travis's grandmother and Diane's mother, that's a special
14 relationship. Well, that's not exactly what the law means.
15 A special relationship means that you have a relationship
16 with this person, that because of the circumstances that
17 exist between you and that person, there's something extra
18 involved.

19 What's extra here? This lady, Ms. Williams, was an
20 invalid at the highest level. She could not walk. She
21 could not talk. She could not move her arms to any extent.
22 If she wanted to be out of the bed, someone had to come and
23 take her out of the bed. If she was going to get in a car,
24 somebody had to take her and put her in the car. If she
25 wanted to go from one room to another, she had to be put in

1 a wheelchair and somebody had to push that wheelchair.

2 Everyone that was in that house knew that. That was
3 not unknown. This was known by Travis. It was known by
4 Diane. It was known by Calvin. And they allowed her to
5 come in as a social guest. And they agreed not only with
6 Gloria, but they agreed among themselves that they would all
7 provide care for her. I would suggest to you and it will be
8 your decision to make, whether or not all of those factors
9 create a special relationship.

10 And why is that important? It's important because
11 while there is no duty to warn or rescue a licensee, if you
12 have a special relationship with that guest, with that
13 licensee, then you have a duty to warn and you have a duty
14 to rescue that person. I suggest to you the evidence shows
15 very clearly that all of the facts taken together create a
16 special relationship and, therefore, a duty on the part of
17 all three to keep the premises safe, to avoid creating a
18 danger and when a danger becomes a reality to rescue.
19 Warning Ms. Williams would not accomplish anything. The
20 duty then becomes rescue. And we'll talk about rescue in
21 just a minute.

22 Lastly, if the person who is the Defendant has
23 negligently or intentionally created a risk? Okay. How did
24 the papers get in the garage? How did the highly flammable
25 liquid get in the garage? How did the circumstances of the

1 fire get into the garage? Who created those things? It,
2 certainly, wasn't Ms. Williams. Those things were created
3 by the three people who lived in that house.

4 You don't have to believe that they intended to harm
5 Ms. Williams, that's not what we're saying. People can
6 commit negligent acts without intending the injury that
7 occurs. People who drive at a high speed don't necessarily
8 intend to kill a pedestrian, but if the high speed causes
9 the death, then you have a causation factor.

10 So we know that is the situation that existed. Ms.
11 Williams arrived. They all came out. They helped Ms.
12 Williams out of the car. They got her into the house and
13 she's in that house now. And where is she? She's in a
14 house in the country filled -- a garage filled with highly
15 flammable materials and no working smoke detectors. That's
16 where she was. She was disabled. Could not do any of the
17 things that I said she couldn't do.

18 We don't have a lot of real clear definitions to give
19 you for what a special relationship is, but I suggest to
20 you, like almost everything in life, we come into a
21 courtroom like this and we bring with us a lifetime of
22 experiences. All of us have common sense. All of us have
23 an education of some level, some more than others. The best
24 education you have is just living, knowing what life is,
25 knowing what life calls upon you to do.

1 Most of us instinctively know we are responsible for
2 something. As we know, among other things, that if I've got
3 my mother, my grandmother in the house, I'm out in the
4 country -- and as Chief Auvenshine said, they don't have a
5 fire department out there where they can just jump on a pole
6 and jump in the fire truck. I know that. What does that
7 tell me or what should that tell me? It should tell me that
8 I've got to be a little more careful. People who live out
9 know these things.

10 That didn't happen here. In fact, everyone's conduct
11 in that house went the other way. And that's important
12 because they should have done those things, keeping the
13 garage safe from highly flammable flames for themselves.
14 They didn't do it. They should have kept the house where
15 the warning devices would work. They didn't do it. And Ms.
16 Williams came into that situation.

17 Probably in the world today, you can go for years and
18 years and years and have all the rags and highly flammable
19 liquids and no warning devices, nothing happens. Just like
20 the guy who says well, I know that stop sign is there, but
21 there's never any traffic here, I'm not going to worry about
22 it. Whoosh, whoosh, whoosh, whoosh. And then one time,
23 there's a fellow coming down there.

24 If you have a situation out in the country and you do
25 not take into consideration the conditions that exist, the

1 distance from the fire department, those things, you may go
2 a whole lifetime and nothing happens, but it doesn't make
3 what you're doing right. It doesn't change the fact that
4 that garage filled with flammable materials and highly
5 volatile liquids is very dangerous. And it doesn't change
6 the fact that if something goes wrong, you're going to be
7 without the notice you need. That's where she was put.

8 And I maintain the relationship that they had with her
9 required more than that even under the simple theory that
10 she was a licensee, but that's for you to say. For you to
11 tell us what you're okay with. That's what it really comes
12 down to.

13 Juries all over this state, here in this county sit and
14 hear cases like this and they give us an answer to what this
15 means in this case. And what they're really saying is, I
16 looked at what the Defendants did, I heard the lawyer talk
17 about how he thought it was wrong, but you know what, I'm
18 okay with what they did. It doesn't bother me that they had
19 that fire material in there. It doesn't bother me that they
20 didn't have the smoke detectors. It doesn't bother me that
21 they knew they had an invalid lady in the house. It doesn't
22 bother me that they didn't have a plan for how they were
23 going to get everybody out in case of a fire. It doesn't
24 bother me that Travis went off -- and I'll talk about what
25 he did and everything else -- and here comes this fire. If

1 you say we find for the Defendants, then you're saying I'm
2 okay with that. I'm okay. I'd do the same thing.

3 But if you find the facts demonstrate that there was a
4 special relationship, that they did have a duty to warn, a
5 duty to rescue and they did have a duty to take care, that
6 the house was safe for them and for her, then you will find
7 for the Plaintiff. You will find for Ms. Allen. I'll talk
8 to you about what that means in a little while.

9 So let's talk a minute or two about what we know about
10 this case. I will concede to you that there are some things
11 we don't have direct evidence of. We don't have somebody
12 who is in the garage watching Travis. We don't have a film
13 of Travis in the garage. We don't have somebody who
14 followed Travis and found him over in Augusta, so forth and
15 so on. So we don't have what's called direct evidence. But
16 what we do have are facts that lead us to make reasonable
17 conclusions.

18 And what that means is that you may rely on the
19 circumstances that exist in the case. And you may make
20 reasonable assumptions and draw conclusions from the
21 circumstances. You can use your own good common sense, your
22 own life experiences to draw conclusions from the
23 circumstances that exist.

24 Well, let's take a look. Ms. Williams comes to the
25 house, Ms. Allen brings her. She's taken into the house.

1 The day proceeds on. Travis is ready for his girlfriend to
2 come to the house. She doesn't come. She's broke down on
3 I-20, so he's going to go help her. He decides he's not
4 going to take his perfectly good Ford Explorer, he's going
5 to take the Jaguar. Well, hey, the Jaguar looks a lot
6 sportier than the Explorer does. Probably goes faster than
7 the Explorer. That's maintained by somebody who is a
8 mechanic, but not a manufacturer's mechanic or a dealer
9 mechanic. So that's the way that is.

10 Anyway, Travis leaves and goes over to where this young
11 lady is on the interstate. And he waits there with her
12 until the tow truck arrives and then he goes with her --
13 takes her back to her home and they stay there for a while.
14 He says he only drank two beers. Then he says it got to be
15 nine o'clock, I played with the children, so forth and so
16 on. Now, I'm going to go home. He says, I went home at
17 nine o'clock.

18 Well, that would be even more damning, but we know that
19 isn't true. That's the first thing he said after he got
20 through making a phone call. That's the first thing he told
21 law enforcement, I went home at nine o'clock. That was not
22 the case. He, actually, went to another friend's house. He
23 still says all night, I only had two beers. But that's not
24 what we know. We know he was drinking vodka and Gatorade.

25 Now, vodka and Gatorade is an interesting drink. Back

1 in the '70's, I used to play golf with people from Augusta.
2 And those kids were drinking vodka and Gatorade and half of
3 them ended up in the emergency room. Because the Gatorade
4 carries that alcohol faster in your system than you realize
5 it's there. You're going to get more drunk quicker drinking
6 Gatorade and vodka than you are drinking beers.

7 So he sits there and he drinks his Gatorade and vodka.
8 He's there at a minimum, at a minimum of two to three hours
9 because we know he left that place at midnight. That's not
10 in dispute. Again, you don't have to leave your life
11 experiences at home. If you leave Augusta, Georgia, on the
12 very far side of Augusta, Georgia and you get on I-20 and
13 you come over to where this property is out there close to
14 I-20 area around Eureka. Eureka is up on Highway 19.
15 That's the area where they were. That's going to take you
16 maybe -- on a normal run, maybe 45 minutes. Worse case,
17 you've got traffic and everything else, something happens,
18 you're going to be an hour getting home. That's when you're
19 going to get home.

20 He could not possibly have arrived at that house later
21 than 1:00 or 1:15 in the morning. He pulls in. Now, he
22 says, I got out and I saw a fire. He says, I didn't have
23 the keys to the house, so I went over to my Ford Explorer to
24 get the house keys.

25 Well, couple things about that. The fact that he has

1 the house keys says that he has a right to control parts of
2 the house. That means he's responsible along with everybody
3 else in that house for the condition of the house. So when
4 -- and with all due respect, the gentleman who's -- and I'm
5 not mad with him, he just happened to be on the other side,
6 he has a reason for being here, but when he tells you there
7 was no duty for him to do anything, there was nothing -- he
8 could have sat in the yard and smoked a cigar and read the
9 newspaper and watched the house burn. You okay with that?
10 Okay. That's what he wants you to say.

11 So he comes in at sometime in the range of 1:00, let's
12 give him to 1:15. Let's be generous, 1:15. He goes and
13 gets in the Ford Explorer. Doesn't get the keys and go to
14 the door and unlock it, doesn't get the keys and go around
15 the front and unlock it, don't get the keys and go to
16 grandma's door and unlock it, don't go in the door that's
17 over there on the side where the ramp comes down. What does
18 he do? He saves his Ford Explorer.

19 Now, this is where you've got to pay really close
20 attention to him. Not to me, but to him. When he backed
21 his Ford Explorer out, he tells the officers, I was
22 frightened to death and I hid behind the Explorer. Well,
23 he's a soldier that served in the 101st Airborne. My uncle
24 served in the 101st Airborne. Soldiers from the 101st
25 Airborne don't get scared like that unless, unless --

1 there's something in the law we call consciousness of guilt,
2 which is when you do something and don't even mean to do it,
3 but you are signaling something I have done is wrong.

4 What was he hiding from? He, certainly, wasn't hiding
5 from the fire. That's all the way over there. He hadn't
6 even hardly started yet. What is he hiding from? Is he
7 hiding from the fact that he passed out in that Ford
8 Explorer? Is that possible? We don't know that. But he's
9 hiding from something and I'm going to tell you right now it
10 is not that fire.

11 He is aware that something he has done is wrong and
12 he's hiding back there and I suggest to you that he is
13 hoping like all get out that that fire he's introduced into
14 that carport is just going to go out. And by the time he
15 figures out that it's not just going to go out and he makes
16 that phone call, we're at 2:12. 2:12. 45 or 50 minutes
17 after he pulled into that carport. And I'm just using a
18 simple analysis based on what I know about the distances.

19 But that's not the only consciousness of guilt. He
20 calls 911. He is so riled up that he is talking just
21 nonsense. He has left his child with his girlfriend in
22 Augusta. His girlfriend and that child don't live in that
23 house. Why, why would he say my child's in that house? He
24 doesn't want to tell the truth because the truth will put
25 him responsible for what's going on. He's all bubbled up

1 because of the alcohol, what he's done in that garage, which
2 we don't 100 percent know. But what we do know is that he's
3 not telling the straight of it to, first of all, the 911
4 operator and then we'll cover another point later.

5 I mean, he's got three different versions of who was in
6 there. One, nobody was in there. The next minute his child
7 and -- he leaves it off with the 911 operator. I want you
8 to -- the other thing about this is what happens on that
9 call. He was talking to the place where help is going to
10 come. He is on the phone with somebody who's going to bring
11 help and he breaks off the conversation. You'll hear the
12 911 operator trying to get him to talk to her. He breaks it
13 off. Is that negligence? Is that carelessness? Is that
14 gross negligence? That's for you to say. You okay with
15 that? You've got to tell us.

16 So then the fireman gets in his vehicle, comes down
17 there. He arrives and here's Travis over here walking
18 around. He's walking around over there, talking on the
19 phone. Who is he talking to? He's not talking to 911, I
20 can tell you that. It would have been recorded. He says
21 every time I pull up and something like this is going on,
22 the family is going to come straight to me. Of course, they
23 are. Anybody would, except Travis. Consciousness of guilt.
24 Consciousness of responsibility. Conscious that I did
25 something that I shouldn't have done.

1 I'm not telling you that he set out to kill anybody.
2 He's the guy running the stop sign. He's the guy that sits
3 in his garage and smokes and nothing ever happens until it
4 does. And when it does, he jumped in and saved his Ford
5 Explorer or he drove in with the car that was on fire, which
6 is an interesting thought in itself. But he drives in
7 there, sees the fire, what's he going to do? He backs his
8 vehicle out and then he hides. From what?

9 But the chief shows up. Finally, the chief gets enough
10 to have him tell him a little something. It's still all
11 garbled. It's still all garbled.

12 Let me say this, Calvin -- I keep saying Calvin, it's
13 Travis. I'm sorry. I apologize. Travis, the next morning
14 is still drunk. You can hear it in the interview. You can
15 hear it in the interview. He is drunk. And one of the most
16 tragic things I heard on that call -- I can't remember if it
17 was on the tape or the call, but he said, I heard somebody
18 holler. I heard somebody holler.

19 So next day, he's interviewed by law enforcement and
20 he's as drunk as he was almost the night before. But that's
21 what that Gatorade and vodka does to you. Because you've
22 got more in there than you think you've got. But what does
23 that tell you? A complete disregard for safety. You get
24 yourself all liquored up to the point where you can't even
25 make a 911 call and you are negligent. You are grossly

1 negligent.

2 Now, I'm going to let you sort that out and pass
3 judgment on it. I think it's pretty clear that Calvin [sic]
4 introduced the fire in that garage one way or another. One
5 way or another. And I have enough common sense to know that
6 when you have an electrical fire in a car and you've got it
7 parked in a carport like that next to a brick wall, it's
8 going to take a little while, it's going to take more than a
9 little while for that little electrical fire that you're
10 seeing to light up enough for that vehicle to become so hot
11 that the top of the carport goes on fire. And then after
12 that, it's going to take even longer than that for that
13 brick wall not to -- the stop that that brick wall is going
14 to create to break through.

15 This doesn't happen in the flash of an eye. There was
16 a lot of time between when he saw that fire or when he
17 started that fire or when that fire suddenly arrived from
18 alien spacecraft. He had ample time to do something to save
19 the people in the house. Do you hear any record of him
20 running around the house screaming fire, fire? Banging on
21 the front door, Uncle Calvin, Uncle Calvin? Mom, we've got
22 to get grandma out of there? None of that. Not one bit.

23 The other side in this case is going to tell you that's
24 okay. That's just fine. Oh, it's just a normal thing. We
25 don't want to hold anybody accountable for that. We just

1 want to say you shouldn't have done that. Put your hand out
2 here, let me slap your little fingers. You all right with
3 that?

4 The last thing I want to mention to you is this, I'm --
5 I don't like to think about it, I'm 79 years old now. I
6 grew up my whole life here in Aiken. I've seen many, many
7 changes in Aiken. Virtually, all of them for the good. But
8 I want to tell you this, I'm old enough to know just a
9 little bit, just a little bit about how tough it must have
10 been for Helen and her husband to do what they did. They
11 were here before the 1960s. They had children before the
12 1960s. What we all think about in terms of people, we write
13 how they were when they pass away. But the reality is that
14 on rare occasions you encounter somebody who has not been
15 written up in the newspaper, they don't have a big memorial
16 written for them, but they're heros. They deserve to be
17 treated with great respect.

18 For Helen and her husband in the time when they grew up
19 to build what they built and to instill in their children
20 the morals and decency and sense of duty that they did.
21 Never -- didn't hear any stories about big vacations, didn't
22 hear any stories about going out to the juke joints, none of
23 that. Helen got up in the morning, went to work. She had
24 children. After a little while, she stayed home. She
25 raised those children to believe in the right things. And

1 they made a commitment -- and this would have been in the
2 1940s. They made a commitment that they were going to get
3 their children a higher education. And they did it for
4 eight children. Every one of those children received a
5 degree from college.

6 Helen's husband died. I tell you, think about what
7 he's doing. He's going to work at midnight and coming home
8 and plowing the fields and planting and doing all those
9 things a farmer has to do. And most farmers, that would be
10 their only job. It wasn't his. And the children grew up
11 and they were picking cotton and doing things you have to do
12 on a farm. Very close family. Dinners -- she called it
13 like I called it back when I was growing up. Dinner was at
14 lunch and supper was in the evening. But your family was
15 there. Everybody was there.

16 So we go forward. Time passes and everybody is moving
17 along, everything going along. Finally, we come to the
18 point where Helen has a stroke and she's put in the position
19 that she's put in. To Gloria's credit and to Diane's
20 credit, they didn't want to put her in a nursing home, so
21 they agreed to take care of her. And she had a good life
22 under the circumstances.

23 You saw the photographs. You heard the stories about
24 how she would smile and laugh. And loved her children and
25 grandchildren and great-grandchild. And she had some life

1 left. The law tells us how long we're going to live under
2 the law. She wasn't all that sick. She had some problems,
3 pacemaker and she had to have some other things taken care
4 of, but she wasn't diabetic and she wasn't running back and
5 forth to the hospital. She had, at least, what the State of
6 South Carolina said she would have had. And she deserved
7 it. She deserved the opportunity to see those
8 great-grandchildren and grandchildren proceed and go
9 forward.

10 Why is that important? Because I tell you that this is
11 not about punishing anybody. This is about doing something
12 that was not done in that house. And I just have to say it
13 like it is, what my client is asking you to do is to
14 recognize the value of this extraordinary life. She called
15 it justice. And isn't justice for her, Helen, who died the
16 way she died. You can't bring her back. You can do honor
17 to her by recognizing the value of her life.

18 What do I mean by that? I mean, what she would have
19 given to her children, grandchildren and
20 great-grandchildren. You are being asked to award for a
21 loss of Helen Williams. The companionship, the love that
22 would have been exchanged. And you're, also, going to be
23 asked to reward for the suffering that Gloria and all of her
24 relatives went through because of this very untimely, very
25 bad death.

1 She had, according to the law, something between five
2 and six years. What's the worth of that? You're not going
3 to find it on Google. You're not going to find it in the
4 textbook somewhere. You're going to find it in your own
5 heart. You're going to say you know what, a hundred
6 thousand a year, cheap. You're going to say the loss of a
7 woman to that family like Helen Williams, my heart tells me
8 that I need to put a marker down. And that marker is going
9 to be enough so that the family will have justice.

10 Now, we all know that Calvin and Diane don't have --
11 the judgment is not collective, that's not what I'm here
12 for. I'm not here to collect money. I'm here to get the
13 value of Helen Williams's life stated. And I'm here to have
14 the record made clear that, particularly, Travis,
15 particularly, Travis, one last consciousness of guilt. He's
16 dying now. You heard Gloria Allen's testimony about how
17 that interchange went. He carried what happened in that
18 garage with him. But you can say, you can say I'm sorry,
19 Travis, even though you didn't have the courage to say you
20 were responsible, I have the courage to say you're
21 responsible. And I have the courage to say this life was
22 more valuable than you thought it was, more valuable than
23 anybody in that house realized and I'm going to honor that.

24 Now, let me think just a minute. This is my last
25 chance to talk to you. I do very much appreciate the way

1 you've paid attention here today.

2 The other thing I suspect, the gentleman from Columbia
3 will tell you is that she didn't suffer. She had taken a
4 pain pill and some Ambien and she didn't suffer. There's no
5 evidence she threw around the covers or anything. Well, how
6 could she? She didn't have the ability to throw the covers
7 around. She didn't even have the ability to turn over. We
8 know from the coroner's report that she inhaled the noxious
9 fumes. We know from what Gloria Allen told you that she
10 woke up easily. There was no reason for her not to wake up.

11 You can use your own common sense and the world's
12 experience. Lying in that bed, cannot do anything to save
13 yourself -- save herself. And that fire that had started as
14 a little dribble had grown over the next 40 minutes, over
15 that 40 golden minutes, golden minutes when she could have
16 been saved. Get out. Get out. Get out. There's a fire.
17 We've got to save grandma. No, no, let's go hide behind the
18 Ford Explorer. 40 minutes it took that fire to get there,
19 but the way it grew from that little dribble while Travis
20 was hiding behind his now saved SUV, it became a devouring
21 monster.

22 Calvin heard the horn blowing and woke up. Diane woke
23 up. Grandma woke up. Grandma woke up and she heard the
24 same thing Travis heard. She heard the hollering from
25 Calvin where he was confronted by that wall of fire in the

1 door. And then she had to wait. And now we will wait for
2 justice, for honor for Helen Williams.

3 Thank you.

4 THE COURT: Mr. Wlodarczyk.

5 CLOSING ARGUMENT BY THE DEFENSE

6 MR. WLODARCZYK: I told you when I first spoke to you
7 that this is not a case that I envied being here for. I
8 have handled many death cases in my career and I sympathize
9 with the family. I sympathize with Ms. Allen. She's a very
10 lovely lady. I've had the opportunity to speak with her
11 numerous times since 2016 and deposed her. I didn't have
12 the opportunity to meet Travis or Diane or Calvin. And I
13 know -- or I believe that her position on this in this case
14 from what she's told me is different from what Mr. Harte has
15 put before you. You know, we're attorneys. We're zealous
16 advocates and we make arguments. We do what we can within
17 the rules, the law and the facts to win for our clients.

18 And I said during my opening that I am the only voice
19 for Calvin, for Diane, for Travis. They can't defend
20 themselves. Most of the cases that come to court, you have
21 people who are on both sides. You have the plaintiffs who
22 can get up and tell what happened. You have the defendants
23 that get up and tell what happened. And you have fact
24 witnesses and experts. And then you all get to decide.

25 All we have is what's in the investigative reports.

1 You have every document and note to consider. Nothing was
2 hidden from you. I even stipulated to everything to come
3 in. Didn't have to have any expert qualifications. Didn't
4 have to have anything else. You deserve that. Ms. Allen
5 deserves that. Her family deserves that. And my clients,
6 even though they're deceased, deserve that.

7 You know, since 2016, eight years now, one thing that's
8 not been at issue and that is this was an accidental fire.
9 It's in Mr. Cleveland's report, conclusion, accidental fire.
10 Fire originated front of the Jaguar. This week, for the
11 first time, Calvin [sic] started the fire. We don't believe
12 oh, it's all an accident. All of Mr. Harte's questions of
13 the forensic folks from SLED was related to the accelerant
14 that was detected by the dog and a gas can found in the back
15 of Travis's truck.

16 One thing Mr. Harte did know is that from the
17 spectroanalysis that SLED did, you could determine because
18 it was all scientific, that it wasn't gasoline. And all his
19 questions were like, oh, there's this can of gasoline. You
20 could throw a cigarette down if there was gasoline? Except
21 it wasn't gasoline. And it was racing fuel. There was a
22 Cadillac and a Jaguar and an SUV. It, also, could be
23 aviation fuel. No airplanes. It could have been auto parts
24 cleaner. You heard them say they were kind of a
25 self-mechanic. I don't know. I like working on my truck.

1 I had a Jeep that I could work on as well. If you have to
2 clean your brakes every now and then if you do your own
3 work. Putting your brake pads on, you spray brake cleaner
4 on it. That is on the ground where the tire is, maybe to
5 the back. Maybe something spilled, paint thinner, paint. I
6 mean, he gave you a whole list. And it could be so
7 miniscule that a toothpick with a drop of whatever was there
8 could have been dropped there and that dog would have
9 detected it.

10 And the fact that we sat here and he has just argued to
11 you that somehow Travis was walking around with a can of gas
12 and a cigarette, smoking and dribbling and setting fire to
13 the place is outrageous. It's an insult to him. It's an
14 insult to the family. It's an insult to Ms. Williams. And
15 I hope and trust that you heard the facts, the facts that
16 nobody knows how fast or how slow this fire could happen.
17 He tried. He tried his best to get oh, it's a slow burn.
18 Nothing goes up fast.

19 What did the arson investigator say, Lieutenant Vaughn?
20 Too many factors to determine. It depends on humidity. It
21 depends on wind. It depends on the combustibles. It
22 depends on what starts the fire.

23 From Chief Auvenshine, it was windy. In fact, the wind
24 was so powerful, it was driving the heat to where they had
25 to fight the fire just to get into the door. Take that into

1 account.

2 Mr. Harte was like well, there wasn't any gasoline over
3 by the Jaguar. You know, Gunter didn't pick on anything
4 there. How could it have started in the Jag when there
5 wasn't an accelerant. And what did the chief say? Most
6 vehicle fires are electric. So where does he go? Well,
7 it's got to be a slow fire because when the wires melt and
8 they touch, then the horn goes off, so it takes time for
9 that, right? That was his argument, that was his question.
10 It takes time. And they keep saying the same thing, I can't
11 tell you. Can't tell you if it was a minute, if it was 30
12 seconds, if it was five minutes.

13 Well, here's one thing you know, all of those questions
14 and arguments about how this was a slow-developing fire, we
15 know one thing, we know when Calvin [sic] called 911, before
16 they even picked up, he's screaming on the phone the house
17 is on fire. Not that it was smoldering, not the car was on
18 fire. My house is on fire. And during the conversation,
19 you'll have it, you'll hear it, there's no horns until they
20 go off.

21 Now, if this slow burn that's going on in the car and
22 melting, took so long, why is he screaming on the phone the
23 house is on fire before the horn starts going off? It's
24 because it went up. And it didn't have anything to do with
25 Calvin or Diane's files cabinets or papers in the garage.

1 He wants to focus on racing fuel, that's fine. You heard
2 everything it could have possibly been. It could have been
3 lighter fluid.

4 What do you keep in your garage? You're saying you're
5 bringing your common experiences here and I think you
6 should. Because just for example, I have old paints from
7 places I've painted in the house, different rooms. I've got
8 paint thinners. I've got gas cans. I've got gas oil gas
9 cans. I've got lawn mowers. I've got gas blower. I've got
10 a weed whacker with gas. I've got a refrigerator. I've got
11 anti-freeze. I've got used oil that I keep because I like
12 to change my oil. My wife's car is in there. Is that
13 wrong? I've got boxes that I break down because you always
14 need a box. I've got more Amazon boxes than I know what to
15 do with, so I split them up and I stack them up.

16 Is that something that is completely unreasonable? Is
17 that something dangerous? No, it's what garages are for.
18 Is there anything wrong with Calvin and Diane keeping what
19 they kept in their garage? No. Most of you -- many of you
20 probably have the same stuff. Probable a heck of a lot more
21 organized. And Diane was very neat. It wasn't testimony
22 that just stuff was laid around on the ground or dirty rags
23 or anything like that. She kept her house neat.

24 But that doesn't get a verdict. That doesn't get a
25 jury riled up to try to get some money. No, you can't just

1 say this was an accident and then say well, you know, I
2 think Diane or Calvin should have done this or should have
3 done that. No, their argument to you is they created the
4 danger, created it. It's an insult to Calvin, an insult to
5 Diane and an insult to Ms. Williams.

6 We know where the origin of the fire was. It's in the
7 chart that you put there. Had nothing to do with the
8 Cadillac. You heard the lieutenant testify that throwing a
9 cigarette down that was smoking wasn't going to start this
10 kind of fire. It was an electrical fire. We know it was an
11 electrical fire because Chief Auvenshine said that's what
12 most cars do and described how it happens with the melting
13 of the wires.

14 There's been a lot of questions to some of these
15 witnesses to say well, how long did it take for the smoke to
16 get in the house? All the same thing, too many factors to
17 say.

18 You know, I am not a medical person. And I think when
19 I tried to read out medical terminology, you clearly
20 understood that's why I never even decided to go that route.
21 I cannot pronounce those things and those terms. But this
22 is what I know, trials aren't so much all the time about the
23 witnesses you hear, sometimes it's about the witnesses that
24 you don't hear.

25 Now, Mr. Harte wants to call into question the

1 coroner's report that said Helen Williams passed away, time
2 of death, 2:10. And he's asking these various questions
3 well, how did that possibly happen if the 911 call is at
4 2:11? You know, doesn't it have to build up a little bit
5 and get in? Of course, all the witnesses were like, no way
6 to tell.

7 And then there was this whole thing well, you know, was
8 Ms. Williams on any kind of medications for opioids or
9 Ambien? No, no.

10 Now, if Mr. Harte wanted to challenge Dr. Ross's
11 medical examination, one of two things could have happened.
12 He could either send a subpoena, like the rest of those SLED
13 folks and Mr. Cleveland, and have them come down to court
14 and bring their file and do exactly what they did to all
15 those folks. Doctors tend to be a little bit more busy
16 because they have patients or whatnot, so you can, also,
17 take a deposition. In which case, you sit down with a court
18 reporter and you ask all the questions you want to ask. And
19 if they're unavailable, all you do is either do it by video
20 or read it in.

21 If Mr. Harte wanted to truly contest what was in that
22 coroner's report, there are ways to do it. But he didn't.
23 He brought every witness involved in this case. He brought
24 the person to testify that took a can of debris from Aiken
25 to Columbia and dropped it off. But he doesn't bring the

1 coroner when he's saying that she didn't die at 2:10? That
2 is a calculated decision when you don't call somebody.

3 And we agreed to put the report in, it wasn't a
4 surprise. But it's much easier to argue to you what he
5 thinks the report should say or mean versus calling the
6 actual doctor in here and having the same thing happen with
7 the other witnesses. Is this gasoline? No. Could she have
8 died -- how long did this take? Don't know. Could he have
9 thrown the cigarette down and that started the fire? No.
10 Everything he's tried to point out to get y'all riled up has
11 backfired.

12 Travis was troubled. He had problems. Ms. Allen knew
13 it. His mom knew it. Was he a violent drunk? No. Was he
14 a dangerous drunk? No. Did Ms. Allen have any concerns
15 that her mom was staying over at that house when Travis had
16 a drinking problem? No. Was there any testimony whatsoever
17 that he did anything wrong ever, ever? No.

18 You've got to put what you remember about the facts and
19 not what Mr. Harte is telling you about what he thinks the
20 facts showed. Mr. Cleveland said it takes about 45 minutes
21 to an hour if he was driving -- he said he was driving 55
22 because the wheel on the Jag was shaking when he was
23 driving. And I asked him, I said, That presumes he drove
24 straight from that house to there? Yep. I said, He could
25 have stopped. He could have pulled over on the side of the

1 road. Maybe he pulled over on the side of the road and
2 passed out and woke back up. We don't know. They didn't do
3 any CSI technology. They weren't pinging cell phones to
4 find out his location.

5 And it was a cursory report. Because once it's not
6 arson, once it's accidental, it really doesn't matter that
7 much to find those details. It didn't matter if he was
8 there at 1:00. It didn't matter if he was there at 2:00.
9 They did an investigation to find out whether or not that
10 was arson or not and they concluded that based on the
11 totality of the facts, it wasn't arson, it was accidental.
12 And it stopped there in 2013. There was no further reports.
13 There was no further investigation. That was it.

14 So Travis is a liar. That was, also, the accusations
15 against him because he said he only had two beers. He might
16 have been drinking vodka and Gatorade. That's what the
17 people at the house said. They didn't say how much vodka
18 and Gatorade he drank. They didn't keep him from driving.
19 They didn't take his keys. He drove all the way home at
20 some point. Can't tell you what his condition was, but he
21 was definitely drinking, we know that. Even Mr. Cleveland
22 said, At six o'clock in the morning, I smelled it on him.
23 Not that you're drunk. Because do you really get a good
24 interview if you're a law enforcement officer talking to a
25 drunk guy? Especially if you're just looking for the facts.

1 But he said he only had two beers.

2 But you know what Travis did do? He sat down for two
3 different interviews with law enforcement. Once was Aiken
4 County Sheriff and one was SLED with the sheriff present.
5 No attorney. He didn't lawyer up. He didn't call one of
6 the criminal defense attorneys in town and say I'm being
7 investigated. They think I did something. I better talk to
8 you. No. When they asked to check and see if he had the
9 keys to his SUV, he gave them permission. When they asked
10 to take his phone and look at it and test it, he gave them
11 the phone.

12 I asked Mr. Cleveland, I said, Did this man do anything
13 whatsoever to obstruct your investigation? No. And the one
14 thing I did ask is, When he gave two different interviews to
15 two different law enforcement personnel about what happened
16 when he got to the house, did any of it change? No. He got
17 to the house. He pulled his Jag in, parked it, got out. He
18 went to the door, realized he didn't have the keys to the
19 door because he had his mama's keys, which only had the key
20 to the Jag. He turned around, started to walk to his SUV,
21 saw the glow, went over, got in. He said the fire was
22 greater. He got into his SUV and backed it further out
23 because he thought it might explode because there was gas
24 cans and mowers in there. He wasn't hiding. He even said,
25 I called 911. I was worried the cars might explode. Is

1 that unreasonable?

2 I can tell you something about military folks. We do a
3 lot of dumb stuff, but we ain't stupid. And you don't go
4 running towards gas fires with cars to play hero. It won't
5 serve any purpose.

6 Now, he did what he thought was right to do and that
7 was call 911. I don't know what he's supposed to be doing.
8 Is he supposed to be calling 911 or is he supposed to be
9 running around the house screaming for people to get up? Is
10 he supposed to be trying to bang on windows and doors? And
11 he is terrified. He is terrified before the 911 operator
12 picks up. He's terrified during the call. He's in shock.
13 I say this, but for the grace of God because I don't know
14 what I would do in a situation. I'd like to think I know
15 what I would do. But until you're in a situation like that,
16 there's no telling.

17 There are folks who are private citizens who will go
18 running into burning houses. And there are folks who, like
19 Chief Auvenshine said, when you pull up at the house and you
20 know there's folks inside, they're out there waiting to tell
21 them where they're at. And you can't criticize and you
22 can't condemn and you can't judge what he did that day.

23 He gave the wrong address, said avenue, not highway. I
24 listened to the call again last night. The entire call is
25 two minutes, 11 seconds. At the one minute and 50 mark, he

1 gives the address that says avenue. The 911 operator says
2 hold on, you're city. She calls the City of Aiken 911. At
3 1:06, he says the correct address and that's entered in and
4 fire is dispatched. 44 seconds. 44 seconds to give the
5 correct address and yet, he's being accused of being a
6 coward, hiding, drunkard, not caring about anybody, not
7 caring about grandma, not caring about his mom. And,
8 apparently, he thinks his kid is in there. Not caring about
9 his kid. That is an insult to him. That is an insult to
10 his memory.

11 Chief arrived on the scene. Chief says, you know,
12 normally, when I get to a scene, I've got people ready right
13 there and, you know, I have to kind of wave them over.
14 Chief came in his personal vehicle, a white truck. He said
15 he keeps his clothes, his gear in there, but didn't have a
16 respirator, didn't have a ladder, didn't say he had lights,
17 didn't say sirens.

18 Now, I don't know what's going through Travis's head,
19 don't know what he's doing. Obviously, his phone was taken
20 by the sheriff's department to analyze if he did anything
21 inappropriate. All I know is this, if some person just
22 drives up in a truck without any lights or any sirens, how
23 are you supposed to know it's a fire person? It would be
24 different if the hook and ladder came in there with the
25 orange blaze and the lights going and it's pitch black and

1 you see them pull up, you know who it is.

2 The chief says, Once I get his attention, he comes
3 over. He's asking the same things, he doesn't know. And
4 the chief said -- and if you remember something different,
5 go with it because I don't take a lot of notes when I'm
6 listening to witnesses. The chief said, He immediately then
7 said there's people in the house.

8 They argued minutes are going by. These are minutes
9 that could be saved. The problem is chief didn't have any
10 equipment. Chief didn't have a ladder. Chief didn't have a
11 respirator. And there was no way the chief was going to go
12 through a window. One, he testified, you don't break
13 windows when you don't know what's going on on the back side
14 because if you break the wrong window, you open a door, it
15 creates a back draft or it could create a worse situation.
16 That's training.

17 So there was no delay because when the chief was there
18 talking to him, the units hadn't even arrived yet. And when
19 the units arrived, they did exactly what they're trained to
20 do. They set up. They went to back where the fire was and
21 what did they have to do? They had to attack the fire by
22 the mother-in-law's suite door because it was so hot that
23 even with their gear on, they could not get close enough to
24 breach the door. If you look at the reports, that's what it
25 says. They breached the door. If you look at the photos,

1 you'll see the wood splintered on the side. They breached
2 the door. It wasn't unlocked.

3 A lot of assumptions Mr. Harte made. He kept saying
4 well, Travis had a key to everything. No. Travis had a key
5 to the door that went in the kitchen that they couldn't get
6 to because of the fire. There's no testimony he had a key
7 to the mother-in-law's suite door. There was no testimony
8 that he had a key to the front. I never use my front door,
9 I don't know about y'all, but we always go through the
10 garage. I do have a key to it. My kids don't. I don't
11 even know if my wife does. I'm just saying everybody is
12 different. You can't just assume facts. The purpose of the
13 testimony is to elicit those facts. There was no additional
14 delay.

15 I don't know what Calvin and Diane could have done. I
16 mean, first, they've created this danger by having some
17 stuff in the garage. But then the fire happens and there's
18 this ado about smoke detectors. The smoke detectors that
19 couldn't be found. And I say that because Lieutenant Vaughn
20 took about 300 or so photographs and I've gone over them for
21 years with a fine-tooth comb looking for smoke detectors.
22 Because the report says -- the Eureka Fire Department report
23 has a box, smoker detectors present, yes, X, working, no.
24 But nobody could find them.

25 The chief, I deposed him last year or '23, and he told

1 me, he was like, yeah, I saw the smoke detector when we were
2 going up the stairs. So I went and I pulled the photos and
3 there's no smoke detector. There's not even the space where
4 a smoke detector would be. In other words, if you have
5 something and smoke's all over the wall and you rip
6 something down, there's a clear space. And there might be
7 other photographs because there's photographs when stuff
8 like that happens, clocks, pictures, whatever comes down.
9 Nothing. Not on the ground. I even looked at that photo
10 showing that it didn't get knocked down.

11 But what does it matter is the interesting thing? What
12 would the final outcome be? Smoke detectors require smoke.
13 And the chief testified that this type of smoke from a
14 vehicle fire, that black, toxic smoke is not like a normal
15 combustible fire where you just have upholstery or wood
16 burning. Where you might have a couple of minutes to try to
17 get in a house in a normal fire by taking a deep breath and
18 trying to run, you don't have that with the toxic smoke. It
19 takes all the air out of you.

20 Diane and Calvin were up. We know they were up. You
21 want to try to start throwing out hypotheses and theories
22 about what happened. Maybe they woke up, maybe they were
23 lying in bed, maybe whatever happened, smoke comes in and
24 Calvin goes, Diane, go get Travis, I'm going to go check on
25 your mother. He runs downstairs, dies. She goes in his

1 room, dies. That's how quick.

2 But they're supposed to do a rescue. They are supposed
3 to -- again, if there was a smoke detector working, there's
4 smoke in the house, right, because that's how a smoke
5 detector works. Black, toxic smoke. Smoke detector goes
6 off, black toxic smoke in the house. They get up. They
7 have to go downstairs through the main compartment where all
8 this toxic smoke is, go in the mother-in-law suite, get the
9 142-pound mother who cannot help, cannot not assist, that
10 all the testimony has been it takes two people to help move
11 her around. Because dead weight in terms of just laying
12 there is a lot heavier than when someone is helping you.
13 Get her in a wheelchair, put her over his shoulder. I don't
14 know whether it took two people to drag her out. Do all of
15 this in the limited time before you died from the toxic
16 smoke. Not minutes, seconds. They didn't even make it
17 downstairs. But, you know, just rescue somebody. It's that
18 easy.

19 Travis should have rescued her. He should have gone to
20 the front door and used his 101st Airborne skills and kicked
21 it in and walked in there in that toxic smoke and died. He
22 should have broke the window and climbed in the room where
23 his grandmother may have already been dead and died. And
24 listening to how -- and I don't know about this terminology
25 about guilt, but I do know about people have survivor's

1 guilt. He was the only one who lived. His mama died. His
2 stepdaddy died. His grandma, who Ms. Allen said he loved.
3 They died and he lived and he carried it with him. He
4 carried it with him for the three years that he went on,
5 through the hospital, through his inpatient at the VA until
6 he died.

7 Maybe Travis should have gone in that house. Maybe it
8 would have sent him peacefully to pass with those other
9 folks rather than having to live for that three years where
10 he said everybody thinks I killed them. And guess what,
11 we're here today. Everybody thinks he killed them.

12 I don't know if Ms. Williams ever gained consciousness.
13 There are cases that I've handled where there is physical
14 evidence of someone gaining consciousness. For example,
15 people fell on the floor. You know, they're awake, like,
16 Diane and Calvin. We know they weren't asleep when they
17 died. You could have medical personnel, Dr. Ross, you could
18 have an expert come in and say this is what the body does
19 when exposed to these types of chemicals. Do you wake up,
20 like, I can't breathe or does it put you to sleep like
21 carbon monoxide?

22 The coroner's report, carbon monoxide poisoning. And I
23 say this because people go to their cars if they don't want
24 to live anymore and turn on the ignition and sit in the
25 garage. Carbon monoxide poisoning puts you to sleep.

1 That's common sense stuff. Did she ever wake up? I don't
2 know. Did she take Ambien? I don't know. Toxicology
3 report said she had it in her system. Toxicology report
4 said she had opioids in her system. I don't know if she
5 took them or not. I don't know how it got in her system.
6 All I know is what opioids do and what Ambien does. Common
7 sense.

8 If they wanted to show you with any type of probability
9 that she woke up, to be honest with you, I hope she didn't.
10 I really hope she just passed. Because she wasn't being
11 saved. There was no one that was going to save her. There
12 was no one that was going to save Calvin. There was no one
13 that was going to save Diane.

14 Mr. Harte said he's not out to punish anybody and he
15 doesn't want to collect any money. Ladies and gentlemen, if
16 you think this case has been going on since 2016 with
17 lawyers and staff and exhibits and interviews and
18 depositions because he doesn't want to get any money, well,
19 that's a decision y'all have to make.

20 He said he didn't want to punish anybody. The Judge,
21 at Mr. Harte's request, is going to charge you as to Travis
22 Robinson on how to get punitive damages. To punish Travis.
23 He's dead. To send a message. That's not my request. I
24 ask that it not be charged. But he wants it charged and it
25 will be charged to you. Punitive damages, send a message.

1 I've heard wonderful things this week about this
2 family, about Ms. Williams, about her husband, about what
3 they did. And I am in awe of having raised -- I've got two
4 kids. I can't imagine raising eight, and raising them well.
5 Ms. Allen taught at my school. I went to USC-Aiken. We
6 talked about it. She knew some of my professors. I was in
7 history and political science. And talked about her sister,
8 who was at USC in Columbia. And, I mean, wonderful, you
9 just don't hear about that stuff now. But she's bringing
10 this case as Ms. Williams could have brought the case had
11 she lived. And hearing about all those wonderful things and
12 how much Ms. Williams and her husband instilled work ethic
13 and discipline and education and family.

14 As I sit here today and close with you, I wonder if Ms.
15 Williams had lived, if she was just injured how she would
16 have felt today about what has been said and alleged against
17 her daughter, her son-in-law and about her grandson?

18 I appreciate your time.

19 THE COURT: Mr. Harte.

20 FURTHER CLOSING ARGUMENT BY THE PLAINTIFF

21 MR. HARTE: Mr. Foreman, ladies and gentlemen of the
22 jury, what you have just heard from Mr. Wlodarczyk is a
23 classic example of distraction. First of all, it's not
24 about me. It's not about the decisions we made as to how we
25 would present the case. It's about what you heard from the

1 witness stand and what conclusions you draw.

2 Mr. Wlodarczyk testified as if he had personal
3 knowledge about things. He's really not allowed to do that,
4 but he did it anyway. And I don't interrupt lawyers when
5 they're talking because it just serves to create more
6 confusion. But when he says he looked through photographs,
7 you have to disregard that because what he says here is not
8 evidence.

9 Let me see if I can make a point here that's very, very
10 important. When law enforcement was handling this case,
11 they were looking at it to determine whether or not there
12 was a case of arson. Arson is a crime. Crime requires
13 criminal intent. Nobody is saying that Travis meant to kill
14 his grandmother or the other two people. What we are saying
15 is that his conduct was wrong because it was negligent. He
16 did not use due care as he was required to use. That is an
17 entirely different matter. The fact that they were looking
18 for something that I'm not looking for is irrelevant. I'm
19 saying to you that Travis engaged in conduct that was
20 negligent and reckless.

21 As for the business about punitive damages, well, it's
22 not about -- he knows that. Punitive damages are designed
23 to make a point so that other people similarly situated will
24 not do the same thing.

25 Now, it doesn't matter how the fire started, but I like

1 what he said that he concluded the fire is. Because if it
2 was, when Calvin [sic] pulled into that carport, an
3 electrical fire, it was going to take a long time before
4 that electrical fire got to the gas. That's the whole
5 point.

6 Mr. Wlodarczyk does a marvelous job of conflating
7 things and ignoring facts. The point is not that by the
8 time Calvin [sic] made the 911 call that there was time then
9 to save Ms. Williams, not at all. By then, he had let the
10 fire reach a point where it was impossible to save anybody.
11 He should have made the call some 40 minutes earlier.
12 That's the point. If you agree with that, then you would
13 find what I am saying to have been accurate. But, again, if
14 you're okay with what Calvin [sic] did.

15 Whenever a lawyer, again, is attacking the other
16 lawyer, it's purely for distraction. I'm not going to
17 engage in that. I don't do that. I've been around too long
18 for that. Travis doesn't have to have been drunk every day
19 of his life, but he was drunk that night. It matters what
20 happened time-wise.

21 And it's important for you to take your time, and you
22 will, I'm sure, to study the timeline and make reasonable
23 assumptions from it.

24 I'll tell you something straight up, Mr. Wlodarczyk may
25 not know what he would have done, but I can tell you what a

1 reasonable person in my opinion would have done and it
2 doesn't include waiting 40 minutes to make a 911 call. And
3 it doesn't include hiding behind an SUV when you ought to be
4 banging on the door waking people up. I assure you when
5 that house became fully involved, it was impossible to save
6 anyone. But when that little electrical fire was in that
7 Jaguar that Travis drove into that carport, there was time.
8 And there was time to make the 911 call and bang on the door
9 and tell Calvin, get up, get up.

10 Nobody ever said it took two people to get Ms. Williams
11 out of the bed. The wheelchair is right there. You just
12 slide her up and put her in the wheelchair and wheel her
13 out. He makes it sound like we're moving Andre the giant.

14 If smoke detectors didn't matter, then why is the chief
15 using this fire as an example of why you should have them?
16 Think about that. If the smoke detectors don't matter, why
17 is the chief using this fire as an example of why to have
18 them?

19 I'm reminded when out of nowhere, Travis said,
20 Everybody thinks I did it. Nobody had talked to him at that
21 point. My dad used to have a saying, the guilty dog barks
22 first when he's not accused. I'm not saying he intended to
23 kill somebody. I am saying that he did something he should
24 not have done. He couldn't face it. He hid. He delayed
25 the response hoping the thing would just go away. It

1 didn't. And by the time it was too late to do anything, he
2 dialed the number. But by then, oddly enough, at that same
3 time, his grandmother died. Because the numbers on the
4 coroner's report match almost to the minute when he places
5 that call.

6 So if you honestly think he pulled in and immediately
7 called 911 and she died right then when that little
8 electrical fire was in that Jaguar, then you go along with
9 Mr. Wlodarczyk. But if you agree with me that that's not
10 possible, then you will find for the Plaintiff.

11 I never have tried a case in my life when I'm
12 representing the Plaintiff when they don't say there's that
13 Plaintiff lawyer trying to get money. Well, let me tell you
14 something about this particular case. There is no way for
15 you to validate Ms. Williams's life without awarding
16 monetary judgment. If you come back and say I find for the
17 Plaintiff five dollars, you will not have validated her
18 life. Simple as that. I can't ask you to do anything but
19 award money.

20 And what do you think he's all about? You think he's
21 down here just because he just wanted to be here to call me
22 names and all that stuff? No, he's here for a reason. He's
23 here for a reason.

24 And this business about the family being shamed, I'll
25 take what I've done for this family. I'm proud of it. I

1 want you to be proud, too.

2 Thank you.

3 THE COURT: Thank you, Mr. Harte.

4 Ladies and gentlemen of the jury, we're going to take a
5 brief break. We have some matters to take up. I have some
6 matters to take up with the attorneys. And when we call you
7 back in, I suspect that that is when I will tell you what
8 the law is. Please do not discuss anything about this case
9 at this time. You are very close to the end of your duties
10 and I appreciate your continued patience and attention to
11 this matter.

12 Thank you.

13 (WHEREUPON, the jury exits the courtroom at 2:57 p.m.)

14 THE COURT: Okay, gentlemen, Athan should be giving you
15 the printout of the revised charges for you to look at.
16 Take a second to look at those.

17 Mr. Harte, I see you sent at 10:44 this morning some
18 additional charges. Two of those I had, I believe, but I
19 want to make sure we don't have any other issues.

20 We'll, also, take a recess while y'all look at those so
21 we can all take a break as well.

22 (WHEREUPON, a short break was taken.)

23 THE COURT: Anything in reference to the proposed jury
24 charges?

25 MR. HARTE: Yes, Your Honor. The document I have shows

1 the pecuniary charges remain -- was inadvertently left in.
2 And I noticed, if I'm correct --

3 THE COURT: Can y'all tell me where so I don't have to
4 flip through all of this?

5 MR. WLODARCZYK: It's under damages in an action for
6 wrongful death. There's no page number, Judge.

7 THE COURT: No, there's not. All right. I've got
8 perspective damages, life expectancy table, actual damages,
9 conscious pain and suffering --

10 MR. WLODARCZYK: Keep on going -- no, actually, it's
11 after proximate cause and then wrongful death.

12 THE COURT: Okay.

13 MR. WLODARCZYK: Yeah, I think things got rearranged.

14 THE COURT: Proximate cause.

15 MR. WLODARCZYK: Next page, it says wrongful death
16 action.

17 THE COURT: Uh-huh.

18 MR. WLODARCZYK: Next page, then damage in an action,
19 number one.

20 THE COURT: Okay.

21 MR. WLODARCZYK: And then where there's a relationship
22 of husband and wife.

23 THE COURT: Okay.

24 MR. WLODARCZYK: And then I noted -- Mr. Harte wanted
25 the drunken thing. I don't have any objection to that,

1 Judge.

2 THE COURT: I tried to look for something on this. The
3 only thing I could find was a Sigma Nu case where they were
4 saying we were as drunk as the guy we got drunk. And I
5 didn't read to see whether he died or was --

6 MR. WLODARCZYK: Mutual drunkenness.

7 THE COURT: Yeah.

8 MR. WLODARCZYK: I think you, also, repeated punitive
9 damages. You've got punitive damages, negligence actions.

10 THE COURT: It should not be repeated.

11 MR. WLODARCZYK: And then it goes for a full page and
12 then it goes for another full page. And then the third
13 page, it starts again at the bottom with the same punitive
14 damages, but it's only like a paragraph.

15 THE COURT: Oh, I'll just strike that, sorry.

16 MR. WLODARCZYK: That's all I have, Judge.

17 MR. HARTE: The drunkenness is not a defense. It's
18 customarily raised in criminal matters. That's where it
19 normally comes up.

20 THE COURT: Right. And I found it all in the criminal
21 matter. I mean, he hasn't raised drunkenness as a real
22 defense. How about we say voluntary drunkenness is not a
23 defense to negligence, period?

24 MR. HARTE: That will be fine, Your Honor.

25 MR. WLODARCZYK: That's fine.

1 THE COURT: I'm going to look to where to put this one
2 sentence. I'll just put it after voluntary acts or maybe
3 before voluntary acts. That's what I don't like about
4 charges. I mean, they can be very convoluted, but I
5 struggle with the flow of them to try to make the topics
6 make sense so you don't just go on and put your jury to
7 sleep in the process.

8 MR. HARTE: I did notice the foreman checking his
9 watch.

10 THE COURT: Well, back here, we've been talking about
11 the weather and I want to get through with everything. We
12 just checked the weather again. At first -- apparently,
13 this morning, it was saying possible rain tonight, so I was
14 concerned about freezing for the morning. But now, it's
15 saying rain or wintery mix tomorrow morning. And depending
16 on where the temperature lands based on what we get. So I
17 want to get through as much as everything we can tonight and
18 see where our jury is. That's why we're going to go ahead
19 and charge.

20 Mr. Platonis is printing out the verdict form that I
21 sent you last night and adding a punitive damages section to
22 that as to Travis Robinson. He'll come back and we will
23 make sure y'all approve that or take up any objections to
24 that before it's submitted to the jury.

25 Let's bring the jury in, please, sir.

1 (WHEREUPON, the jury enters the courtroom at 3:16 p.m.)

2 CHARGE ON THE LAW

3 THE COURT: Ladies and gentlemen, you've heard the
4 closing arguments, which I told you are not facts or
5 evidence in the case. They are designed by the advocates
6 for each party to help you in making your decision and
7 looking at the facts as you find them and the evidence and
8 applying the law.

9 You are the ultimate finder of facts in this case. You
10 are the arbiter of the evidence that's been presented, what
11 is factual. I make the determination of law. It is now my
12 duty to charge you -- you've heard that word charge before
13 -- to charge you with what that law is. You are to apply
14 the law to the facts as you find them in reaching your
15 verdict.

16 If I have done anything during this trial that made you
17 think that I have an opinion as to either of the parties,
18 their attorneys or what the facts should be, please,
19 disregard that. That is not my role and I never intended to
20 make such statement to you as the jury.

21 And as the attorneys argued to you just a second ago, I
22 think each of them said you determine the facts, this is
23 what I think or this is how I view it. We all try to give
24 the deference that it is 12 of you who will go back there
25 and make that determination in the jury room.

1 You are to apply the law as I tell it to you. I
2 understand you may disagree as to what the law is or should
3 be, but that is not our function here today.

4 In every case tried in this court before a jury, the
5 jury becomes the sole and exclusive judge of the facts. A
6 trial judge cannot comment on or make any statement about
7 the facts in the case.

8 This case has been brought by Ms. Gloria Allen as
9 personal representative for the Estate of Helen Williams
10 against the personal representative for the Estate of Calvin
11 Warren, for Diane Warren and Travis Robinson. Those are
12 each individual estates.

13 I think I explained to you at the beginning of the
14 trial that an estate is a legal entity that is created upon
15 the death of a person and is filed and begins in the probate
16 court. Often people refer to it as an executor rather than
17 a personal representative. I think in the 80s, we abandoned
18 the commonly used term of executor and now use the term
19 personal representative. The personal representative stands
20 in place of the decedent, the person who died. So this is
21 really a case of Ms. Williams against Diane Warren, Calvin
22 Warren and Travis Robinson.

23 The burden of proof in this case is by a preponderance
24 of the evidence. A preponderance of the evidence simply
25 means the greater weight of the evidence. It is evidence

1 which as a whole shows that the fact sought to be proved is
2 more likely than not to be true.

3 It's often said that you imagine the set of scales.
4 You see Lady Justice and she's holding scales blindfolded.
5 If the scales tip slightly more in favor of one side than
6 the other, that is considered preponderance of the evidence.
7 If the scales tip slightly in favor of the Defendant, then
8 the Plaintiff has failed to meet the burden of proof. If it
9 tips slightly in favor of the Plaintiff, then the Plaintiff
10 has met the burden of proof and you would return a verdict
11 for the Plaintiff. The preponderance of evidence is not
12 determined by the number of witnesses. It is determined by
13 the greater weight of all of the evidence.

14 There are two types of evidence generally presented
15 during a trial, direct and circumstantial evidence. Direct
16 evidence is the testimony of a person who claims to have
17 actual knowledge of a fact, such as an eyewitness. It is
18 evidence which immediately establishes the main fact to be
19 proved.

20 Circumstantial evidence is proof of a chain of events
21 and circumstances indicating the existence of a fact. It is
22 evidence which immediately establishes collateral facts from
23 which the main fact may be inferred. Circumstantial
24 evidence is based on inference and not on personal knowledge
25 or observation.

1 It is proof that does not actually establish the fact
2 in question, but that asserts or describes something else
3 from which you may either reasonably infer the truth of the
4 fact or, at least, reasonably infer an increase in the
5 probability that the fact is true.

6 For circumstantial evidence to be sufficient to warrant
7 the finding of fact, the circumstances must lead to that
8 fact with reasonable certainty. The facts and circumstances
9 should be considered in light of ordinary experience and
10 common sense. Y'all have been told that previously in this
11 court. We do not want you to abandon your common sense and
12 your experience at the courthouse door.

13 The existence of a fact cannot be based on speculation,
14 surmise or conjecture. The law makes absolutely no
15 distinction between the weight or value of direct or
16 circumstantial evidence nor is a greater degree of certainty
17 required for circumstantial evidence than direct evidence.

18 You must determine the credibility of the witnesses who
19 have testified in this case. Credibility simply means
20 believability. It becomes your duty as jurors to evaluate
21 the evidence and determine which evidence convinces you it
22 is true.

23 In determining the believability of witnesses who have
24 testified in this case, you may believe one witness over
25 several witnesses, several witnesses over one witness. You

1 may believe a part of the testimony of a witness and reject
2 another part of the testimony of the same witness. You may
3 believe the testimony of a witness in its entirety or reject
4 the testimony of a witness in its entirety.

5 You may consider whether the witness has an interest in
6 the result of the trial, whether the witness is prejudice
7 toward either the Plaintiff or the Defendant, the
8 opportunity for the witness to have seen the matters and
9 things about which the witness may testify and the way the
10 witness acts on the witness stand.

11 I told you before, the burden of proof is the
12 preponderance of the evidence. In this case, the Defendant
13 has answered the Plaintiff's complaint with a general
14 denial. This means that the Defendant denied each and every
15 claim that would make the Defendant responsible for the
16 Plaintiff's injuries. And when I say Defendant, I'm not
17 talking about the Defendants collectively. You will make a
18 decision as to each Defendant, Calvin Warren, Diane Warren
19 and Travis Warren [sic]. So this applies to each Defendant
20 and the Plaintiff's claim against each Defendant.

21 Because of the general denial, the Plaintiff has the
22 burden of proving each and every element of the cause of
23 action. The Plaintiff claims that an unsafe condition on
24 the Defendant's premises injured the Plaintiff. In order to
25 recover damages for this injury, the Plaintiff must first

1 prove by a preponderance or greater weight of the evidence
2 that an unsafe condition existed on the Defendant's
3 premises.

4 A licensee is a person who enters the premises of
5 another with the owner's consent. A social guest is a
6 licensee. The parties have agreed that Ms. Williams, the
7 Plaintiff, is a licensee. The possessor of property owes
8 the following obligation to a licensee: One, to use
9 reasonable care and avoid injury to a licensee in carrying
10 on activities upon the land; and two, to use reasonable care
11 to warn the licensee of any concealed dangerous conditions
12 or activities that are known to the possessor or which
13 should have been known to the possessor and were unknown to
14 the licensee.

15 A licensee accepts the premises as they are and demands
16 no greater safety than the possessor or host does. The
17 possessor is under no obligation to exercise care to make
18 the premises safe for the licensee's reception.

19 Plaintiff, also, has alleged that one or more of the
20 Defendants owed a duty to Ms. Williams due to a special
21 relationship between her and the Defendants. A special
22 relationship may be created when a defendant has the ability
23 to monitor, supervise and control a person presenting a
24 threat such that the defendant had a duty of notice of a
25 threat from a person who injures another or whether as a

1 special relationship with the victim such that the victim
2 may require warning of the threat or danger of another.

3 If you find such a relationship existed, then you may
4 determine that one or more of the Defendants owed a duty to
5 warn Plaintiff of a known danger.

6 Under South Carolina law, there is no general duty to
7 control the conduct of another or to warn a third person or
8 potential victim of danger. There are five exceptions to
9 this rule that there is no general duty to warn. Where the
10 defendant has a special relationship to the victim, where
11 the defendant has a special relationship to the injurer, the
12 person doing the injury, where the defendant voluntarily
13 undertakes a duty, where the defendant negligently or
14 intentionally creates the risk and whether a statute imposes
15 a duty upon the defendant.

16 Next, the Plaintiff must show that the Defendant or
17 Defendants had actual or constructive notice of the unsafe
18 condition. Constructive notice may be proven by showing
19 that the unsafe condition had existed for a long enough time
20 for the Defendant to have discovered and fixed it. Just
21 because an unsafe condition existed, this is not enough in
22 and of itself to show that the defendant had notice of an
23 unsafe condition.

24 Also, know that voluntary drunkenness is not a defense
25 to negligence.

1 The defendant has a duty to warn a third person or
2 potential victim of a danger where the defendant has a
3 special relationship to the victim or whether defendant has
4 a special relationship to the injurer.

5 When a party is in a position to monitor, supervise and
6 control a person's conduct, a special relationship between
7 the defendant may trigger a duty to warn potential victims
8 of the danger posed by an individual. This special duty is
9 limited to situations where the person under the defendant's
10 control has made a specific threat directed at a specific
11 individual, where the defendant voluntarily undertakes a
12 duty or where the defendant negligently or intentionally
13 creates a risk or where a statute imposes a duty. I believe
14 we went over that.

15 And, please, pardon me, sometimes these charges, the
16 statements of the law, there's elements that repeat each
17 other several times. So I want to make sure -- and we will
18 have an opportunity for the attorneys to review and talk to
19 you further, if necessary.

20 Although a person is not required by law to act, if the
21 person voluntarily undertakes an act, the person has the
22 duty to use due care.

23 Finally, the Plaintiff must prove that the Defendants'
24 negligence proximately caused the Plaintiff's injury.
25 Proximate cause is something that produces a natural chain

1 of events, which in the end brings about the injury. It is
2 the direct cause of the injury.

3 To prove the Defendants' negligence proximately caused
4 the Plaintiff's injury, the Plaintiff must first prove
5 causation in fact. This is proved by showing the injury
6 would not have occurred but for Defendants' negligence.

7 The Plaintiff must, also, prove legal cause. Legal
8 cause is proven by showing that the injury was foreseeable.
9 This means that the injury occurred as a natural and
10 probable consequence of the Defendants' negligence. The
11 Plaintiff must prove that some injury from the Defendants'
12 negligence was foreseeable, but does not have to prove that
13 the particular injury that occurred was foreseeable.
14 Defendant cannot be held responsible for things which could
15 not have been expected to happen.

16 Proximate cause does not mean the only cause. The
17 Defendants' acts or actions can be a proximate cause of the
18 Plaintiff's injury if it was, at least, one of the direct
19 concurring causes of the injury. It is not required that
20 exact manner in which the injury occurred was foreseeable,
21 it is enough if there was a reasonable general range of
22 greater than ordinary danger of injury and the injury
23 suffered by the Plaintiff was within this range.

24 This is a wrongful death and survival action. The
25 Plaintiff as personal representative claims that the

1 deceased wrongfully died as a result of negligent acts or
2 omissions of the Defendant. Whenever the death of a person
3 is proximately caused by the wrongful act or neglect of
4 another and the act or neglect is one which would have
5 entitled the deceased to recover damages had the deceased
6 not died, the personal representative of the estate may
7 bring an action for a wrongful death. The personal
8 representative has a right to recover compensatory damages
9 for the wrongful death. It is not necessary to show the
10 money value of the deceased life since direct proof of the
11 value of human life is not possible. What is a reasonable
12 compensation is left to your discretion and judgment.

13 The damages in an action for wrongful death include
14 mental shock and suffering, wounded feelings, grief and
15 sorrow, loss of companionship, loss of the use and comfort
16 of the deceased society, including the loss of the
17 deceased's experience, knowledge and judgment in managing
18 the affairs of the deceased and his or her beneficiaries.

19 As I said, there may be one cause in an injury and more
20 than one person may be responsible for an injury. If the
21 negligence of two or more persons combines to cause an
22 injury, each person involved may be held responsible as if
23 that person alone caused the injury. Causes are concurrent
24 if the individual's acts of negligence combined caused the
25 injury.

1 If injury occurs through the concurrent negligence of
2 two or more persons and would not have happened without the
3 negligence of either person, the negligence is the proximate
4 cause of the injury and both people are responsible. If the
5 acts happened one after another, but were not related to
6 each other, they would not be concurring causes. In that
7 case, only the person whose negligence actually caused the
8 injury would be responsible.

9 If you decide that the Plaintiff is entitled to a
10 verdict, your next step will be to decide how much money the
11 Defendant should be required to pay. Actual damages are to
12 compensate the Plaintiff for the Plaintiff's injuries or
13 loss and to put the Plaintiff as near as possible in the
14 same position that the Plaintiff was in before the incident
15 occurred. In other words, actual damages would be the
16 actual losses and expenses which the Plaintiff has suffered
17 because of the Defendant's negligence.

18 Pain and suffering compensates the Plaintiff for
19 physical discomfort and emotional response to the sensation
20 of pain caused by the injury itself. There is no definite
21 standard by which to compensate the Plaintiff for pain and
22 suffering directly resulting from a wrongful act of the
23 Defendant. You have the authority to determine the amount,
24 if any, to be allowed for pain and suffering using calm and
25 reasonable judgement to ensure the damages are just and

1 reasonable in light of the testimony and evidence presented
2 in the case.

3 In making any determination, you may consider the
4 nature and extent of injuries and suffering, the age,
5 health, habits and condition of the Plaintiff before the
6 injury as compared, the Plaintiff's use of sedatives and
7 other drugs and any aggravation or preexisting disorders.

8 Conscious pain and suffering has no market value. It's
9 not capable of exact measurement and there's no fixed rule
10 or standard whereby damages can be measured. The amount of
11 damages to be awarded for conscious pain and suffering must
12 be left to the judgement of you, the jury. Additionally,
13 you may include such damage as is reasonably certain to
14 compensate the Plaintiff.

15 A Plaintiff is never entitled to recover conjectural or
16 speculative damages, but if you find the Plaintiff is
17 entitled to a verdict for actual damage, your verdict should
18 include any amount to cover all damages, the past damage and
19 the conscious pain and suffering that was proximately caused
20 by the Defendant and any future damages that are reasonably
21 certain to occur in the future as a result of the
22 Defendant's acts.

23 Actual damages need not be proven to a mathematical
24 certainty or based on evidence the precise amount of damages
25 the Plaintiff suffered, instead the evidence must allow you

1 to determine what amount of damages is fair, just and
2 reasonable.

3 There's been some talk in this case about the life
4 expectancy table. A life expectancy table is used -- it's
5 in the laws of the State of South Carolina to determine the
6 expected life of a person. The probable average remaining
7 length of life of all persons in the state taking into
8 account their age.

9 In this case, the Plaintiff was 89 years old.
10 According to the life expectancy table, her life expectancy
11 was a remaining 5.64 years. This fact may be considered by
12 you along with any other facts and circumstances in evidence
13 bearing on her life expectancy, including occupation, habit
14 and health at the time of injury when you decide how
15 damages, if any, are to be awarded. You have the authority
16 to determine the amount, if any, of damages, including
17 compensatory damages, conscious pain and suffering and any
18 based upon the life expectancy table.

19 As to Travis Robinson, the Plaintiff has alleged a
20 conscious disregard or gross negligence for the failure to
21 exercise a slight degree of care. A person who is so
22 indifferent to the consequences of his conduct as to not
23 give a slight care as to what he's doing acts with gross
24 negligence. If you find as to Travis Robinson that he acted
25 with gross negligence, then you may determine that punitive

1 damages are available.

2 The Plaintiff claims that the Defendant acted with
3 recklessness, willfulness and wantonness and that the
4 Plaintiff is entitled to punitive damages. Recklessness
5 means a conscious failure to use reasonable care. A person
6 who is negligent acts carelessly. However, a person who
7 acts recklessly or without any regard is not only careless,
8 but is aware that they're being careless.

9 If you award actual damages for that, you can, also,
10 consider punitive damages, which are intended to punish the
11 Defendant for extraordinary and outrageous misconduct and to
12 prevent the Defendant and others from committing similar
13 acts in the future.

14 Punitive damages can only be awarded when conduct of
15 the Defendant has been something more than mere negligence.
16 The evidence must establish the Defendant's acts were
17 reckless, willful and wanton, meaning there was a conscious
18 failure to exercise due care or a conscious indifference to
19 the rights and safety of others or conscious reckless
20 disregard thereof.

21 If you find that, you may award the punitive damages
22 and that must be supported by clear and convincing evidence.
23 So we talked about the scales of justice being a slight tip
24 to do the burden of proof for preponderance of the evidence.
25 Clear and convincing evidence is another burden of proof

1 that applies for punitive damages. That proves that the
2 conduct complained of -- clear and convincing evidence is
3 more than the preponderance or greater weight of the
4 evidence. It requires proof which persuades you that the
5 Plaintiff's claim is more likely than not to be true -- I'm
6 sorry, I'm getting this confused.

7 Preponderance is more likely than not, the slight
8 evidence. Clear and convincing proof is not the proof of
9 beyond a reasonable doubt that you hear of in criminal
10 cases, but it leaves no substantial doubt in your mind. So
11 it's between the two in some way. It's more than just a
12 slight tip of those scales. It means that the evidence is
13 not ambiguous, doubtful, equivocal or contradictory.
14 Convincing means persuading by proof or argument causing one
15 to believe in the truth of what is asserted. Clear and
16 convincing proof establishes in your mind not only that the
17 fact is probable, but that it is highly probable.

18 Before awarding punitive damages, you must consider and
19 weight four elements which may be pertinent to the facts of
20 this case. You must first consider the relationship between
21 any punitive damage award and the harm caused. Any penalty
22 imposed should take into account the reprehensibility of the
23 conduct, the harm caused, the Defendant's awareness of the
24 conduct's wrongfulness, the duration of the conduct and any
25 concealment. Thus, any penalty imposed should bear a

1 relationship to the nature and extent of the conduct and the
2 harm caused, including the compensatory damage award made by
3 you.

4 So as to Travis Robinson, there is a request for
5 compensatory damages and punitive damages.

6 Secondly, any penalty imposed should take into account
7 as a mitigating factor any other penalty that may have been
8 imposed or which may be imposed for the conduct involved,
9 including any criminal or civil penalty or any other
10 punitive damages award arising out of the same conduct.

11 Next, you should consider whether the award of an
12 amount of any punitive damages award may deprive the
13 Defendant of any profits derived from the improper conduct
14 and whether the ill-gotten profits should be properly
15 awarded to the Plaintiff.

16 Finally, any award of punitive damages must be limited
17 to punishment and, thus, may not affect economic bankruptcy.
18 To this end, the Defendant's ability to pay any punitive
19 damage award should be considered.

20 However, ability to pay is not a consideration in
21 compensatory damages or actual damages. Actual damages are
22 intended to compensate the Plaintiff for the losses or
23 injuries sustained due to the Defendant's wrongful conduct.
24 These damages are meant to make the Plaintiff whole and
25 restore them to the position they were in prior to the

1 injury. As such, the focus is on the harm suffered by the
2 Plaintiff rather than the financial status of the Defendant.
3 A jury cannot consider the Defendant's ability to pay when
4 awarding actual damages in a civil case.

5 If you find the Plaintiff is entitled to recover
6 damages for compensatory or actual damages, you focus solely
7 on the harm suffered by the Plaintiff and award sufficient
8 damages to make the Plaintiff whole. As to punitive
9 damages, you may take into account the other factors,
10 including the reprehensibility of the conduct and any
11 necessary means to punish the Defendant.

12 Your verdict is to be unanimous. In a little while,
13 I'm going to send you to the jury room to begin your
14 deliberations. The foreman of the jury is tasked with
15 communicating with the Court while you deliberate. If you
16 have any questions or concerns, the foreman is to write the
17 question down, deliver it to the bailiff and then it will be
18 delivered to the Court. At that point in time, I may or may
19 not bring you back out here. You will only communicate with
20 the bailiff during your deliberations.

21 You, also, will be given a verdict form to fill out.
22 The foreman is tasked with filling out that form and signing
23 it once you have reached a unanimous verdict. We,
24 typically, only print out one form. So, please, make sure
25 you do not fill out the form until all 12 of you have agreed

1 upon the verdict. The form will be broken down as to
2 Defendants and as to damages that have been requested. You
3 will fill it out, sign it, deliver it to the bailiff and
4 then he will notify the Court.

5 There are three Defendants in this case. You may find
6 for the Plaintiff against all three Defendants. You may
7 find for the Plaintiff against one or more Defendants.
8 Likewise, you may find for all Defendants in this matter.
9 Or you may find for one or more Defendants and not for the
10 other ones.

11 If you find that the Plaintiff has met their burden of
12 proof, you must make a finding of damages. The form will
13 provide for you to initial as to whether you find for the
14 Plaintiff against any or all Defendants and what damages you
15 award, if any at all. Your verdict as to damages must be
16 unanimous. Your verdict as to a finding on liability must
17 be unanimous.

18 At this time, I'm going to ask you to return to the
19 jury room, all of you. Please do not begin your
20 deliberations. When it is time for you to begin your
21 deliberations, I will send the evidence and the verdict form
22 back to you. That will be your signal to begin
23 deliberations.

24 Also, the two alternates, barring anything happening in
25 the next five to ten minutes, you will not be part of the

1 deliberations and we will bring you back out.

2 If there's anything -- I'm going to give the attorneys
3 a chance -- you know, I stammer and stutter sometimes, so
4 they're going to tell me whether I need to hit a point again
5 or bring up any other points to you or make any objections
6 to anything I have said. If necessary, we'll bring you back
7 out here again to clarify any points. So do not discuss
8 this case or any of the evidence at this time.

9 Thank you.

10 (WHEREUPON, the jury exits the courtroom at 3:44 p.m.)

11 THE COURT: I thought I struck out a repeat, but I
12 think I found another repeat.

13 Are there any objections to the charge to the jury?

14 MR. HARTE: I didn't notice it when we were talking
15 before, but I did not hear a charge on negligence as a
16 failure to exercise due care. That's the only thing. I
17 just realized it as you were going through it. It may be
18 sufficiently covered in the overall matter, but I just
19 didn't hear a specific definition of what negligence is,
20 just simple negligence.

21 THE COURT: Take a second, Mr. Harte, and look at the
22 wrongful death portion and let's go through that. Because I
23 do want to make sure. We talked about the duty. We talked
24 about proximate cause and legal cause.

25 MR. HARTE: That's true. That all goes to the

1 proximate cause and duty, but I just -- maybe -- I'm still
2 having a problem being sure that they know what negligence
3 is. It may be that you're satisfied it's covered -- you
4 know what, it's not expressly stated, but I think it's
5 covered. By the way the charge reads, I think it's
6 sufficiently covered.

7 THE COURT: I want to make sure. I'm looking at the
8 licensee discussion, we talked about that portion of it.

9 In looking at it, are you satisfied, or you want me to
10 take some time to go over this again?

11 MR. HARTE: No, I don't think you need to go over it
12 again. I think it's sufficient. It's in there
13 sufficiently, Your Honor. I'm not going to insist on a
14 further charge.

15 MR. WLODARCZYK: Just renew the objection on the
16 punitive charge, Judge. That's all.

17 THE COURT: And that is so noted, but it has been
18 submitted.

19 All right. Let's see where our verdict form is.

20 Counsel, please, go over the exhibits and make sure
21 they're all together before we send them out to the jury.

22 (WHEREUPON, attorneys review exhibits.)

23 MR. WLODARCZYK: Defendant's exhibits are present,
24 Judge.

25 MR. HARTE: All of the Plaintiff's are present, Your

1 Honor.

2 THE COURT: And Madam Clerk, I understand if the jury
3 wants to play the thumb drives, they have a way to do so?

4 THE CLERK: There's a laptop set up back there.

5 THE COURT: Okay.

6 MR. WLODARCZYK: The punitive portion, Judge, that's
7 all.

8 MR. HARTE: I have no objection to the verdict form.

9 THE COURT: Okay. You may tell them they can begin
10 deliberating. And send the two alternates back out here,
11 please.

12 (WHEREUPON, the jury began deliberations at 3:51 p.m.)

13 THE COURT: Thank you for being here, sitting and
14 coming as requested. Your service has now ended. There's
15 always the possibility that an emergency arises, somebody
16 gets sick, so we like to have alternates listen to all of
17 the evidence that comes in, but only 12 deliberate on the
18 matter itself.

19 You are released. The clerk's office will send you
20 your compensation. It is a great amount, I know.

21 Madam Clerk, how much is it?

22 THE CLERK: It's \$20 for each day.

23 THE COURT: It's 20, I thought it was 10, okay. See,
24 you got a raise.

25 ALTERNATE JUROR: I need a work --

1 THE COURT: You need a work excuse? The clerk's office
2 can handle that as well.

3 Any questions you have, you may direct to the clerk's
4 office. Otherwise, you are free to go. I hope you stay
5 warm and safe tonight. If you have any other issues,
6 contact the clerk. You don't have to speak to anyone about
7 what you did this week, what you heard, what was said.
8 You're free to speak with whomever you want to. If the
9 attorneys approach you and want to know how they did, that's
10 completely up to you. If they are in any manner harassing
11 you, you contact the clerk, the clerk will contact me and
12 we'll take care of it.

13 Thank you.

14 (WHEREUPON, the alternates were released.)

15 THE COURT: We are at ease.

16 (WHEREUPON, Court was in recess awaiting a verdict.)

17 THE COURT: We have a question.

18 (WHEREUPON, the jury enters the courtroom at 5:31 p.m.)

19 THE COURT: Okay, Mr. Foreman, I have received your
20 question, which states, Can we have a copy of what the Judge
21 read? If not, can we have the definition of negligence?

22 You are not required to study the law or obtain a law
23 degree to do your duty here as a jury. And I can assure
24 you, you have all of the necessary information to do the
25 task that's been given to you.

1 I will read to you the following: Negligence is
2 defined in the law as the absence of due care, the want or
3 lack of due care or ordinary care. The word carelessness
4 conveys the same idea as negligence. Those two terms are
5 synonymous. Negligence is the breach of a duty of care owed
6 to the Plaintiff by the Defendant. Negligence is the
7 failure by omission or commission to exercise due care of a
8 person of ordinary -- that a person of ordinary reason and
9 prudence would exercise in the same or similar
10 circumstances. It is the doing of some act which a person
11 of ordinary prudence would not have done under similar
12 circumstances or failure to do what a person of ordinary
13 prudence would have done under similar circumstances.

14 I believe that answers your question.

15 I'm going to ask you to return to your jury room. You
16 will notice it's after five o'clock. They informed me the
17 clock in the back of the courtroom here is not accurate,
18 unfortunately, because I have been going by it for several
19 days now. We all know there is some potential inclement
20 weather coming. I want you to get as much done tonight as
21 possible. I will not keep you here into the midnight hours
22 or anything of that nature. If need be, we can come back in
23 the morning to have you finish your duties. But I would
24 just say that we will stay a while longer to see where you
25 can go. If you feel like you need to come back in the

1 morning, the foreman can alert me. But you all the weather
2 tomorrow may be a little bit different. No one wants to
3 pressure you into any decisionmaking at all. If you need
4 extra time to make that decision, you take your extra time
5 to make your decision.

6 Thank you.

7 (WHEREUPON, the jury exits the courtroom at 5:36 p.m.
8 to continue deliberations.)

9 THE COURT: Counsel, I think, in essence, I gave the
10 opposite of an Allen charge. I'll give you the chance to
11 comment or object to anything that was said.

12 MR. WLODARCZYK: No objection from the Defendant, Your
13 Honor.

14 MR. HARTE: No objections to the statements made by the
15 Court to the jury and no request for additional
16 instructions.

17 THE COURT: Thank you, sir.

18 We'll wait for our jury for a little bit longer.

19 (WHEREUPON, the Court was in recess awaiting a
20 verdict.)

21 THE COURT: I'd like to bring them in. The Court will
22 order them some food. They're still actively discussing
23 things as I understand it. I don't know if y'all have
24 checked your phones, if you've had any additional weather
25 information. Our court reporter has to drive to Columbia.

1 We've looked at where the jurors are. They are throughout
2 the county, some in the northern portions of the county,
3 some in more southern portions of the county. I think we
4 could bring them here in the morning with no problem. I
5 have concerns about what the conditions will be at the time
6 that they would be dismissed from the courthouse as well as
7 all the personnel and the outside possibility that somebody
8 says we shouldn't come at all tomorrow. I don't know.

9 Now, that we're in this predicament, it feels like
10 we're down a track we need to stay on, at least, for the
11 foreseeable future. And maybe if they understood -- you
12 know, they do not have their cell phones. They don't have
13 any way to understand that that advisory has moved up in
14 time. So they may be thinking like I did that you don't
15 have to worry until seven o'clock tomorrow night.

16 Any issues with that?

17 MR. HARTE: No, Your Honor.

18 (WHEREUPON, the jury enters the courtroom at 6:53 p.m.)

19 THE COURT: Ladies and gentlemen, thank you for coming
20 back in. I understand that y'all have been actively engaged
21 in your deliberations.

22 I just want to make you aware, apparently, the weather
23 advisory has moved up in time for tomorrow. So, originally,
24 I thought we could have you come back in the morning to
25 finish up your deliberations. I now have concerns about

1 that. The courthouse is open in the morning, we just don't
2 know what the weather is going to do. So if you're able to
3 reach a verdict tonight, that would be nice. If you're not,
4 we can come back in the morning.

5 But to give you some time to work on this, I've asked
6 the clerk to order you dinner. They'll order some pizza.
7 You know, there's sometimes an idea that you don't feed a
8 jury because they'll stay here for luxurious meal that the
9 county provides, but I don't know how you like your pizza.
10 But they'll provide that so you can keep working.

11 We've talked to some people here. Just because y'all
12 are from all over the county. We have lots of people that
13 work in the courthouse that are from all over the county and
14 elsewhere and we want to make sure everybody stays safe
15 tomorrow with whatever they're doing. It's not intended to
16 rush you in any way, but I wanted to let you know of the
17 situation because I know you don't have your cell phones and
18 you're not able to see what the weather report currently is.

19 Basically, we're still under an advisory. As I
20 understand it, and somebody can correct me, we're under a
21 winter advisory that will be primarily north of I-20, this
22 is what I've heard on the news for five days now, but the
23 timeline is pushed up to where it could start to affect us
24 around 10:00 a.m. to 11:00 a.m. tomorrow. How much it
25 affects us, what we get, if anything, you know, it might be

1 bright and sunny tomorrow and all this is for naught as far
2 as scheduling. But we try to keep everybody's best interest
3 in mind.

4 Thank you very much.

5 THE FOREMAN: May we contact our family and let them
6 know what's going on due to the fact that it's seven o'clock
7 and some of us have children?

8 THE COURT: Let's see where you go in the next 30
9 minutes to an hour and let's go from there. I don't want
10 any -- the problem with giving you a cell phone is I can't
11 tell what you necessarily do on the cell phone while you're
12 in deliberations. And we do have to keep that part of this
13 process sacrosanct, basically. I appreciate that, but if
14 there's an emergency and you need us to get word to
15 somebody, you certainly can do that. And as always,
16 somebody can contact the clerk's office to get any word to
17 you, okay?

18 Thank you.

19 You can continue to deliberate. Do not stop. Do not
20 wait on anything. Appreciate it.

21 (WHEREUPON, the jury exits the courtroom to continue
22 deliberations at 6:58 p.m.)

23 THE COURT: Counsel, any comments or objections? The
24 jury just got the case at four o'clock, so they, actually,
25 have only deliberated about three hours. We gave it to them

1 late in the afternoon.

2 MR. HARTE: I don't have any objections to what you
3 told them.

4 MR. WLODARCZYK: I like mushrooms, maybe black olives.
5 My wife just texted me and said I put a plate in the
6 microwave for you, so I'm ready to go.

7 THE COURT: Thank you very much.

8 (WHEREUPON, Court was in recess awaiting a verdict at
9 6:59 p.m.)

10 THE COURT: Bring them in, please.

11 (WHEREUPON, the jury enters the courtroom at 8:32 p.m.)

12 THE COURT: Mr. Foreman, I understand you have a
13 verdict?

14 THE FOREMAN: We do, Your Honor.

15 THE COURT: Please hand it to the bailiff.

16 Mr. Foreperson, you did not date the verdict.

17 THE FOREMAN: Oh.

18 (WHEREUPON, the Foreman dated the verdict.)

19 THE COURT: Thank you, sir.

20 THE CLERK: Case number 2018-CP-02-01903, Gloria Allen,
21 as personal representative of the Estate of Helen Williams
22 vs. The Estate of Calvin Warren, the Estate of Diane Warren
23 and the Estate of Travis Robinson, the verdict is as
24 follows: Question one, were the Defendants, Calvin Warren
25 and Diane Warren? The answer is no.

1 Question two, was the Defendant, Travis Robinson,
2 negligent? The answer is no.

3 Please answer the following question regarding punitive
4 damages suffered by the Plaintiff, once the jury reaches a
5 unanimous verdict on the punitive damages claim, the
6 Foreperson shall place his initials next to that finding.
7 You may find for the Plaintiff or the Defendant.

8 The question is, negligence claim as to Travis
9 Robinson, do you, the jury, unanimously find Plaintiff is
10 entitled to punitive damages? The answer is no. Signed by
11 the jury foreperson, Juror #124, dated January 9th, 2025.

12 THE COURT: Thank you, Madam Clerk.

13 Is there anything further from the attorneys as to the
14 jury at this moment? Any request to poll the jury?

15 MR. HARTE: No, Your Honor.

16 THE COURT: Thank you, sir.

17 Ladies and gentlemen, thank you for your diligent
18 service. It looks like the weather is okay right now. I
19 hope you all remain safe tomorrow. We're on the line of
20 this winter storm, so I don't know what exactly is going to
21 happen. I appreciate you being willing to work tonight.

22 The clerk -- I believe you already have your cards.
23 They will be funded as to your service. It's \$20 a day for
24 your service. If you need any work excuses, the clerk is
25 the person to contact.

1 You don't have to talk about what occurred in the jury
2 room. You don't ever have to talk to anybody about this
3 case. You may if you want to, but no one should harass you
4 or bother you. If you feel like that's occurring, please,
5 let the clerk of court know and then they will contact me or
6 other persons to make sure that no one is bothering you
7 anymore. It is sometimes possible that an attorney would
8 like to talk to a juror, though. I just let you know that.
9 Someone may reach out to you. I have no idea if these
10 gentlemen will or not. If they do, it's completely up to
11 you as to whether you want to discuss the case with them.

12 You have ended your service. You have three years in
13 which you cannot be called for a circuit court jury again.
14 If your name happens to appear on a list, you can alert the
15 clerk at that time. That's for this courtroom, this circuit
16 court, not federal court or magistrate's court.

17 We do appreciate you. Again, thank you very much.

18 MR. HARTE: Your Honor, if I may, I'd like to say thank
19 you to the jury for their attention and time.

20 THE COURT: Thank you, Mr. Harte.

21 Please have a good evening.

22 (WHEREUPON, the jury was released at 8:36 p.m.)

23 THE COURT: Gentlemen, anything you want to address
24 right now?

25 MR. HARTE: No, thank you, Your Honor.

1 MR. WLODARCZYK: No, Your Honor.

2 THE COURT: All right. We are adjourned. Thank you
3 very much for your patience and willingness to stay the
4 night.

5 Ms. Allen, good luck to you. Thank you.

6 (End of proceedings.)

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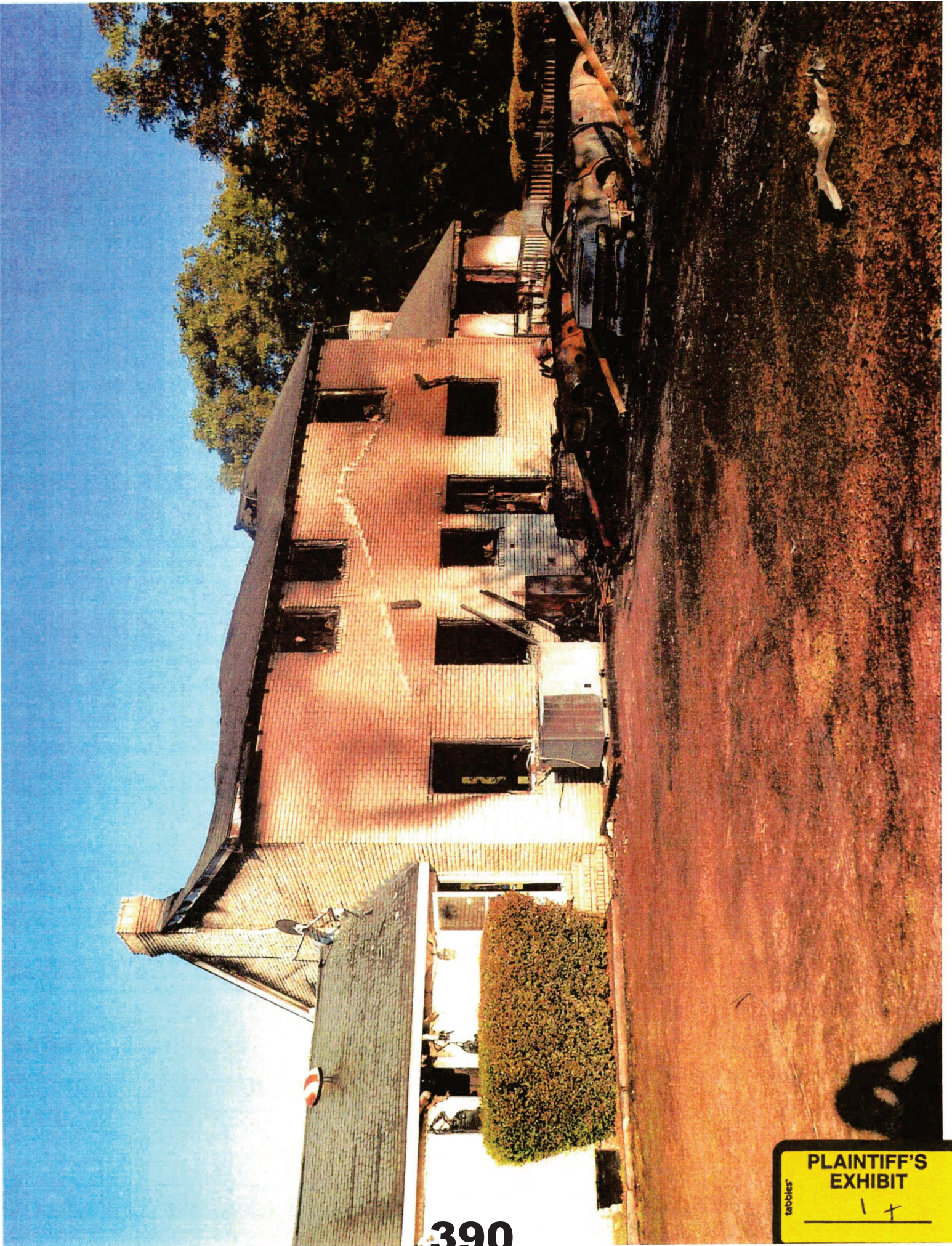
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389

tabbles®
**PLAINTIFF'S
EXHIBIT**
16



390

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**PLAINTIFF'S
EXHIBIT**
1 +

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

DURABLE POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS that I, **HELEN W. WILLIAMS**, of **193 Spring Oak Lane, North Augusta, SC 29841**, and a resident of Aiken County and the State of South Carolina, hereinafter referred to as "Principal", do hereby nominate, constitute, and appoint my daughters, **GLORIA W. ALLEN**, of **2060 Powder House Road, Aiken, SC 29803** and **DIANE W. WARREN**, of **2276 Edgefield Highway, Aiken, SC 29801** as my true and lawful Attorneys, being able to act jointly for me as might become necessary, and I further direct that my Attorney shall jointly act for me in my name place and stead, with full and complete authority to jointly act in, manage, and conduct all of my affairs including, but not limited to, the following:

(1) To ask, demand, sue for, recover and receive all sums of money, and all things whatsoever to which I am now, or shall become entitled, and to execute such receipts, releases or other discharges for the same, as are necessary.

(2) To enter upon my real estate, and to rent, manage, or improve the same, or any part thereof, and secure insurance for any improvements thereon.

(3) To sell, mortgage, contract to sell, or otherwise convey or encumber my lands or interests in real estate, upon such terms and conditions, and under such covenants, as my Attorney-in-Fact shall deem appropriate.

(4) To make deposits and withdrawals, and to otherwise engage in banking transactions at any bank savings and loan, credit union, or similar institution, including the authority to have access to any safety deposit boxes, which I have leased.

(5) To borrow any sum or sums of money, on such terms, and with such security, whether real or personal property, as my Attorney-in-Fact shall deem necessary and appropriate, and to settle any accounts I owe.

[Signature]
[Signature]

[Signature]
HELEN W. WILLIAMS

Page 1 of 3

FILED 7-30 2021

[Signature] C.C.P. & O.S.
[Signature]
Deputy Clerk

PLAINTIFF'S
EXHIBIT

6

391

(6) To commence, prosecute, settle or defend all actions or other legal proceedings touching any matter in which I may in any way be concerned.

(7) To engage, hire, employ, dismiss any agents, clerks, servants, employees, or other persons, that my Attorney-in-Fact shall deem necessary.

(8) To pay my bills or expenses, including insurance premiums, household expenses, expenses incurred for my care and maintenance, and such charitable or religious subscriptions as I have been in the habit of paying.

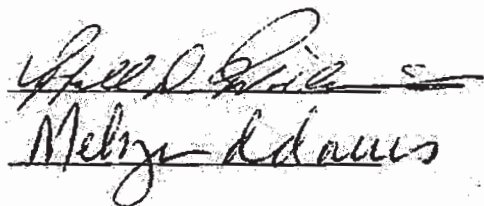
(9) To prepare and file such tax and other returns as may be required, and to claim any refunds available to me.

(10) To request and receive any existing, or available Social Security benefits, Veteran's Administration benefits, Medicaid or Medicare allowances, or other funds or benefits to which I may be entitled.

(11) For all of any of the purposes necessary, to enter into and sign, seal, execute, acknowledge, and deliver any contracts, deeds or other instruments whatsoever, and to draw, accept, make, endorse, discount, or otherwise deal with any checks, promissory notes, security agreements, or other commercial or mercantile instruments.

(12) In general, to do all other acts, deeds, matters, and things whatsoever necessary and involving my property and affairs, or to concur with persons jointly interested with myself therein, as full and effectually, to all intents and purposes, as I could do in my own proper person, including the authority to place me in, or remove me from such institutions, or facilities, as my Attorney-in-Fact shall deem best for my personal care, comfort, benefit, health or safety, and to authorize such medical or health treatment as my Attorney-in-Fact deems in my best interest.

I hereby ratify and confirm all that my joint Attorneys-in-Fact shall lawfully do or cause to be done pursuant to the authority granted herein.


Melva Adams


HELEN W. WILLIAMS

No person who may act in reliance upon the representations of my joint attorneys-in-fact for the scope of authority granted to the attorneys-in-fact shall incur any liability as to me or to my estate as a result of permitting the attorneys-in-fact to exercise this authority, nor is any such person or persons who deal with my attorneys-in-fact responsible to determine or ensure the proper application of funds or property.

This Power of Attorney shall not be affected by physical disability or mental incompetence of the Principal which renders the Principal incapable of managing his/her own estate.

WITNESS my Hand and Seal this 20th day of December,

2011.

Signed, Sealed and Delivered in the presence of:

[Signature]
Meliza Adams

[Signature]
HELEN W. WILLIAMS

STATE OF SOUTH CAROLINA)
COUNTY OF EDGEFIELD)

PROBATE

PERSONALLY appeared before me the undersigned witness who, being duly sworn, deposes and states that he/she saw within named, Helen W. Williams, sign, seal, and as her/his act and deed, deliver the within-written Durable Power of Attorney and that (s)he with Randall D. Williams witnessed the execution thereof, and that HELEN W. WILLIAMS duly signed in their presence and each of them signed in his presence and in the presence of each other.

SWORN to before me this 20th day
of December, 2011

Meliza Adams

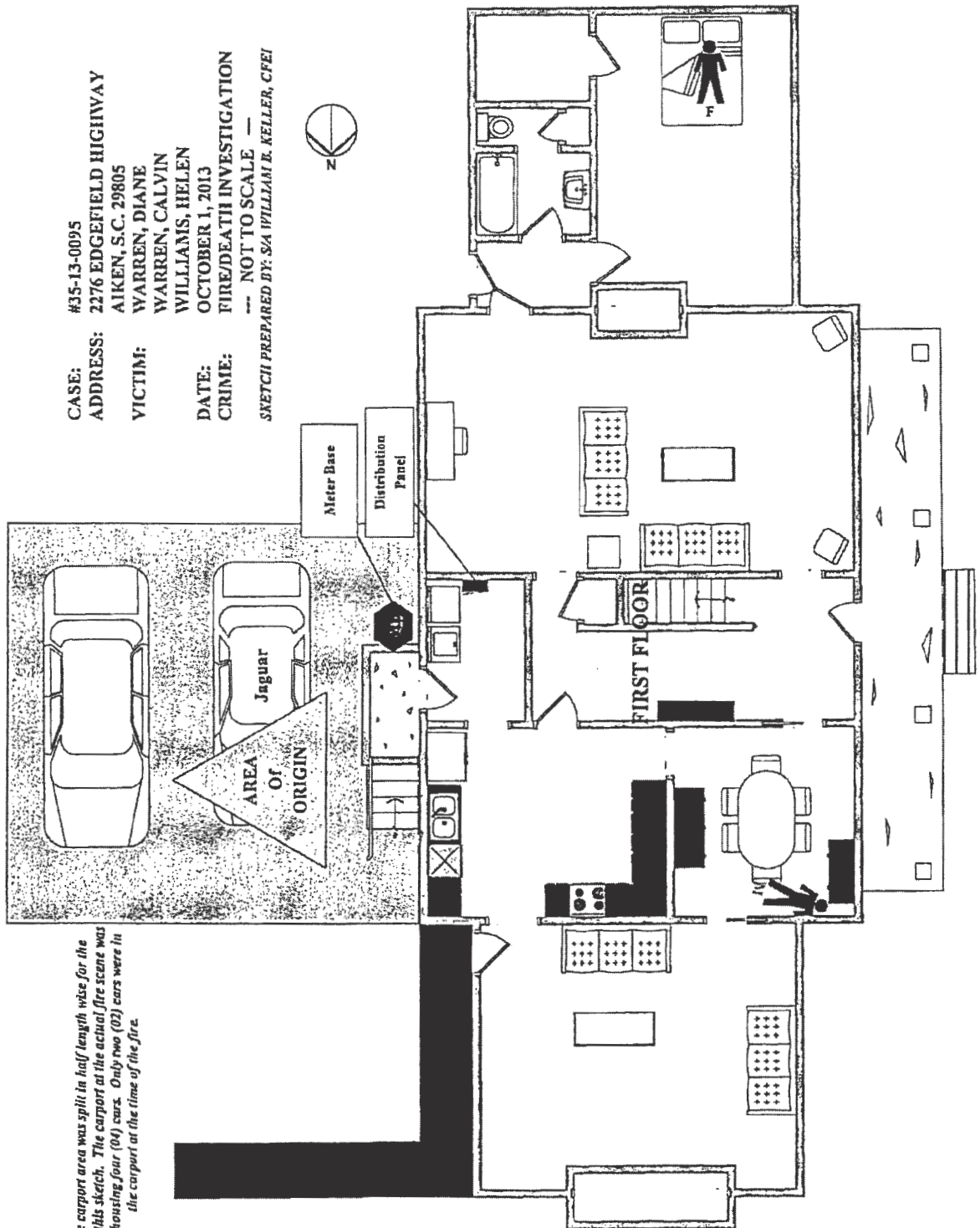
[Signature]
Notary Public for South Carolina

My Commission Expires: 10/15/2015

Page 3 of 3

2012001088
ATTORNEY IN FACT
RECORDING FEES \$15.00
PRESENTED & RECORDED
01-17-2012 12:55 PM
JUDITH WARNER
REGISTER OF DEEDS CONVEYANCE
AIKEN COUNTY, SC
BY: JULIE STUTTS DEPUTY RMC
BK: RB 4388
PG: 1497 - 1499

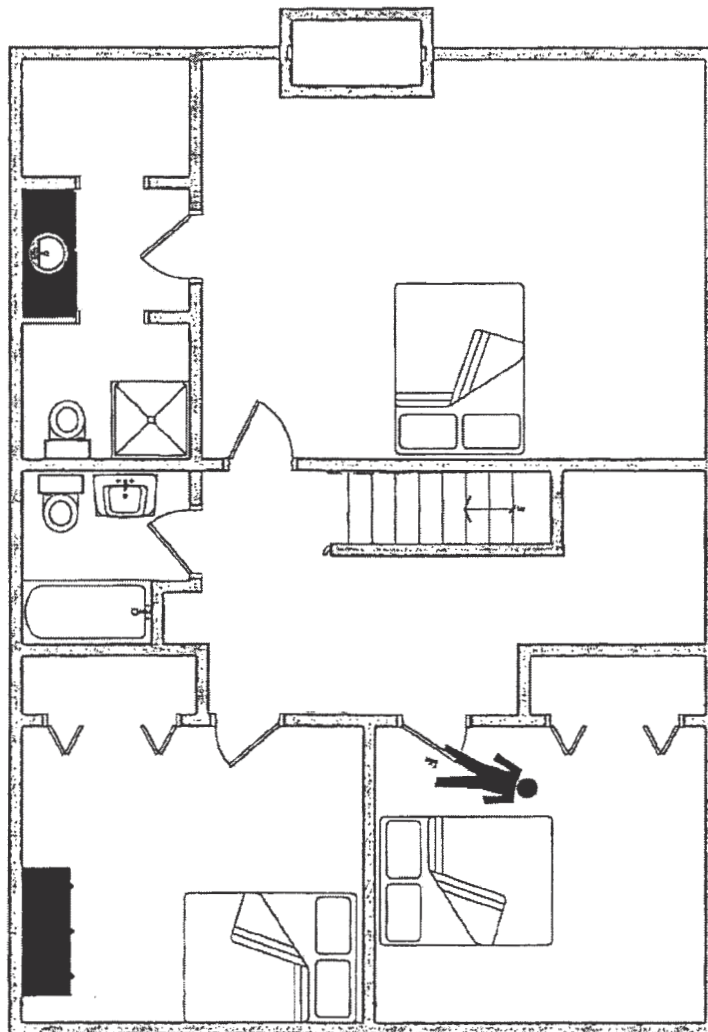
CASE: #35-13-0095
 ADDRESS: 2276 EDGEFIELD HIGHWAY
 AIKEN, S.C. 29805
 VICTIM: WARREN, DIANE
 WILLIAMS, HELEN
 DATE: OCTOBER 1, 2013
 CRIME: FIRE/DEATH INVESTIGATION
 --- NOT TO SCALE
 SKETCH PREPARED BY: SA WILLIAM B. KELLER, CFEI



Note: The carport area was split in half length wise for the purposes of this sketch. The carport at the actual fire scene was capable of housing four (04) cars. Only two (02) cars were in the carport at the time of the fire.



SECOND FLOOR



35-13-0095 SKETCH - PAGE 2 of 2

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Gloria Allen, Personal Representative of the
Estate of Helen Williams,

Plaintiff,

v.

Estate of Calvin Warren *et al.*,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO.: 2018-CP-02-01903

VERDICT

Once the jury has reached a unanimous verdict, the foreperson shall initial in the blanks in response to each question.

1. Were the defendants Calvin Warren and Diane Warren negligent?

____ YES – Go to Question 1b.

W/W NO – Go to Question 2

- 1b. Was the defendant Calvin Warren and Diane Warren's negligence a proximate cause of the decedent's death?

____ YES – Go to Question 2

____ NO – Go to Question 2

2. Was the defendant Travis Robinson negligent?

____ YES – Go to Question 2b.

W/W NO – Go to Question 3

- 2b.. Was the defendant Travis Robinson's negligence a proximate cause of the decedent's death?

____ YES – Go to Question 3

____ NO – Go to Question 3

FILED January 13 20 25

Robert J. Kite

C.C.P. & G.S.

Charla Peabody
Deputy Clerk

3. IF YOU ANSWERED "YES" TO BOTH PARTS OF QUESTION 1 OR BOTH PARTS OF QUESTION 2, please state the amount of damages, if any, sustained by the Plaintiff.

\$ _____ Actual Damages

Please answer the following question regarding the punitive damages asserted by the Plaintiff. Once the Jury reaches a unanimous verdict on the punitive damages claim, the Foreperson shall place his initials next to that finding. You may find for the Plaintiff or Defendant.

1. Negligence Claim as to Travis Robinson

Do you, the Jury, unanimously find Plaintiff is entitled to punitive damages?

Yes _____ or No YH

Based on the verdict, we the Jury award punitive damages as follows:

As to Travis Robinson \$ _____

January 9, 2024


FOREPERSON
Juror # 124

RECEIVED

Feb 04 2025

SC Court of Appeals

NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM AIKEN COUNTY
CIRCUIT COURT

Judge Martha Rivers

Case No. 2018-CP-02-01903

Gloria Allen, Personal Representative Of The Estate Of Helen Williams

VS.

Estate Of Travis Robinson, Estate Of Calvin And Diane Warren, Marcus
Williams

Of whom Estate of Travis Robinson and The Estate of Calvin and Diane Warren
are the Respondents,

And Gloria Allen, Personal Representative Of The Estate of Helen Williams is the
Appellants.

NOTICE OF APPEAL

Gloria Allen, Personal Representative of the Estate of Helen Williams. appeals the
verdict and judgment in favor of the Defendants issued on January 9, 2025.

February 3, 2025

s/ John W. Harte SC Bar 2773
s/ Dalton P. Cooper SC Bar 105959
John Harte Law
PO Box 7215
Aiken, S.C., 29804
803 226 0755
john@jwhartelaw.com

Page 1 | 2

Other Counsel of Record:
Damon C. Wlodarczyk, Esq.
PO Box 12009
Columbia, SC 29211
damonw@hnblaw.com

RECEIVED

Feb 04 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM AIKEN COUNTY
CIRCUIT COURT

Judge Martha Rivers

Case No. 2018-CP-02-01903

Gloria Allen, Personal Representative Of The Estate Of Helen Williams

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Estate Of Travis Robinson, Estate Of Calvin And Diane Warren, Marcus
Williams

Of whom Estate of Travis Robinson and The Estate of Calvin and Diane Warren
are the Respondents,

And Gloria Allen, Personal Representative Of The Estate of Helen Williams is the
Appellant.

PROOF OF SERVICE

I certify that I have served Damon C. Wlodarczyk, Counsel for the Respondents, with the
Notice of Appeal by notification through the South Carolina E-Filing System.

February 4, 2025

s/ John W. Harte SC Bar 2773
s/ Dalton P. Cooper SC Bar 105959
John Harte Law
PO Box 7215
Aiken, S.C., 29804
803 226 0755
john@jwhartelaw.com

Other Counsel of Record:
Damon C. Włodarczyk, Esq.
PO Box 12009
Columbia, SC 29211
damonw@hnblaw.com

Certificate of Electronic Notification

Recipients

Dalton Cooper - Notification transmitted on 02-04-2025 11:24:00 AM.

Damon Wlodarczyk - Notification transmitted on 02-04-2025 11:24:00 AM.

John Harte - Notification transmitted on 02-04-2025 11:24:00 AM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2018CP0201903

Official File Stamp: 02-04-2025 11:23:50 AM

Court: CIRCUIT COURT

Common Pleas

Aiken

Case Caption: Gloria Pr Allen , plaintiff, et al VS Marcus Ind/PR
Williams , defendant, et al

Document(s) Submitted: Appeal/Notice of Appeal to Court of Appeals

Filed by or on behalf of: John W Harte

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Dalton P. Cooper for Gloria Pr Allen

John W Harte for Gloria Pr Allen

Damon Christian Wlodarczyk for Calvin Estate Of
Warren et al

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Helen Estate Of Williams



Aiken County Second Judicial Circuit Public Index



[Aiken County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

[Switch View](#)

Gloria Pr Allen , plaintiff, et al VS Marcus Ind/PR Williams , defendant, et al

Case Number:	2018CP0201903	Court Agency:	Common Pleas	Filed Date:	08/13/2018
Case Type:	Common Pleas	Case Sub Type:	Wrongful Death 360	File Type:	Jury
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Ended by Jury Trial	Disposition Date:	01/13/2025	Disposition Judge:	Rivers, Martha M.
Original Source Doc:		Original Case #:		Restore Reason:	Reopen Case for Rule 40J
Judgment Number:		Court Roster:			

[Case Parties](#) [Judgments](#) [Tax Map Information](#) [Associated Cases](#) [Actions](#) [Financials](#)

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Allen, Gloria Pr	NEF(02-04-2025 11:23:50 AM) Appeal/Notice of Appeal to C...	Filing		02/04/2025-11:35		
Allen, Gloria Pr	Appeal/Notice of Appeal to Court of Appeals	Filing		02/04/2025-11:23		
Allen, Gloria Pr	Exhibit/Exhibit List	Filing		01/13/2025-13:34	01/13/2025-13:34	
Allen, Gloria Pr	Clerk's Sheet	Filing		01/13/2025-13:33	01/13/2025-13:33	
Allen, Gloria Pr	Verdict Form	Filing		01/13/2025-13:33	01/13/2025-13:33	
Allen, Gloria Pr	Deposition of Chief Chad Auenshine (not scannable)	Filing		01/09/2025-14:18	01/13/2025-14:18	
Allen, Gloria Pr	NEF(01-06-2025 06:12:27 PM) Memo/Memo	Filing		01/07/2025-08:37	01/13/2025-08:37	
Allen, Gloria Pr	Supplement to Plaintiff's Response to Motion in Limine	Filing		01/06/2025-18:12	01/13/2025-18:12	
Allen, Gloria Pr	NEF(01-06-2025 09:01:01 AM) Memo/Memo	Filing		01/06/2025-09:04	01/13/2025-09:04	
Allen, Gloria Pr	Plaintiff's Pre-Trial Brief	Filing		01/06/2025-09:01	01/13/2025-09:01	
Allen, Gloria Pr	NEF(01-06-2025 08:54:30 AM) Response	Filing		01/06/2025-08:57	01/13/2025-08:57	
Allen, Gloria Pr	Response to Motion In Limine	Filing		01/06/2025-08:54	01/13/2025-08:54	
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Warren, Calvin Estate Of	Defendant's Motion In Limine	Motion		01/05/2025-15:36	01/13/2025-15:36	
Harte, John W	1/6/2025_MEDJU_Roster/Notice of Case Roster Publication Sent	Action		12/06/2024-10:01	01/13/2025-10:01	
Cooper, Dalton P.	1/6/2025_MEDJU_Roster/Notice of Case Roster Publication Sent	Action		12/06/2024-10:01	01/13/2025-10:01	
Rupert, Kerri Ann Brown	1/6/2025_MEDJU_Roster/Notice of Case Roster Publication Sent	Action		12/06/2024-10:01	01/13/2025-10:01	
Wlodarczyk, Damon Christian	1/6/2025_MEDJU_Roster/Notice of Case Roster Publication Sent	Action		12/06/2024-10:01	01/13/2025-10:01	

Luther, Jason Phillip	1/6/2025_MEDJU_Roster/Notice of Case Roster Publication Sent	Action		12/06/2024-10:01	01/13/2025-10:01	
Luther, Jason Phillip	9/16/2024_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		08/20/2024-08:48	01/13/2025-08:48	
Wlodarczyk, Damon Christian	9/16/2024_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		08/20/2024-08:48	01/13/2025-08:48	
Rupert, Kerri Ann Brown	9/16/2024_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		08/20/2024-08:48	01/13/2025-08:48	
Cooper, Dalton P.	9/16/2024_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		08/20/2024-08:48	01/13/2025-08:48	
Harte, John W	9/16/2024_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		08/20/2024-08:48	01/13/2025-08:48	
Allen, Gloria Pr	NEF(02-20-2024 02:30:43 PM) ADR/Proof of ADR	Filing		02/20/2024-14:30	01/13/2025-14:30	
Allen, Gloria Pr	ADR/Proof of ADR (AT AN IMPASSE)	Action		02/20/2024-14:30	01/13/2025-14:30	
Allen, Gloria Pr	NEF(02-16-2024 03:24:50 PM) Order/Continuance	Filing		02/16/2024-15:25	01/13/2025-15:25	
Allen, Gloria Pr	Consent Scheduling Order and Order Continuing	Order		02/16/2024-15:24	01/13/2025-15:24	
Allen, Gloria Pr	NEF(02-16-2024 01:35:24 PM) Proposed Order/Continuance	Filing		02/16/2024-14:00	01/13/2025-14:00	
Allen, Gloria Pr	Order/Order Cover Sheet \$25.00	Filing		02/16/2024-13:35	01/13/2025-13:35	
Cooper, Dalton P.	2/26/2024_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		01/26/2024-09:27	01/13/2025-09:27	
Harte, John W	2/26/2024_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		01/26/2024-09:27	01/13/2025-09:27	
Rupert, Kerri Ann Brown	2/26/2024_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		01/26/2024-09:27	01/13/2025-09:27	
Wlodarczyk, Damon Christian	2/26/2024_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		01/26/2024-09:27	01/13/2025-09:27	
Luther, Jason Phillip	2/26/2024_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		01/26/2024-09:27	01/13/2025-09:27	
Warren, Calvin Estate Of	NEF(01-10-2024 09:03:07 AM) Notice/Other	Filing		01/10/2024-09:09	01/13/2025-09:09	
Warren, Calvin Estate Of	Notice/Change of Law Firm	Filing		01/10/2024-09:03	01/13/2025-09:03	
Allen, Gloria Pr	NEF(11-27-2023 04:16:28 PM) Order/Electronic Form 4	Filing		11/27/2023-16:16	01/13/2025-16:16	
Allen, Gloria Pr	Order/Electronic Form 4 Denying Motion for Summary Judgment	Order		11/27/2023-16:16	01/13/2025-16:16	
Warren, Calvin Estate Of	NEF(10-19-2023 05:41:29 AM) Memo/Memo in Support	Filing		10/19/2023-08:41	01/13/2025-08:41	
Warren, Calvin Estate Of	Supplemental Memorandum in Support of Summary Judgment	Filing		10/19/2023-05:41	01/13/2025-05:41	   
Allen, Gloria Pr	NEF(10-16-2023 10:08:28 AM) Memo/Memo in Opposition	Filing		10/16/2023-10:40	01/13/2025-10:40	
Allen, Gloria Pr	AMENDED Memo/Memo in Opposition	Filing		10/16/2023-10:08	01/13/2025-10:08	
Allen, Gloria Pr	NEF(10-13-2023 12:24:12 PM) Memo/Memo in Opposition	Filing		10/13/2023-12:28	01/13/2025-12:28	
Allen, Gloria Pr	Memo/Memo in Opposition	Filing		10/13/2023-12:24	01/13/2025-12:24	 
Allen, Gloria Pr	Sealed Zoom Deposition of Jack A Ward (not scannable)	Filing		09/27/2023-16:24	01/13/2025-16:24	
Harte, John W	10/19/2023_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/18/2023-13:36	01/13/2025-13:36	
Cooper, Dalton P.	10/19/2023_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/18/2023-13:36	01/13/2025-13:36	
Rupert, Kerri Ann Brown	10/19/2023_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/18/2023-13:36	01/13/2025-13:36	
Wlodarczyk, Damon Christian	10/19/2023_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/18/2023-13:36	01/13/2025-13:36	

Luther, Jason Phillip	10/19/2023_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/18/2023-13:36	01/13/2025-13:36	
Allen, Gloria Pr	NEF(09-15-2023 11:10:19 AM) Order/Electronic Form 4	Filing		09/15/2023-11:10	01/13/2025-11:10	
Allen, Gloria Pr	Order/Electronic Form 4 Continuing Motion	Order		09/15/2023-11:10	01/13/2025-11:10	
Cooper, Dalton P.	9/19/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		08/16/2023-10:32	01/13/2025-10:32	
Wlodarczyk, Damon Christian	9/19/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		08/16/2023-10:32	01/13/2025-10:32	
Luther, Jason Phillip	9/19/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		08/16/2023-10:32	01/13/2025-10:32	
Rupert, Kerri Ann Brown	9/19/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		08/16/2023-10:32	01/13/2025-10:32	
Harte, John W	9/19/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		08/16/2023-10:32	01/13/2025-10:32	
Williams, Helen Estate Of	NEF(07-14-2023 08:39:55 PM) Motion/Summary Judgment	Filing		07/17/2023-08:23	01/13/2025-08:23	
Warren, Calvin Estate Of	Motion/Summary Judgment	Motion		07/14/2023-20:39	10/19/2023-20:39	
Warren, Calvin Estate Of	NEF(05-17-2023 01:01:45 PM) Order/Scheduling Order	Filing		05/17/2023-13:01	01/13/2025-13:01	
Warren, Calvin Estate Of	Order/Scheduling Order	Order		05/17/2023-13:01	01/13/2025-13:01	
Warren, Calvin Estate Of	NEF(05-12-2023 01:36:43 PM) Order/Order Cover Sheet \$25....	Filing		05/12/2023-13:44	01/13/2025-13:44	
Warren, Calvin Estate Of	Order/Order Cover Sheet \$25.00	Filing		05/12/2023-13:36	01/13/2025-13:36	
Luther, Jason Phillip	5/22/2023_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		04/17/2023-12:04	01/13/2025-12:04	
Cooper, Dalton P.	5/22/2023_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		04/17/2023-12:04	01/13/2025-12:04	
Wlodarczyk, Damon Christian	5/22/2023_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		04/17/2023-12:04	01/13/2025-12:04	
Rupert, Kerri Ann Brown	5/22/2023_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		04/17/2023-12:04	01/13/2025-12:04	
Harte, John W	5/22/2023_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		04/17/2023-12:04	01/13/2025-12:04	
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Allen, Gloria Pr	Order/Electronic Form 4 Denying Summary Judgment	Order		01/03/2023-12:49	01/13/2025-12:49	
Allen, Gloria Pr	NEF(12-19-2022 02:52:37 PM) Notice/Notice of Appearance	Filing		12/19/2022-14:52	01/13/2025-14:52	
Allen, Gloria Pr	Notice/Notice of Appearance	Filing		12/19/2022-14:52	01/13/2025-14:52	
Warren, Calvin Estate Of	NEF(10-17-2022 08:24:26 AM) Filing/Other	Filing		10/17/2022-08:31	01/13/2025-08:31	
Allen, Gloria Pr	NEF(10-17-2022 08:18:38 AM) Memo/Memo in Opposition	Filing		10/17/2022-08:27	01/13/2025-08:27	
Warren, Calvin Estate Of	Notice of Filing	Filing		10/17/2022-08:24	01/13/2025-08:24	 
Allen, Gloria Pr	Memo/Memo in Opposition	Filing		10/17/2022-08:18	01/13/2025-08:18	 
Allen, Gloria Pr	11/7/2022_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		10/05/2022-10:36	01/13/2025-10:36	
Harte, John W	11/7/2022_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		10/05/2022-10:36	01/13/2025-10:36	
Luther, Jason Phillip	11/7/2022_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		10/05/2022-10:36	01/13/2025-10:36	
Rupert, Kerri Ann Brown	11/7/2022_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		10/05/2022-10:36	01/13/2025-10:36	
Wlodarczyk, Damon Christian	11/7/2022_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		10/05/2022-10:36	01/13/2025-10:36	

Harte, John W	10/17/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-10:33	01/13/2025-10:33	
Allen, Gloria Pr	10/17/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-10:33	01/13/2025-10:33	
Rupert, Kerri Ann Brown	10/17/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-10:33	01/13/2025-10:33	
Wlodarczyk, Damon Christian	10/17/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-10:33	01/13/2025-10:33	
Luther, Jason Phillip	10/17/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-10:33	01/13/2025-10:33	
Allen, Gloria Pr	NEF(11-01-2021 03:40:16 PM) Notice/Notice of Appearance	Filing		11/01/2021-15:40	01/13/2025-15:40	
Allen, Gloria Pr	Notice/Notice of Appearance	Filing		11/01/2021-15:40	01/13/2025-15:40	
Allen, Gloria Pr	NEF(09-01-2021 04:21:11 PM) Order/Electronic Form 4	Filing		09/01/2021-16:21	01/13/2025-16:21	
Allen, Gloria Pr	Order/Electronic Form 4	Order		09/01/2021-16:21	01/13/2025-16:21	
Warren, Calvin Estate Of	NEF(08-19-2021 12:38:08 PM) Order/Electronic Form 4	Filing		08/19/2021-12:38	01/13/2025-12:38	
Warren, Calvin Estate Of	Order/Electronic Form 4	Order		08/19/2021-12:38	01/13/2025-12:38	
Luther, Jason Phillip	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/04/2021-10:18	01/13/2025-10:18	
Wlodarczyk, Damon Christian	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/04/2021-10:18	01/13/2025-10:18	
Rupert, Kerri Ann Brown	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/04/2021-10:18	01/13/2025-10:18	
Allen, Gloria Pr	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/04/2021-10:18	01/13/2025-10:18	
Allen, Gloria Pr	8/30/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:08	01/13/2025-12:08	
Rupert, Kerri Ann Brown	8/30/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:08	01/13/2025-12:08	
Wlodarczyk, Damon Christian	8/30/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:08	01/13/2025-12:08	
Luther, Jason Phillip	8/30/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:08	01/13/2025-12:08	
Allen, Gloria Pr	Response in Opposition; Transcript of Depo; Durable POA	Filing		07/30/2021-10:04	01/13/2025-10:04	  
Luther, Jason Phillip	8/2/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		07/22/2021-09:50	01/13/2025-09:50	
Wlodarczyk, Damon Christian	8/2/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		07/22/2021-09:50	01/13/2025-09:50	
Rupert, Kerri Ann Brown	8/2/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		07/22/2021-09:50	01/13/2025-09:50	
Allen, Gloria Pr	8/2/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		07/22/2021-09:50	01/13/2025-09:50	
Rupert, Kerri Ann Brown	8/2/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		07/01/2021-09:04	01/13/2025-09:04	
Luther, Jason Phillip	8/2/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		07/01/2021-09:04	01/13/2025-09:04	
Wlodarczyk, Damon Christian	8/2/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		07/01/2021-09:04	01/13/2025-09:04	
Allen, Gloria Pr	8/2/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		07/01/2021-09:04	01/13/2025-09:04	
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Warren, Calvin Estate Of	Order/Continuance	Order		05/21/2021-08:58	01/13/2025-08:58	
Warren, Calvin Estate Of	NEF(05-14-2021 09:44:22 AM) Order/Order Cover Sheet \$25....	Filing		05/14/2021-09:55	01/13/2025-09:55	

Warren, Calvin Estate Of	Order/Order Cover Sheet \$25.00	Filing		05/14/2021- 09:44	01/13/2025- 09:44	
Warren, Calvin Estate Of	NEF(04-16-2021 12:52:15 PM) Motion/Summary Judgment	Filing		04/16/2021- 13:09	01/13/2025- 13:09	
Warren, Calvin Estate Of	Motion/Summary Judgment	Motion		04/16/2021- 12:52	10/17/2022- 12:52	 
Warren, Calvin Estate Of	Service/Certificate Of Service	Filing		04/16/2021- 12:52	01/13/2025- 12:52	
Luther, Jason Phillip	5/17/2021_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		04/14/2021- 14:46	01/13/2025- 14:46	
Allen, Gloria Pr	5/17/2021_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		04/14/2021- 14:46	01/13/2025- 14:46	
Wlodarczyk, Damon Christian	5/17/2021_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		04/14/2021- 14:46	01/13/2025- 14:46	
Rupert, Kerri Ann Brown	5/17/2021_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		04/14/2021- 14:46	01/13/2025- 14:46	
Allen, Gloria Pr	NEF(05-12-2020 09:04:09 AM) Order/Relieve Counsel	Filing		05/12/2020- 09:04	01/13/2025- 09:04	
Allen, Gloria Pr	Order/Relieve Counsel	Order		05/12/2020- 09:04	01/13/2025- 09:04	
Allen, Gloria Pr	NEF(05-11-2020 03:05:57 PM) Proposed Order/Relieve Couns...	Filing		05/11/2020- 16:50	01/13/2025- 16:50	
Allen, Gloria Pr	Order/Order Cover Sheet \$25.00	Filing		05/11/2020- 15:05	01/13/2025- 15:05	
Allen, Gloria Pr	NEF(02-17-2020 08:44:48 AM) Order/Consent Order	Filing		02/17/2020- 08:44	01/13/2025- 08:44	
Allen, Gloria Pr	Order/Consent Scheduling Order	Order		02/17/2020- 08:44	01/13/2025- 08:44	
Allen, Gloria Pr	NEF(02-14-2020 04:19:48 PM) Proposed Order/Consent Order	Filing		02/14/2020- 16:32	01/13/2025- 16:32	
Allen, Gloria Pr	Order/Order Cover Sheet \$25.00	Filing		02/14/2020- 16:19	01/13/2025- 16:19	
Williams, Marcus Ind/PR	NEF(02-07-2020 04:57:02 PM) Notice/Notice of Appearance	Filing		02/10/2020- 07:44	01/13/2025- 07:44	
Williams, Marcus Ind/PR	Notice/Notice of Appearance	Filing		02/07/2020- 16:57	01/13/2025- 16:57	
Williams, Marcus Ind/PR	Stipulation Of Dismissal as to Marcus Williams	Filing		02/07/2020- 16:57	01/13/2025- 16:57	
Luther, Jason Phillip	2/24/2020_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		01/21/2020- 09:17	01/13/2025- 09:17	
Chandler, Everett Keith	2/24/2020_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		01/21/2020- 09:17	01/13/2025- 09:17	
Wlodarczyk, Damon Christian	2/24/2020_MEDJU_Roster/Notice of Case Roster Publication Sen	Action		01/21/2020- 09:17	01/13/2025- 09:17	
Williams, Marcus Ind/PR	NEF(11-01-2019 03:07:08 PM) Order/Consolidate	Filing		11/01/2019- 15:07	01/13/2025- 15:07	
Williams, Marcus Ind/PR	Order/Consolidate	Order		11/01/2019- 15:07	01/13/2025- 15:07	
Williams, Marcus Ind/PR	NEF(10-15-2019 08:05:26 AM) Proposed Order/Consolidate	Filing		10/15/2019- 08:12	01/13/2025- 08:12	
Warren, Calvin Estate Of	Order/Order Cover Sheet \$25.00	Filing		10/15/2019- 08:05	01/13/2025- 08:05	
Luther, Jason Phillip	9/27/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		09/10/2019- 16:16	01/13/2025- 16:16	
Wlodarczyk, Damon Christian	9/27/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		09/10/2019- 16:16	01/13/2025- 16:16	
Chandler, Everett Keith	9/27/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		09/10/2019- 16:16	01/13/2025- 16:16	

Wlodarczyk, Damon Christian	9/23/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		08/23/2019-10:01	01/13/2025-10:01	
Luther, Jason Phillip	9/23/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		08/23/2019-10:01	01/13/2025-10:01	
Williams, Marcus Ind/Pr	9/23/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		08/23/2019-10:01	01/13/2025-10:01	
Warren, Calvin Estate Of	NEF(08-14-2019 01:11:47 PM) Motion/Consolidate	Filing		08/14/2019-13:28	01/13/2025-13:28	
Warren, Calvin Estate Of	Motion/Consolidate	Motion		08/14/2019-13:11	09/27/2019-13:11	
Warren, Calvin Estate Of	NEF(08-14-2019 01:03:09 PM) Answer/Answer and Jury Deman...	Filing		08/14/2019-13:09	01/13/2025-13:09	
Warren, Calvin Estate Of	Answer/Answer and Jury Demand	Filing		08/14/2019-13:03	01/13/2025-13:03	
Wlodarczyk, Damon Christian	9/9/2019_MEDJU_Roster/Notice of Case Roster Publication Sent	Action		08/05/2019-10:30	01/13/2025-10:30	
Williams, Marcus Ind/Pr	9/9/2019_MEDJU_Roster/Notice of Case Roster Publication Sent	Action		08/05/2019-10:30	01/13/2025-10:30	
Luther, Jason Phillip	9/9/2019_MEDJU_Roster/Notice of Case Roster Publication Sent	Action		08/05/2019-10:30	01/13/2025-10:30	
Warren, Calvin Estate Of	NEF(08-05-2019 08:55:44 AM) Order/Electronic Form 4	Filing		08/05/2019-08:55	01/13/2025-08:55	
Warren, Calvin Estate Of	Order/Electronic Form 4	Order		08/05/2019-08:55	01/13/2025-08:55	
Luther, Jason Phillip	7/30/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2019-15:57	01/13/2025-15:57	
Williams, Vannie Jr.	7/30/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2019-15:57	01/13/2025-15:57	
Williams, Marcus Ind/Pr	7/30/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2019-15:57	01/13/2025-15:57	
Wlodarczyk, Damon Christian	7/30/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2019-15:57	01/13/2025-15:57	
Warren, Calvin Estate Of	NEF(07-15-2019 01:26:22 PM) Motion/12 (B) in lieu of Ans...	Filing		07/15/2019-13:39	01/13/2025-13:39	
Warren, Calvin Estate Of	Motion/12 (B) in lieu of Answer	Motion		07/15/2019-13:26	07/30/2019-13:26	
Allen, Gloria Pr	NEF(01-23-2019 09:57:31 AM) Order/Relieve Counsel	Filing		01/23/2019-09:57	01/13/2025-09:57	
Allen, Gloria Pr	Order/Relieve Counsel	Order		01/23/2019-09:57	01/13/2025-09:57	
Allen, Gloria Pr	NEF(01-22-2019 02:26:13 PM) Order/Order Cover Sheet \$25....	Filing		01/22/2019-14:34	01/13/2025-14:34	
Allen, Gloria Pr	Order/Order Cover Sheet \$25.00	Filing		01/22/2019-14:26	01/13/2025-14:26	
Allen, Gloria Pr	NEF(08-13-2018 11:52:22 AM) Notice/Order to Restore to A...	Filing		08/13/2018-11:52	01/13/2025-11:52	
Allen, Gloria Pr	Notice/Order to Restore to Active Docket	Filing		08/13/2018-11:52	01/13/2025-11:52	