

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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OCT 08 2014

APPEAL FROM FAIRFIELD COUNTY  
Court of Common Pleas

**SC Court of Appeals**

The Honorable R. Knox McMahon, Circuit Court Judge

Case No. 2012-CP-20-00316  
Appellate Case No. 2014-001153

Mary Wall Black, .....Plaintiff/

v.

BI-LO, LLC and Unifirst Corporation .....Defendants,

Of Which

BI-LO, LLC is .....Appellant

And Unifirst Corporation is .....Respondent.

**SECOND SUPPLEMENTAL RECORD ON APPEAL**

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APPELLANT  
BI-LO, LLC**

**ATTORNEYS FOR  
RESPONDENT UNIFIRST  
CORPORATION**

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Deposition of Earl Black.....1  
Deposition of Amy Johnson .....2

1 A Staples.

2 Q Were you carrying groceries, too?

3 A Yes, sir.

4 Q Y'all didn't have your groceries in a buggy  
5 and pushing your buggy cart out?

6 A No.

7 Q What time of day was it?

8 A It was afternoon.

9 Q What was the weather like outside?

10 A It was pretty. Nice. Nice weather.

11 Q Okay. Where had y'all been before you went  
12 to Bi-Lo that day?

13 A I guess we came from home. I don't know. I  
14 can't remember any other place where --

15 Q Anybody with you, or just you and your wife?

16 A No. Just me and the wife.

17 Q You didn't see her fall -- or did you see  
18 her fall?

19 A I was ahead of her. In front of her.

20 Q So did you see her fall?

21 A No. I didn't see her fall, but I felt -- I  
22 heard her when she hit there.

23 Q Okay. Where did she fall, Mr. Black?

24 A Coming out of the -- coming out of the door  
25 at Bi-Lo.

1 remember if it was me that called 9-1-1. But I do  
2 clearly remember when I was sitting there making sure  
3 she was okay, the manager of the store -- white  
4 shirt, tall, black gentleman -- not sure of his name,  
5 just remember him at a glance, don't know if I could  
6 remember his face if I seen him right now. He walked  
7 over and straightened up the rubber matting on the  
8 floor that was (gesturing) -- it was just bunched up  
9 and he come over and flattened it out. And I know  
10 that was before the ambulance and anybody even got  
11 there, and it just surprised me when I seen that.

12 Q. Why did it surprise you?

13 A. Why do that, is the way I think. Why --  
14 why are you straightening out that mat?

15 Q. Did this gentleman have a tie on?

16 A. Yeah -- yes.

17 Q. So when you say a white shirt -- a white  
18 shirt like mine?

19 A. White -- white shirt like you, yeah; white  
20 collared shirt.

21 Q. Now, you told me earlier you didn't see Ms.  
22 Black's feet before she fell, right?

23 A. Correct.

24 Q. So you didn't see her trip on that mat, did  
25 you?

1 A. I did not.

2 Q. What kind of mat was it?

3 A. Standard. If I could see one could --  
4 black with grayish in it, the edges are rubbered  
5 (gesturing), mat -- matting, I guess a slip and fall  
6 mat is what I would call it. You see them most --  
7 high traffic areas.

8 Q. And is this a grocery store that you had  
9 been to before?

10 A. Oh, yes, many times.

11 Q. Would you say that it's your primary place  
12 of grocery shopping?

13 A. Yes, it is.

14 Q. Had you seen these mats there before?

15 A. Yes, I have.

16 Q. Now, you don't know if this particular mat  
17 that you remember seeing on that day was the same as  
18 the mat you had seen on any other day, do you?

19 A. There's no way for me to know that.

20 Q. Did you notice anything particular about  
21 the mat that you saw in October, 2010?

22 A. As far as?

23 Q. You tell me. Is there anything different  
24 other than what you just described?

25 A. Other than that, other than when I noticed

1 Q. Do you remember, were you wearing a rain  
2 coat that day? Was it raining hard enough that --

3 A. I was not wearing a raincoat. I don't even  
4 carry a umbrella.

5 Q. Good to know. So when you opened the door  
6 to your truck, at that point, you saw Ms. Black  
7 falling.

8 A. Falling, yes.

9 Q. But didn't see what precipitated the fall.

10 A. I did not.

11 Q. Did she fall forward?

12 A. Yes.

13 Q. And did you hear it first or see it first?

14 A. Seen it.

15 Q. And I know that you probably answered this  
16 question, but you had not seen the mat before the  
17 fall?

18 A. I did not.

19 Q. Let's see. When she fell forward, did she  
20 move sideways at all --

21 A. I can't remember.

22 Q. -- that you noticed? Did she reach out  
23 with her hands to break her fall?

24 A. I don't remember.

25 Q. How wide would you say that doorway is?

1 her?

2 A. Yes.

3 Q. At the time, was she moving around at all?  
4 Was she moving limbs?

5 A. I mean, her arms and stuff, but she was on  
6 the ground so I don't know if she was moving -- I  
7 don't know what part wasn't moving, I don't remember  
8 that.

9 Q. Did she get up immediately?

10 A. Oh, no. Oh, no.

11 Q. Did she try to get up on her own?

12 A. Not that I'm aware of, and I think I told  
13 her to just stay where she was at.

14 Q. And did you see what caused the fall?

15 A. I did not.

16 Q. And did you notice anything on the ground  
17 around the area where she fell?

18 A. After she fell, no. There was nothing  
19 there.

20 Q. Did you notice anything on the ground  
21 around the mat?

22 A. No.

23 Q. No, okay. Did you look around on the floor  
24 inside the store?

25 A. I remember looking until the manager or --

1 take care of the mat?

2 A. The mat.

3 Q. And you said you found that odd.

4 A. Yes.

5 Q. Why is that?

6 A. The -- Ms. Black had just fallen. If -- I  
7 can only tell you what -- if it was me, I wouldn't  
8 care about the mat. I would care about the lady.  
9 And so when we were there, it just caught my eye that  
10 he was messing with the mat and then he should have  
11 come over to her first, whether inside or outside the  
12 store.

13 Q. And he didn't do that.

14 A. No. He did not.

15 Q. Did it appear to you that it was the mat  
16 that caused her fall?

17 A. I can't --

18 MR. HOLT: Object to the form. Go ahead.

19 A. I can't say what caused her fall, because I  
20 didn't see what caused her fall so I'm not gonna  
21 suggest anything.

22 Q. Right. But the mat was definitely  
23 straightened up by the manager.

24 A. Correct.

25 Q. Was it clear to you, Ms. Johnson, that she

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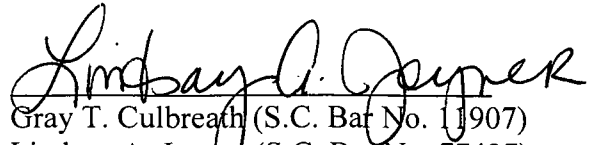
BI-LO, LLC is .....Appellant

And Unifirst Corporation is also. ....Respondent.

**CERTIFICATE OF COMPLIANCE**

The undersigned counsel hereby certifies that the Second Supplemental Record on Appeal of Respondent Unifirst Corporation complies with Rule 210(g), SCACR, that it contains all material proposed to be included by any of the parties and no other material. It also complies with the August 13, 2007 Order of the Supreme Court of South Carolina.

***SIGNATURE PAGE TO FOLLOW***



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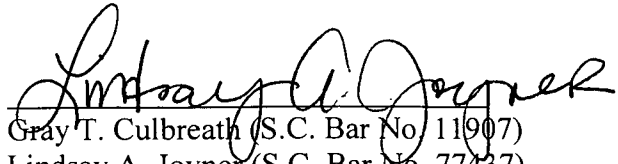
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PROOF OF SERVICE

I certify that on October 8th, 2014, I served copies of Respondent Unifirst Corporation's Second Supplemental Record on Appeal via United States mail, postage prepaid, addressed to:

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