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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2025-002304

James Boyd, Jr.

Appellant,

v.

THI of South Carolina at Magnolia Place at Greenville, LLC;
Fundamental Administrative Services, LLC; and
Fundamental Clinical and Operational Services, LLC,

Respondents.

RECORD ON APPEAL VOL. IV

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1 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
2 COUNTY OF GREENVILLE CASE NO. 2018-CP-23-01934
3
4 James Boyd, Jr.,
5 Plaintiff,
6 vs.
7 THI of South Carolina at
8 Magnolia Place at Greenville, LLC,
9 Fundamental Administrative Services,
10 LLC, and Fundamental Clinical and
11 Operational Services, LLC,
12 Defendants.

12 DEPOSITION OF LEOLA MICHELLA BURT

14 DATE TAKEN: November 20, 2018
15 TIME BEGAN: 10:04 a.m.
16 TIME ENDED: 10:44 a.m.
17 LOCATION: Anastopoulo Law Firm
18 418 River Street
19 Greenville, South Carolina 29601
20 REPORTED BY: Kaylyn K. Brantner
21 Verbatim Reporter
22
23
24
25

1 APPEARANCES:

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16On behalf of the Defendants

17 ALSO ATTENDING: (None.)

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1 (It is hereby stipulated and agreed by
2 and among counsel for the respective parties
3 that this deposition is being taken in
4 accordance with the South Carolina Rules of
5 Civil Procedure, and that the deponent does
6 waive reading and signing of this
7 deposition.)

8 - - -
9 LEOLA MICHELLA BURT, after having been
10 first duly sworn, was examined and testified
11 as follows:

12 - - -
13 EXAMINATION

14 BY MR. FIEDLER:

15 Q. Ms. Burt, we previously met off the record, but
16 for the record, can you please state your full
17 name?

18 A. Leola Michella Burt.

19 Q. And from what I gathered, you go by KoKo?

20 A. I do.

21 Q. And that's spelled, from your name tag, K-O-K-O?

22 A. Correct.

23 Q. I was using a C, so I apologize. Now I know. Is
24 it okay if I call you Ms. Burt or KoKo? What do
25 you prefer?

1 A. KoKo.

2 Q. Okay. KoKo, what is your current address?

3 A. [REDACTED].

4 Q. And is that in Greenville?

5 A. Uh-huh. 29611.

6 Q. And how long have you been at that address?

7 A. 13 years.

8 Q. Okay. Perfect. And I know this is rude to ask
9 young ladies, but I need to know. What is your
10 date of birth?

11 A. September 17th, 1983.

12 Q. Missed me by nine days. All right. And a couple
13 years. Much younger than I am.

14 And can I either get the last four digits of your
15 Social or your driver's license number? This
16 will be off the record, but I don't need your
17 full Social.

18 (Discussion held off the record.)

19 EXAMINATION RESUMED

20 BY MR. FIEDLER:

21 Q. Have you ever given your deposition before?

22 A. No.

23 Q. Okay. Perfect. Let me go over a couple of
24 ground rules.

25 A. Okay.

1 Q. As you can see, the court reporter is here taking
2 down everything we say, so it's important that we
3 answer with words rather than head nods and
4 shakes. I think previously you did say uh-huh or
5 uh-uh. Make sure that we are saying yes, no. If
6 you do say uh-uh or if you do give me a head
7 shake, I might say, KoKo, is that a yes or a no.
8 Please know I'm not trying to be rude. I'm just
9 trying to have a clear record because she's going
10 to eventually type everything out.
11 Also, to make her job easier and also to have a
12 clearer record, it's important that we not talk
13 over each other. I can almost bet you a dollar
14 it's going to happen because we're going to get
15 in a conversation. I'm really good at
16 interrupting and not listening to people, and I
17 just ask that you just let me finish my
18 questions, and I'll try my best to let you finish
19 your answers.
20 You understand that you're under oath today,
21 correct?
22 A. Correct.
23 Q. And you understand that while we are in an
24 informal setting, your testimony has the same
25 force and effect as if we were in front of a

1 judge and jury. Do you understand that?

2 A. Yes.

3 Q. If you don't understand one of my questions,
4 simply just say, Stefan, can you please ask me
5 that again or reiterate, and I'll try my best to
6 get the question out clearer. If you need to
7 take a break, let me know. If you need something
8 to drink. The bathrooms are right here to the
9 left. All that good stuff. I'm on your time,
10 not my time, so just let me know if you need to
11 take a break or if you need something to drink,
12 and we'll go get that for you.

13 Are you prepared to answer my questions today?

14 A. Yes.

15 Q. Is there any reason you won't be able to give me
16 full, complete, and truthful answers to my
17 questions today?

18 A. No.

19 Q. Are you currently taking any medications or
20 suffering from any illnesses that would prevent
21 you from understanding my questions or answering
22 them fully?

23 A. No.

24 Q. When did you first learn about this deposition?
25 And when I ask you this next set of questions, I

1 don't want to know anything you talked about with
2 Mr. Buckner or his office. I just want to know a
3 little detail of when you first learned about
4 this deposition.

5 A. Let me think.

6 Q. And exact --

7 A. October.

8 Q. October. Okay. I was going to say exact date is
9 not necessary. So I'm assuming defense counsel's
10 office reached out to you, or did you receive
11 something in the mail?

12 A. Office reached out to me.

13 Q. Okay. Perfect. Other than talking to defense
14 counsel or his office, what did you do to prepare
15 for today's deposition? Did you review any
16 documents?

17 A. Nothing.

18 Q. You didn't review any documents?

19 A. Yes.

20 Q. Okay. What did you review?

21 A. I reviewed the admission packet.

22 Q. Okay. And in the admission packet, was -- is
23 this something about the same thing you
24 reviewed --

25 A. Yes.

1 Q. -- the Admission Agreement?

2 A. Uh-huh.

3 Q. And you say, admission packet. Is there any

4 other documents that were in the Admission

5 Agreement? Would it have been the Arbitration

6 Agreement?

7 A. The entire -- yeah. The entire admission packet.

8 Q. Okay. I'll get to this here in a little bit.

9 Anything else besides the admission packet, so to

10 speak?

11 A. A deposition packet.

12 Q. Okay. And what depositions were those?

13 A. James Boyd.

14 Q. Okay. And who else?

15 A. Wilda.

16 Q. All right. Anything else besides the admission

17 packet and then the depositions of James and

18 Wilda Boyd?

19 A. No.

20 Q. Perfect. Other than defense counsel and/or his

21 office, did you have any communications with

22 anyone about today's deposition?

23 A. My administrator.

24 Q. Okay. And I'm assuming you just told your

25 administrator, hey --

1 A. Yes.

2 Q. -- I need to go to this deposition today?

3 A. Yes.

4 Q. Did you have any other conversations with the
5 administrator other than, I won't be at work this
6 morning?

7 A. No.

8 Q. Okay. The next set of questions, I'm going to go
9 quickly through those. I just need to know a
10 little bit of background on you. Please know I'm
11 not trying to get into your personal business.
12 Just in case we do get to a jury trial, I just
13 want to know exactly who you know because
14 obviously, I don't want to put some of your
15 friends on there and loved ones.

16 Where are you from originally?

17 A. Greenville.

18 Q. Are you married?

19 A. Yes.

20 Q. What is your spouse's name?

21 A. Joseph Burt.

22 Q. Do you have any children over the age of 18?

23 A. No.

24 Q. Perfect. So I'm assuming you've lived your whole
25 life in Greenville?

- 1 A. Yes.
- 2 Q. Do you attend church?
- 3 A. Yes.
- 4 Q. Where do you attend church at?
- 5 A. New Poplar Springs.
- 6 Q. Is New Poplar two words?
- 7 A. It is.
- 8 Q. And what's the -- is it Baptist?
- 9 A. Baptist, uh-huh.
- 10 Q. Perfect. And real quick, I see your last name is
- 11 Burt. What about relatives in Greenville County?
- 12 Any -- what was your maiden name, for instance?
- 13 A. Kirksey.
- 14 Q. How do you spell that?
- 15 A. K-I-R-K-S-E-Y.
- 16 Q. Other than Burt and Kirksey, any other last names
- 17 for relatives that stand out? Sometimes
- 18 attorneys will literally ask you first name and
- 19 last name. I'm just kind -- a general last name.
- 20 A. My mother's maiden name was Gordon.
- 21 Q. Okay. Perfect. Do you have any siblings?
- 22 A. Yes.
- 23 Q. Are all of their last names Burt, did some of the
- 24 sisters get married?
- 25 A. No.

1 Q. Okay. So what are their last names?
2 A. Wright.
3 Q. What's --
4 A. W-R-I-G-H-T. Uh-huh. The other is Andrews,
5 A-N-D-R-E-W-S.
6 Q. Okay. So Burt, Wright, Andrews, and then your
7 maiden name. Anything else that stands out for
8 relatives in the Greenville County area?
9 A. No.
10 Q. Another rude question I shouldn't ask, but I have
11 to. Have you ever been convicted or pled guilty
12 to a crime other than a minor traffic violation?
13 A. Yes.
14 Q. And what was that crime?
15 A. Disorderly conduct.
16 Q. Okay. And were you found guilty? Did you plead?
17 What was the outcome?
18 A. I paid a fine.
19 Q. Anything else?
20 A. No.
21 Q. And have you ever been part of a civil lawsuit,
22 whether the named party or nonparty?
23 A. No.
24 Q. Perfect. So what is your role at Magnolia Place?
25 Can you please describe that role?

- 1 A. I'm director of admissions.
- 2 Q. Okay. And what do you do as director of
3 admissions?
- 4 A. I'm the initial contact for the hospitals.
- 5 Q. And what do you mean, initial contact?
- 6 A. I receive all of the referrals.
- 7 Q. So a hospital says, hey, we have a potential
8 resident we would like to refer to your facility?
- 9 A. Uh-huh.
- 10 Q. Do you take the intake from there, or how does
11 that work?
- 12 A. Yes. It comes across the computer from several
13 different sites, and I review the referrals, and
14 if we can accommodate, then I offer a bid. If
15 the patient accepts, then they get back with me
16 and let me know they accept, and then we proceed
17 with the admission.
- 18 Q. Okay. And what do you mean you offer a bid? Is
19 it a price bid, or is it this is what we can
20 provide at this rate for this particular person?
- 21 A. No. Generally, it's Medicare, Medicaid.
- 22 Q. Right. What percentage of the residents are on
23 either Medicare or Medicaid?
- 24 MR. BUCKNER: Stefan, I don't want to object or
25 interject, but when I took your folks'

1 deposition, we had an agreement that it would be
2 limited. In fact, it was your proposal to the
3 subjects that Judge Gravely authorized us to go
4 into regarding the agency.

5 MR. FEIDLER: I agree.

6 MR. BUCKNER: And I'm fine with you asking her
7 background stuff, stuff about credibility, but
8 now we're getting into populations, payor source,
9 and I think we're getting a little bit beyond the
10 scope. I'm not particularly sensitive if you
11 want to finish this out. I just want to make
12 sure that we're not taking discovery now that's
13 going to aid the case rather than the arbitration
14 issue, because I agreed to the same with your
15 folks.

16 MR. FEIDLER: Right. I'm going to get to what she does
17 at the facility as her role. Is that okay?

18 MR. BUCKNER: Yes. I don't have a problem with that.
19 I'm just -- I'm talking about if we're talking
20 about all the patients and what the majority is,
21 that's a little outside of the order is all I'm
22 suggesting.

23 MR. FEIDLER: That was an automatic question. That
24 just came out. I -- and I agree with you.

25 EXAMINATION RESUMED

1 BY MR. FEIDLER:

2 Q. So you do an intake. What's the next step?

3 A. I wait to -- and if -- to see if they accept the
4 bid. Once they accept the bid, then I start the
5 process to make the communication with my
6 facility that we are going to accommodate this
7 person. Depending on what stage they are, what
8 things are going on, whether they need
9 assistance, I coordinate all of those pieces with
10 the case managers, get those pieces set up ahead
11 of time, and then we proceed from there.

12 Q. So you receive a request from the hospital, and
13 then you reach out to the case manager at the
14 hospital or at your place?

15 A. Case manager at the hospital. I'm communicating
16 with the case manager the entire time.

17 Q. Perfect. When's the first time you make contact
18 with the person that's going to be admitted into
19 Magnolia Place?

20 A. Once they admit.

21 Q. Okay. Perfect. And so they're brought in,
22 whether by ambulance or however they're brought
23 in to the facility. Can you kind of explain that
24 procedure? Do you immediately say, all right,
25 this person is here, let me go talk to them right

1 away?

2 A. Yes.

3 Q. Perfect. Can you explain that admissions process
4 to me?

5 A. It varies from person to person.

6 Q. Okay. Let's -- for purposes of this, let's
7 assume under James Boyd's circumstances.

8 A. Okay.

9 Q. I'm just going to say assuming he was competent
10 when he was admitted, and I guess we can go from
11 there. So how would you admit somebody such as
12 James Boyd?

13 A. I go in, and I introduce myself, welcome them to
14 the facility.

15 Q. Okay. Anything else?

16 A. We talk about admissions paperwork. I give them
17 time to get settled off the stretcher, and then I
18 come back with my spiel.

19 Q. With your spiel. All right. And does your spiel
20 include filling out the admission paperwork?

21 A. Yes.

22 Q. Okay. And so I'm assuming that's -- what did you
23 do for James Boyd's particular case?

24 A. I went in to introduce myself, welcome him to the
25 facility, go over with him that his mom had

- 1 started his admission process. She signed the
2 initial admission paperwork.
- 3 Q. Okay. And when did she sign that initial
4 paperwork? Do you recall the date?
- 5 A. Day of admission.
- 6 Q. Okay. I have date of admission on June 3rd,
7 2016. Is that correct?
- 8 A. Correct.
- 9 Q. And so she started the admission paperwork before
10 he was even admitted into the facility?
- 11 A. Yes.
- 12 Q. Okay. And why did -- how did she start it before
13 he was even admitted? Did you reach out to her?
- 14 A. Well, reached out to the case manager when we
15 were coordinating the admission to see who would
16 assist him.
- 17 Q. So the case manager said here's, I guess, Wilda
18 Boyd's contact information? How did that work?
- 19 A. The case manager said she would get back to me,
20 and she put Wilda Boyd in touch with me.
- 21 Q. Okay. And then what happened next?
- 22 A. The case manager called back and informed me that
23 it would be his mom.
- 24 Q. Okay. It would be his mom what?
- 25 A. Assisting with his admission paperwork.

- 1 Q. Okay. And then what happened next?
- 2 A. I spoke with the mom. She informed me that she
3 couldn't come to do the paperwork, that I would
4 have to fax it to her.
- 5 Q. Okay. Did you fax it to her?
- 6 A. I did. I faxed it to her, and she called me back
7 and told me that she had it. I told her just
8 review it, read over it, sign it, and send it
9 back.
- 10 Q. Perfect. Had you talked to Mr. Boyd prior to
11 faxing this paperwork?
- 12 A. No. He was not there yet.
- 13 Q. What was the case manager's name?
- 14 A. Peggy.
- 15 Q. What is Peggy's last name?
- 16 A. Fields.
- 17 Q. Field, like --
- 18 A. Uh-huh.
- 19 Q. -- Stream and Field?
- 20 A. Uh-huh.
- 21 Q. That's the only example I could think of. It's a
22 popular magazine, for me, at least. So you faxed
23 that paperwork to her, correct?
- 24 A. Yes.
- 25 Q. Do you recall if it was at a business, at a house

- 1 fax number, or --
- 2 A. She had to pay for it because when it came time
3 to fax it back, she called me and said she
4 couldn't afford to send it all back.
- 5 Q. So maybe it was, like, a -- I don't know -- one
6 of those services you use. Okay. So anyway, you
7 faxed the paperwork, and then she said she's
8 going to fax it back, but she has to pay for it;
9 is that correct?
- 10 A. Correct. She said she could not afford to fax it
11 all back.
- 12 Q. Okay. Did she end up faxing it all back?
- 13 A. No. I informed her that it was okay, that she
14 was going to receive a copy of the Admission
15 Agreement anyway, so she didn't have to send
16 those pages back.
- 17 Q. What did you send her via fax exactly?
- 18 A. The Admission Agreement. I sent her Consent to
19 Treats, two Consent to Treats, and the
20 Arbitration Agreement.
- 21 Q. And what did she sign and return via fax?
- 22 A. The Admission Agreement, Consent to Treat, and
23 the Arbitration Agreement.
- 24 Q. And when you received these, the Admission
25 Agreement, Consent to Treat, and the Arbitration

1 Agreement via return fax, had you talked to James
2 Boyd at that point?

3 A. No.

4 Q. Okay. And I believe -- let me just go ahead and
5 show y'all this.

6 MR. FIEDLER: I'm just going to hand you everything I
7 might turn in, that way I'm not going through.

8 MR. BUCKNER: He'll give you a copy. Oh, okay. Do you
9 have a copy for her, too?

10 MR. FIEDLER: I do.

11 MR. BUCKNER: Okay.

12 MR. FIEDLER: I just wanted to get you out of the way
13 so I don't -- I'm not very good at being
14 organized. We can go off the record for a
15 second.

16 (Plaintiff's Exhibit Number 1 was marked for
17 identification.)

18 EXAMINATION RESUMED

19 BY MR. FIEDLER:

20 Q. KoKo, I'm going to hand you what I have stapled
21 together and I believe is the Admission
22 Agreement, Consent to Treat, and the Arbitration
23 Agreement. Please review this and make sure this
24 is everything that I'm presenting on record that
25 I'm giving to you, and also, please verify --

1 what I'm trying to do is assume this is
2 everything that she faxed back to you, but
3 basically just look over that and make sure
4 that's everything.

5 A. Too many pages.

6 Q. Too many pages?

7 A. Uh-huh.

8 Q. Okay. And why?

9 A. She could not afford to fax it all back to me.
10 She did not fax all of this back to me.

11 Q. Okay. But sitting here today, do you know what
12 she faxed and what she did not fax?

13 A. This.

14 Q. So this bundle she did not fax?

15 A. No. No. This bundle she did not. These she
16 did.

17 MR. BUCKNER: Why don't we identify what this bundle is
18 for the record? That's going to be pretty
19 confusing.

20 MR. FIEDLER: Yes. Absolutely.

21 EXAMINATION RESUMED

22 BY MR. FIEDLER:

23 Q. This bundle is identified as page 23 of 23, the
24 Acknowledgement; is that correct, KoKo?

25 A. Correct.

- 1 Q. It is also page 2 of 5. Do you know what that
2 page 2 of 5 is?
- 3 A. Yes. It goes along with -- yes. Authorizations.
- 4 Q. So the first -- 1 of 5, Authorization, Consents,
5 and Acknowledgments was sent via fax?
- 6 A. Yes.
- 7 Q. But not the second page?
- 8 A. It was all sent. She could not afford to fax it
9 all back.
- 10 Q. It was all sent. How?
- 11 A. I faxed it to her, but she could not afford to
12 fax me all the pages back.
- 13 Q. Right. So what she could not or what she did not
14 fax back was the Acknowledgment, correct?
- 15 A. Correct.
- 16 Q. Page 2 of 5?
- 17 A. May I have the packet, please?
- 18 Q. Yes. Absolutely.
- 19 A. Thank you.
- 20 Q. I'm not trying to trick you. I just want to have
21 a good record.
- 22 A. The Admission Agreement, Consent to Treat -- the
23 Acknowledgment form shouldn't be in there.
- 24 Q. It shouldn't be in the middle like that?
- 25 A. It shouldn't be with this at all. It never got

1 sent to her.

2 MR. FIEDLER: I'm going to take the Acknowledgment out
3 of this Exhibit 1.

4 MR. BUCKNER: Has this already been marked?

5 MR. FIEDLER: Yes. Do you have any preference how else
6 we should do this.

7 MR. BUCKNER: I was just thinking this is going to be
8 tough to understand when we go back.

9 (Discussion held off the record.)

10 EXAMINATION RESUMED

11 BY MR. FIEDLER:

12 Q. All right. Let's just go through it.

13 A. Okay.

14 Q. So we have the Admission Agreement; is that
15 correct?

16 A. Yes.

17 Q. And that was sent back via fax, correct?

18 A. She kept this. She faxed this back.

19 Q. And you said, she faxed this back. What is this?

20 A. She faxed back the signature page for the
21 Admission Agreement. She faxed back the Consent
22 to Treat.

23 Q. The entire consent to re-treat package?

24 A. The faxed back Consent to Treat form number one,
25 and Consent to Treat form number two, and the

1 Arbitration Agreement is what she faxed back.

2 Q. Okay. Perfect. So we'll still keep that as
3 Plaintiff's Exhibit 1.

4 A. Do you want to take this out?

5 Q. No. We're going to keep it in there. And so did
6 you explain the Admission Agreement to her via
7 phone?

8 A. No.

9 Q. Okay. Just faxed it to her?

10 A. Yes.

11 Q. What did you tell her? Did you give her any
12 instruction?

13 A. Yes. I told her to read over it, sign it, and
14 call me with questions.

15 Q. Perfect. Had you talked to James Boyd, again,
16 prior to receiving the return faxes?

17 A. No.

18 Q. Okay. Did she have any questions for you?

19 A. No.

20 Q. Okay. And then the Consent to Release, again,
21 she faxed that back. Looking at the Consent to
22 Release, who put these little Xs there where the
23 initials are?

24 A. I don't know.

25 Q. Okay. So you don't know who put the Xs where the

1 signature of patient is on the first page?

2 A. No.

3 Q. Okay. And so that's something that we just don't
4 know who would've put those Xs there?

5 A. No.

6 Q. Okay. Would you not have done that to mark where
7 she needs to initial and sign before faxing?

8 A. No.

9 Q. Okay. Looking at the admission paperwork --
10 Admission Agreement -- excuse me -- page 12 of
11 12, who would've marked an X there on page 12 of
12 12 where it says signature of resident?

13 A. I don't know.

14 Q. Okay. And so we don't know who marked those Xs,
15 but we do -- we're assuming Wilda did sign on
16 page 12 of 12 or the Admission Agreement,
17 correct?

18 A. Yes.

19 MR. BUCKNER: Object to the form.

20 EXAMINATION RESUMED

21 BY MR. FIEDLER:

22 Q. And same thing with the -- this -- oh, this is
23 the Consent to Treat, assuming that WAB is Wilda
24 Boyd's initials, correct?

25 A. Yes.

1 Q. Okay. Now, the Acknowledgement, can we look at
2 the acknowledgment in there? Did she tell you
3 why to fax it to her? Did she say she couldn't
4 come up to there to fill out the paperwork, or
5 what --

6 A. She did. She said that she was going to be out
7 of town and she couldn't come right away.

8 Q. Okay. So when was this Acknowledgment completed?

9 A. Once she -- once she came.

10 Q. Okay. And so she signed, obviously, I think this
11 is July 7th, 2016; is that correct?

12 A. Yes.

13 Q. And you were present for this?

14 A. Yes.

15 Q. And that's your signature and your printed name
16 on the bottom?

17 A. Yes.

18 Q. By the time that Ms. Wilda Boyd signed the
19 Acknowledgement, had you spoken to Mr. Boyd?

20 A. Yes.

21 Q. What did you talk to Mr. Body about?

22 A. I talked to him -- I welcomed him to the
23 facility. I spoke with him about what I had sent
24 his mom and told him that she had started the
25 admissions process and that I sent her the

1 Admission Agreement, and the Consent to Treats,
2 and the Arbitration Agreement, and I told him we
3 still have a lot more to complete.

4 Q. Okay. And when did you have that conversation
5 with him?

6 A. The day of admission.

7 Q. And what day was that?

8 A. June 30th.

9 Q. You previously testified, though, that you had
10 not talked to Mr. Boyd when you received the
11 return fax?

12 A. Yes.

13 Q. Okay. So did you talk to him before the fax or
14 after the fax?

15 A. After.

16 Q. Okay. And that includes after receiving the
17 signed arbitration agreement back, too, correct?

18 A. Yes.

19 Q. Okay. And this -- I know I put it in the middle
20 of the Consent -- where was it? What is this
21 page that I'm looking at?

22 A. It's Consents -- Authorizations, Consents, and
23 Acknowledgments.

24 Q. Okay. So this is 1 of 5 pages?

25 A. Yes.

- 1 Q. And where page two should be is actually the
2 Acknowledgement, which is page 23 of 23?
- 3 A. This shouldn't be there.
- 4 Q. Right. Well, that's what I'm saying. So then
5 page 2, 3, 4, 5 follows -- let me make sure it
6 follows from there as well.
- 7 A. 3, 4, 5. Yes.
- 8 Q. And so that was signed on the -- what date was
9 that signed on?
- 10 A. The 7th.
- 11 Q. Okay. And so did you explain the Consent to
12 Release to Ms. Boyd?
- 13 A. No. I had her to read it.
- 14 Q. Okay. And what about the Arbitration Agreement?
- 15 A. No.
- 16 Q. Did you explain the Admission Agreement to Mr.
17 Boyd?
- 18 A. No.
- 19 Q. What about the Consent to Release? Did you
20 explain that to Mr. Boyd?
- 21 A. No.
- 22 Q. What about the Arbitration Agreement? Did you
23 explain that to Mr. Boyd?
- 24 A. No.
- 25 Q. Did you believe Mr. Boyd was competent to make

1 his own decisions upon admission?

2 A. Yes.

3 Q. Okay. What do you think -- what do you think
4 about Mr. Boyd? Was he ever rude to you? Was he
5 a nice gentleman? Do you have any opinion on
6 him?

7 A. No. He was a nice gentleman.

8 Q. Okay. Do you -- during your job as the director
9 of admissions, do you, at times, explain this
10 paperwork to residents at the facility?

11 A. Yes.

12 Q. Okay. Can you briefly tell me exactly what you
13 say when you describe the Arbitration Agreement
14 to those folks?

15 A. I read it to them.

16 Q. Okay. So verbatim, you read it to them?

17 A. Yes.

18 Q. And if they have any questions, you obviously try
19 your best to answer those?

20 A. Yes.

21 Q. Has there ever been a scenario where you couldn't
22 answer one of their questions?

23 A. No.

24 Q. Okay. And so other than read it verbatim, do you
25 present any other explanation of what this

1 agreement is to residents coming in?

2 A. No.

3 Q. Okay. Looking at the Arbitration Agreement -- I
4 don't mean to reach over you, Ms. Koko. Let's
5 flip over it. Do you see that X right there? Do
6 we know who put that X there?

7 A. No.

8 Q. And then we see Wilda Ann Boyd's name; is that
9 correct?

10 A. Yes.

11 Q. And who dated it on her signature line? Was that
12 your signature, or was that her date?

13 A. Her date.

14 Q. Okay. If a person is incompetent to sign the
15 admission paperwork, what do you do as the
16 director of admission? If a person is just not,
17 I guess, able to sign their own Arbitration
18 Agreement, what do you do at that point? Do you
19 try to reach out to a family member?

20 A. Yes.

21 Q. Okay. And is that about the extent of it? You
22 just try to find a legal representative, or can
23 you explain that process?

24 A. No. I go through the case manager to see who is
25 going to assist with that prior to the admission

1 to the facility.

2 Q. Okay. So that would have been -- well, it's
3 probably not always going to be Ms. Peggy,
4 because it depends on what facility they're
5 coming from?

6 A. Correct.

7 Q. Is Ms. Peggy -- where is she the case manager?
8 Is she the case manager at --

9 A. Palmetto Baptist.

10 Q. Is there any other case managers up there? I'm
11 assuming there is.

12 A. I'm sure.

13 Q. Okay. Do you ever deal with anybody besides Ms.
14 Peggy?

15 A. She's the only one that I've dealt with.

16 Q. Perfect. And so knowing Mr. Boyd was competent,
17 why did he not sign the admission paperwork?

18 A. I reached out to the case manager prior to him
19 coming because of his condition and asked her who
20 would assist him with his admission paperwork,
21 and she told me she'd get back with me, and she
22 did, and then the mom made contact with me.

23 Q. Perfect.

24 A. After admission, Mr. Boyd -- not with Ms. Fields
25 anymore, with me, I went in to see him for myself

1 about the paperwork.

2 MR. FIEDLER: Okay. I'm sorry. We can go off the
3 record for a second.

4 (Recess taken.)

5 MR. FIEDLER: I don't have any more questions for you.
6 Please answer any questions Mr. Buckner may have
7 for you.

8 EXAMINATION

9 BY MR. BUCKNER:

10 Q. Ms. Burt, in responding to a couple of
11 plaintiff's counsel's questions about
12 conversations with Ms. Fields at Palmetto
13 Baptist, you had indicated that you spoke with
14 Ms. Fields on a couple of occasions; is that
15 correct?

16 A. Yes.

17 Q. Okay. And that one of those conversations or
18 phone calls was a phone call that you initiated
19 to her inquiring about who should handle James
20 Boyd's admissions paperwork, correct?

21 A. Yes.

22 Q. And you testified that Ms. Fields got back to you
23 and indicated that Wilda Boyd would be the person
24 who would be handling it; is that correct?

25 A. Yes.

- 1 Q. All right. Do you know why you were informed
2 that Wilda Boyd would be the person who would be
3 doing it?
- 4 A. She had to check with James.
- 5 Q. Okay. And when you say she, you mean Ms. Fields
6 had to check with James?
- 7 A. Yes.
- 8 Q. Okay. And is it your understanding that Mr. Boyd
9 directed Ms. Fields to his mother for admissions
10 paperwork to Magnolia Place?
- 11 A. Yes.
- 12 Q. Okay. And did Ms. Fields tell you that?
- 13 A. Yes.
- 14 Q. All right. Ms. Fields told you that James Boyd
15 indicated that Wilda Boyd, his mother, would be
16 the appropriate person to handle the admissions
17 paperwork?
- 18 A. Yes.
- 19 Q. When Mr. Boyd -- and that conversation occurred
20 while he was at Palmetto Baptist prior to June
21 30th, 2016?
- 22 A. Correct.
- 23 Q. And Mr. Boyd then comes to Magnolia Place, I
24 believe, on by June 30th, 2016?
- 25 A. Yes.

1 Q. And at that point, you meet him in person for the
2 first time?

3 A. Yes.

4 Q. Okay. And during that conversation, I understood
5 your testimony that you informed him that his
6 mother had already signed three separate
7 agreements on his behalf, including the
8 Arbitration Agreement, correct?

9 A. Yes.

10 Q. All right. At that time, on June 30th, 2016 when
11 you were with him in person, did he raise any
12 objection to her doing that?

13 A. No. He told me that she would finish the rest of
14 it.

15 Q. Okay. And during that conversation on June 30th,
16 2016 in person at Magnolia Place, did you
17 actually have an opportunity to call Ms. Boyd in
18 James' presence?

19 A. He did. I had to dial the number and hold the
20 telephone for him.

21 Q. Okay. And what did you discuss with Ms. Boyd?

22 A. She was going somewhere. James said that she
23 would complete all of his paperwork, so I needed
24 to schedule a time that she was going to complete
25 all of it.

1 Q. Okay. And during the time period that you're
2 speaking with Ms. Boyd in James' presence on June
3 30th, 2016, did Mr. Boyd ever interject or say,
4 stop doing this, or anything of that nature?

5 A. No.

6 Q. Okay. As far as you know, Mr. Boyd had full and
7 complete knowledge that his mother was handling
8 his admissions paperwork, including the
9 Arbitration Agreement?

10 A. Yes.

11 Q. And I understood your testimony earlier that you
12 even specifically informed him that an
13 Arbitration Agreement had been signed by Wilda
14 Boyd; is that correct?

15 A. Yes.

16 Q. Do you know what date, approximately, that Wilda
17 Boyd came to Magnolia place in person to complete
18 the rest of the paperwork?

19 A. It was July 7th.

20 Q. Okay. On July 7, 2016, was anyone else present
21 with Wilda Boyd?

22 A. It was Wilda, another woman, which was his
23 sister, and then there was a man.

24 Q. Okay. Do you remember his sister's name?

25 A. No.

- 1 Q. And the man was a relative insofar as you knew?
- 2 A. Yes.
- 3 Q. All right. The mother, Wilda Boyd, completed the
- 4 remaining admissions paperwork that day that
- 5 you're referencing?
- 6 A. Yes.
- 7 Q. Okay. And tell me after the admissions
- 8 paperwork, the remaining admissions paperwork,
- 9 was completed, is a file created for James Boyd?
- 10 A. Yes.
- 11 Q. Okay. And what does that file include? And you
- 12 can be comprehensive in telling me.
- 13 A. It includes the admissions handbook, the
- 14 resident's rights, channel guide, facility abuse
- 15 policies, and all of the signed admissions
- 16 paperwork.
- 17 Q. All right. And the signed admissions paperwork
- 18 includes the Arbitration Agreement?
- 19 A. Yes.
- 20 Q. Does it include the Admission Agreement?
- 21 A. Yes.
- 22 Q. And where -- what do you do with that -- the
- 23 admissions file folder I'll call it for lack of a
- 24 better term?
- 25 A. I give it to the resident.

1 Q. Okay. And in this case, that would be James
2 Boyd?

3 A. Yes.

4 Q. So James Boyd was provided with a written copy of
5 all of the agreements that his mother entered
6 into on his behalf?

7 A. Yes.

8 Q. Okay. And you personally provided him with that
9 file folder?

10 A. Yes.

11 Q. Okay. And when you personally provided that file
12 folder to him, did he, on that day or any day
13 thereafter, voice any objection to his mother's
14 signing these contracts on this behalf?

15 A. No.

16 Q. Okay. And as far as you know, Mr. Boyd had full
17 and complete knowledge of all of these agreements
18 and his mother's activity in entering them,
19 correct?

20 A. Yes.

21 Q. How many times did you see, approximately, James
22 Boyd after that? And when I say, after that, I
23 mean whatever date that you provided the
24 admissions file folder to him.

25 A. I provided it to him on July 7th, the day of

1 completion.

2 Q. And that would not have been the last day that
3 you saw him?

4 A. No.

5 Q. All right. And you were certainly available by
6 phone?

7 A. Yes.

8 Q. How was it that Mr. Boyd, on June 30th, 2016,
9 made you aware that he wanted his mother to
10 handle the admissions paperwork?

11 A. When I went in to tell him about the paperwork
12 and still having to complete more, he told me
13 that his mother handles all of that.

14 Q. Okay. Do you have any doubt -- and I want you to
15 remember in answering this question that you're
16 under oath --

17 A. Okay.

18 Q. -- and obligated to give full and complete truths
19 to my questions. Do you understand that?

20 A. Yes.

21 Q. Do you have any doubt that James Boyd authorized
22 his mother to enter into all of the admissions
23 paperwork, including the Arbitration Agreement,
24 in this case?

25 A. No.

1 MR. BUCKNER: I don't think I have any other questions.

2 (Deposition concluded at 10:44 a.m.)

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CERTIFICATE

I, the undersigned, Kaylyn K. Brantner,
Notary Public in and for the State of South
Carolina, do hereby certify that the deposition
of LEOLA MICHELLA BURT was taken on the 20th day
of November, 2018, that the within deponent was
sworn to tell the truth, and that the foregoing
is an accurate transcription of the testimony
taken under oath; that all exhibits entered
herein are attached hereto (if requested by
counsel) and made a part of this deposition.

I further certify that I am neither counsel
nor solicitor to any of the parties in said suit,
nor interested in the event of the cause.

In witness whereof, I have hereunto set my
hand and seal this 5th day of December, 2018.

Kaylyn K. Brantner

Notary Public for South Carolina

My Commission Expires: 4/12/20

1 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
2 COUNTY OF GREENVILLE THIRTEENTH JUDICIAL CIRCUIT
3 CASE NO.: 2018-CP-23-01934
4
5 JAMES BOYD, JR.,)
6 PLAINTIFF,)
7 v.)
8 THI OF SOUTH CAROLINA, LLC,) DEPOSITION TRANSCRIPT
9 D/B/A/ MAGNOLIA PLACE) PEGGY FIELDS
10 GREENVILLE; HUNT VALLEY)
11 HOLDINGS, LLC, THI OF)
12 BALTIMORE, INC; FUNDAMENTAL) MAY 7, 2018
13 CLINICAL AND OPERATIONAL)
14 SERVICES, LLC; FUNDAMENTAL)
15 ADMINISTRATIVE SERVICES, LLC;)
16 FUNDAMENTAL CLINICAL)
17 CONSULTING, LLC; LEONARD)
18 GRUNSTEIN BOTH INDIVIDUALLY)
19 AND AS OWNER/OPERATOR OF)
20 MAGNOLIA PLACE; AND RUSTY)
21 FLATHMANN BOTH INDIVIDUALLY)
22 AND AS EMPLOYEE/MANAGER OF)
23 MAGNOLIA PLACE,)
24 _____ DEFENDANTS.)
25

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DEPOSITION ON THE ORAL EXAMINATION OF PEGGY
FIELDS, REPORTED BY KRISTA GIBSON, COURT REPORTER AND
NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA;
SAID DEPOSITION TAKEN PURSUANT TO NOTICE AND IN
ACCORDANCE WITH THE SOUTH CAROLINA RULES OF CIVIL
PROCEDURE AT THE ANASTOPOULO LAW FIRM, 1201 MAIN STREET,
SUITE 1100, COLUMBIA, SOUTH CAROLINA ON TUESDAY, THE 7TH
DAY OF MAY, 2019; SCHEDULED FOR 10:00 A.M. AND COMMENCING
AT 10:14 A.M.

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

2

3 REPRESENTING THE PLAINTIFF:

4

5 STEFAN FEIDLER, ESQUIRE

6 ANASTOPOULO LAW FIRM

7 1201 MAIN STREET, SUITE 1100

8 COLUMBIA, SOUTH CAROLINA 29201

9

10 REPRESENTING THE DEFENDANT:

11

12 PERRY M. BUCKNER, IV, ESQUIRE

13 YOUNG CLEMENT RIVERS, LLP

14 25 CALHOUN STREET, SUITE 400

15 CHARLESTON, SOUTH CAROLINA 29401

16

17 REPRESENTING THE WITNESS:

18

19 ELIZABETH BRADLEY, ESQUIRE

20 PRISMA HEALTH

21 1600 MANOR STREET

22 COLUMBIA, SOUTH CAROLINA 29201

23

24 ALSO PRESENT: NONE

25

1	C O N T E N T S	
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12	EXHIBITS:	IDENTIFIED AT PAGE:
13	PLAINTIFF'S EXHIBIT NO. 1	10
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15	<hr/>	
16	L E G E N D	
17	DASHES [--]	INDICATES INTERRUPTION; INCOMPLETE
18		PHRASES; UNFINISHED SENTENCES.
19	[sic]	WRITTEN AS SAID.
20	[ph]	WRITTEN PHONETICALLY.
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DEPOSITION OF PEGGY FIELDS

5

1 This deposition is taken in accordance with
2 the South Carolina Rules of Civil Procedure.

3 It is agreed and stipulated by the deponent
4 and respective counsel that the reading and signing of
5 the deposition by the deponent is expressly waived.

6 WHEREUPON:

7 PEGGY FIELDS, having been duly sworn and
8 cautioned to speak the truth, the whole truth and
9 nothing but the truth, testifies as follows:

10 DIRECT EXAMINATION

11 BY MR. FEIDLER:

12 Q. Will you please state your full name for the
13 record.

14 A. Peggy Sons, S-O-N-S, Fields.

15 Q. Ms. Fields, we briefly met off the record but for
16 the record my name is Stefan Feidler and I
17 represent the plaintiff, James Boyd, who has filed
18 a lawsuit against Magnolia Place Greenville.

19 Have you ever given your deposition before?

20 A. No.

21 Q. Let me go over a couple grounds rules that are, of
22 course, required of me to tell witnesses
23 regardless if you've been through a deposition or
24 not. As you can see, the court reporter is taking
25 down everything that we're saying today so it's

DEPOSITION OF PEGGY FIELDS

6

1 important that we answer with words rather than
2 head nods and shakes. It's bound to happen. I'm
3 doing it as I speak right now.

4 But, Ms. Fields, if you do give me a nod
5 instead of a verbal answer I may ask you, you
6 know, Ms. Fields, was that a yes or a no? Please
7 know that I'm not trying to be rude. I'm just
8 trying to make her job easier and I'm trying to
9 have a clear record. Okay?

10 A. (Nonverbal response)

11 Q. Also, to ensure that we have an accurate record
12 and to ensure that she has an easier job, it's
13 important that we not talk over each other. I am
14 very slow with my questioning at times. I may
15 pause and then continue my question, I just ask
16 that you do your best not to speak over me and on
17 the same token I'll do my best not to speak over
18 you when you are answering. Do you understand
19 that?

20 A. Yes.

21 Q. Do you understand that you're under oath today?

22 A. Yes.

23 Q. And do you understand that while we aren't in a
24 formal setting, your testimony has the same force
25 and effect as if we were in front of a judge and

DEPOSITION OF PEGGY FIELDS

1 jury?

2 A. (Nonverbal response)

3 Q. Do you understand that?

4 A. Yes.

5 Q. And if you don't understand one of my questions,

6 please just ask me to reiterate. If you need to

7 take a break, let me know. This is not a

8 marathon. I don't intend on having you in here

9 more than 15 or 20 minutes tops, but I want to be

10 respectful of your time so if you need to answer

11 the phone, use the restroom, stretch your legs,

12 you just say, Stephen, can we please take a time

13 out please. Okay?

14 A. (Nonverbal response)

15 Q. Are you prepared to answer my questions today?

16 A. Yes.

17 Q. And is there any reason you won't be able to give

18 me full, complete, and truthful answers to my

19 questions today?

20 A. No.

21 Q. Are you taking any medications or suffering from

22 any illnesses that would prevent you from

23 understanding my questions or answering them

24 fully?

25 A. No.

DEPOSITION OF PEGGY FIELDS

8

- 1 Q. Okay. And when did you first learn about this
2 deposition?
- 3 A. Since --
- 4 Q. And I don't need an --
- 5 A. -- maybe April.
- 6 Q. April. Okay. And how did you learn about this
7 deposition?
- 8 A. I received an email from Ms. Bradley.
- 9 Q. Okay. And what did you do to prepare for today's
10 deposition?
- 11 A. I reviewed the hospital record.
- 12 Q. You say you reviewed the hospital record. Is that
13 the hospital record of Mr. James Boyd?
- 14 A. Yes.
- 15 Q. And when you say that you reviewed the record, was
16 there any particular section or did you, kind of,
17 review the entire record?
- 18 A. My section that I'm involved with.
- 19 Q. Okay. What's your section?
- 20 A. I am the discharge planner.
- 21 Q. Okay. So what section would you have reviewed?
- 22 A. Basically my notes as the discharge planner. And
23 then we have a referral tool called Allscripts --
- 24 Q. Okay.
- 25 A. So I reviewed where -- what facilities referrals

DEPOSITION OF PEGGY FIELDS

1 were sent to.

2 Q. Okay. Did you speak to anybody about today's

3 deposition from Young Clement Rivers?

4 A. No.

5 Q. Okay. And so other than those documents you said,

6 a discharge plan and also your notes, did you

7 review anything else?

8 A. Just the discharge summary --

9 Q. Discharge summary.

10 A. -- of the physician.

11 Q. How many pages did that consist of?

12 A. Three.

13 Q. Three or four?

14 A. (Nonverbal response)

15 Q. Okay. And what was the purpose of reviewing those

16 documents?

17 A. Just to refresh my memory as far as what the

18 patient's diagnosis was.

19 Q. Okay. Any diagnosis stick out to you?

20 A. No.

21 Q. Okay. Do you remember Mr. Boyd?

22 A. A little.

23 Q. Okay. If you had to describe him today, how would

24 you describe him?

25 A. He was a black male, rather large.

DEPOSITION OF PEGGY FIELDS

10

1 Q. Large, black male. Okay. What do you mean by
2 large?

3 A. Like just muscular, big. Not obese or anything.

4 Q. Okay.

5 A. Just a big male.

6 Q. Okay. And other than counsel sitting next to you,
7 did you communicate with any other lawyers about
8 today's deposition?

9 A. No.

10 Q. Okay. What about the affidavit -- or the
11 declaration that you signed, is that something
12 that you drafted?

13 A. Yes.

14 Q. Okay. So you drafted -- I'm going to go ahead and
15 get this into the record as plaintiff's exhibit
16 one. I enter this into the record as Plaintiff's
17 Exhibit No. 1.

18 [PLAINTIFF'S EXHIBIT NO. 1; MARKED FOR IDENTIFICATION]

19 BY MR. FEIDLER: (Resuming)

20 Q. So Ms. Fields, did you draft this document?

21 A. Yes.

22 Q. Okay. So you drafted the caption as well?

23 A. No, not this.

24 Q. Okay.

25 A. I drafted the body, starting with No. 1.

DEPOSITION OF PEGGY FIELDS

11

1 Q. So you drafted, "I, Peggy Fields, respectfully" --

2 A. Yes.

3 Q. Okay. And what about No. 2? You drafted all of
4 that language or was that already sent to you?

5 MS. BRADLEY: Can we go off the record
6 for a second?

7 MR. FEIDLER: Yeah, absolutely. Let's
8 go off the record.

9 [OFF THE RECORD DISCUSSION]

10 MR. FEIDLER: All right. We're back on
11 the record.

12 BY MR. FEIDLER:

13 Q. Let's start with No. 3.

14 It says, "The information contained in this sworn
15 declaration is based on the review of certain
16 documents."

17 A. Yes.

18 Q. Again, what were those documents?

19 A. My notes in the medical record, which are under
20 Case Management, and Allscripts.

21 Q. Okay. What is Allscripts?

22 A. Allscripts is our referral tool that we use to
23 send out referrals to various facilities
24 throughout the state.

25 Q. Is that the only referral tool that Palmetto

DEPOSITION OF PEGGY FIELDS

12

1 Health would have used back in -- what was this,
2 2016?

3 A. Yes.

4 Q. Okay. This may seem like a silly question and
5 there may be more silly questions, but it's also
6 an obvious question that I need to ask.

7 How did you get access to these documents?

8 A. Which documents?

9 Q. The documents you reviewed for --

10 A. Oh, the medical record.

11 Q. Okay. What I'm asking is if there's a system --
12 is there a computer system? Is it --

13 A. Computer.

14 Q. -- hard files?

15 A. It's on the computer.

16 Q. Okay. Perfect. And why were you referring to
17 certain documents?

18 A. To refresh my memory regarding this case.

19 Q. Okay. And No. 4 of this declaration -- excuse me
20 -- says, "The patient was admitted to Palmetto
21 Health Richland in June of 2016."

22 Is that information you figured out from
23 reviewing --

24 A. From the medical records.

25 Q. Okay. And you're a case manager at Palmetto

DEPOSITION OF PEGGY FIELDS

13

1 Health Richland; is that correct?

2 A. That is correct.

3 Q. And currently you're a case manager at Palmetto
4 Health Richland?

5 A. Currently we're called Acute Care Coordination,
6 but -- case management.

7 Q. Back in 2016, though, you were a case manager at
8 Palmetto Health?

9 A. Yes.

10 Q. Perfect. Paragraph No. 5 says, "I spoke on
11 multiple occasions with Leola Burt, the Admissions
12 Coordinator at Magnolia Place of Greenville."

13 Multiple occasions, does that pertain to this
14 case only or does that pertain to -- as general
15 working practice?

16 A. Depending on the needs of the patient, the
17 location of the patient, is who -- are the
18 facilities we talk to. So in this case, Magnolia
19 Place was discussed with Mr. Boyd.

20 Q. Okay. And do you recall how many times you talked
21 to Mr. Boyd about his placement into Magnolia
22 Place?

23 A. I do not.

24 Q. Okay. Do you know how many times you talked to
25 Leola Burt about Mr. Boyd's placement into

DEPOSITION OF PEGGY FIELDS

14

1 Magnolia Place?

2 A. Not a specific number.

3 Q. Okay. It says -- again, Paragraph 5, reading the
4 last sentence.

5 "I provided her with certain information to
6 determine if Magnolia Place of Greenville could
7 accept the referral."

8 What does that mean? What certain
9 information?

10 A. That means, one, we have to refer -- we have to
11 notify the facilities of the funding source.

12 Q. Okay.

13 A. Two, the clinical information as far as therapy
14 notes and medical information as to whether they -
15 -- that facility, per say, can manage that
16 person's medical care at the time of transfer.

17 Q. Okay. Knowing Mr. Boyd's diagnosis at that time,
18 did you, as the case manager, find Magnolia Place
19 an appropriate referral for his conditions?

20 A. Yes.

21 Q. All right. Paragraph 6 says, "I do recall speaking
22 with Ms. Burt when she inquired as to who would be
23 responsible for handling admission paperwork for
24 the patient's admission to Magnolia Place of
25 Greenville. This is a common inquiry in my line

DEPOSITION OF PEGGY FIELDS

15

1 of work."

2 What were Ms. Burke's exact words to you as
3 it pertains to Mr. Boyd?

4 A. Now I do not remember that.

5 Q. Okay. Do you have any recollection of that
6 conversation?

7 A. No.

8 Q. Okay. So how do you know that she inquired into
9 who would be responsible for handling the
10 admission paperwork for patients?

11 A. Because that is a standard question of any acute
12 care or skilled nursing facility as to who the
13 responsible party will be in terms of paperwork.

14 Q. Okay. So sitting here today, do you recall
15 anything about the conversation with Ms. Burt as
16 it pertains to Mr. Boyd's placement into Magnolia
17 Place?

18 A. No.

19 Q. Okay. Now it says, Paragraph 7, "In response to
20 that inquiry by Ms. Burt, I personally asked
21 patient ho should be handling the admission
22 paperwork for Magnolia Place of Greenville.

23 It says, I personally asked patient. Who was
24 the patient?

25 A. Mr. Boyd.

DEPOSITION OF PEGGY FIELDS

16

1 Q. Okay. Do you know the exact words of that
2 conversation?

3 A. No.

4 Q. Okay. It says, "The patient specifically informed
5 me that the mother would handle all such
6 paperwork."

7 Do you specifically recall that conversation?

8 A. I remember his mother.

9 Q. You remember his mother but you don't remember a
10 conversation with him saying that she could do the
11 admission paperwork for him?

12 A. I remember talking to him but I do not remember
13 the specific wording of the conversation.

14 Q. Okay. So you don't recall a conversation with Ms.
15 Burt about Mr. Boyd's admission into --

16 A. I did --

17 Q. Go ahead.

18 A. I remember a conversation because that is typical
19 with any facility. Exact words, no.

20 Q. Okay. Did Mr. Boyd ever make a representation to
21 you that his mother could handle the admission
22 paperwork for Magnolia Place?

23 A. Yes.

24 Q. Okay. And what did he say?

25 A. Yes. Mother.

DEPOSITION OF PEGGY FIELDS

17

1 Q. He just said, yes, mother?

2 A. His mother.

3 Q. Okay. What did you ask him?

4 A. I asked him -- it is a requirement that a patient
5 be signed in prior to the arrival to a facility.

6 So in that case I asked him who would be that
7 person that would be signing paperwork on his
8 behalf.

9 Q. Okay. Did you ask if you would be that person
10 signing paperwork on his behalf?

11 A. They do not -- they have to have family members do
12 it prior to admission, so -- the majority of the
13 time patients are not able to complete that
14 paperwork.

15 Q. Okay. Why was he not able to complete that
16 paperwork?

17 A. One, he wasn't physically there with the facility.

18 Q. Okay.

19 A. Two, he had deficits in the upper extremities in
20 terms of signing.

21 Q. Okay.

22 A. It's just not standard.

23 Q. What about his mental capacity? Was he mentally
24 competent to sign paperwork?

25 A. Yes.

DEPOSITION OF PEGGY FIELDS

18

1 Q. Okay.

2 A. As I remember.

3 Q. So, physically, he was not at the Magnolia Place
4 signing paperwork, correct?

5 A. Uh-uh.

6 Q. Mentally, he was competent to sign paperwork.

7 A. To the best of my knowledge.

8 Q. Okay.

9 A. I don't declare competency.

10 Q. And you said his upper extremities. Do you recall
11 what was going on?

12 A. I recall that he had deficits related to his
13 activities the day we moved him --

14 Q. Okay.

15 A. -- and he was total care.

16 Q. Okay. And do you recall if he could sign a piece
17 of paper with either hand?

18 A. No.

19 Q. Okay. Was anybody present when you had this
20 conversation with Mr. Boyd about his mother
21 signing the admission paperwork?

22 A. I don't remember.

23 Q. Do you recall if you asked Mr. Boyd if his mother
24 or anyone else could sign the arbitration
25 agreement on his behalf?

DEPOSITION OF PEGGY FIELDS

19

1 A. I do not.

2 Q. Okay. Now Magnolia Place, before a patient is
3 admitted into their facility, that paperwork, as
4 far as you know, is required to be filled out
5 prior to admission?

6 A. As far as I know.

7 Q. Okay. In your line of work as a case manager for
8 Palmetto Health, have you ever -- or do you recall
9 a patient signing their own paperwork before
10 admission into Magnolia Manor?

11 A. Very rarely. Oh, and Magnolia Manor specifically,
12 no.

13 Q. Okay. Other than that one conversation with Mr.
14 Boyd where he stated Mom, paperwork, any other
15 conversations with him or the family as it
16 pertains to signing admission paperwork to
17 Magnolia Manor?

18 A. No.

19 Q. Okay. And what did you tell Mr. Burt after that
20 conversation with Mr. Boyd? Leola Burt.

21 A. As far as the mother would be the contact person
22 for him.

23 Q. Okay. Did you tell her that the mother would be
24 signing the admission paperwork on his behalf?

25 A. That is out of my scope. I tell them the contact

1 person and then the facility takes over.

2 Q. So how do you tell them the contact person? Is it
3 via email, phone call?

4 A. Sometimes it is via Allscripts. Sometimes it's
5 via phone.

6 Q. Okay. Do you recall which one it was in this
7 particular --

8 A. No.

9 Q. -- case?

10 A. No.

11 Q. Would you have documentation showing you that is
12 was via Allscripts?

13 A. There is documentation in Allscripts of the
14 referral process.

15 Q. Okay.

16 A. It probably happened by phone but I cannot 100
17 percent say that.

18 Q. When you all make phone calls such as this, do you
19 all record those phone calls?

20 A. No.

21 Q. Do you all make notes about those phone calls?

22 A. Yes.

23 Q. And where are those notes saved?

24 A. In the case -- in the medical record in the case
25 management section.

DEPOSITION OF PEGGY FIELDS

21

1 Q. And so your only conversation with Ms. Burt -- and
2 I don't want to put words in your mouth obviously
3 -- was A) Ms. Burt inquired as to who would be
4 responsible for the admission paperwork. Correct?

5 A. Yes.

6 Q. And then B) you either said his mother would be
7 handling it or --

8 A. Yes.

9 Q. Okay. Now did you say James Boyd's mother will be
10 handling admission paperwork or did you just say
11 this is who you need to contact?

12 A. I --

13 MR. BUCKNER: Object to the form.

14 Q. You can answer. He's going to object sometimes.
15 He's just preserving it for the record.

16 A. Okay.

17 Q. Well, I don't think he, technically, can tell you
18 not to answer but if he does do that we'll figure
19 it out between us, but you can answer.

20 A. Rephrase the question for me.

21 Q. Did you tell Ms. Burt that she would need to
22 contact James Boyd's mother?

23 A. Yes.

24 Q. Okay. Did you tell Ms. Burt that James Boyd's
25 mother would be responsible for the admission

1 paperwork?

2 A. We identified the mother as the responsible party.

3 Q. Okay. I gotcha. Did Ms. Burt ever ask you if Mr.
4 Boyd was competent?

5 A. Not to my knowledge.

6 Q. Okay. Did Ms. Burt ever ask you if Mr. Boyd was
7 unable to sign paperwork?

8 A. Not to my knowledge.

9 Q. Have you talked to Ms. Burt about this case or
10 about Mr. Boyd since around this June 2016 period?

11 A. No.

12 Q. Okay. Do you all still have a professional
13 working relationship to this day?

14 THE WITNESS: Think being on this --

15 MS. BRADLEY: I cannot answer any
16 questions.

17 BY MR. FEIDLER: (Resuming)

18 Q. It's all right.

19 A. My professional relationship with any facility is
20 based on funding to patient need. So I have not
21 recently had the need to refer anyone to Magnolia
22 Place because of the location of the facility.

23 He -- he fell under what we call Complex Care
24 Medicaid. We are limited by the facilities that
25 the state has approved to participate in that

1 program.

2 Q. Okay. Perfect. We used to have a case manager
3 that worked at our office and she was very, very
4 helpful to our clients and went over and beyond
5 her duties as a paralegal. So I really appreciate
6 what you do for a living and the help you
7 provided.

8 A. Oh, okay.

9 Q. Do you know who signed the paperwork for Mr. Boyd
10 when he was admitted into Palmetto Health
11 Richland?

12 A. I do not.

13 Q. Okay. Other than Mr. Boyd being, I guess, a big
14 man, was he respectful to you?

15 A. Yes.

16 Q. Okay. Did you have any issues with him or his
17 family?

18 A. No.

19 Q. Did you ever speak to anyone outside of Mr. Boyd?
20 His mother or sister, anybody like that?

21 A. No.

22 Q. Did you ever --

23 A. Well, we made referrals to other facilities that
24 we provided -- we gave Mr. Boyd -- or I gave Mr.
25 Boyd a choice of facilities so the information was

DEPOSITION OF PEGGY FIELDS

24

1 provided to those facilities so does that classify
2 as speaking to someone?

3 Q. Yeah, that's perfect. This is my only chance to
4 ask you every question under the sun, so --

5 A. No, no. That's fine.

6 Q. I just want to cover my bases.

7 A. We just usually have a procedure that we follow,
8 so --

9 Q. Okay. Did Ms. Burt ever forward you the admission
10 paperwork?

11 A. Not that I recall.

12 Q. Okay. And during this process, did you ever hear
13 anybody mention any arbitration agreement?

14 A. No.

15 MR. FEIDLER: We can go off the record
16 for a second. I'm going to just review
17 my notes.

18 [OFF THE RECORD DISCUSSION]

19 BY MR. FEIDLER: (Resuming)

20 Q. Let's go back on the record.

21 Paragraph 8 says, I relayed that information to
22 Ms. Burt and to the best of my knowledge the
23 patient was ultimately discharged to Magnolia
24 Place of Greenville.

25 Again, what information did you relay to Ms. Burt?

- 1 A. The above-stated information.
- 2 Q. Okay.
- 3 A. As far as paperwork, facility availability.
- 4 Q. So you just told --
- 5 A. I confirmed date of admission with Ms. Burt and
- 6 relayed that back to the family.
- 7 Q. Okay. And you don't recall if it was via phone or
- 8 via --
- 9 A. I'm sure it was phone.
- 10 Q. Okay. And you would have told Ms. Burt that she
- 11 needed to contact Mr. Boyd's mother?
- 12 A. Yes. She would be his responsible party.
- 13 Q. Okay. And did you tell Ms. Burt that Mr. Boyd
- 14 specifically told you that his mother would handle
- 15 the paperwork?
- 16 A. Yes.
- 17 Q. Do you recall if Ms. Burt asked any other
- 18 questions outside of that conversation?
- 19 A. In terms of responsible party or paperwork?
- 20 Q. Anything. Anything in that conversation.
- 21 A. Well, final dispositions. Any type of sub-acute
- 22 skilled nursing home, we have to provide the level
- 23 of care and in his position -- or condition, we
- 24 provided the complex care approval form --
- 25 Q. Okay.

- 1 A. -- and just the discharge summary, med rec.
- 2 Q. Has Ms. Burt ever forwarded you admission
- 3 paperwork for patients to sign prior to admission?
- 4 A. Not to my knowledge.
- 5 Q. Has any other facility ever forwarded you
- 6 admission paperwork?
- 7 A. They have and -- but I do not like it because that
- 8 is their paperwork and they need to be responsible
- 9 for it.
- 10 Q. Okay. Did you ever have a conversation with Ms.
- 11 Boyd, who is Mr. Boyd's mother, about her signing
- 12 the admission paperwork?
- 13 A. That was the -- yes, that she had been identified.
- 14 Q. But did you speak to her specifically about the
- 15 admission --
- 16 A. No.
- 17 Q. -- paperwork?
- 18 A. No. Other than that the facility would contact
- 19 her.
- 20 Q. Okay. Did you tell Mr. Boyd that his mother would
- 21 be filling out the admission paperwork for
- 22 Magnolia Place?
- 23 A. He identified her as the contact for Magnolia
- 24 Place.
- 25 Q. Okay. Do you -- did you tell him that his mother

1 would be signing the admission paperwork on his
2 behalf?

3 A. He identified her so that's where we left it.

4 Q. I understand that. So did you, after that, tell
5 Mr. Boyd --

6 A. No.

7 Q. Okay. And did you ask Mr. Boyd if he wanted to
8 fill out the admission paperwork to Magnolia
9 Manor?

10 A. No.

11 Q. And so your question, when asking him, was it who
12 will be filling out this admission paperwork?

13 A. He identified his mother as the contact for
14 Magnolia.

15 Q. Okay. So he identified her as the contact or as
16 the person filling out the admission paperwork?

17 MR. BUCKNER: Object to the form.

18 MS. BRADLEY: Object to the form.

19 A. The --

20 Q. You can answer.

21 A. The contact.

22 Q. Okay. But did he know --

23 A. Yes.

24 Q. Let me finish my question.

25 A. Okay.

1 Q. Did he know that his mother would be filling out
2 the admission paperwork to Magnolia?

3 A. To the best of my knowledge.
4

5 MR. FEIDLER: No further questions.

6 Please answer any questions Mr. Buckner
7 may have for you.

8 CROSS-EXAMINATION

9 BY MR. BUCKNER:

10 Q. Ma'am, I think I've only got two questions and
11 then we'll be done. My name is Perry Buckner and
12 I represent Magnolia Greenville. I appreciate you
13 being here today.

14 I just want to make sure that I understand
15 your testimony so far. Regarding the conversation
16 that you had with Mr. Boyd when he was still at
17 the hospital -- and I understand that you do not
18 determine competency, but presuming he was
19 competent, was there anything that would have
20 prevented Mr. James Boyd from suggesting that he
21 wanted to handle all of the paperwork himself if
22 he wanted to?

23 MR. FEIDLER: Objection. You can
24 answer.

25 A. No, not to my knowledge.

DEPOSITION OF PEGGY FIELDS

29

1 MR. BUCKNER: I don't have any further
2 questions.

3 MR. FEIDLER: That's it. Thank you.

4 (FURTHER DEPONENT SAYETH NOT.)

5 (THERE BEING NOTHING FURTHER, THE DEPOSITION OF
6 PEGGY FIELDS CONCLUDED AT 11:06 A.M.)

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DEPOSITION OF PEGGY FIELDS

30

1 CERTIFICATE OF REPORTER

2 I, KRISTA GIBSON, COURT REPORTER AND NOTARY
3 PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA, DO HEREBY
4 CERTIFY THAT I REPORTED THE DEPOSITION OF PEGGY FIELDS ON
5 TUESDAY, MAY 7, 2019; THAT THE WITNESS WAS FIRST DULY
6 SWORN BY ME AND THAT THE FOREGOING 29 PAGES CONSTITUTE A
7 TRUE AND CORRECT TRANSCRIPTION OF MY VERBATIM REPORT OF
8 SAID DEPOSITION.

9 I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY
10 NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE
11 PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY
12 INTERESTED IN SAID CAUSE.

13 I FURTHER CERTIFY THAT THE ORIGINAL OF SAID
14 TRANSCRIPT WAS SEALED AND DELIVERED TO STEFAN FEILDER,
15 1201 MAIN STREET, SUITE 1100, COLUMBIA, SOUTH CAROLINA,
16 WHO WILL RETAIN THE SEALED ORIGINAL TRANSCRIPT AND SHALL
17 BE RESPONSIBLE FOR FILING SAME WITH THE COURT PRIOR TO
18 TRIAL OR ANY HEARING WHICH MIGHT RESULT IN A FINAL ORDER
19 ON ANY ISSUE.

20 IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL
21 THIS 18TH DAY OF MAY, 2019.

22

23

24 KRISTA GIBSON, COURT REPORTER

25 MY COMMISSION EXPIRES JUNE 20, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMONN PLEAS
	)	
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
JAMES BOYD, JR. ,	)	CASE NO. 2018-CP-23-01934
	)	
PLAINTIFF,	)	
	)	
vs.	)	
	)	
THI OF SOUTH CAROLINA, LLC,	)	
D/B/A MAGNOLIA PLACE-	)	
GREENVILLE; HUNT VALLEY	)	
HOLDINGS, LLC; THI OF	)	
BALTIMORE, INC.; FUNDAMENTAL	)	
CLINICAL AND OPERATIONAL	)	
SERVICES LLC; FUNDAMENTAL	)	
ADMINISTRATIVE SERVICES, LLC;	)	DECLARATION OF PEGGY FIELDS
FUNDAMENTAL CLINICAL	)	
CONSULTING, LLC; LEONARD	)	
GRUNSTEIN BOTH INDIVIDUALLY	)	
AND AS OWNER/OPERATOR OF	)	
MAGNOLIA PLACE; MURRAY	)	
FORMAN BOTH INDIVIDUALLY AND	)	
AS OWNER/OPERATOR OF	)	
MAGNOLIA PLACE; AND RUSTY	)	
FLATHMANN BOTH INDIVIDUALLY	)	
AND AS EMPLOYEE/MANAGER OF	)	
MAGNOLIA PLACE ,	)	
	)	
DEFENDANTS.	)	

1. I, Peggy Fields, respectfully submit this sworn declaration in connection with the above-captioned matter.
2. I am over the age of 18 years old, am otherwise competent, and I am resident of the state of South Carolina. I am currently employed as a case manager at Palmetto Health Richland in Columbia, South Carolina.
3. The information contained in this sworn declaration is based the review of certain documents.

4. The patient was admitted to Palmetto Health Richland in June of 2016. During the hospitalization, it was determined that the patient would be discharged to Magnolia Place of Greenville, a skilled nursing facility in Greenville, South Carolina.
5. As a case manager at Palmetto Health Richland during that time, I spoke on multiple occasions with Leola Burt, the Admissions Coordinator at Magnolia Place of Greenville. I provided her with certain information to determine if Magnolia Place of Greenville could accept the referral.
6. I do recall speaking with Ms. Burt when she inquired as to who would be responsible for handling the admissions paperwork for the patient's admission to Magnolia Place of Greenville. This is a common inquiry in my line of work.
7. In response to that inquiry by Ms. Burt, I personally asked patient who should be handling the admissions paperwork for Magnolia Place of Greenville. The patient specifically informed me that the mother would handle all such paperwork.
8. I relayed that information to Ms. Burt, and, to the best of my knowledge, the patient was ultimately discharged to Magnolia Place of Greenville.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 19, 2019

Columbia, South Carolina


Peggy Fields

*State of South Carolina
County of Richland
Before me, the undersigned notary public, this day, 2/19/19,
personally, appeared before me. Subscribed to and sworn
before me this 19th day of February, 2019.
Melania L. Liu - Notary Public
My commission expires: April 12, 2023*

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

JAMES BOYD, JR.,
Plaintiff,

VS.

)
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)
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) Case No.
) 2018-CP-23-01934

THI OF SOUTH CAROLINA
AT MAGNOLIA PLACE AT
GREENVILLE, LLC;
FUNDAMENTAL CLINICAL
AND OPERATIONAL
SERVICES, LLC;
FUNDAMENTAL
ADMINISTRATIVE
SERVICES, LLC,

Defendants.

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DEPOSITION OF WILDA BOYD, produced, sworn and examined on the 19th day of October, 2018, between the hours of 3:39 p.m. and 4:10 p.m., at the Anastopoulo Law Firm, 418 River Street, Greenville, South Carolina, 29601, before Mindy Vislay, a Notary Public within and for the State of South Carolina, in a certain cause now pending in the Court of Common Pleas, Thirteenth Judicial Circuit, in the County of Greenville, State of South Carolina, wherein JAMES BOYD, JR., is Plaintiff and THI OF SOUTH CAROLINA AT MAGNOLIA PLACE AT GREENVILLE, LLC; FUNDAMENTAL CLINICAL AND OPERATIONAL SERVICES, LLC; FUNDAMENTAL ADMINISTRATIVE SERVICES, LLC, are Defendants.

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A P P E A R A N C E S

For the Plaintiff:

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Also present: James Boyd, Jr., Plaintiff

INDEX

QUESTIONS BY:

PAGE NO.

MR. BUCKNER

4

PREVIOUSLY MARKED EXHIBITS

DEFENDANT'S

DESCRIPTION

REFERENCED

EXHIBIT 1ADMISSION AGREEMENT - SOUTH
CAROLINA

19

EXHIBIT 2FACILITY-RESIDENT/REPRESENTATIVE
ARBITRATION AGREEMENT

22

(Original exhibits were retained by the court
reporter and will be copied and attached to copies of
the transcript.)

1 IT IS HEREBY STIPULATED AND AGREED, by and
2 between counsel for the Plaintiff and counsel for the
3 Defendants that this deposition may be taken in
4 shorthand by Mindy Vislay, a Notary Public, and
5 afterwards transcribed into typewriting; and the
6 signature of the witness is expressly waived.

7 * * * * *

8 WILDA BOYD,
9 of lawful age, produced, sworn and examined on behalf
10 of the Defendants, deposes and says:

11 DIRECT EXAMINATION

12 QUESTIONS BY MR. BUCKNER:

13 Q. Ms. Boyd, my understanding is that your
14 full name is Wilda Ann Boyd?

15 A. It's Stevens now.

16 Q. Stevens now? Okay. You've recently been
17 married?

18 A. Uh-huh.

19 Q. Congratulations.

20 A. Thank you.

21 Q. Who is the lucky gentleman?

22 A. Barnett Stevens.

23 Q. And where do y'all live?

24 A. [REDACTED].

25 Q. In Lexington County?

1 A. In Lexington.

2 Q. But I'm close, right? It's only a couple
3 miles. I think Little Mountain, and I think Newberry.

4 A. Yeah, we're almost on the county line.

5 Q. Well, unfortunately, I know you sat through
6 a portion of my spiel today, but the rules require me
7 to go over the same things with you.

8 If you want to take a break at any time just let
9 me know and we'll go off the record. It doesn't
10 matter what it is, a phone call, a drink of water, a
11 bathroom break, just say the words and we'll do it.

12 A. Okay.

13 Q. Let me finish the question before you
14 answer so we don't talk over each other. Is that
15 agreeable?

16 A. Uh-huh.

17 Q. And that helps make her job a lot easier.
18 Verbal answers. No head nods. No uh-huhs and uh-uhs.
19 Is that agreeable?

20 A. Yes.

21 Q. If I ask a question, and you don't
22 understand it, direct your question about my question
23 to me not anybody else, whether it be your son or his
24 attorney. Is that agreeable?

25 A. Yes.

1 Q. The rules don't allow you now that you've
2 been sworn under oath to talk to anybody about these
3 issues.

4 Have you ever given a deposition before?

5 A. No.

6 Q. And when I say the phrase "give a
7 deposition," that means exactly what we're doing right
8 now. We're parties in a room, and you're giving
9 testimony under oath. That hasn't happened?

10 A. No.

11 Q. Have you ever filed a lawsuit before?

12 A. No.

13 Q. Have you ever been sued?

14 A. No.

15 Q. And have you ever been charged with any
16 crime before or convicted of a crime?

17 A. No.

18 Q. And I'm not talking about traffic tickets
19 or anything like that. Have you ever declared
20 bankruptcy before?

21 A. No.

22 Q. All right. Well, now that you're under
23 oath, you're obviously under an obligation to recall
24 all information that you currently have about your
25 son's admission to Magnolia Manor [sic]. Do you

1 understand that?

2 A. Yes.

3 Q. And, you know, it's okay for you to let me
4 know that you're not a hundred percent sure about
5 something, but if you have some recollection or
6 memory, you can qualify it and tell me what you're
7 recalling. Is that understood?

8 A. Yes.

9 Q. And now that you are in fact under oath
10 under penalty of perjury, I just want to make sure
11 that the answers you give today will be the same that
12 you would give in front of a judge at a later time in
13 this case. Is that fair?

14 A. Yes.

15 Q. And if you answer my question that I ask,
16 I'm going to assume that you've understood it. Is
17 that fair?

18 A. Yes.

19 Q. All right. When your son was admitted to
20 Richland Memorial after this accident in June of 2016
21 did you complete his admission paperwork to that
22 hospital?

23 A. To be honest, I can't recall.

24 Q. Okay. Well, do you think that more likely
25 than not you did?

1 A. More likely not.

2 Q. More likely than not you did or did not?

3 A. Did not.

4 Q. Okay. So your son was admitted to Richland
5 Memorial for a month, and according to his testimony
6 was incapacitated for 24 hours or more.

7 A. Uh-huh.

8 Q. And it's your testimony that he signed that
9 paperwork?

10 A. No.

11 MR. FEIDLER: Objection.

12 QUESTIONS BY MR. BUCKNER:

13 Q. Okay. What is your testimony?

14 A. Whenever he was first admitted to the
15 hospital the night of the accident, me and -- at the
16 time it was my boyfriend, well, it was my fiance --
17 went to the hospital. They had him in a pod for --
18 the accident happened around three in the morning.
19 They had him in a pod until probably seven o'clock
20 that night, and I know I didn't do any paperwork that
21 day, and the next morning they called me and told me
22 they had to do surgery on him, and I went to the
23 hospital. They did surgery. That's the reason why I
24 say I can't remember signing no papers.

25 Q. Okay. Do you believe that ultimately

1 papers were signed by someone on behalf of your son?

2 A. Then my daughter came, Jackie, and I told
3 her that she knows more about this kind of stuff than
4 I did, because she'd had caseworkers before, and the
5 caseworker came, and they did do some -- they talked,
6 and I can't remember signing the papers. It was a
7 terrible time in my life at that time.

8 Q. Okay. And if those records are subpoenaed
9 from Richland Memorial, if you had to speculate, which
10 you're free to do as long as you tell me you're
11 speculating, who do you think's signature is on the
12 paperwork at Richland Memorial regarding the care and
13 treatment that your son received there?

14 A. I don't know. It may be Jackie's.

15 Q. Is it more likely Jackie's than yourself?

16 A. Probably.

17 Q. Okay. And what is Jackie -- Jackie you
18 said used to be a caseworker?

19 A. No.

20 Q. Is she a nurse?

21 A. No.

22 Q. You said that you thought she was more
23 familiar with this kind of stuff. Why did you say
24 that?

25 A. Because she's been -- she dealt with a lot

1 of caseworkers before, and she knows more about that
2 kind of stuff than I did, so she handled most of the
3 stuff.

4 Q. And why does she know more about
5 caseworkers?

6 A. Because she's been disabled and she had
7 caseworkers before. I've never had to dealt with a
8 caseworker. And she was always there. Most of the
9 time when I went to the hospital she went. She was
10 there, too.

11 Q. Now, would you agree that your son Mr. Boyd
12 was in no shape to be executing paperwork at the
13 beginning of June 2016 right after the accident,
14 right?

15 A. What do you mean?

16 Q. Well, in other words, he had obviously had
17 a traumatic accident, correct?

18 A. Uh-huh.

19 Q. And it impaired him physically, correct?

20 A. Yeah. He was in a lot of pain.

21 Q. And do you think that it would have been
22 appropriate for him to be presented with paperwork and
23 make decisions and things like that after he had just
24 had that traumatic accident?

25 A. No.

1 Q. And you would agree that it would have been
2 better to have that delegated to someone else,
3 correct?

4 A. Yes.

5 Q. And I presume that you and your son have a
6 good relationship?

7 A. Yeah.

8 Q. And that y'all love one another?

9 A. Yeah.

10 Q. And that in no way as his mother you would
11 do anything against his wishes or interest; is that
12 correct?

13 MR. FEIDLER: Objection. You can answer.

14 THE WITNESS: Yes.

15 QUESTIONS BY MR. BUCKNER:

16 Q. He's going to object from time to time, but
17 you've got to answer my question just like he's not
18 objecting unless he tells you otherwise. All right?

19 And I want to make sure, not just regarding
20 Richland Memorial, but also any paperwork that was
21 completed at Magnolia Place, was there ever a time
22 that your son Mr. Boyd came to you and said I don't
23 want you to execute admissions paperwork on my behalf?

24 A. No.

25 Q. And he recalled in his deposition a time

1 where you actually told him that you were going to be
2 signing some admissions paperwork at Magnolia Place.
3 Do you recall that conversation?

4 A. No.

5 MR. FEIDLER: Objection.

6 QUESTIONS BY MR. BUCKNER:

7 Q. But you don't dispute that it occurred?

8 A. No.

9 Q. Do you remember Miss Coco Burt or Leola
10 Burt?

11 A. Do I remember her?

12 Q. Yes, ma'am.

13 A. Yes.

14 Q. And do you remember her because you dealt
15 with her for the admissions process at Magnolia Place
16 at Greenville?

17 A. Yes.

18 Q. And what memory or recollection, if any, do
19 you have of the admissions process at Magnolia Place?

20 A. Whenever James was first admitted to the
21 hospital, I didn't go there for a couple of days
22 because I was going out of town the same day he was
23 being transferred to Magnolia Place, and whenever I
24 came back I came up there, and they told me that I
25 needed to go see -- go to administration.

1 Q. Okay.

2 A. So I went to the administration and met
3 her, and she told me her name was whatever, but she
4 said everybody called her Coco.

5 Q. And they do. I just used her formal name
6 Leola because it's on the paperwork. Everybody does
7 call her Coco. Coco is in Jamaica right now, in case
8 you're interested, otherwise she would be being
9 deposed today here as well. Can you picture Coco
10 right now?

11 A. Uh-huh.

12 Q. If she walked in you would know who she is?

13 A. I think I would. She was pregnant at the
14 time.

15 Q. Okay. Well, that will be easy to confirm.
16 And was she nice and pleasant?

17 A. Yes.

18 Q. And easy to deal with?

19 A. Yeah.

20 Q. And seemed honest?

21 A. Yeah.

22 Q. No reason for her to mislead or
23 misrepresent anything that happened with you or your
24 son about the admissions process, correct?

25 MR. FEIDLER: Objection. You can answer.

1 THE WITNESS: Correct.

2 QUESTIONS BY MR. BUCKNER:

3 Q. That you know of?

4 A. That I know of.

5 Q. And when she went through this admissions
6 paperwork with you did she take the opportunity to
7 explain things about it to you?

8 A. Not really. She had a stack of papers like
9 that, and she would --

10 Q. Like that is not going to read well. So it
11 looks like you've got what I would consider about a
12 half an inch?

13 A. She had a thick pile of papers --

14 Q. Okay. There you go.

15 A. -- and, you know, I don't know, and she
16 would give me each sheet, and she would say this is
17 for this and this is for this, you know, and just sign
18 where the X is.

19 Q. Well, when you said this is for this and
20 this is for this, she was explaining the purpose of
21 those documents, right?

22 A. Yes.

23 MR. FEIDLER: Objection.

24 QUESTIONS BY MR. BUCKNER:

25 Q. And she was there to answer questions that

1 you had also, correct?

2 A. Yes.

3 MR. FEIDLER: Objection.

4 QUESTIONS BY MR. BUCKNER:

5 Q. She never told you not to ask questions or
6 anything like that?

7 A. No.

8 Q. All right. And I assume that you read
9 these agreements before you signed them?

10 A. No.

11 Q. You did not?

12 A. No, I did not.

13 Q. Did anyone tell you not to read them?

14 A. No.

15 Q. And you weren't prevented from reading them
16 by Miss Coco?

17 A. No.

18 Q. Okay. And do you remember -- you said that
19 she would explain this is for this and this is for
20 that. Do you remember what she said to you when you
21 executed the arbitration agreement?

22 A. No. Because all I was signing papers to
23 make sure my son had somewhere to be and get
24 treatments. And it's just like going to buy a car.
25 You go buy a car. The dealer be telling you stuff.

1 You don't read all that stuff on that paper. You're
2 trying to get you a car.

3 Q. I understand that, but you would agree with
4 me that you obviously had an opportunity to read it,
5 correct?

6 A. Yes.

7 Q. And if you wanted to you could have,
8 correct?

9 A. Yes.

10 Q. And no one forced you to sign these
11 documents, correct?

12 A. Right.

13 Q. And if you wanted to leave and take your
14 son somewhere else, you could have done that, correct?

15 A. Yes.

16 Q. No one was keeping you there against your
17 will in any way, correct?

18 A. Correct.

19 Q. All right. And if you did not read any of
20 these documents, that's your own fault, correct?

21 A. Correct.

22 Q. Nobody else's fault, right?

23 A. Correct.

24 Q. And, so, there was nothing that Coco Burt
25 did that prevented you from reading these or

1 understanding these documents, correct?

2 A. Correct.

3 Q. And if you had a question about any of
4 these documents she was there to answer it. Fair?

5 A. Fair.

6 Q. All right. And you don't have an
7 independent recollection of what she told you about
8 the arbitration agreement, correct?

9 A. Right.

10 Q. And, again, same thing as earlier, you have
11 to give verbal answers. It's hard to remember, and we
12 all forget.

13 Did Miss Coco Burt ever discuss, to the best of
14 your recollection, anything that she and your son had
15 talked about?

16 A. No.

17 Q. Do you remember talking with Mrs. Burt on
18 the phone before you came up there?

19 A. I can't remember.

20 Q. Okay. Did you use a cellphone back then?

21 A. Yes.

22 Q. What was that cellphone number?

23 A. 803-422-1184.

24 Q. And is that the same number you use today?

25 A. Yes.

1 Q. Well, I'm not trying to get it because I
2 want to bother you. You're not going to be getting a
3 call from me, but we can look at phone records from
4 the facility for that number to determine that.

5 A. Okay.

6 Q. You're not saying that she didn't talk with
7 you, you're just saying that you don't remember?

8 A. Right.

9 Q. All right. And, ma'am, you're not aware --
10 you weren't aware back then or now of your son telling
11 any staff member of Magnolia Place of Greenville that
12 he did not want you to execute admissions paperwork,
13 including the arbitration agreement, right?

14 A. Right.

15 Q. All right. And you don't have any
16 recollection -- or scratch that. I told you I'm going
17 to mess up some questions. That was one of them.

18 Were you present for a conversation between your
19 son and any admissions person at Magnolia Place of
20 Greenville?

21 A. Was I present with -- was my son and myself
22 present with any member at the same time?

23 Q. Correct.

24 A. No.

25 Q. Okay. So, when Miss Burt testifies about

1 conversations that she may or may not have had with
2 your son --

3 A. Uh-huh.

4 Q. -- you're not going to know anything about
5 those?

6 A. Correct.

7 Q. All right. Now, in the admissions
8 agreement that's been marked as **Exhibit 1** your son
9 wasn't able to, but can you verify that that is your
10 signature on the last page?

11 A. Yes.

12 Q. And you did sign it on June 30th, 2016?

13 A. June 30th?

14 Q. Yes. Or you don't know, you just know it
15 was back then when he was admitted?

16 A. I didn't sign on June 30th.

17 Q. Okay.

18 A. I do know that.

19 Q. When did you sign?

20 A. After I came back from Biloxi after the 4th
21 was the first time I went to Magnolia Place.

22 Q. All right. What were you down in Biloxi
23 for?

24 A. A trip. Pleasure. Vacation.

25 Q. So do you think that the date was already

1 supplied on there when you signed it? That is your
2 signature, correct?

3 A. Uh-huh.

4 Q. And did you not scratch out the date and
5 put the new one, or was the date not on there, or do
6 you think it's just an instance of someone putting the
7 wrong date?

8 A. All I can say is they must have put in the
9 wrong date, because I was not --

10 Q. All right. And what I want to know is
11 whether they put in the wrong date before or after you
12 signed it, and you don't recall?

13 A. I don't recall.

14 Q. It could have been that that date was there
15 when you signed it and you didn't change it?

16 A. Could be. I wouldn't -- can I say
17 something?

18 Q. Of course.

19 A. I wouldn't have put June the 30th if I
20 wasn't --

21 Q. Yeah. Afterward?

22 A. Yes.

23 Q. I understand. I'm not accusing you of
24 doing that.

25 A. So the date must have been already there

1 and I just signed the papers.

2 Q. But you certainly could have changed it to
3 reflect the current date if you wanted to?

4 A. Yeah. Evidently I didn't pay the date no
5 attention, because I know that I didn't sign no papers
6 on June 30th.

7 Q. But you were present with Mrs. Burt when
8 you signed it?

9 A. Yes.

10 Q. Okay. And were you in the admissions
11 office at Magnolia Place when you signed it?

12 A. Yes.

13 Q. Was your daughter present, too?

14 A. No.

15 Q. Had your daughter been present at the
16 facility at any time prior to that date that you know
17 of?

18 A. No, not that I know of.

19 Q. And she visited your son a lot, correct?

20 A. Yes.

21 Q. So there could be times when she was there
22 and you didn't know about it, or would you know about
23 it?

24 A. There could have been, but I don't -- I
25 don't know.

1 Q. I know these questions sound funny to some
2 extent because it's hard to remember. And this is the
3 only time I get to talk to you. I wasn't around back
4 then. I'm a stranger to this whole thing, just as
5 your son's lawyer is. So I'm just trying to figure
6 out, you know, what I can derive from this paperwork.
7 Do you understand?

8 A. The reason why I say that, I don't think
9 she was there, because I went up three to four times a
10 week, and I don't think Jackie went up there whenever
11 I didn't go, but, just like I said, it's been a long
12 time. She may have and I don't know.

13 Q. Now, Exhibit 2 is the main reason we're
14 here to talk today, and Exhibit 2 is an arbitration
15 agreement that was signed by you on your son's behalf,
16 correct?

17 A. Uh-huh.

18 Q. And would you agree with me there's
19 certainly no indication on the face of this document
20 that you didn't have authority to sign it, correct?

21 A. That I didn't have authority to sign it?

22 Q. Yeah. Is there anything on this document
23 that would make someone at Magnolia Place believe that
24 you didn't have authority to sign it?

25 MR. FEIDLER: Objection. You can answer.

1 THE WITNESS: No.

2 QUESTIONS BY MR. BUCKNER:

3 Q. And would you agree with me that you
4 certainly gave Miss Coco Burt no indication that you
5 couldn't sign this document?

6 A. No.

7 Q. And that was probably a double negative.
8 So you didn't say anything to Miss Burt that would
9 make her believe that you lacked authority to sign
10 this?

11 A. No.

12 Q. All right. And as far as -- and I realize
13 that you can't put yourself entirely in her shoes, but
14 as far as Miss Burt would have known based on this
15 agreement you were authorized to enter it on your
16 son's behalf?

17 A. I guess. Yeah.

18 Q. Okay. And if we look at the first
19 paragraph on **Exhibit 1**, can you read that out loud for
20 me?

21 A. "Inducement: Resident and/or
22 representative verifies that all information submitted
23 to facility, including without limitation, financial
24 information, medical history and medical diagnosis, is
25 true and correct and acknowledges that providing false

1 information constitutes a breach of this agreement."

2 Q. And you represented to Magnolia Place that
3 you had authority to sign all admissions paperwork for
4 your son, correct?

5 MR. FEIDLER: Objection.

6 THE WITNESS: Did I -- say that again.

7 QUESTIONS BY MR. BUCKNER:

8 Q. You represented to Magnolia Place of
9 Greenville that you had authority to enter into all
10 admissions paperwork on behalf of your son, correct?

11 A. Yeah.

12 MR. FEIDLER: Same objection.

13 QUESTIONS BY MR. BUCKNER:

14 Q. I mean, I know that -- I have my own
15 children. I'm assuming that you were trying to in
16 every way, shape or form look out for your son's best
17 interest, correct?

18 A. Correct.

19 Q. And that you wouldn't sign something that
20 you thought was not in his best interest, correct?

21 A. Correct.

22 Q. And if there was anything in this
23 admissions paperwork that gave you any pause, what
24 would you have done?

25 A. I wouldn't have signed. But, once again, I

1 don't think -- she did not -- she probably told me
2 what this --

3 Q. We're flipping through the 12 pages of
4 **Exhibit 1**.

5 A. Yeah. And all she said was, you know, you
6 sign here. So, you know, I didn't read over this
7 stuff. I didn't read -- I would have been there all
8 day if I had read over all that stuff that she gave --

9 Q. But you could have done that? You had the
10 opportunity to do that?

11 A. Yes.

12 Q. So when your son was in the hospital and
13 the nursing home, I guess if we take -- what is the
14 time together of his hospitalization plus his
15 residency at Magnolia Place? In other words, how long
16 was he admitted as a patient at those two places
17 collectively?

18 A. You mean the time he was at Richland
19 Memorial?

20 Q. Let's start the clock from June 3rd, 2016,
21 until he was discharged from Magnolia Place of
22 Greenville.

23 A. Seven months.

24 Q. Okay. And during those seven months I
25 would imagine that, you know, he was focused on his

1 recovery. Were you tending to personal matters for
2 him like his finances and things of that nature?

3 MR. FEIDLER: Objection. You can answer.

4 THE WITNESS: Yes.

5 QUESTIONS BY MR. BUCKNER:

6 Q. Okay. Tell me about that. Would you go to
7 the bank and sign things on his behalf?

8 A. I did go to the bank and signed his check
9 one time.

10 Q. Okay. And did your son give you authority
11 to do that?

12 A. No.

13 Q. Okay. Now, when I asked that question, are
14 you assuming that I mean that he called you and told
15 you you could do it?

16 A. Say that again.

17 Q. Well, let me backtrack. Why did you go to
18 the bank and sign a check for your son?

19 A. Because I needed money to pay his bills and
20 gas money for going up and down the road.

21 Q. You were trying to help him, correct?

22 A. Yeah.

23 Q. You're not a crook, correct?

24 A. No.

25 Q. You weren't trying to do anything other

1 than what was best for your son, correct?

2 A. Correct.

3 Q. And he trusted you to do those things,
4 correct?

5 A. I hope so.

6 Q. And certainly when other people were
7 dealing with him, as far as you know he gave them the
8 impression that you had the ability to do that, right?

9 MR. FEIDLER: Objection.

10 THE WITNESS: Ask the question again.

11 QUESTIONS BY MR. BUCKNER:

12 Q. Sure. As far as you know, did your son
13 give others, including the staff at Magnolia Place,
14 the impression that you had the ability to act on his
15 behalf?

16 A. I don't know what he gave other people.

17 Q. Okay. And did you ever witness -- I think
18 you've already answered this, but let me confirm for
19 the record. You never witnessed a conversation
20 between your son and Coco Burt, correct?

21 A. No.

22 Q. Did you ever witness any statement or
23 conversation or any sort of thing whatsoever where
24 your son told or informed someone else that you were
25 not authorized to act on his behalf?

1 A. Say that again.

2 Q. Sure. It was a terrible question. Was
3 there ever a time that you heard your son tell someone
4 else my mother has no authority to act on my behalf?

5 A. No.

6 Q. Was there ever a time that you saw your son
7 do something that would give another person an
8 indication that you weren't authorized to act on his
9 behalf?

10 A. That were or were not?

11 Q. Were not.

12 A. Ask the question again.

13 Q. Was there ever something that you saw your
14 son do that would give another person the impression
15 that you were not authorized to act on his behalf?

16 A. No.

17 Q. Okay. When you executed certain paperwork
18 at Magnolia Place, at Richland Memorial, at the bank,
19 and all these other places where you were signing,
20 potentially, documents on his behalf, I know we
21 haven't confirmed Richland Memorial, but you're
22 telling me that that was a result of happenstance and
23 no specific conversation whatsoever with your son?

24 A. No.

25 Q. All right. What are you telling me?

1 A. What am I telling you about --

2 Q. Yes, ma'am.

3 A. -- signing papers that --

4 Q. I need to know, because this is my last
5 chance to talk to you, and you're under oath, if you
6 and your son ever talked about your authority to
7 execute documents, admissions paperwork, on his
8 behalf.

9 A. No.

10 Q. And you never talked with him about
11 executing bank-related financial documents on his
12 behalf?

13 A. I told him that he had a check that I
14 needed to get cashed, and he told me that I would take
15 it to the bank to see could I get it cashed.

16 Q. Was that around the time when he was
17 admitted to Magnolia Place or --

18 A. Uh-uh.

19 Q. When was that? Before?

20 MR. FEIDLER: Is that a no? I'm sorry.

21 THE WITNESS: I can't remember. I really
22 can't. I can't remember.

23 QUESTIONS BY MR. BUCKNER:

24 Q. All right.

25 A. It seemed like it was before. And then

1 again, it seems like it was after.

2 Q. Fair enough. When you would come to the
3 nursing home to see your son would you speak with the
4 nursing staff about his condition?

5 A. Yes.

6 Q. Okay. Did you speak with the medical
7 director about his condition?

8 A. Who is the medical director?

9 Q. Did you ever speak with a doctor at all
10 when you were there?

11 A. Yes.

12 Q. How about a nurse practitioner?

13 A. I can't remember speaking to a nurse
14 practitioner. What do a nurse practitioner do?

15 Q. Helps the doctor. She's authorized to
16 prescribe medication but would be someone between a
17 nurse and a doctor is the best way to describe it in
18 terms of authority.

19 A. Maybe. Maybe. I can't -- maybe. I talked
20 to a lot of people at Magnolia Place.

21 Q. Would they call you, too, when you weren't
22 in the building?

23 A. On my phone?

24 Q. Uh-huh.

25 A. Yeah, they have.

1 Q. All right. And what would they call you
2 about, that Mr. Boyd had a fall or --

3 A. I can't remember, but I do remember talking
4 to -- I do remember them calling me several times on
5 my phone. Just like you said, you can pull phone
6 records and see.

7 Q. And they were calling you to tell you what
8 was going on or asking you for your input or what? Or
9 both?

10 A. I don't know. I can't remember.

11 Q. Okay. Fair enough.

12 MR. BUCKNER: I think that's all the
13 questions I have.

14 MR. FEIDLER: I have no questions.

15 (Wherein, the deposition was concluded.)

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forced (1)			nods (1)

Notary (2)
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 nurse (5)
 nursing (3)

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 once (1)
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 opportunity (3)
 Original (1)

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 pain (1)
 paper (1)
 papers (9)
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 paragraph (1)
 parties (1)
 patient (1)
 pause (1)
 pay (2)
 pbuckner@ycrlaw.co
 m (1)
 penalty (1)
 pending (1)
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 Perry (1)
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 Pleasure (1)
 plus (1)
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 Road (2)
 room (1)
 rules (2)

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 see (4)
 SERVICES (4)
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 sheet (1)
 shoes (1)
 shorthand (1)
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 signature (4)
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 son's (5)
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 sound (1)
 SOUTH (9)
 speak (3)

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 speculate (1)
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 stack (1)
 staff (3)
 start (1)
 STATE (3)
 statement (1)
 Stefan (1)
 stefan@akimlawfirm.
 com (1)
 Stevens (3)
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 Street (3)
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 sworn (3)

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 Thank (1)
 THI (2)
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 THIRTEENTH (2)

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three (2)
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times (3)
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town (1)
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use (2)

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Verbal (2)
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Vislay (2)
vs (1)

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week (1)
Well (11)
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WILDA (3)
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witness (10)
witnessed (1)
words (3)
wrong (3)

< Y >

y'all (2)
Yeah (14)
Young (1)

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Honorable Perry H. Gravely, Circuit Court Judge

Case No. 2018-CP-23-01934

James Boyd,

Appellant,

v.

THI of South Carolina at Magnolia Place at Greenville, LLC;
Fundamental Administrative Services, LLC; and
Fundamental Clinical and Operational Services, LLC,

Respondents.

NOTICE OF APPEAL

James Boyd, hereby appeals the following orders of the Honorable Perry H. Gravely, Circuit Court Judge:

- His Honor's Order Granting Defendant THI of South Carolina at Magnolia Place at Greenville, LLC's Motion to Compel Arbitration and Granting Fundamental Administrative Services, LLC and Fundamental Clinical and Operational Services, LLC's Motions to Stay, filed August 20, 2019; and
- His Honor's Order denying Plaintiff's Motion to Reconsider and Affirming its previous Order granting Defendant's Motion to Dismiss and Compel Arbitration, filed October 17, 2019.

Copies of the appealed Orders are attached hereto and incorporated herein by reference. Appellant received written notice of the Order Confirming the Arbitration Award on or about October 16th, 2025, a copy of which is also attached.

Respectfully submitted,

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Dated: November 13, 2025

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I, Joshua P. Cantwell, of Cantwell Law Firm, LLC, attorney for Appellant, herby certify that the foregoing NOTICE OF APPEAL has been served on all parties to this matter through the following counsel, and it has been E-filed with the lower court.

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