

1 STATE OF SOUTH CAROLINA  
 2 COUNTY OF FLORENCE COURT OF COMMON PLEAS  
 3  
 4 Jacqueline Buie,  
 5 Plaintiff,  
 6 vs. CASE NO. 2014-CP-21-2504  
 7 Walmart, Inc.,  
 8 Defendant.

DEPOSITION

12 WITNESS: Jacqueline Buie  
 13 DATE: Wednesday, July 1, 2015  
 14 TIME: 10:39 a.m.  
 15 LOCATION: Ervin Law Office  
 50 Public Square  
 16 Darlington, South Carolina  
 17 TAKEN BY: Attorneys for Defendant  
 18 REPORTED BY: LAURA CHAMBLEE  
 Registered Professional Reporter

COMPUSCRIPTS, INC.  
 Client focused. Deadline driven.

CHARLESTON COLUMBIA HILTON HEAD GREENVILLE MYRTLE BEACH

www.compuscripts.com  
 1-800-999-0086

Page 3  
**RECEIVED**  
 MAY 27 2016  
 SC Court of Appeals

1 (The deponent was sworn and began to read and  
 2 sign the deposition transcript.)

4 JACQUELINE BUIE, being first duly sworn,  
 5 testified as follows:  
 6 EXAMINATION  
 7 BY MS. LEWIS:

8 Q Good morning, Ms. Buie.  
 9 A Good morning.  
 10 Q We met before we went on the record. My name  
 11 is Regina Hollins Lewis and I'm an attorney and I  
 12 represent Walmart in the lawsuit you brought against  
 13 Walmart. Have you ever given a deposition before?  
 14 A I haven't.  
 15 Q All right. Well, let me talk with you a  
 16 little bit about what's going to happen today. I'll be  
 17 asking you a series of questions about your lawsuit  
 18 against Walmart. And the purpose of the deposition is  
 19 for me to get some information from you about your  
 20 lawsuit. So that's why I'll be asking you a series of  
 21 questions.  
 22 If at any time you don't understand my  
 23 question or need me to rephrase it, please let me know  
 24 and I'll be happy to do that. If you don't let me know  
 25 that you need me to repeat or rephrase the question,

1 APPEARANCES:  
 2 ATTORNEYS FOR THE PLAINTIFF:  
 3 JOHN PRICE LAW FIRM  
 BY: J. DAVID MURRELL, ESQUIRE  
 4 3045 Ashley Phosphate Road  
 North Charleston, South Carolina 29418  
 5 843.552.6011  
 tanyaw@johnpricelawfirm.com  
 6  
 7 ATTORNEYS FOR THE DEFENDANT:  
 8 GAFFNEY LEWIS & EDWARDS, LLC  
 BY: REGINA HOLLINS LEWIS, ESQUIRE  
 9 3700 Forest Drive, Suite 400  
 Columbia, South Carolina 29204  
 10 803.790.8838  
 rlewis@glelawfirm.com

(INDEX AT REAR OF TRANSCRIPT)

1 I'll assume that you've heard the question, that you've  
 2 understood it, and that you're answering the question  
 3 that I've asked; is that fair?  
 4 A Yes.  
 5 Q This is not an endurance test. So if at any  
 6 time you need to take a break -- I don't anticipate  
 7 we're going to be here for an extremely long period of  
 8 time, but any time you need to take break, just let me  
 9 know and I'll be happy to accommodate you. Under the  
 10 South Carolina rules if you do take a break during the  
 11 deposition while you're under oath, you're not allowed  
 12 to discuss your testimony with anyone, and that would  
 13 include your attorney. Do you understand?  
 14 A Yes.  
 15 Q Are you under the influence of any type of  
 16 medications, taking any medications or under the  
 17 influence of any type of substances that would impact  
 18 your ability to understand my questions and give  
 19 truthful testimony here today?  
 20 A No, ma'am.  
 21 Q All right. The other kind of rule of the  
 22 deposition is that you we need the witnesses to keep  
 23 the voices up because the court reporter is here and  
 24 she's recording everything that's being said. So in  
 25 order for us to have an accurate record of what's

Page 5

1 taking place here, I'm going to need you to keep your  
 2 voice up. It sounds like you can be maybe a little  
 3 soft spoken. So I'm going to ask you to try keep your  
 4 voice up for me for when you give answers. Okay?  
 5 A Yes, I will.  
 6 Q At the same time we need to you give verbal  
 7 answers to my questions rather than nods of the head as  
 8 we do in everyday conversation, and uh-huhs or huh-uhs,  
 9 so that the record of what happened here today will be  
 10 clear. Do you understand?  
 11 A Yes, I understand.  
 12 Q All right. Can you give me your full name  
 13 and your current address?  
 14 A Jacqueline Buie, 504 King Road, Marion, South  
 15 Carolina 29851.  
 16 Q All right. And how long have you lived at  
 17 that address?  
 18 A Since 2003.  
 19 Q Who, if anyone, lives with you at that  
 20 address?  
 21 A My husband and my son.  
 22 Q Is your son over the age of eighteen?  
 23 A No, he isn't.  
 24 Q Do you have any family members that live in  
 25 Florence County?

Page 6

1 A Some.  
 2 Q All right. Can you give me their last names  
 3 and the relationships? And the reason why I'm asking  
 4 you this, Ms. Buie, is this case pending in Florence  
 5 County. So when it comes time for us to pick a jury if  
 6 the case proceeds to that point I would like to know if  
 7 there are any family members of yours that are in our  
 8 jury pool. That's the reason why I'm asking you about  
 9 last name of any close family members you have there.  
 10 A Crawford, Seabrooks, maybe some Davises. And  
 11 that's about it that I can recall. I don't know too  
 12 many in Florence. Crawfords and Davises and Seabrooks.  
 13 Q Okay. Do you have any siblings that live in  
 14 Florence?  
 15 A No.  
 16 Q Parents?  
 17 A No.  
 18 Q These would be aunts, uncles, cousins?  
 19 A No.  
 20 Q The people that you mentioned with last names  
 21 of Crawford, Seabrooks, or Davis --  
 22 A Cousins.  
 23 Q All right. And what's your date of birth,  
 24 Ms. Buie?  
 25 A May 4, 1964.

Page 7

1 Q I'm a '64 baby also.  
 2 A Okay.  
 3 Q Did you graduate from high school?  
 4 A Yes.  
 5 Q And when was that?  
 6 A 1981.  
 7 Q And where did you attend high school?  
 8 A Terrells Bay High School in Centenary, South  
 9 Carolina.  
 10 Q All right. Did you continue your education  
 11 after high school?  
 12 A No, I have not, by I've started college now.  
 13 Q Okay. When did you start college?  
 14 A In the summer of 2014.  
 15 Q Where are you enrolled?  
 16 A At Virginia College in Florence.  
 17 Q And what are you studying?  
 18 A MHA.  
 19 Q What is that?  
 20 A Medical office administration.  
 21 Q Are you currently employed?  
 22 A Yes, but I'm out for the summer. I'm with  
 23 the school district.  
 24 Q Okay. How long have you worked for the  
 25 school district?

Page 8

1 A Eight years.  
 2 Q What do you do for the school district?  
 3 A Transportation. Drive a school bus.  
 4 Q And while you drove a school bus did you also  
 5 work at Walmart?  
 6 A Yes.  
 7 Q Do you currently still work at Walmart?  
 8 A Yes.  
 9 Q That's what I was asking--where are you  
 10 currently employed. You said you're out for the  
 11 summer, but are you working for Walmart now?  
 12 A Yes.  
 13 Q So you're out from the school district for  
 14 the summer, but you are currently employed at Walmart,  
 15 right?  
 16 A Yes.  
 17 Q At which Walmart do you work?  
 18 A At Marion. I transferred maybe two or three  
 19 weeks ago.  
 20 Q What do you do there?  
 21 A Stock at night.  
 22 Q And how long have you worked for Walmart  
 23 overall?  
 24 A Since 2008 also, October of 2008.  
 25 Q All right. And when you started at Walmart

1 in October 2009 at which store were you hired?  
 2 A At Florence.  
 3 Q And what were you hired to do then?  
 4 A Overnight stocking also.  
 5 Q Okay. So have you been overnight stocker the  
 6 entire time you've been at Walmart?  
 7 A Yes, I have.  
 8 Q Do you work for Walmart full-time?  
 9 A At the beginning I did.  
 10 Q And then did you subsequently become  
 11 part-time?  
 12 A Yes.  
 13 Q When did you become part-time?  
 14 A When I got the job with the district as a  
 15 school bus driver.  
 16 Q Tell me again when you started that.  
 17 A I started at Walmart --  
 18 Q I know you started at Walmart in '08, but  
 19 when did you go part-time when you started with the  
 20 school district?  
 21 A In 2009.  
 22 Q Okay. So for the vast majority of the time  
 23 you've been at Walmart, you've been driving the school  
 24 bus and working at Walmart part-time?  
 25 A Yes.

1 Q When you say you've work there part-time,  
 2 let's talk about the time period when this incident  
 3 happened in 2012. About how many hours a week were you  
 4 working?  
 5 A Sixteen.  
 6 Q So it's been sixteen hours pretty  
 7 consistently since 2009?  
 8 A Yes.  
 9 Q The sixteen hours, can you tell me how that's  
 10 worked?  
 11 A I go in at 10:00 on Friday and get off at  
 12 7:00, and I go back at 10:00 on Saturday and get off  
 13 Sunday morning at 7:00.  
 14 Q So it's Friday and Saturday 10:00 p.m. to  
 15 7:00 a.m.?  
 16 A Yes.  
 17 Q All right. Who is your current supervisor at  
 18 Walmart in Marion?  
 19 A I worked with a Chestnut, Mr. Chestnut.  
 20 Q And you said you just transferred there when?  
 21 A On the -- let me see, I was off this past  
 22 weekend. So I worked that Saturday -- I worked in  
 23 Florence that Friday, and I worked in Marion that  
 24 Saturday. And then I went on vacation this past  
 25 weekend.

1 Q So you've only worked one shift there?  
 2 A One shift there with one supervisor.  
 3 Q Generally what position is your supervisor?  
 4 For example, what is Mr. Chestnut? What would be his  
 5 position? Is he a shift manager? Who is your  
 6 supervisor -- Strike that. That was a bad question.  
 7 Your supervisor at Walmart what is their title?  
 8 A Assistant manager, mostly.  
 9 Q And then before you transferred to Marion,  
 10 you were at the Florence store the entire time you  
 11 worked for Walmart?  
 12 A Yes.  
 13 Q What is your current salary or hourly rate at  
 14 Walmart?  
 15 A I want to say \$10.05 an hour.  
 16 Q Prior to Walmart in 2009 where were you  
 17 employed?  
 18 A Blumenthal Mills, Marion, South Carolina.  
 19 Q What was it?  
 20 A Blumenthal Mills in Marion, South Carolina.  
 21 Q How long did you work there?  
 22 A Thirteen years.  
 23 Q Why did you leave that job? Did it close?  
 24 A It closed.  
 25 Q What was your job at the mill?

1 A I was a weaver.  
 2 Q Prior to that what did you do, if you worked  
 3 prior to the mill?  
 4 A Prior to the mill I worked at Sara Lee  
 5 Hosiery. It closed also.  
 6 Q Sara Lee?  
 7 A Sara Lee Hosiery.  
 8 Q Hosiery. Okay. How --  
 9 A Prior to that I worked at B.C. Morris. And  
 10 it closed also.  
 11 Q Ms. Buie, have you ever been arrested?  
 12 A No, I have not.  
 13 Q Have you ever been convicted of a crime other  
 14 than a minor traffic violation?  
 15 A No, I have not.  
 16 -----  
 17 -----  
 18 Q When did the incident that we are here for  
 19 today occur?  
 20 A In November of 2012.  
 21 Q Do you remember the exact date?  
 22 A I would say November 2, 2012.  
 23 Q November 2? Okay. And at that time you were  
 24 working at the Florence store, correct?  
 25

1 A Yes.

2 Q Who was your supervisor at that time?

3 A Comanager Kathy Kollin (sic).

4 Q Was Kathy Kollin -- Kollin?

5 A Koller or --

6 Q Koller. Was she your supervisor still when

7 you left Florence?

8 A No.

9 Q Who was your supervisor when you left

10 Florence a couple of weeks ago to go to Marion?

11 A Ms. Shelby.

12 Q Do you know Ms. Shelby's first name?

13 A I'm thinking that's her first name. I don't

14 know her last name.

15 Q Okay. Do you know when Ms. Koller stopped

16 being your supervisor?

17 A I want to say about three months after the

18 incident.

19 Q Okay. Do you know why you were no longer

20 reporting to her?

21 A I don't have any idea.

22 Q Have you ever been subjected to any

23 disciplinary action during your employment at Walmart?

24 A No, I haven't.

25 Q No counselings, write-ups, or anything like

1 that?

2 A There was a case where what would happen is I

3 would change my availability and go out -- When I first

4 started, I was working full-time and they -- It was

5 mostly in the summer. And I would have to change my

6 availability.

7 Q What does that mean?

8 A It means my schedule. I was only doing

9 weekends. So when school started back, they would

10 change my schedule to accommodate school. And there

11 was a time when the supervisor or the store manager

12 didn't sign-off, so it went into my full-time job. So

13 they had to credit me for like 19 days. They gave me a

14 write-up, but they didn't give me a coaching because it

15 was due to a, I guess, their error. It was turned in

16 but it was not signed, so the days counted against me.

17 Q And that would have been when? Back in 2005,

18 2010, something like that?

19 A Yes.

20 Q And since that time have you had any

21 counselings or write-ups or any type of disciplinary

22 actions, coaching?

23 A No, not that I can remember.

24 Q All right. On the day of the incident that

25 we're here for today, what time did you arrive at work?

1 A About 10:15.

2 Q Do you clock in and clock out?

3 A Yes.

4 Q Can you just please tell me in your own words

5 exactly what happened that evening.

6 A They called the police on me.

7 Q Before you get to "they called the police on

8 me," I need you to tell me who you're talking about.

9 And I would like for you to start with, if you can,

10 what led to the calling of the police in your

11 perception.

12 A What led to the calling of the police is the

13 comanager, Kathy Kollin, did not see a pallet of

14 Pampers I had stocked all the way down to the floor.

15 An associate was standing talking and she yelled, y'all

16 get back to work. And we looked at each other and

17 started smiling and laughed and I continued to stock.

18 Q Why did you smile and laugh?

19 A Because we just said, who she talking to? We

20 thought she was talking to somebody else. But she was

21 standing there looking at us 100 feet away and not

22 knowing what she was talking about.

23 Q Okay. Then did something else happen after

24 that?

25 A Two minutes later assistant manager Amber

1 said, Jackie, Kathy wants to see you in the office. I

2 said okay. I walked to the office. And behind her I

3 said, all this starting and stopping is not necessary.

4 Either y'all want me to work or want me to go home.

5 Q What were you referring to when you said "all

6 this stopping and starting"?

7 A When I first entered the building they called

8 me in the office to tell me six people was called out,

9 did not show up for work.

10 Q Okay.

11 A And that she needed me to speed up tonight

12 because she needed help in other areas. And then I'm

13 starting to work, and working fine, just speaking to

14 the associate going home speaking to me. Then she

15 yells at us, and then two minutes later I'm called in

16 the office for no reason.

17 Q Okay. So you came in to work about 10:15,

18 correct?

19 A Yes.

20 Q You clocked in?

21 A Yes.

22 Q Did you -- do you go to find out where you're

23 going to be stocking on a particular night or do you

24 know where you're going and go straight to that area?

25 A We have Taskmaster. It's not necessary. You

1 clock on and you clock your schedule. It shows where  
 2 you go.  
 3 Q All right. So you clocked in and you -- you  
 4 said Taskmaster?  
 5 A I don't want to give it an incorrect name.  
 6 I'm not --  
 7 Q You have something that shows you where  
 8 you're supposed to be that night?  
 9 A Exactly.  
 10 Q You don't have to check in with any person?  
 11 A You don't have to talk to a person the entire  
 12 night unless you finish early.  
 13 Q All right. So you clocked in. You saw where  
 14 you were supposed to go, which was where?  
 15 A Infants.  
 16 Q So then did you go to infants?  
 17 A Yes.  
 18 Q And so then did you get called to the office?  
 19 A I went to my locker, then I got called to the  
 20 office, then I went to infants.  
 21 Q So you got called to the office when you said  
 22 earlier you were called and they told you that six  
 23 people were out, right?  
 24 A Right.  
 25 Q And that happened before you reported to

1 A No, ma'am.  
 2 Q So then you went to infants?  
 3 A Yes.  
 4 Q And did you say you were stocking Pampers?  
 5 A Yes.  
 6 Q And then Kathy came out?  
 7 A She was walking back in the back.  
 8 Q Okay.  
 9 A To the side of the shoe department, a couple  
 10 of departments over.  
 11 Q What again did she say?  
 12 A Y'all go back to work, or, stop talking and  
 13 go back to work. I'm not sure, but she yelled "go back  
 14 to work" in a rude voice.  
 15 Q All right. And did you respond?  
 16 A We didn't say nothing. I kept stocking  
 17 Pampers.  
 18 Q Okay. So just laughed with -- Who was with  
 19 you when she -- when Kathy made that statement?  
 20 A Carthenia Smith. We like, who she talking  
 21 to, like that.  
 22 Q But you didn't respond to her?  
 23 A Nothing.  
 24 Q You just laughed and kept on working?  
 25 A I wouldn't say laughed. Just like what? Who

1 infants, correct?  
 2 A Right.  
 3 Q So what, if anything, else was said during  
 4 the conversation with regard to the six associates was  
 5 out? What else was said during that conversation?  
 6 A She needed us to work hard because she needs  
 7 help in other areas.  
 8 Q When you say she, who are you talking about?  
 9 A Comanager Kathy.  
 10 Q Was anybody else in there when she said that?  
 11 A Amber.  
 12 Q All right. So you went to infants. What did  
 13 you understand her to mean when she said she needed  
 14 help in other areas?  
 15 A The understanding is that if you finish  
 16 early, the hours or the scheduling for the employees  
 17 who did not come to work, do their job.  
 18 Q Okay. So you understood her to mean we have  
 19 a lot -- we have several people out, six people out; we  
 20 need you to work quickly because you can cover the  
 21 slack for them being out if you can finish your area.  
 22 Is that what you understood her to mean?  
 23 A Yes.  
 24 Q Did you have any problem with her saying that  
 25 to you?

1 she -- It was like a shock. The yell was like a shock.  
 2 And so we looked at each other, who she talking to. It  
 3 was a surprise. We was caught off guard. We were  
 4 working and we didn't really know what she was saying  
 5 or who she was saying it to. Then we looked back and  
 6 she was staring at us.  
 7 Q Was there anyone else in the area, any other  
 8 associates working in the area that she would have been  
 9 talking to?  
 10 A There could have been somebody in the shoe  
 11 department. It's a bin around there. We didn't see  
 12 around that area.  
 13 Q But you don't respond or ask, are you talking  
 14 to us, or anything like that, correct?  
 15 A Correct.  
 16 Q All right. And you said about two minutes  
 17 later Amber came?  
 18 A Yes.  
 19 Q And she told you that Kathy wanted to see you  
 20 in the office?  
 21 A Yes.  
 22 Q Then what happened?  
 23 A I get in the office and they tell me you need  
 24 to go to work and stop talking. And then she asked me  
 25 to sit down. I said, I chose to stand. "I said sit

1 down." They were saying all sorts of things. I can't  
 2 remember --  
 3 Q I need you to tell me everything that you can  
 4 remember that they said. How is the time.  
 5 A It was just the way their tone was. You need  
 6 to go to work. I need you to help me. I can't  
 7 remember exactly all because I just -- I said, y'all  
 8 can't talk to me like this. I didn't stay listening.  
 9 I walked out of the office and went to the break room  
 10 and called home office.  
 11 Q Let's back up. How Carthenia was she on her  
 12 way to leave?  
 13 A She was but she stood and talked to me.  
 14 Q All right. So she stood -- She was getting  
 15 ready to get off, correct?  
 16 A Correct.  
 17 Q She stood and talked to you, and you were  
 18 talking to her, right?  
 19 A And working.  
 20 Q You were talking to her and working?  
 21 A Yes, I was.  
 22 Q So Kathy said to you, you needed to get back  
 23 to work. You and Carthenia said you didn't know who  
 24 she was talking to, and then you got called to the  
 25 office, correct?

1 A Yes.  
 2 Q So she misunderstood from your point of view  
 3 and so that's what the argument, for lack of a better  
 4 word, was about, correct?  
 5 A Can you rephrase that, ma'am?  
 6 Q Well, the conversation that you had in the  
 7 office arose from the fact that Kathy perceived you not  
 8 to be working. She thought you were talking to  
 9 Carthenia and not working and you were working, right?  
 10 A She did.  
 11 Q So that's what caused the -- that's what  
 12 caused you to be called to the office and the  
 13 conversation that happened with Kathy, right?  
 14 A Yes.  
 15 Q So is there anything else that you can  
 16 remember that either Kathy said or Amber said in the  
 17 office during that ten minutes that you were in there  
 18 other than what you've already told me?  
 19 A I left out a major part. When I walked in  
 20 the office, Amber said, she insulted me. And I said,  
 21 Ms. Amber, what did I say to insult you? And Kathy  
 22 said, give her a coaching. I didn't say anything else,  
 23 that's when I walked out. After she began to ask  
 24 questions and tell me that, what I had said.  
 25 Q So what, if anything, transpired between you

1 A Yes.  
 2 Q Carthenia was on her way to clock out; she  
 3 was not stocking in the area with you?  
 4 A No.  
 5 Q So you went to the office. How long were you  
 6 in the office --  
 7 A About ten minutes.  
 8 Q -- before you walked out and called  
 9 corporate?  
 10 A About a good ten minutes.  
 11 Q And what, if anything, else can you recall  
 12 that was said to you besides they told you to sit down,  
 13 you said you chose to stand up. So you refused to sit  
 14 down, correct?  
 15 A The tone. "I said sit down. You are not  
 16 working and you need to work." Everything that was  
 17 said was not true. I was working. I said I am -- We  
 18 got in a confrontation, sort of a misunderstanding.  
 19 She misunderstood that. I said, "I was working." "You  
 20 wasn't working. I saw you." I said, "You didn't see  
 21 me. Carthenia was standing there." Just like that.  
 22 Q So her perception was that you were carrying  
 23 on a conversation with Carthenia; you weren't working.  
 24 And your perception was that you were; you were  
 25 working?

1 an Amber on the way to the office?  
 2 A Nothing.  
 3 Q No conversation?  
 4 A No.  
 5 Q You never said anything to her?  
 6 A I said, I could go home or stay. All this  
 7 stopping and starting, if you don't want me to work,  
 8 I'll go home. That's the only thing. She never  
 9 respond until she walked in the office, and then she  
 10 said what she said.  
 11 Q Which was that you had insulted her? She  
 12 told Kathy that you had insulted her?  
 13 A Yes.  
 14 Q So Kathy told her to give you a counseling?  
 15 A A coaching.  
 16 Q A coaching. Did she do that?  
 17 A The next morning when I asked there was no  
 18 coaching written up on me.  
 19 Q But at the time you left, right?  
 20 A Left where?  
 21 Q Left the office?  
 22 A Yes. I went to the break room to call. I  
 23 asked to talk to the manager. I said, what is this  
 24 about? I'm working. You all are arguing with me. Can  
 25 I talk to Kay? And they said, we're not calling Kay.

1 She lives in North Carolina.  
 2 Q Okay. Who is Kay?  
 3 A The store manager.  
 4 Q So who was in charge of the store that night?  
 5 A Kathy Kollin. Comanager Kathy Kollin.  
 6 Q So you asked to call the store manager, which  
 7 I assume was at home. It was at night, right?  
 8 A Yes.  
 9 Q And they said they weren't going to call the  
 10 store manager, correct?  
 11 A Yes.  
 12 Q And then you left to go call corporate; is  
 13 that right?  
 14 A Yes.  
 15 Q You're still on the clock at this time?  
 16 A Yes.  
 17 Q So where did you go to call corporate?  
 18 A In the break room.  
 19 Q And tell me about that.  
 20 A I said, I have two managers --  
 21 Q Well, who did you speak with?  
 22 A There was nobody on line. I left a voice  
 23 message.  
 24 Q Okay.  
 25 A I said, I have two managers assaulting me,

1 talking to me like a dog, accusing me of not working  
 2 and I was very well working.  
 3 Q When you say they assaulted you, now was  
 4 there any threat or physical altercation in the office?  
 5 A Well, insulted me. Wrong choice of word.  
 6 Q Insulting, not assaulted. Okay. Did you  
 7 leave anything else on the voice mail?  
 8 A No.  
 9 Q What number did you -- Did you call a hot  
 10 line or an HK number? Who did you call?  
 11 A I don't know but I thought that was an HK  
 12 number.  
 13 Q Do you remember where you got the number  
 14 from?  
 15 A Off the break room wall.  
 16 Q Did you call anyone else that night?  
 17 A No.  
 18 Q Then what happened after you made the call?  
 19 A I went back to work.  
 20 Q And what happened after you went back to  
 21 work?  
 22 A She came up there and tried to remove the  
 23 pallet. I said okay, she sees that --  
 24 Q Wait. Wait. I'm sorry. Who came and tried  
 25 to remove the pallet?

1 A Comanager Kathy came and she tried to remove  
 2 the pallet.  
 3 Q What do you mean she tried to remove the  
 4 pallet?  
 5 A Where I was stocking there was only three  
 6 Pamper boxes on the Pamper (sic).  
 7 Q On the pallet?  
 8 A On the pallet. So I say she sees I have been  
 9 working and so maybe everything is cool. She said,  
 10 just pulling the pallet out. I said, no, I'm stocking  
 11 them. She's pulling the pallet back, and I kept on  
 12 stocking.  
 13 Q Okay.  
 14 A She pulls the pallet back and I kept stocking  
 15 and pulled some stuff off another pallet and kept  
 16 working.  
 17 Q All right. Was she telling you to stop  
 18 working at that time?  
 19 A At that time she said, You said -- She said,  
 20 you called home office. So you might as well go home.  
 21 You said you wanted to go home. I said, no, that's not  
 22 what I said.  
 23 Q Okay. Did she direct you to go home?  
 24 A No.  
 25 Q Did she tell you to stop working?

1 A No.  
 2 Q What was your understanding of why she tried  
 3 to move the pallet?  
 4 A I understood that she -- Her whole demeanor  
 5 changed. After I told her I called and reported them,  
 6 everything went to another level.  
 7 Q Okay. Let's back up. When did you tell  
 8 Kathy that you called the home office?  
 9 A When I came back by the office.  
 10 Q So after you left the break room, before you  
 11 went back to stocking you went back to the office?  
 12 A No. I walked past the office, they followed  
 13 me. And she said, you said you wanted to go home, then  
 14 clock out and go home. I said, I've already called  
 15 home office. If y'all will please leave me alone, I  
 16 came to work to work. I was scheduled to work and I'm  
 17 here to work. And that's what I told her.  
 18 Q Okay. Did she respond?  
 19 A No, she just followed me.  
 20 Q So then what did you do after that?  
 21 A I started back stocking.  
 22 Q And that's when she came and moved the  
 23 pallet?  
 24 A She was trying to move it but I was still  
 25 stocking. It was empty, I had already completed it.

1 Q When you say she was trying to move it, did  
 2 you do anything to stop her from moving it?  
 3 A No. She got the jack and was pulling that  
 4 pallet out. I took the Pampers that was on it off it,  
 5 stocked it, and went back and got more freight and  
 6 started stocking that.  
 7 Q All right. Then what happened?  
 8 A I was working. I thought everything was  
 9 fine.  
 10 Q Okay. Then what happened?  
 11 A Two police officers. She came walking  
 12 through the store escorting two police officers to me.  
 13 Q All right. And then what happened?  
 14 A She asked me to go -- she said -- they  
 15 said -- I said, sir, is there a problem? And they  
 16 said, can we talk? I said, about what, sir? He said,  
 17 let's go in the back. So she walks in the back. I'm  
 18 behind her and two officers behind me.  
 19 Q This is Kathy you're talking about when you  
 20 said she?  
 21 A Kathy Rollin.  
 22 Q Okay.  
 23 A Kathy Rollin. We get in the office and we're  
 24 there. And --  
 25 Q So at this time there are two officers?

1 A Two police officers there.  
 2 Q All right. Were they male or female, one of  
 3 each?  
 4 A Male.  
 5 Q Male. All right. So in the office were you,  
 6 the two officers, and Ms. Roller?  
 7 A Yes.  
 8 Q All right. What happened when you were in  
 9 the office?  
 10 A She said this: That -- I asked her a  
 11 question, why am I here? He said that she called. And  
 12 I said, for what? I said, is there anything -- He  
 13 said, no. He said, but she said she wanted you to go  
 14 home. I said, for what reason? I said, all she told  
 15 me is I said I was going to clock out and go home, so I  
 16 might as well go home. But she never directly told me  
 17 to go home. She was using my words against me because  
 18 there was nothing I did that was wrong.  
 19 Q Had you told her you were going to clock out  
 20 and go home?  
 21 A No. No. No.  
 22 Q Okay. You never mentioned clocking out and  
 23 going home?  
 24 A Never.  
 25 Q Did you say, if you all are going to keep

1 stopping me from working I may as well clock out and go  
 2 home?  
 3 A I said that with the understanding that I  
 4 came to work to work. If you don't want me here by  
 5 stopping me from working, that's the reason. But not  
 6 that I was going to clock out and go home. I never  
 7 volunteered, I never intended, or never had I planned  
 8 to go home.  
 9 Q Right. But you mentioned clocking out and  
 10 going home in the context of: If y'all don't want me  
 11 to work, I can clock out and go home?  
 12 A If they don't want me to work, yes.  
 13 Q All right. So we're now in office, and Kathy  
 14 is in there, two officers are in there, and you're in  
 15 there. So you asked why you were there. And what  
 16 happened?  
 17 A I just asked why, what's wrong, what have I  
 18 done. And she then said -- He said she had called  
 19 them. I said, for what, I haven't done anything wrong.  
 20 And I don't remember what she said. I don't remember.  
 21 I actually don't remember.  
 22 Q Okay. Well, what happened?  
 23 A What happened then is the officers, they  
 24 were, ma'am, you don't want to get in trouble for  
 25 insubordination, why don't you go home and come back in

1 the morning. And Kathy said, I'll pay you for tonight.  
 2 And the officers said, just go home. And I said, I  
 3 haven't done anything. I said, Officer, can you just  
 4 ask her what did I do. He looked at her. Both did; we  
 5 all did. She said, nothing, but I'll pay you for  
 6 tonight.  
 7 Q Then what happened?  
 8 A Then the officers told me to leave.  
 9 Q Then what happened after they told you to  
 10 leave?  
 11 A One officer was in front of me, I was in the  
 12 middle, and then the last one, and they escorted me out  
 13 of the Walmart store.  
 14 Q Okay. And you went home?  
 15 A Yes.  
 16 Q When you were called to the office and you  
 17 said to Amber, if they're going to keep stopping me  
 18 from working -- Is that when you made the comment to  
 19 Amber, if they're going to keep stopping me from  
 20 working, I can clock out and go home?  
 21 A When Amber called me after she said, Kathy  
 22 wants to see you in the office --  
 23 Q Right.  
 24 A -- I said to her, what's wrong with all this  
 25 starting and stopping? Either I'm going to work, or if

1 y'all are going to keep stopping me, y'all can send me  
2 home because it appeared to me they didn't want me to  
3 work.

4 Q Right. But what was all the starting and  
5 stopping, because you told me earlier that after you  
6 went to your locker, Kathy called you into the office  
7 and said we've got six people out, we need you to work  
8 quickly, and then you went to work, right?

9 A The fact that I was called in the office for  
10 no reason.

11 Q But what did you mean when you said, all this  
12 stopping and starting? Hadn't that just been -- Other  
13 than her telling you at the beginning of the night,  
14 which you said you had no problem with, that they down  
15 six people and they needed you to work quickly, this  
16 was the only time you had been stopped, right?

17 A Exactly.

18 Q So did you mean when you said all this  
19 stopping and starting?

20 A When you start work, you get into a mood and  
21 you stock, you stock. And the stopping slows your pace  
22 down and your speed. Nothing except they were stopping  
23 me to work for nothing. They were stopping me from  
24 work for nothing.

25 Q Right, except that was really the first time

1 that you had been stopped from working since you  
2 started that night, right?

3 A Yes.

4 Q And when Amber came and got you, were you  
5 annoyed?

6 A I was frustrated.

7 Q All right. And did you voice your  
8 frustration?

9 A No.

10 Q Okay.

11 A No.

12 Q You just told her, all this stopping and  
13 starting -- if it's going to be all this stopping and  
14 starting, I might as well clock out and go home?

15 A Due to the fact I know I was working and I  
16 couldn't figure why I was being called in the office,  
17 yes.

18 Q Right. So you voiced to her what you just  
19 told me, right?

20 A Yes.

21 Q And when you went into office you weren't  
22 happy about having been called into the office,  
23 correct?

24 A I was frustrated.

25 Q Right. Which means you weren't happy, right?

1 A Well, true.

2 Q So when you get into the office for that ten  
3 minutes it was back and forth, Kathy saying you weren't  
4 working, you need to be working. You saying, I was  
5 working, I'm doing my job. You don't really understand  
6 why you're being stopped from doing your work when you  
7 were working the whole time, right?

8 A No, that's not true.

9 Q Tell me what happened.

10 A When I walked in the office, Amber says, she  
11 insulted me.

12 Q Okay.

13 A She lied. Kathy said I was not working.  
14 Another lie. So I'm frustrated because they're telling  
15 me things that's not true.

16 Q So you're frustrated for three reasons.  
17 First, you got stopped and you were in your groove work  
18 mode, right?

19 A For no reason, yes.

20 Q For no reason. Second, because Amber said  
21 you insulted her and you didn't insult her, right?

22 A True.

23 Q And third, because Kathy said you weren't  
24 working and you were working?

25 A Yes.

1 Q All right. And you were frustrated and you  
2 probably got even more frustrated after the  
3 conversation evolved, right?

4 A I walked out and called.

5 Q Because you became more frustrated, correct?

6 A I was no more frustrated than I was when I  
7 walked in there.

8 Q Well, you said it was the tone. Earlier you  
9 testified that when you walked in there they used a  
10 tone that you thought was less than pleasant or  
11 favorable, right?

12 A Right, but my demeanor didn't change after  
13 I -- after I took what they had said and knew it was --  
14 everything they was saying was untrue, I walked out.

15 Q Right. Because you became more frustrated?

16 A Not more frustrated. I was still frustrated.

17 Q So you have now told me everything that  
18 transpired that you can remember from the time you got  
19 there that evening until the time the police officers  
20 escorted you out?

21 A All I can remember.

22 Q All right. Did the officers say anything to  
23 else to you that you've not already told me? Which my  
24 understanding was the officer said, you don't want to  
25 get into trouble for insubordination, why don't you

1 just go home.  
 2 A That's all they told me.  
 3 Q All right. Did Amber say anything to you  
 4 that you've already not already told me about?  
 5 A No. Yes, that's all she said.  
 6 Q Do you know if Amber's last name is Barnhill?  
 7 A I don't -- I'm not for sure.  
 8 Q Did Kathy any saying else to you that you've  
 9 not already told me about?  
 10 A No. Everything I told you is what was said.  
 11 Q And her last name is Koller, right?  
 12 A Yes.  
 13 Q Were there any other Walmart associates  
 14 involved in the incident?  
 15 A Nobody but Ms. Carthonia who saw what was  
 16 going on.  
 17 Q And did she stay there during the time that  
 18 you were in the office or had she clocked out and gone  
 19 on home?  
 20 A When I got back she was gone, so ...  
 21 Q And she wasn't in the office when you were in  
 22 the office with Kathy and Amber, right?  
 23 A No, she wasn't.  
 24 Q Did you see her at all ever again that  
 25 evening after you were talking to her -- After you got

1 called into the office did you see Carthonia again?  
 2 A No.  
 3 Q Any other Walmart associates involved in the  
 4 incident?  
 5 A No.  
 6 Q Did you make any other telephone calls other  
 7 than the call to home office?  
 8 A No.  
 9 Q No calls to any relatives or friends?  
 10 A No.  
 11 Q So you just made the one call?  
 12 A I made a call to the office twice but I  
 13 called the 900 number. That's all I remember calling.  
 14 Q And what phone did you use to make that call?  
 15 A I can't remember what it was.  
 16 Q Do you know if it was a cell phone or was it  
 17 a phone at the job?  
 18 A A cell phone, my cell phone.  
 19 Q Do you have the same cell phone number now  
 20 that you had at that time?  
 21 A No.  
 22 Q Do you remember what your cell phone number  
 23 was at that time?  
 24 A Yes.  
 25 Q What was it?

1 A (843)230 -- 229-2930 is my husband's number.  
 2 Q If you can't recall it right now, do you have  
 3 it at home or somewhere where you can find it?  
 4 A No.  
 5 Q Do you know anybody, one of your kids or  
 6 anybody else who might know it?  
 7 A I have the number at home but for some reason  
 8 the number it's escaping my memory. It may come to me.  
 9 Q That's what I was asking, do you have the  
 10 number at home where you could find out for us if we  
 11 need you to.  
 12 A I could find it, yes, ma'am.  
 13 Q And can you do that and let your attorney  
 14 know what the number was?  
 15 A Yes.  
 16 Q And who was the provider for the cell phone?  
 17 Was it Verizon or T-Mobile?  
 18 A T-Mobile.  
 19 Q Okay. Did you clock out that night?  
 20 A I don't remember. Everything was so chaotic,  
 21 I just -- After I -- I don't remember.  
 22 Q Did you go back to your locker and retrieve  
 23 your belongings?  
 24 A When I was being escorted by the officers at  
 25 the door or somewhere down action alley I remembered I

1 don't have keys. And they said they would wait for me,  
 2 go on and get my keys, but I went out another  
 3 direction. So I don't know whether they stayed or  
 4 what.  
 5 Q So they weren't really with you when you  
 6 actually walked out to go to your car?  
 7 A No. They walked me down action alley with  
 8 everybody staring at me like I was a thief.  
 9 Q Right. But you told them you had to go get  
 10 something and they didn't keep you from going to get  
 11 it, right?  
 12 A Right.  
 13 Q And they didn't go back with you to get it,  
 14 right?  
 15 A They told me to go and they would stay there.  
 16 Whether they did or not, I didn't go back in that  
 17 direction, I went another direction.  
 18 Q Right, but they didn't go back with you to  
 19 get your keys? The officers didn't stay with you to go  
 20 get your keys, correct?  
 21 A Correct.  
 22 Q And you chose to go another way when you went  
 23 to walk out, right?  
 24 A Yes. I was embarrassed.  
 25 Q So you went another way and you left the

1 premises and that was the end of the incident, right?  
 2 A Yes.  
 3 Q You don't recall you said whether you clocked  
 4 out. And what was your hourly rate of pay at that  
 5 time, if you recall? Approximately. You don't have to  
 6 know the exact dollar amount. I assume you've gotten a  
 7 raise since then.  
 8 A Ten something. I'm not sure.  
 9 Q Were you paid for the entire night?  
 10 A Yes.  
 11 Q And that's what Kathy told you she was going  
 12 to do, right?  
 13 A Yes.  
 14 Q At any time did you tell Kathy or Amber y'all  
 15 are going to have to call the police if y'all want me  
 16 to leave, I'm not going home?  
 17 A No.  
 18 Q And what is it you're claiming that Walmart  
 19 or that Kathy or Amber or anybody else at Walmart did  
 20 wrong that night?  
 21 A They called the police officer on me without  
 22 cause and publicly humiliating me, made me look like a  
 23 thief.  
 24 Q How did they make you look like a thief?  
 25 A Because as the police officers escort me out

1 of the store, associates, store customers staring me  
 2 down. Associates -- I was walking out. One of them  
 3 asked me, Jackie, what did you steal? They said they  
 4 called the police on you. I said, they lied. Whatever  
 5 happened, it was a lie, and I walked on out.  
 6 Q Who said that to you?  
 7 A Will.  
 8 Q Will asked you what?  
 9 A Why are you -- what did you steal?  
 10 Q Do you know if anybody ever told anybody that  
 11 you stole anything?  
 12 A Associates asked me what.  
 13 Q Right, but do you know -- Go ahead. I didn't  
 14 mean to cut you off. Associates asked you what?  
 15 A What did I steal?  
 16 Q Who other than Will asked you what did you  
 17 steal?  
 18 A Will asked me what did I steal. And  
 19 Ms. Lewis asked me why was they arresting me. She was  
 20 standing right across from me.  
 21 Q Who is Ms. Lewis?  
 22 A She's an associate at the store.  
 23 Q Right. What's her position?  
 24 A Overnight stocker. She was also an overnight  
 25 stocker.

1 Q Were there any customers in the store?  
 2 A Yes, ma'am.  
 3 Q Did any customers say anything to you about  
 4 the incident?  
 5 A They was just staring me down. Everybody was  
 6 looking.  
 7 Q How many customers? This is what? By this  
 8 time it's what, 11:00 o'clock?  
 9 A I'm not sure of the time.  
 10 Q Approximately?  
 11 A I don't know.  
 12 Q Was it after midnight?  
 13 A It was around midnight, but the store is open  
 14 24 hours.  
 15 Q Right.  
 16 A They were about 25, 30 customers there.  
 17 Associates, everybody was just staring at me. So when  
 18 I went to get my purse, I couldn't walk back through  
 19 there, I just went another direction.  
 20 Q Did Kathy or Amber or anyone else at Walmart  
 21 that night ever accuse you of stealing anything?  
 22 A No.  
 23 Q Other than Will telling you -- asking you  
 24 what did you steal, and Ms. Lewis asking you were you  
 25 being arrested, did any other associate ever ask you

1 anything about it?  
 2 A When I came back to work everybody asked me  
 3 why was I arrested, what happened.  
 4 Q Is Will's name Wilbur Blackman?  
 5 A Yes.  
 6 Q And it's your testimony that Will asked you,  
 7 what did you steal?  
 8 A Yes.  
 9 Q Anything else that you think Walmart did  
 10 wrong that night, Kathy, Amber, or anyone else, that  
 11 you haven't already told me?  
 12 A No.  
 13 Q Did you complain to anyone at Walmart after  
 14 that night?  
 15 A No.  
 16 Q Well, was there an investigation into this  
 17 incident?  
 18 A About that incident, oh, yes, certainly. I  
 19 say Kay Lily (sic) who is the store manager. And I  
 20 said, Kay, I don't even want to talk to you. I said, I  
 21 want to talk to HR. I said, because I was treated like  
 22 a dog. And she said, okay, but I've got to take a  
 23 statement.  
 24 Q Did you provide a statement?  
 25 A Yes.

Page 45

1 MS. LEWIS: Let me have this marked as  
 2 Defendant's Deposition Exhibit Number 1.  
 3 (Deposition Exhibit Number 1 was marked for  
 4 identification.)  
 5 BY MS. LEWIS:  
 6 Q I'm going to show you what's been marked as  
 7 Defendant's Exhibit Number 1 and ask you to take a look  
 8 at that if you would. Is this your handwriting?  
 9 A It is.  
 10 Q All right. This is a statement. Can you  
 11 identify this document? I think I might have given you  
 12 too many copies. Can you identify this document? In  
 13 other words, is this a statement that you prepared?  
 14 A Yes.  
 15 Q You wrote in your own handwriting?  
 16 A Yes.  
 17 Q And when did you write this statement?  
 18 A I don't know the date.  
 19 Q It indicates 11/3/2012. Do you recall if you  
 20 wrote this statement the next day when you came to  
 21 work?  
 22 A That morning I came back in.  
 23 Q Why did you come back in that morning?  
 24 A I was requested to leave and come back that  
 25 morning.

Page 46

1 Q They told you to come back that morning?  
 2 A And talk to the manager.  
 3 Q And did you talk to the manager?  
 4 A Yes.  
 5 MS. LEWIS: Let the record reflect there were  
 6 several copies of this stapled together so I just  
 7 made Defendant Number 1 the two-page handwritten  
 8 statement of Ms. Buie.  
 9 BY MS. LEWIS:  
 10 Q All right. So tell me what happened the next  
 11 morning when you came in.  
 12 A She took a statement on me and said it would  
 13 be a full investigation and that she would let me know,  
 14 but I could come to work the next night.  
 15 Q And that was -- when you say she, who are you  
 16 referring to?  
 17 A Ms. Kay Lily. Kay Lily, store manager.  
 18 Q All right. And did you come to work the next  
 19 night?  
 20 A Yes.  
 21 Q Was Ms. Koller there?  
 22 A Yes.  
 23 Q Was Amber there?  
 24 A I'm really not sure right now. I don't know  
 25 who was the supervisor that night. I don't know. I

Page 47

1 don't know.  
 2 Q Did you work without incident that night on  
 3 Saturday?  
 4 A Yes.  
 5 Q All right. Now let's go through your  
 6 statement. It says, To Whom It May Concern, I have  
 7 been with Walmart since 11/15/2008. No problems. I  
 8 work well with others. Right?  
 9 A Yes.  
 10 Q After clocking in on 11/2/12 I was asked to  
 11 go to the office by Amber. I was told there were six  
 12 call-outs and I would need to --  
 13 Can you help me with that in the second  
 14 paragraph? It might be better for you to read it.  
 15 Start reading where it says, I was told there were six  
 16 --  
 17 A I would need to have six stockers. I'm not  
 18 sure.  
 19 Q Done?  
 20 A Yes.  
 21 Q Infants department, shoe department, and soft  
 22 lines?  
 23 A Excuse me. I already had to stock six  
 24 departments already. That's what it meant. I was  
 25 already scheduled in my own tasks, the Taskmaster, I

Page 48

1 was already scheduled to stock infants, the shoe  
 2 department, and soft lines, which is like seven  
 3 departments, men's, boys, women's, girls, and lingerie.  
 4 Q All right. So then it says, I went to work,  
 5 the end of the last paragraph, right?  
 6 A Yes.  
 7 Q Then it says, Me and another associate were  
 8 in -- was in the infants department. I was stocking,  
 9 she was getting off.  
 10 That's Carthenia, correct?  
 11 A Yes. I had stocked one pallet of Pampers and  
 12 Amber came to infants and escorted me to the office.  
 13 Q Keep going.  
 14 A Another associate tried to explain she was  
 15 getting off and I was working. And the second -- I  
 16 don't know what that is. It's blurred. After the  
 17 first time --  
 18 Q Can you keep your voice up a little bit.  
 19 A Okay. She explained the second time in the  
 20 office on 10:55, okay, while giving -- while going to  
 21 the office --  
 22 Q Before you go on, that's you noting that that  
 23 was your second time in the office and it was only  
 24 10:55 p.m., right?  
 25 A Yes.

Page 49

1 Q So that's you noting that now this is my  
 2 second time going to the office and I just started:  
 3 it's only 10:55. Is that why you were writing that?  
 4 A The first time was when I clocked in. So  
 5 this is the second time I'm in the office that night,  
 6 which was unusual. I don't ever go in the office when  
 7 I go to work.  
 8 Q Right, but you were noting it was 10:55 and  
 9 this was the second time you were having to be in the  
 10 office, right?  
 11 A Yes. While going to the office, I said to  
 12 myself--I wasn't really talking--I just said, All the  
 13 starting and stopping, I can work or I can go home.  
 14 Q Or actually it says you can work or clock out  
 15 and go home.  
 16 A Clock out and go home, okay.  
 17 Q You say you said that to yourself, but you  
 18 said it out loud, didn't you?  
 19 A Yes.  
 20 Q Go ahead. Finish reading.  
 21 A Amber started telling untrue statements.  
 22 Q What were the untrue statements?  
 23 A I insulted her.  
 24 Q Any other untrue statement?  
 25 A No.

Page 50

1 Q All right. Go ahead.  
 2 A Kathy told her to write me up, or give me a  
 3 coaching is what she said.  
 4 Q Then you say, Bias.  
 5 A Yes.  
 6 Q What does that mean? Why did you put that  
 7 down?  
 8 A Because the whole incident was untrue and I  
 9 didn't know why I was being jacked up for nothing.  
 10 Q Well, you thought you were being jacked up  
 11 for some reason, didn't you? What did you think it  
 12 was?  
 13 A I have no idea.  
 14 Q Let's keep reading. It says, Did not ask me  
 15 anything. Right?  
 16 A Right.  
 17 Q What did you mean by that?  
 18 A Kathy didn't ask me did I say that, she just  
 19 told her to give me a coaching.  
 20 Q What did Amber say you said that was an  
 21 insult?  
 22 A That's all. She made a statement. She  
 23 insulted me, which was a lie. And Kathy didn't ask me  
 24 did I say it or what did I say. Nobody wanted to know  
 25 what I said. She said, Give her a coaching.

Page 51

1 Q Go on to the next paragraph.  
 2 A Manager Kathy talked to associates like a  
 3 dog, mistreating them.  
 4 Q Which associate did she talk to like a dog?  
 5 A Anybody that was in the meeting.  
 6 Q Any associates?  
 7 A Any. Telling them what they better do, never  
 8 asking. I was harshly mistreated, lied on by Amber.  
 9 Q I don't see anything that says never asking.  
 10 Where does it say that?  
 11 A That's a true statement.  
 12 Q Okay. Well, let's just stick to reading  
 13 right now. Go ahead.  
 14 Tell me what they better do. And then go  
 15 ahead.  
 16 A I was escorted out of the office and told to  
 17 leave by the police.  
 18 Q Let's back up. You said -- Before that  
 19 sentence, you say, I was harshly mistreated and lied on  
 20 by Amber.  
 21 And the lie was that Amber said you had  
 22 insulted her, correct?  
 23 A Correct.  
 24 Q Anything else that Amber said that was a lie?  
 25 A No.

Page 52

1 Q I was --  
 2 A -- escorted out by the -- I was escorted out  
 3 and told to leave by the police.  
 4 Q By police officers, period.  
 5 A Yeah.  
 6 Q I was stopped from working, asked to go to  
 7 the office for the fifth time. What do you mean by  
 8 that?  
 9 A For the fifth time. There was incidents  
 10 where she come and told me to go to the office and I  
 11 wouldn't go. I just continued to work.  
 12 Q You talking about that night?  
 13 A That night.  
 14 Q Okay. So when you called home office, and  
 15 you went back to work, Kathy came back and asked you to  
 16 go back to the office again, didn't she?  
 17 A She did.  
 18 Q And you refused to do that, correct? You  
 19 continued to work?  
 20 A I asked her why. There was no reason.  
 21 Q You refused to do it, correct?  
 22 A I wouldn't say I refused.  
 23 Q Well, let's ask it this way: You didn't go  
 24 back to the office with her, did you?  
 25 A No.

1 A And there's a meeting -- Everybody don't go.  
 2 Some go and some don't go.  
 3 Q So when you got called in the office at  
 4 10:15 -- after you got there at 10:15, could that have  
 5 been because you weren't at the meeting where they were  
 6 telling people that there were six people out?  
 7 A No, because people is out every night and we  
 8 don't get called in the office.  
 9 Q Right, but there were six people out this  
 10 night, and so --  
 11 A We've had ten out and I didn't get called in.  
 12 Q Is it required that you go to the meeting?  
 13 A At that time, no. A lot of people went to  
 14 their departments. The cashiers go to their registers,  
 15 dairy go to their department. I always clocked in and  
 16 went and sometimes I didn't.  
 17 Q The only reason I ask, Ms. Buie, I'm not  
 18 trying to trick you, the only reason I ask is because  
 19 this summary says that you indicated that you had  
 20 missed the meeting and that you got called into the  
 21 office and Kathy told you at that time that there were  
 22 six call-outs and she was going to need everybody to  
 23 work real hard. So I was just wondering if maybe that  
 24 was something that had been covered in the meeting and  
 25 you missed it. But that's the only reason I asked you.

1 So do you know one way or the other whether that was  
 2 covered in the meeting?  
 3 A No, I don't.  
 4 Q But in any event you just testified that is a  
 5 correct statement. So we're good on that, right? I  
 6 missed that meeting, I was called in the office and  
 7 Kathy said I have six call-outs and I'm going to need  
 8 y'all to work hard.  
 9 A Yes.  
 10 Q It was some more things said. I'm not going  
 11 into that.  
 12 Do you know what that means?  
 13 A No, I don't.  
 14 Q All right. I said that sound like a personal  
 15 problem. What are you going to do about it, Kathy?  
 16 She said, they're going to get fired or something to  
 17 that effect.  
 18 So does this refresh your recollection when  
 19 Kathy told you she had six people out, you told her  
 20 that sounds like a personal problem, what are you going  
 21 to do about it?  
 22 A I don't remember asking her that. It's not  
 23 my business, who out -- who is called out.  
 24 Q Right.  
 25 A That's an untrue statement.

1 Q You never said that to her?  
 2 A No.  
 3 Q You never said to Kathy that sounds like a  
 4 personal problem that six people were out?  
 5 A No.  
 6 Q Okay. And then she said to you, they're  
 7 going to get fired or something to that effect?  
 8 A Why would she tell me that?  
 9 Q I'm just asking you if this is what you --  
 10 A No.  
 11 Q If this is what you told Ms. Liles. This is  
 12 what Ms. Liles is saying you told her. All I'm trying  
 13 to do is find out if you told her this of if you  
 14 didn't. If she wrote this down and you didn't say it,  
 15 that's what need to know.  
 16 A No.  
 17 Q So you're saying you did not say that to Ms.  
 18 Liles?  
 19 A I did not say that to Ms. Liles.  
 20 Q I went to department 26 and went to work. Is  
 21 that correct?  
 22 A Yes.  
 23 Q I started stocking Pampers. Is that correct?  
 24 A Yes.  
 25 Q Carthenia, another associate, was working in

1 the department. Is that correct?  
 2 A She works in the department but what she was  
 3 doing -- I don't know what she was doing, returning  
 4 buggies or what, but she was there getting off work  
 5 when I saw her.  
 6 Q Okay. I had stocked a pallet and a half of  
 7 Pampers. Is that correct?  
 8 A Yes, over a pallet probably.  
 9 Q All right. That says a pallet and a half.  
 10 It was about a quarter to 11:00 p.m.  
 11 Carthenia was putting up her buggies to go home. Is  
 12 that correct?  
 13 A Yes.  
 14 Q All right. Kathy was pulling a pallet to the  
 15 back room door by the shoe department. Correct?  
 16 A Yeah. About a hundred feet from us. Yes.  
 17 Q We, meaning you and Carthenia, was in the  
 18 infant department.  
 19 A I couldn't see Kathy so --  
 20 Q Carthenia.  
 21 A I mean Kathy. I'm going to go back to Kathy  
 22 on that. I don't know whether she was pulling a pallet  
 23 or what she was doing. All I know is she was yelling.  
 24 Q Okay. But if Kay indicates that -- Kay  
 25 wasn't there that night, right?

1 A Right.  
 2 Q So Kay is writing down here what you told  
 3 her?  
 4 A I don't recall pulling a pallet to the back  
 5 room.  
 6 Q I'm just saying though if Kay says -- if Kay  
 7 were to come in and say these are my notes from what  
 8 Ms. Buie told me, do you know, recall, or would you  
 9 have a reason to dispute that you told her Kathy was  
 10 pulling a pallet to the back room door by the shoe  
 11 department and we were in the infant department?  
 12 A Yes, I would because I couldn't very well see  
 13 her. I was standing here and Carthenia was in front of  
 14 me. No, I didn't see her pulling that pallet.  
 15 Q So do you think that Kay just wrote this down  
 16 on her own?  
 17 A I have no idea. All I know is she yelled,  
 18 y'all get back to work.  
 19 Q We'll get to that. You all were in the  
 20 infant department though, correct? That means you and  
 21 Carthenia.  
 22 A Yes.  
 23 Q All right. Kathy yells, y'all go to work.  
 24 Right?  
 25 A Yes.

1 Q How could she see all the way over there? We  
 2 were working.  
 3 We was working is what you said -- what she  
 4 wrote down that you said.  
 5 Did you ask that, how could she see all the  
 6 way over there?  
 7 A I couldn't see her so I'm assuming I wondered  
 8 how could she see me.  
 9 Q Right. So that's what you told Ms. Liles,  
 10 right?  
 11 A Yes.  
 12 Q And you said you were working?  
 13 A We were.  
 14 Q And then according to Kay you said, As she  
 15 entered the back room one or two minutes passed and  
 16 Amber comes over.  
 17 And that's consistent with what you told me  
 18 earlier. You said about two minutes later Amber came  
 19 over, right?  
 20 A Yes.  
 21 Q So that's correct, right? Right?  
 22 A Yes.  
 23 Q Carthenia meets Amber and tells her we are  
 24 working. Is that correct?  
 25 A She spoke to her, I would assume that's

1 correct.  
 2 Q Well, did you hear what she said?  
 3 A Yes.  
 4 Q So is this correct, Carthenia meets Amber and  
 5 tells her we are working?  
 6 A She probably said Jackie is working and I'm  
 7 getting off but she said something to her, yes.  
 8 Q Amber says, I don't know what's going on.  
 9 Kathy wants Jackie in the office.  
 10 A Yes.  
 11 Q Jackie was talking to herself out loud  
 12 walking with Amber.  
 13 A Yes.  
 14 Q Jackie says all this stopping and starting, I  
 15 can either work or clock out.  
 16 This says I can't either work or clock out.  
 17 I assume she meant I can either work or clock out and  
 18 go home.  
 19 It doesn't make sense.  
 20 A It doesn't.  
 21 Q So that's correct, right?  
 22 A Yes.  
 23 Q What Kay has written here is a correct  
 24 summary of what you told her?  
 25 A Errors about like the whole paragraph, but,

1 yes.  
 2 Q Say that again.  
 3 A I said there's an error there just like the  
 4 message is an error. It's errors in -- it's errors  
 5 throughout this whole writing.  
 6 Q That's why we're going through it now, Ms.  
 7 Buie. I want you to tell me what the errors are.  
 8 That's why I'm going through each sentence asking you  
 9 if there's anything wrong with it.  
 10 A I said I can either work or clock out and go  
 11 home.  
 12 Q All right. So other than the can't should be  
 13 can in the sentence --  
 14 A All this stopping and -- starting and  
 15 stopping don't make no sense.  
 16 Q That statement is an accurate summary of what  
 17 you told Kay, right?  
 18 A Except she left out all the starting and  
 19 stopping, yes.  
 20 Q Except what?  
 21 A She left out all the starting and stopping.  
 22 Q It says, Jackie says all this stopping and  
 23 starting, I can either work or clock out and go home.  
 24 It doesn't make sense. So that's correct?  
 25 A Okay. I was down further, excuse me. Yes,

1 Q So you said, I was stopped from working,  
 2 asked to go to the office for the fifth time because I  
 3 was speaking to an associate.  
 4 A That's why.  
 5 Q Because you were talking to Carthenia?  
 6 A Carthenia was talking to me. I was working.  
 7 Q You didn't engage in a conversation with her?  
 8 A Yes, ma'am, but I was stocking. What she  
 9 didn't see while I was working there was a big old  
 10 pallet there and I was stocking Pampers.  
 11 Q I understand. But you acknowledge that  
 12 Carthenia wasn't just talking to you; you were talking  
 13 to her; you all were engaged in a conversation. You  
 14 say at the same time you were stocking, but you were  
 15 engaged in a conversation with her, correct?  
 16 A While I was working, yes.  
 17 Q All right. Then go on, next paragraph.  
 18 Please, continue reading.  
 19 A This is what I observed. So this doesn't  
 20 concern me, but it was Thursday night. Two of the  
 21 white associates was sitting in the pharmacy for 15  
 22 minutes, and their wives -- They worked in the  
 23 pharmacy. And the two husbands sat in the pharmacy  
 24 until they got finished stocking and went to break.  
 25 Q So why were you in the store on Thursday

1 A I felt some did what they wanted, some  
 2 didn't.  
 3 Q And in fact, your last sentence says what of  
 4 your statement?  
 5 A Prejudiced white managers.  
 6 Q It says, I was harshly mistreated by two  
 7 prejudiced white managers, right?  
 8 A Yes.  
 9 Q Ms. Buie, is there anywhere in your statement  
 10 where you say somebody -- Will asked you what you  
 11 stole?  
 12 A No.  
 13 Q Anywhere in your statement where you say you  
 14 felt like you were accused of stealing?  
 15 A It was obvious. They had me escorted by  
 16 two -- I felt that way.  
 17 Q Right, but did you note that in your  
 18 statement?  
 19 A No.  
 20 Q And your statement was written the morning  
 21 after, right?  
 22 A Right.  
 23 Q When I assume it would be very fresh in your  
 24 mind. You're still feeling what happened. And you can  
 25 recall probably better than you can some two and a half

1 night? Were you a customer or were you working?  
 2 A Thursday night, this was information that was  
 3 told to me.  
 4 Q Oh, this is information that was told to you.  
 5 Who told you this information?  
 6 A I don't remember. An associate.  
 7 Q So there is nothing about these white male  
 8 associates sitting in the pharmacy that you personally  
 9 observed?  
 10 A No.  
 11 Q It was something that was told to you?  
 12 A Yes.  
 13 Q And why did you put that in your statement  
 14 about what happened on Friday night?  
 15 A Because certain issues didn't concern me, but  
 16 go on in the store with the managers, they get by with  
 17 a minor thing, but with me they made it major.  
 18 Q Well, you thought it was race discrimination,  
 19 didn't you?  
 20 A I thought it was a lot of things.  
 21 Q One of them was race discrimination, correct?  
 22 A To a degree, yes.  
 23 Q Well, isn't that why you put this in here  
 24 about the white pharmacists, what you heard about the  
 25 white fellows in pharmacy?

1 years later. '13, '14, '15. We're about two and a  
 2 half years out now. I would expect that you would  
 3 agree that it would be fresher in your mind, what you  
 4 were feeling and what happened, on the morning after  
 5 than it would be today?  
 6 A I felt like a theft. I felt offended. I  
 7 didn't write that in there either.  
 8 Q Right, you don't write that in there. What  
 9 you wrote in there was that you heard that some white  
 10 guys was sitting there on the clock, on company time,  
 11 and they didn't get any discipline?  
 12 A Excuse me. This is not in my statement.  
 13 This is in another letter I wrote sending information.  
 14 I have those letters.  
 15 Q Right, I understand.  
 16 A This is not in my statement.  
 17 Q I understand. I'm just asking you about this  
 18 statement right now because this is the one we're  
 19 talking about. We'll talk about some of your other  
 20 writings in a little bit, but my question was that this  
 21 was the first statement you wrote about this incident;  
 22 is that right?  
 23 A It is.  
 24 Q And it was written the next morning, right?  
 25 A Yes.

1 Q And it doesn't reference in here anywhere  
 2 about being treated like a thief or feeling like a  
 3 thief or Will asking you what you stole, right?  
 4 A Yes, that's not in that statement.  
 5 Q Now that morning did Kay also interview you?  
 6 A That's the interview right here with Kay.  
 7 Q Okay. But did she interview you during the  
 8 course of her investigation? I know you were told to  
 9 come back that morning, right, by Kathy. And that  
 10 morning you wrote your statement. Then you went on to  
 11 work on Saturday night, right?  
 12 A Right.  
 13 Q Then a couple of weeks later, somewhere down  
 14 the road, Kay interviewed you, correct?  
 15 A She and HK did.  
 16 Q Right. And when you say she and HK, do you  
 17 remember who was from HK?  
 18 A No.  
 19 Q Do you know somebody named Raeford Carr?  
 20 A No.  
 21 (Deposition Exhibit Number 2 was marked for  
 22 identification.)  
 23 BY MS. LEWIS:  
 24 Q Now I'm going to show you -- I have shown you  
 25 what's been marked as Defendant's Exhibit Number 2.

1 And I'm going to ask you if you have seen that document  
 2 before.  
 3 A I have.  
 4 Q You have?  
 5 A This is a statement I gave that they wrote  
 6 down, I think.  
 7 Q Right. But is this your handwriting?  
 8 A No, it isn't.  
 9 Q So have you seen this document before?  
 10 A No. All she told me -- She didn't show me  
 11 anything. She just told me I was fine, I didn't get  
 12 fired.  
 13 Q All right. So why don't you take a couple of  
 14 minutes and read it and then we'll talk about it in a  
 15 little bit more detail. You let me know, Ms. Buie,  
 16 when you've had a chance to read it.  
 17 (A brief break was taken.)  
 18 BY MS. LEWIS:  
 19 Q Have you had enough time to read it?  
 20 A Yes.  
 21 Q You've had an opportunity, Ms. Buie, to read  
 22 Defendant's Exhibit Number 2 which is Ms. Liles -- is  
 23 that how she pronounces her name, or Lily?  
 24 A I think it's Liles. I think, I'm not sure.  
 25 Q I heard you say Lily earlier, I wasn't sure.

1 This is, I'll represent to you, Ms. Liles' notes of an  
 2 interview that she conducted with you on November 17 of  
 3 2012. Have you had an opportunity to review it?  
 4 A Yes, I have.  
 5 Q Is there anything in here that's inaccurate?  
 6 A A lot of it is inaccurate. Not my words, it  
 7 was rewritten.  
 8 Q Let's go through it then. Kay asked you, on  
 9 page 1, to tell her what happened on Friday,  
 10 November 2, 2012. And her notes say that you said you  
 11 clock in every weekend at 10:15 for the last five  
 12 years. Is that correct? Is that an accurate  
 13 statement?  
 14 A No, that's not accurate statement. I clock  
 15 in every -- I clock in sometimes at 10:15. That's not  
 16 accurate.  
 17 Q So you wouldn't have told her that?  
 18 A No.  
 19 Q All right. So what's inaccurate about that  
 20 is that you clock in sometimes at 10:15 but not all the  
 21 time?  
 22 A Yes.  
 23 Q Next statement: I've never been called in  
 24 the office.  
 25 Is that a correct statement? Does that

1 accurately reflect what you told her?  
 2 A For incidents. I've been called in for  
 3 absent days.  
 4 Q Do you remember telling her that you had  
 5 never been called in the office?  
 6 A She asked me was that the only supervisor I  
 7 had a problem with. I said no. Sal had a problem with  
 8 me, and I made a claim against him. Or I made a -- I  
 9 told -- I had a complaint against Sal. That's not in  
 10 here either.  
 11 Q Well, there's a reference to Sal in here but  
 12 we'll get to that. It's in the back on the last page.  
 13 But the fact of the matter is the statements says, I've  
 14 never been called in the office. Not all third-shift  
 15 associates attend the meeting.  
 16 A True.  
 17 Q All right. I missed that meeting. I was  
 18 called in the office and Kathy said I have six  
 19 call-outs and I'm going to need y'all to work hard.  
 20 Is that correct or incorrect?  
 21 A That's correct.  
 22 Q So had there been a meeting at the beginning  
 23 of the shift that you missed?  
 24 A There's a meeting every shift.  
 25 Q Okay.

1 that's correct.  
 2 Q Okay. No problem. All right.  
 3 I entered the office. Amber walks in and  
 4 sits down and tells Kathy, Jackie disrespected me. Is  
 5 that correct?  
 6 A Yes.  
 7 Q And Kathy says, coach her for respect for the  
 8 individual.  
 9 It's misspelled but it looks like it means  
 10 individual. She's trying to say individual. Is that  
 11 correct?  
 12 A Yes.  
 13 Q So does this refresh your recollection of  
 14 what you told Kay, that Amber came in and said that you  
 15 had disrespected her?  
 16 A Yes.  
 17 Q So then Kathy told her --  
 18 Because respect for the individual is one of  
 19 Walmart's mottos for lack of a better word. Isn't that  
 20 one of you all's -- respect for the individual is one  
 21 of Walmart's values?  
 22 A It's one of Walmart's values but it's not the  
 23 case here. It's a lie.  
 24 Q What's a lie?  
 25 A That I disrespected her.

1 Q I understand. Why I was asking you is  
 2 earlier you said she came in and she said she was --  
 3 Insult and disrespect are pretty much the same thing.  
 4 But I just want to make sure that Kay wrote this  
 5 correctly. So you told Kay that Amber told Kathy that  
 6 Jackie disrespected me and Kathy told Amber, coach for  
 7 basically a violation of respect to the individual.  
 8 Right?  
 9 A Yes.  
 10 Q Kathy is upset now and she wants a yes or no  
 11 answer to I never finish your work and tears into me.  
 12 Starts saying I never finish my task or something like  
 13 that.  
 14 A She started saying a lot of crazy stuff.  
 15 Q Well, you told me earlier you couldn't  
 16 remember everything she said. So if Kay says you told  
 17 her that Kathy got upset and wants a yes or no answer  
 18 to you said you never finish your work and tears into  
 19 you saying you never your tasks or something like that,  
 20 would you have any reason to dispute that that's what  
 21 you told Kay?  
 22 A I don't dispute that.  
 23 Q Okay. She starts harassing me--she meaning  
 24 Kathy--so I walk out and go to the break room and call  
 25 home office. Is that correct?

1 A That's correct.  
 2 Q I was calling every number on the board.  
 3 Kathy walks in and said all you're going to get is  
 4 answering services. You said you might as well clock  
 5 out and go home, so Kathy said clock out and go home.  
 6 A That's an untrue statement. She never  
 7 followed me to the break room.  
 8 Q She never told you that you're just going to  
 9 get an answering machine?  
 10 A She never told me that.  
 11 Q And you never told Kay that?  
 12 A No.  
 13 Q So if Kay says that this is what you told her  
 14 and she's writing this down while you're telling her  
 15 this, you're saying that that would not be correct?  
 16 A That is not correct. I never said that to  
 17 her.  
 18 Q You never told Kay that Kathy walked in and  
 19 said, all you're going to get is answering service.  
 20 You might as well clock out and go home. So Kathy said  
 21 clock out and go home.  
 22 A No, that's an incorrect statement.  
 23 Q Okay. Since you said it.  
 24 You said basically, she said Kathy said clock  
 25 out and go home since you said it. And you're saying

1 you didn't tell Kay that.  
 2 A No.  
 3 Q All right. No, you didn't tell her that?  
 4 A No.  
 5 Q All right. So I go back to work. That's  
 6 correct, right?  
 7 A That's correct.  
 8 Q By this time it's about 11:35. Is that  
 9 correct?  
 10 A I don't know the exact time. I don't know.  
 11 Q Do you have any reason to dispute that that's  
 12 the right time if that's what Kay wrote down that you  
 13 told her?  
 14 A If that's what I told her but I don't  
 15 remember the time.  
 16 Q Well, you told me it was going on midnight by  
 17 the time that you left the store, right?  
 18 A Yes.  
 19 Q So it's perfectly plausible that it was 11:35  
 20 when you went back to work, correct?  
 21 A Correct.  
 22 Q Okay. Kathy comes out and said go home. I  
 23 said y'all misunderstood what I said. I did not say I  
 24 was going home. I said with all the stopping and  
 25 starting I might as well go home.

1 A That's what I told Kay. Kathy said, you said  
 2 with all this starting and stopping, you have called  
 3 home office, clock out and go home.  
 4 Q She directed you to clock out and go home?  
 5 A According to what I said. She said you  
 6 said --  
 7 Q Right.  
 8 A -- all this stopping and starting, since you  
 9 called home office, where is that at, you might as well  
 10 clock out and go home.  
 11 Q Right.  
 12 A For nothing.  
 13 Q But she directed you to clock out and go  
 14 home?  
 15 A She didn't threaten me. She told me what I  
 16 said.  
 17 Q Right, and she said, since you said that,  
 18 clock out and go home?  
 19 A I said that because --  
 20 Q Ma'am, can you please answer my question?  
 21 And just stick with me now. If you don't understand  
 22 the question, I'll rephrase it.  
 23 A Rephrase it for me so I can understand it  
 24 more clearly.  
 25 Q Sure, I'll be happy to. The question is,

1 isn't it true that Kathy told you to clock out and go  
 2 home --  
 3 A No.  
 4 Q -- since you had already said you might as  
 5 well clock out and go home; and since you called  
 6 office, she told you to clock out and go home?  
 7 A She didn't give me a directive. She was just  
 8 repeating what I said.  
 9 Q So your statement here where Kay writes that  
 10 you told her Kathy comes out and said go home. I said  
 11 y'all misunderstood what I said.  
 12 A I didn't say none of that.  
 13 Q I did not say I was going home. I said with  
 14 all the stopping and starting I might as well go home.  
 15 You're saying you never told Kay that?  
 16 A I told Kay in a figure of speech. I never  
 17 planned to go home. I came to work.  
 18 Q That's what this says, Ms. Buie. It says you  
 19 said you didn't say you were going home. You said with  
 20 all the stopping and starting you might as well go  
 21 home.  
 22 Isn't that what you called told Kay?  
 23 A True.  
 24 Q And that's what you testified to earlier this  
 25 morning, what you told me, right?

1 A True.  
 2 Q Okay. About the third time in the office I  
 3 tell her I need to talk to Kay, the store manager.  
 4 How do you remember telling Kay you were a  
 5 third time in the office?  
 6 A Yes, I think I did tell her that.  
 7 Q Well, I haven't heard about a third time. I  
 8 guess the third time in the office would have been with  
 9 the police officers. But when you went in and told her  
 10 that you wanted to call the store manager, my  
 11 understanding from what you testified to earlier, that  
 12 was when you were initially in the office?  
 13 A Yes, that's when I was initially in the  
 14 office.  
 15 Q Was that before you called home office or  
 16 after when you told her you wanted to call the store  
 17 manager?  
 18 A Before I went to call home office.  
 19 Q So I'm not understanding the three times you  
 20 were in the office.  
 21 A I don't understand it either.  
 22 Q I tell her I need to talk to Kay, the store  
 23 manager.  
 24 You did tell her that, correct, so that's  
 25 true?

1 A Yes.  
 2 Q Then Kathy said don't make me force my hand.  
 3 Do you remember Kathy saying to you don't  
 4 make me force my hand?  
 5 A I don't remember that.  
 6 Q Would it be -- Would you have any reason to  
 7 dispute whether or not she said that? I mean you  
 8 testified earlier that there was a lot said that you  
 9 didn't remember today.  
 10 A I don't remember saying that.  
 11 Q Right, but you don't have any reason to  
 12 dispute that she may have said that, right?  
 13 A I don't have any reason but I don't remember.  
 14 Q I understand that you don't remember. This  
 15 is a different question, and I appreciate your being  
 16 honest with me about not remembering because if you  
 17 don't remember, I want you to tell me. My next  
 18 question was, you don't have any reason to dispute it  
 19 if she said she said it, or if Kay said you told her  
 20 that Kathy said it? You wouldn't have any reason to  
 21 dispute it because you just don't remember it as you  
 22 sit here today; is that right?  
 23 A I dispute it because there's a lot of stuff  
 24 in here they said I said that I didn't say.  
 25 Q So now you're saying that Kathy did not

1 say -- Kathy did not say don't make me force my hand?  
 2 A I don't remember.  
 3 Q Ma'am, I understand. There's a difference --  
 4 Do you understand that there's a difference between I  
 5 don't remember and she did not say it. I understand  
 6 you've indicated you don't remember.  
 7 A Yes, I understand that.  
 8 Q So my next question is, you don't remember  
 9 it, so you don't know one way or the other whether she  
 10 said it or not as you sit here today, right?  
 11 A No.  
 12 Q Is that correct?  
 13 A I don't know, ma'am. I don't know whether  
 14 she said it or not.  
 15 Q So you don't know if Kathy -- if Kay's  
 16 summary on this is accurate or not?  
 17 A It's a lot that's not accurate already. I  
 18 don't know.  
 19 Q I understand. We're going through -- Have  
 20 you told me so far up until this page with this  
 21 sentence that we have everything in here that's  
 22 inaccurate?  
 23 A Everything isn't inaccurate but everything  
 24 isn't accurate.  
 25 Q Stick with me. Do you need to take a break,

1 Ms. Buie?  
 2 A No, ma'am.  
 3 Q My question to you is this: You've told me  
 4 repeatedly that there's a lot in this summary that's  
 5 not accurate. And that's why I'm asking you about it  
 6 line by line because I want to know everything in here  
 7 that's not accurate. So, so far we've gotten up to  
 8 Kathy says don't make me force my hand. Now what  
 9 you've told me about that sentence is you don't  
 10 remember whether Kathy said that or not, correct?  
 11 A Correct.  
 12 Q And you've said there's a lot in this  
 13 statement -- this summary that's not accurate, correct?  
 14 A Correct.  
 15 Q So far we've gone all the way through page 1,  
 16 page 2, and almost to the bottom of page 3. Have you  
 17 told me everything about this -- up to this point in  
 18 this statement, the summary, that's not accurate? Have  
 19 we already discussed everything that's not accurate up  
 20 until this point?  
 21 A Yes.  
 22 Q So you say -- Anyway, the summary says, so I  
 23 go back to work, meaning you. The next thing I hear,  
 24 someone call my name and I look up and I see Kathy  
 25 walking with the police. Is that correct?

1 A Yes.  
 2 Q Now we're on page 4. Police officer. I say,  
 3 Officer, I have not did anything wrong. Did you say  
 4 that?  
 5 A Yes.  
 6 Q He says let's go to the office and talk. Is  
 7 that correct?  
 8 A Yes.  
 9 Q All right. So we get in the office and he  
 10 starts telling to just go home and come back in the  
 11 morning and talk to the manager. Is that correct?  
 12 A Yes.  
 13 Q He's saying he wouldn't want anyone calling  
 14 him in the middle of night. That means -- is that  
 15 correct?  
 16 A When I asked him to call to talk to Kay and  
 17 she said Kay was at home. He said, as a response to me  
 18 asking for the store manager, I wouldn't want anybody  
 19 calling me in the middle of the night.  
 20 Q Right. So he's saying just go home and come  
 21 back in the morning, don't call the store manager in  
 22 the middle of the night, right?  
 23 A Yes.  
 24 Q All right. So that's correct. I said I  
 25 didn't drive all the way from Marion for nothing. Is

1 that correct?  
 2 A Yes.  
 3 Q So I asked him, where is my report, and the  
 4 officer said I don't have one. There is no report.  
 5 And we're not getting involved in this. Is that  
 6 correct?  
 7 A Yes.  
 8 Q We have no reason to walk you out anyway. So  
 9 I told them I didn't have my pocketbook. We were  
 10 halfway out then. Is that correct?  
 11 A That was after we were out in the public, in  
 12 front of everybody. And we stopped to get my  
 13 pocketbook. This is worded differently. This is  
 14 reworded. After he gets me out in public, everybody  
 15 looking at me, and I tell him, what's all this, look at  
 16 all this; everybody staring at me.  
 17 Q Okay.  
 18 A And then this is when this happened, after  
 19 we're out in action alley. I said, sir, where is the  
 20 arresting warrant? Why are you escorting me out of the  
 21 store? And that's when he says that.  
 22 Q He said I don't have one. There's no report  
 23 and we're got not getting involved in this. We have no  
 24 reason to walk you out anyway.  
 25 A They were already involved and they were

Page 81

1 walking me out. That's wrong.  
 2 Q So you didn't tell Kay that?  
 3 A No.  
 4 Q So I told them I didn't have my pocketbook.  
 5 We were halfway out then.  
 6 A Yes.  
 7 Q Is that correct?  
 8 A They had already escorted me out, so this  
 9 didn't happen in the office.  
 10 Q Right. You just said you were in action  
 11 alley.  
 12 A Yeah.  
 13 Q When you got to action alley you told them  
 14 you didn't have your pocketbook and y'all were halfway  
 15 out then. So they said just go get your pocketbook.  
 16 Right?  
 17 A Right.  
 18 Q I told them I wasn't going home, I was going  
 19 to Ember Street, Walmart 2703.  
 20 A No, I didn't say that.  
 21 Q Never told them you weren't going home; you  
 22 were going to Walmart, Ember Street, Walmart 2730?  
 23 A What's Ember Street?  
 24 Q I have no idea. Ebry Street.  
 25 A I don't know a street by that name.

Page 82

1 Q Okay. The officer said just go home. So I  
 2 went home and came back the next morning and talked to  
 3 Kay. Is that correct?  
 4 A I went back at that point, yes.  
 5 Q Well, the officer said just go home. So I  
 6 went home and came back the next morning and talked to  
 7 Kay. That's correct, right?  
 8 A Yes.  
 9 Q The five years I've been here I've never had  
 10 a problem with management or anyone else.  
 11 That's what you told Kay, right?  
 12 A Yes.  
 13 Q Carthenia can tell you everything. Right?  
 14 A Yes.  
 15 Q Then Kay says you have never had any problem  
 16 with management? You said only Sal. Sal had problems  
 17 with everybody. They transferred him. Just like  
 18 Kathy.  
 19 A No.  
 20 Q Not Kathy transferred.  
 21 Just like Kathy. I would say she's a slave  
 22 master.  
 23 I read that to mean that he had problems with  
 24 everybody just like Kathy had problems with everybody.  
 25 A She did.

Page 83

1 Q Is that what you were telling Kay?  
 2 A Yes.  
 3 Q All right. I would say she's a slave master.  
 4 That's how she acts in the meetings. If you don't want  
 5 to do the work, clock out and go home.  
 6 A Amen. That's her words.  
 7 Q So that's what you told Kay, right?  
 8 A I told her that, yes.  
 9 Q All right. And then Kay asked, so when you  
 10 got your pocketbook police didn't walk you out? You  
 11 said, they were waiting on me in action alley but I  
 12 went a different way because all the associates was  
 13 looking at us. They had told me they had no business  
 14 here in the first place. Is that correct?  
 15 A That's correct.  
 16 Q How is there anything else--I'm going to give  
 17 you an opportunity to go back through it again if you  
 18 need to--in here that you need to correct in  
 19 Defendant's Exhibit Number 2 which is Kay's summary of  
 20 her interview with you?  
 21 A No.  
 22 MK. MURRELL: Regina, let me take a break.  
 23 MS. LEWIS: Sure.  
 24 (A break was taken during which Deposition  
 25 Exhibit Number 3 was marked for

Page 84

1 identification.)  
 2 BY MS. LEWIS:  
 3 Q Ms. Buie, I'm going to show you what's been  
 4 marked as Defendant's Exhibit Number 3, have you take a  
 5 look at that and ask you if you recognize these  
 6 documents.  
 7 A Yes, these are documents where I couldn't  
 8 sleep till 2:00 or 3:00 in the morning.  
 9 Q All right. Well, let's start -- May I see  
 10 number 3, please, Exhibit 3? Let me get my copy in the  
 11 same order. The first one is November 19 at 1:52 p.m.,  
 12 right?  
 13 A Okay.  
 14 Q I just want to make sure that I have mine in  
 15 the same order as yours. And there may be some  
 16 duplicates in here. I apologize if there are.  
 17 Okay. I've handed you back Defendant's  
 18 Exhibit Number 3. And you referenced you were sending  
 19 them in the middle of the night because you couldn't  
 20 sleep?  
 21 A Yes.  
 22 Q So let's just go through the times on these.  
 23 I have one on November 19 at 1:52 p.m., right?  
 24 A This is November 8 I have at 4:00 p.m --  
 25 4:00 a.m.

1 Q Oh, okay. I'm looking at the forwarded date.  
 2 So the Friday -- It was actually sent November 9 at  
 3 4:16 a.m. Okay. That's the first one we have, right?  
 4 A Yes.  
 5 Q And then it looks like it was forwarded to  
 6 someone on November 19. Gotcha. Kandace Cochran, the  
 7 email at kandytre@yahoo.com, is that your email  
 8 address or e-mail address that you use?  
 9 A Yes.  
 10 Q So this e-mail was sent from -- by you?  
 11 A Yes.  
 12 Q And who is Cecelia Porch?  
 13 A She was HR at the time.  
 14 Q Who is Kandace Cochran?  
 15 A My daughter.  
 16 Q So on Friday, November 9, which would have  
 17 been a week after the incident, right --  
 18 A Right.  
 19 Q -- you write to Cecelia Porch in HR?  
 20 A Yes.  
 21 Q And is this an accurate copy of the e-mail  
 22 you sent to her?  
 23 A Yes. This is information where associates  
 24 called me, told someone that they were having meetings  
 25 without the HR from home office.

1 Q Can you explain to me -- Let's look at why  
 2 you -- why did you send this to Ms. Porch?  
 3 A Ask Kathy how many associates was called in  
 4 the office on 11/12 for not clocking in.  
 5 I asked her that because I was the only one I  
 6 knew of who had been called in.  
 7 Q Did you get talked to about clocking in at  
 8 10:15 instead of 10:00 o'clock?  
 9 A Never.  
 10 Q On that night either?  
 11 A Never.  
 12 Q So you said, Cecelia, ask Kathy how many  
 13 associates were called in the office for clocking at  
 14 10:15 because I was not the only one at the clock at  
 15 that time.  
 16 A It was -- it was about five.  
 17 Q Right. But it sounds like you're complaining  
 18 because somebody got after you for clocking in at  
 19 10:15. Did somebody get after you for clocking in  
 20 late?  
 21 A No, not complaining. I had never been called  
 22 in. I was wondering why I was called in.  
 23 Q Were you called in for clocking in late?  
 24 A No.  
 25 Q Well, I don't --

1 A You're not late until you're fifteen minutes  
 2 after.  
 3 Q Right, so I'm not -- Was there any  
 4 conversation where you were called into the office  
 5 about what time you had clocked in?  
 6 A Never.  
 7 Q On that night either?  
 8 A No.  
 9 Q Okay. All the third shift never go to the  
 10 meeting. I have been mistreated.  
 11 Was there any conversation about Jackie, you  
 12 didn't show up for the meeting? Did they say anything  
 13 to you about not having been at the meeting?  
 14 A No.  
 15 Q Okay. So on November 2 when you were called  
 16 in nobody, Kathy or Amber or anybody else, complained  
 17 that you had either clocked in too late or that you  
 18 hadn't been to the meeting, correct?  
 19 A Correct. This is not referring to the  
 20 meeting. This was referring to in general.  
 21 Q Okay. You then say, Ask them to pull my  
 22 records, see what time I clock. Why I have never been  
 23 coach until now.  
 24 What were you coached about?  
 25 A She said give me a coaching. I assumed they

1 had gave me a coaching due to the fact that she told  
 2 her to give me a coaching that night.  
 3 Q About the respect for the individual thing?  
 4 A Yes.  
 5 Q Okay.  
 6 A I didn't realize that I wasn't coached.  
 7 Q Okay. Ask Kathy when you entered the office  
 8 why did you say -- Ask Kathy when you enter the office  
 9 why did you say Jackie insulted me.  
 10 A Why did Amber say.  
 11 Q What did she supposed to have said? Why at  
 12 that time Kathy give her a coaching?  
 13 A What I was supposed to have said. Bad  
 14 writing but I was asking her to ask Kathy why -- what  
 15 did Amber -- what did I say to Amber that was  
 16 insulting.  
 17 Q Ms. Cecelia, I only work weekends. That is a  
 18 good thing.  
 19 What do you mean by that?  
 20 A It's a good thing for me I only work  
 21 weekends.  
 22 Q I want justice.  
 23 What did you want?  
 24 A I wanted to know why two associates -- two  
 25 managers, a comanager and an assistant manager, can get

1 an employee in the office, jack them up and nothing's  
 2 done.  
 3 Q And do what?  
 4 A Talk to them any kind of way, handle them in  
 5 any kind of way, mistreat them, and nothing was done.  
 6 Q Let's go to the next one, which you sent  
 7 Monday, November 5, at 11:49 a.m., correct?  
 8 A Yes.  
 9 Q Why did you send this e-mail?  
 10 A It was after the incident. I was trying  
 11 to -- she was a new -- To give an understanding, she  
 12 was a new HR. Geno who was the HR there was a good  
 13 man, he left. And so I was informing her of some of  
 14 the things that was told to me. I only work weekends.  
 15 It just was information.  
 16 Q All right. One of the things you inform her  
 17 in this e-mail was that on the night of the incident  
 18 Kathy passed and yelled from across the shoe department  
 19 standing in front of the back room, stop talking and go  
 20 to work, right?  
 21 A Yes.  
 22 Q Which means you knew that -- you must have  
 23 known she was in the shoe department standing in front  
 24 of the back room?  
 25 A When she yelled, we looked over there and

1 that's where she was. We could see where she was  
 2 standing.  
 3 Q No worries. I thought you testified earlier  
 4 you didn't know where she was.  
 5 A I didn't know she had a pallet jack.  
 6 Q All right. Then she sent Amber in the  
 7 infants department. We were still working and talking.  
 8 Right?  
 9 A Yes.  
 10 Q And then you go back through Amber insulted  
 11 you -- Amber said that you insulted her and Kathy began  
 12 to tell untrue story, talked to me like a dog, told me  
 13 to listen.  
 14 What was the untrue story Kathy began to  
 15 tell?  
 16 A I wasn't working and I don't get finished up  
 17 my task, a lot of things. She just started throwing  
 18 things at me. And I walk out of the office and call  
 19 home office.  
 20 Q It says, I walk out of the office, called  
 21 Cecelia's number, request to talk to store manager Kay.  
 22 A Cecelia's at home office. That's the HR  
 23 number in the office.  
 24 Q She would not call Kay. Then said you have  
 25 already called the home office. You said you wanted to

1 clock, go home. Clock and go home.  
 2 A She was referring to what I said.  
 3 Q Right, but she was telling you to clock out  
 4 and go home, wasn't she, Ms. Buie?  
 5 A No.  
 6 Q And you refused to do that?  
 7 A No.  
 8 Q Well, your e-mail says that Kathy told you  
 9 you said you wanted to clock, go home. Clock and go  
 10 home. Right?  
 11 A She said you said that.  
 12 Q Uh-huh, so do it. That's what she said,  
 13 right?  
 14 A After I called home office.  
 15 Q Right. She told since you said you want to  
 16 clock out and go home, clock out and go home, correct?  
 17 That's what you've written in your e-mail. And instead  
 18 of clocking out and going home, you write, I went back  
 19 to work, she called the police. Right?  
 20 A Yes.  
 21 Q It looks like the third page might be a  
 22 duplicate. Does the next one also say November 5,  
 23 11:49 a.m.?  
 24 A Yeah.  
 25 Q Okay. We can skip that. It looks like the

1 next one is a duplicate. I don't know who copied this.  
 2 November 5, 11:49 a.m. And then the next one you have,  
 3 is it Monday, November 5 at 5:19 p.m.?  
 4 A Yes.  
 5 Q And the subject is what?  
 6 A Harshly mistreated.  
 7 Q Jacqueline Buie harshly mistreated. And it's  
 8 to Cecelia Porch, right?  
 9 A Yes.  
 10 Q And then you say, Ms. Cecelia, if you want to  
 11 know the truth, tell Amber you have listened to my  
 12 smart phone.  
 13 What are you talking about there?  
 14 A I was just talking, nothing really in  
 15 particular.  
 16 Q Did you record anybody?  
 17 A No, ma'am.  
 18 Q As you sit here today you're telling me you  
 19 don't -- you were talking about nothing in particular  
 20 when you in your e-mail write, if you want to know the  
 21 truth, tell Amber you have listened to my smart phone?  
 22 A It was a bluff. I felt like if they felt  
 23 that it was recorded, they would tell the truth,  
 24 because they had lied about the whole situation.  
 25 Q Okay. So you're telling Cecelia basically to

Page 93

1 act like she had listened to a recording on your cell  
 2 phone?  
 3 A Right.  
 4 Q Because that would --  
 5 A Bring the truth out.  
 6 Q -- get them to tell the truth. Okay.  
 7 Everything she and Kathy is saying is not true, and ask  
 8 her does she want to tell the truth, tell what really  
 9 happened because everybody will know the truth and the  
 10 truth will make you free. Ask Mitt Romney.  
 11 What did you mean by that?  
 12 A It was a facade. Mitt Romney had said he  
 13 needed 50 percent of black voters to win. And somebody  
 14 recorded him and put him on the internet. You don't  
 15 remember that when she was running for President?  
 16 Q Maybe.  
 17 A It was a facade.  
 18 Q You ask me what I want to do. Come to the  
 19 store and sit with all the associates, ask questions  
 20 about Kathy's attitude and how she talks to people.  
 21 Meet with all the associates one on one, ask them how  
 22 nasty Kathy is and how she talks to you like dog or a  
 23 slave. Tell you what you better do or clock out and go  
 24 home. When I walked out the office to call you, she go  
 25 nasty. She and Amber lied about everything and you

Page 94

1 will know the truth. All your supervisors stick  
 2 together right or wrong. I have seen how they treat  
 3 people like a dog and head office go along with them.  
 4 Well, I have proof.  
 5 Okay. That's your e-mail to Cecelia, right?  
 6 A Yes.  
 7 Q And then the next one I have was sent on  
 8 November 6, 2012 at 4:01 a.m. This is when you talk to  
 9 her about what you heard about the white associates in  
 10 pharmacy, correct?  
 11 A I heard it through -- yes, what I heard.  
 12 Q These two prejudiced white managers are  
 13 racists, and I have been harshly mistreated by their  
 14 action. Amber made statement to me on 11/3/2012 when I  
 15 asked her to call you and give you a message. She said  
 16 she rather I call, she did not want anything to do with  
 17 it. I told you all in it. You said I insulted you.  
 18 She just walk away.  
 19 What statement are you talking about did  
 20 Amber make?  
 21 A The same one, that I insulted her. I asked  
 22 to call Cecelia and she wouldn't call her. She didn't  
 23 want to get in it. I think I might have responded,  
 24 you're already in it.  
 25 Q Okay. All right. Then the last e-mail that

Page 95

1 I have was sent on Saturday, November 17, 2012 from you  
 2 at 2:24 p.m. to Cecelia Porch. It says, Ms. Cecelia, I  
 3 had my meeting 11/17/12 at 7:00 a.m. One point I left  
 4 out is there have been several people fired on third.  
 5 I come in every weekend to three or four new people.  
 6 Please give this e-mail and all e-mails I sent to CP.  
 7 What is CP?  
 8 A HK.  
 9 Q You made a statement. You do not respond to  
 10 e-mail. You do know the subject was from me. Kandace  
 11 is my daughter and Trey is my son, that's how I get  
 12 kandytre@yahoo.  
 13 Okay. This is an e-mail you sent. And what  
 14 was the purpose of you sending this to say that several  
 15 people were fired on third?  
 16 A Just information. They come and go at  
 17 Walmart. The turnover rate of hiring and firing. Some  
 18 of it is brought on themselves and some of it is  
 19 brought by associate -- by management. And at that  
 20 time I left and came back and three new people there.  
 21 I was out on leave and came back and there's a whole  
 22 new store. Associates I'm work with now I don't know.  
 23 Q Okay. Are there any other e-mails or  
 24 correspondence that you are aware of that you sent to  
 25 Walmart other than what we've already talked about?

Page 96

1 A None that I can recall.  
 2 MS. LEWIS: Let me mark one more thing. I  
 3 apologize for this but I don't have a copy of it,  
 4 but I'll show to it you before I mark it, Counsel.  
 5 MR. MURRELL: I may have a copy of it. You  
 6 had attached it earlier to that other one.  
 7 MS. LEWIS: Okay, perfect.  
 8 MR. MURRELL: Do you need a copy for her?  
 9 MS. LEWIS: No. That was just for you.  
 10 (Deposition Exhibit Number 4 was marked for  
 11 identification.)  
 12 BY MS. LEWIS:  
 13 Q I'm going to show just what's been marked  
 14 now, Ms. Buie, as Defendant's Exhibit Number 4 and ask  
 15 you if you can identify that.  
 16 MR. MURRELL: This is Exhibit 4?  
 17 MS. LEWIS: Right.  
 18 BY MS. LEWIS:  
 19 Q Can you identify that document?  
 20 A It was one that I signed for Kay.  
 21 Q Kay asked you to write this?  
 22 A Yes.  
 23 Q She's asking you to formalize a complaint  
 24 maybe? Do you know why she asked you to write this?  
 25 A She just told me give a -- no, I don't

1 recall. All I know, it was written the same time the  
2 statement was given.

3 Q Other than everything that we've spoken about  
4 so far, which are the e-mails, your written statement,  
5 this statement that you gave to Ms. Liles, is there any  
6 other documentation that you're aware of that you would  
7 have written or sent to corporate or to anyone at  
8 Walmart?

9 A No, ma'am, not that I can recall.

10 Q Do you know if when Amber came, when you and  
11 Carthenia was in infants, and told you to come to the  
12 office with her, if Carthenia told Amber that Kathy had  
13 caught the two you talking but it didn't matter because  
14 she was about to clock out and go home?

15 A Untrue statement.

16 Q Why are you saying it's untrue?

17 A That's not true.

18 Q Well, did you hear everything that would have  
19 happened between Carthenia and Amber?

20 A No, but -- I didn't hear that, no.

21 Q So didn't hear it but you don't whether she  
22 said it or not?

23 A No.

24 Q You just didn't hear it, correct?

25 A I didn't hear it.

1 Q Okay. Do you recall telling Amber after she  
2 told you to come to the office that you began getting  
3 loud and saying you didn't have to put up with this  
4 foolishness and why were you pulling her -- why was she  
5 pulling you from the floor?

6 A No.

7 Q You didn't say that?

8 A No.

9 Q Do you recall getting louder and louder as  
10 you all walked to the back saying you didn't care if  
11 they had six call-outs, you would just make it seven  
12 and clock out and go home?

13 A No.

14 Q You didn't say that?

15 A No.

16 Q Do you recall Amber asking you in the office  
17 why you felt the need to raise your voice with her and  
18 get an attitude when all she asked you to do was to  
19 step back to the office with her?

20 A No.

21 Q Do you remember yelling that she had stopped  
22 you from doing your work?

23 A No.

24 Q And that you didn't understand why they kept  
25 bothering you?

1 A No.

2 Q Did you call her a liar, Amber a liar, in the  
3 meeting in the office that night?

4 A No. Wow.

5 Q Why are you saying wow, Ms. Buie?

6 A Shocking, that's all.

7 Q What's shocking?

8 A All these untrue statements and lies on me.

9 Q Did you ever tell Kathy that you knew why she  
10 had called you back to the office and that they had  
11 something against you?

12 A No.

13 Q All right.

14 A I hadn't had a problem with Amber or Kathy  
15 before that night.

16 Q You testified earlier that Kathy treated  
17 people like slaves and talked to people like dogs --

18 A Exactly, but I had no problem with that. She  
19 does do that.

20 Q Okay. But you hadn't had a problem with her  
21 doing that, treating people like slaves and talking to  
22 people like dogs?

23 A No, she hadn't had a problem with me. The  
24 ones she had a problem with, the ones she talked to  
25 like a dog, they dealt with it.

1 Q But it wasn't -- you weren't the subject of  
2 that before this night?

3 A Exactly.

4 Q This was time you ever had a problem?

5 A First time I had any issues with Kathy. Very  
6 first time Kathy and Amber.

7 Q All right. Did you drive to work that night?

8 A Yes.

9 Q Huh?

10 A Yes.

11 Q Okay. Do you recall whether you left  
12 messages with anyone other than the one number that you  
13 told me about already that night when you say you  
14 called from the break room?

15 A That's the only number I called.

16 Q Okay.

17 A I may have called it twice, but that's the  
18 only number I called.

19 Q Okay. Do you remember Kathy asking you if  
20 you thought you could calm down and go back to work and  
21 you telling her, I plead the Fifth?

22 A She didn't say that.

23 Q Did you ever say, I plead the Fifth, to  
24 anything she asked you?

25 A No, never.

1 Q All right. Did you ever tell her you weren't  
 2 doing anything illegal; that talking was not against  
 3 the law?  
 4 A No.  
 5 Q Do you remember going to the office or  
 6 telling her -- Strike that. Do you remember going back  
 7 into the office and Kathy telling -- and Kathy  
 8 telling -- I'm sorry. Strike that again. Do you  
 9 remember going back into the office and telling Kathy  
 10 that you were not going home and that she could call  
 11 the police if she wanted?  
 12 A No.  
 13 Q All right. Do you remember her telling you,  
 14 Jackie, please don't make me go that route, just go  
 15 home and come back in the morning, talk to Kay at  
 16 9:00 a.m. or whenever would be good for you?  
 17 A No.  
 18 Q All right. Do you remember her coming back  
 19 when you went back to work and asked -- telling you you  
 20 need to go home for the night and you telling her no?  
 21 A No.  
 22 Q Do you remember her taking the pallet away?  
 23 A I remember her doing that.  
 24 Q Okay. When she took the pallet away, she  
 25 never said to you, you need to go home?

1 A I pulled two Pampers off and stocked them.  
 2 Q Correct. My question is --  
 3 A No.  
 4 Q Your testimony is, and I think you've already  
 5 told me that she told you, since you said you could  
 6 either work or clock out and go home, then clock out  
 7 and go home. We've already established that. But at  
 8 the time that she came back into the area when you were  
 9 working and pulled the pallet, she didn't tell you  
 10 again to go home?  
 11 A No.  
 12 Q And you never told her to call the police?  
 13 A No.  
 14 Q All right. I think we're winding down  
 15 hopefully. Is there anything else that you're claiming  
 16 that Kathy or Amber or anybody at Walmart did wrong  
 17 that night that you -- that's the basis of your lawsuit  
 18 that you haven't already told me today?  
 19 A No.  
 20 Q What is it that Kathy did that you think she  
 21 shouldn't have done or that she didn't do that you  
 22 think she should have done?  
 23 A She shouldn't have called the police for no  
 24 reason.  
 25 Q All right.

1 A She falsely accused me of not working when I  
 2 was working.  
 3 Q All right.  
 4 A She made up a lot of fairy tales after that,  
 5 everything from that point on.  
 6 Q Okay. Anything else from Kathy?  
 7 A No.  
 8 Q What is it that you think Amber did that she  
 9 shouldn't have done or didn't do that she should have  
 10 done?  
 11 A They sort of came together after I didn't  
 12 comply to what -- I don't know what they were trying to  
 13 do in there. I don't know. I don't know why I was in  
 14 the office because I was working. So when you got me  
 15 in the office and tell me I wasn't, I mean I don't  
 16 understand that.  
 17 Q Anything else Amber did that you say she  
 18 shouldn't have done?  
 19 A Just lied.  
 20 Q What was the lie?  
 21 A She lied about that letter she wrote and she  
 22 lied about me insulting her.  
 23 Q What letter that she wrote?  
 24 A The one that you were asking me questions  
 25 from.

1 Q Okay. So you're saying the things that we  
 2 talked about that I asked you about to the extent that  
 3 they were said by Amber were not true; is that right?  
 4 A Yes.  
 5 Q And that she lied when she said you  
 6 disrespected or insulted her?  
 7 A Yes.  
 8 Q Anything else?  
 9 A No, ma'am.  
 10 Q Now in your complaint you -- well, strike  
 11 that. Is there anybody else at Walmart that you're  
 12 claiming did something, mistreated you in any way that  
 13 night or that has anything to do with your lawsuit?  
 14 A Nobody but Kathy and Amber.  
 15 Q All right. In your complaint you allege that  
 16 Walmart slandered, defamed, and libeled you. What  
 17 false statement or statements are you claiming that  
 18 Walmart or anybody at Walmart made about you?  
 19 A The fact that associates were saying I stole  
 20 or I looked as if I had gotten arrested. Why was you  
 21 arrested -- associates saying, why were you arrested,  
 22 what did you steal.  
 23 Q Who said that other than Will?  
 24 A Diane Lewis asked me what was I being  
 25 arrested for.

1 Q Right. Other than Diane Lewis and Will, what  
 2 associates asked you or said anything to you about  
 3 stealing or arrest?  
 4 A All the ones that stood and stared me down  
 5 and looked on me as if I was a thief.  
 6 Q Other than Diane Lewis and Will, what  
 7 associate said anything to you about being a thief,  
 8 having stolen anything, or about being arrested?  
 9 A No one.  
 10 Q Do you have any evidence or information that  
 11 Amber or Kathy or any other manager at Walmart told  
 12 anyone that you stole anything?  
 13 A No.  
 14 Q Do you have any evidence that Amber or Kathy  
 15 or anyone else at Walmart told anyone that you were  
 16 being arrested?  
 17 A No.  
 18 Q Other than what you have told me, are there  
 19 any other statements or false statements that you claim  
 20 were made about you by Kathy or Amber or anyone else at  
 21 Walmart?  
 22 A No.  
 23 Q How libel I'll represent to you is a written  
 24 statement. Are you alleging that there's any writing  
 25 that anybody at Walmart wrote anything about you that

1 of bodily harm or imminent fear that somebody was going  
 2 to hurt you at any time at Walmart?  
 3 A When I was in the office the way they was  
 4 talking to me, asking me, yes, I did fear fearful.  
 5 That's why I walked out.  
 6 Q What were you fearful of? You thought Amber  
 7 or Kathy were going to physically harm you?  
 8 A I didn't know what they was going to do. The  
 9 whole thing was a drama scene.  
 10 Q My question was, were you in fear -- As you  
 11 sit here today under oath, is it your testimony that  
 12 you were in fear that Amber and/or Kathy were going to  
 13 physically harm you in the office that night?  
 14 A I felt some kind of way.  
 15 Q I understand you were upset. I understand -  
 16 you were frustrated. I understand you felt some kind  
 17 of way. But my question is whether or not as you sit  
 18 here today under oath, is it your testimony that you  
 19 felt fear for your physical safety in the office that  
 20 night?  
 21 A Yes. She told me -- it was just -- yes, I  
 22 felt -- It's the way they talked to me. I don't know  
 23 what was going to do. I just felt like --  
 24 Q That's fine if that's what you felt. I just  
 25 need to know the basis. I need to know everything they

1 wasn't true?  
 2 A Not aware, no.  
 3 Q Well, other than you told me -- you've told  
 4 me to the extent that Amber wrote some things in her  
 5 statement, or Kathy may have written some things in her  
 6 statement that you say aren't true. But other than  
 7 that, are you saying that anybody at Walmart wrote and  
 8 published or sent anybody a letter about you, or said  
 9 anything to the people at the Marion school district  
 10 about you that wasn't true, either verbally or in  
 11 writing?  
 12 A To that degree, no, but everything in those  
 13 letters was written was libel. It was not correct.  
 14 Q So other than the statements, is there  
 15 anything else that you're claiming --  
 16 A No.  
 17 Q -- that was said or published about you that  
 18 wasn't true, either writing or verbally?  
 19 A No.  
 20 Q All right. In your complaint you allege that  
 21 Walmart employees assaulted you. At any time were you  
 22 assaulted by Kathy, Amber, or anyone else at Walmart?  
 23 A Well, I felt that my reputation was  
 24 assaulted.  
 25 Q Okay. Well, were you threatened or in fear

1 did or said that made you think you were going to be  
 2 physically assaulted or physically attacked, that  
 3 somebody was going to make physical contact with you  
 4 that night.  
 5 A Maybe not physical but they just mentally  
 6 abused me that night. Not physical.  
 7 Q Let me make sure I understand your  
 8 question -- the answer to my question. My question was  
 9 whether or not you were in fear of an immediate,  
 10 physical, bodily harm?  
 11 A No.  
 12 Q So the answer is no, correct?  
 13 A Yes.  
 14 Q All right. And the basis for your claim of  
 15 theft is based solely on the fact that officers were  
 16 there and you were in action alley, right? And in your  
 17 mind because associates were there and customers were  
 18 there, that gave what you believe to be the perception  
 19 that you had done something wrong, that you had stolen  
 20 or you were being arrested, right?  
 21 A They called the police officer for no reason,  
 22 no reason whatsoever.  
 23 Q So the answer to my question is yes?  
 24 A Yes.  
 25 Q And is there any other reason why you are

1 claiming that Walmart accused you of theft other than  
 2 what we've talked about already?  
 3 A None.  
 4 Q Were you disciplined at all as a result of  
 5 the incident that night?  
 6 A No.  
 7 Q You weren't written up for it, right?  
 8 A No.  
 9 Q And you got paid?  
 10 A Yes.  
 11 Q Even after you left?  
 12 A Yes.  
 13 Q Has your pay increased at all since  
 14 November 2012?  
 15 A It has.  
 16 Q Other than what you've told me is there  
 17 anything else you're alleging Walmart and/or its  
 18 employees did wrong?  
 19 A Tried to get me fired at 11/13.  
 20 Q Well, I don't know that that's the subject of  
 21 this lawsuit, but tell me about what you're talking  
 22 about.  
 23 A There was some nitpicking before she was  
 24 completely removed off the shift, the way she would  
 25 talk to me and harass me in her tone. I need this

1 done. I said, well, I can -- I'll do my best. You  
 2 better do it.  
 3 And I went home early one night and she wrote  
 4 letters saying that I abandoned my job and didn't tell  
 5 nobody I was leaving.  
 6 Q Okay.  
 7 A And so when I was called in the office or  
 8 went in the office, I said -- I talked with Diane and  
 9 they called Diane.  
 10 Q Who is Diane?  
 11 A Assistant manager Diane. I don't know her  
 12 last name.  
 13 Q Okay.  
 14 A That was a liability right there where she  
 15 lied and said I had walked off the job.  
 16 Q Were you disciplined for that?  
 17 A After I got my witness that I talked with an  
 18 as assistant manager and told them, they dropped it.  
 19 Q Were you disciplined for that?  
 20 A No. But I was falsely accused of it though.  
 21 Q All right. Anything else that you're saying  
 22 Walmart and/or its employees did wrong other than what  
 23 we've already talked about?  
 24 A There was some overdemands made to me after  
 25 the situation by her before she was moved from around

1 me.  
 2 Q Overdemands?  
 3 A Yes.  
 4 Q What does that mean?  
 5 A When you have new stock, new freight come in,  
 6 that's what you get first. She would bring five, six  
 7 pallets out of old freight and I would go through that.  
 8 And then the new freight come out. Time basically  
 9 gone, but I would have to go to that and try to stock  
 10 it before 7:00, after maybe about 3:00 or 4:00 o'clock  
 11 in the morning.  
 12 Q And you think that somehow you were being  
 13 singled out?  
 14 A I know I was.  
 15 Q Anything else?  
 16 A That's about it.  
 17 Q How tell me about this problem you had with  
 18 Sal.  
 19 A Wasn't a problem. Some Spanish coins came  
 20 through the store.  
 21 Q Spanish what?  
 22 A Spanish coins. All I know is they were the  
 23 old coins the cowboys had.  
 24 Q When you say came through the store, you mean  
 25 to be sold?

1 A Somebody must have stole them and cashed them  
 2 in at Walmart. And Sal bought them. Me and Sal didn't  
 3 really have a problem.  
 4 Q What was Sal's position?  
 5 A Assistant manager. And we was fussing about  
 6 the coins, wanting to buy one.  
 7 Q Sal is black, white?  
 8 A White. He's a Mexican.  
 9 Q Okay.  
 10 A And Sal was really a good fellow. It's just  
 11 that we had an incident after the coins. What happened  
 12 was I had an 1889--I may still have it--and I gave it  
 13 to him and he looked at it. And I was called to the  
 14 register, it was about 7:00 o'clock; I was getting off.  
 15 He kept it a month in his wallet and he returned it.  
 16 That was honesty. He was good.  
 17 Later on down the line a lot of other  
 18 associates with having issues with him. And one night  
 19 he was like -- You didn't know how to take him from  
 20 night to night. And I don't recall what -- the  
 21 complaint I had on him. I went in the office sort of  
 22 laughing and I said, Sal did this and that. She said  
 23 I'll talk to him. And that's all I remember about  
 24 that. I don't know what the incident was about, but he  
 25 was not a bad assistant manager. I don't even recall

1 what it was about. Y'all may have a copy. I don't  
 2 know.  
 3 Q Okay.  
 4 A It wasn't anything major. It was a minor  
 5 situation.  
 6 Q Any other problems with any managers?  
 7 A None.  
 8 Q Have you ever sued anyone before?  
 9 A No.  
 10 Q Before this lawsuit?  
 11 A No, I have not.  
 12 Q Ever been sued?  
 13 A No, I have not.  
 14 Q Have you ever filed a claim of any type for  
 15 either a personal injury or a workers' comp or anything  
 16 like that?  
 17 A No, but I do have a suit against an accident  
 18 I was in in 2012.  
 19 Q A car accident?  
 20 A Yes, ma'am.  
 21 Q Did you sustain any physical injuries as a  
 22 result of this incident?  
 23 A No physical.  
 24 Q Mental or emotional injuries as a result of  
 25 this incident?

1 A Yes, mental and emotional. I could not  
 2 work -- I could not sleep. And when I came back to  
 3 work, mental. Nobody would really have any dealings  
 4 with me because they was afraid to talk to me for some  
 5 odd reason.  
 6 Q Did you miss any time from work?  
 7 A No.  
 8 Q Did you seek any therapy or counseling or any  
 9 type of medical treatment --  
 10 A No.  
 11 Q -- for your inability to sleep or any other  
 12 condition that you were experiencing?  
 13 A No.  
 14 Q How long were you unable to sleep?  
 15 A Probably about a month.  
 16 Q How long did you have problems at work that  
 17 you think were a result of this incident?  
 18 A Probably three to six months.  
 19 Q What were the problems that you had at work  
 20 that you say were the result of this?  
 21 A Co-workers that I talked with before would  
 22 not talk to me.  
 23 Q Who?  
 24 A All of them gone now. I can't -- Robin. I'm  
 25 not good with names. The ones that I worked with at

1 the time, they would sit -- hey, how you doing. They  
 2 would walk by me, wouldn't speak. Made me feel bad  
 3 like I had done something. And they did not know that  
 4 I hadn't done a thing.  
 5 Q Were these people all there on the night of  
 6 the incident?  
 7 A Some of them were and some of them heard it  
 8 through gossip.  
 9 Q Why is it do you think they stopped talking  
 10 to you?  
 11 A I felt they were scared of getting in trouble  
 12 with Kathy.  
 13 Q You and Kathy continued to work together for  
 14 how long after that?  
 15 A I want to say about three months. She left  
 16 and I actually thought she had moved but I did not know  
 17 she was still in the store. I hadn't seen her at all,  
 18 day or night.  
 19 Q When you say she left, what do you mean she  
 20 left? You mean she left that shift?  
 21 A She left the shift, and I did not see her in  
 22 the entire store day or night.  
 23 Q So everything that she said -- that you said  
 24 she did to you because of this incident, trying to get  
 25 you fired and all of that, all of that happened within

1 three months after the incident?  
 2 A Yes, ma'am.  
 3 Q I thought you said something about 2013.  
 4 A 2013 happened when she came back. After  
 5 2012, 11/2012, she came back 11/2013.  
 6 Q All right.  
 7 A First time I had seen her since I had that  
 8 situation with her in 2012.  
 9 Q So you worked with her for three months after  
 10 the incident and then you didn't work with her for  
 11 about a year?  
 12 A Right.  
 13 Q And then you worked with her again?  
 14 A No. Three months she left so I guess seven  
 15 months and then in 2013 she came back.  
 16 Q And you worked with her again?  
 17 A That first night, yes.  
 18 Q And then -- How long did you work with her  
 19 after that? Was it just the one night?  
 20 A We continued to work. She stayed until they  
 21 moved her in the back room where she doesn't deal with  
 22 any floor associates, just back room associates.  
 23 Q When was that?  
 24 A I don't remember.  
 25 Q Well, when she came back did you work with

1 her another three months, another six months, or  
2 another year? How long more did you work with her  
3 before she got moved to the back room?

4 A After she caused -- After she falsely accused  
5 me of abandoning my job, I don't remember seeing her.  
6 She may have perhaps got moved to the back room then,  
7 but she was moved from completely around me. I mean if  
8 she came back, our schedules didn't come together at  
9 all on the weekend.

10 Q When did she falsely accuse you of abandoning  
11 your job?

12 A November of 2013, a year later from  
13 November 2012.

14 Q So that was just after she had come back?

15 A The same night she came back. That's the  
16 first time we had worked together since 2012.

17 Q And after she accused you -- falsely accused  
18 you of abandoning your job and that got straightened  
19 out, you never worked with her again?

20 A Not that I can remember.

21 Q How long did it take for that to get  
22 straightened out?

23 A One call. I called the manager that I had  
24 talked to to ask -- to let them know I told you I was  
25 going home. And what was so sad about that--I'm

1 Q Let me just tell you -- go through your  
2 witnesses with you and I think I'm done, Ms. Buie. In  
3 your answers -- We sent some written questions to your  
4 lawyer that you all answered in writing. And I just  
5 want to make sure that we have your witnesses as Diane  
6 Lewis, Carthenia Smith, Kathy Koller, Kay Liles, Amber  
7 Barnhill, Cecelia Porch, and I think you testified  
8 about an associate named Will who you said asked you  
9 what you had stolen. Other than those persons, are  
10 there any other witnesses that have any knowledge about  
11 your claims against Walmart?

12 A The manager Tim will be able to confirm that  
13 she had wrote me up for abandoning my job. That's the  
14 only one.

15 Q That's the only other witness?

16 A Yes, ma'am.

17 MS. LEWIS: Okay. Thank you, Ms. Buie. I  
18 don't have anything further.

19 MR. MURRELL: Hold on just one second,  
20 Ms. Buie. I just want to look at my notes. I  
21 might have a couple of questions. Okay.

22 THE DEPARTMENT: Yes, sir.

23 EXAMINATION

24 BY MR. MURRELL:

25 Q Ms. Buie, you said earlier that Kathy Koller

1 surprised you don't have that memo--there was 160  
2 employees out of 300 that had unexcused absences but  
3 they were still working. I went home and had no  
4 absence, for four hours, and she had wrote me up for  
5 abandoning my job and tried to fire me. And had two  
6 letters -- The manager told me she had two letters  
7 where associates said I was hostile and caused a  
8 hostile environment. I said I would like their names  
9 but they wouldn't give them to me.

10 Q All right.

11 A I called Cecelia and I told her the manager  
12 to talk to. She talked to Diane. And then she called  
13 me back and said everything is fine.

14 Q So really you only worked with her a night?

15 A As far as I can remember. If she was there,  
16 she stayed from around me.

17 Q Is there any other thing, incident, act, or  
18 omission by Walmart or its employees that you are  
19 alleging was wrong-doing as a part of your lawsuit that  
20 we have not already talked about?

21 A No, ma'am.

22 Q Are there any other injuries, emotional,  
23 physical, or otherwise that you are claiming that we  
24 have not already talked about?

25 A No, ma'am.

1 kept repeating to you what you had told her about if  
2 you don't want me to work, to clock out and go home: is  
3 that right?

4 A Yes, sir.

5 Q And can you explain what Ms. Koller -- what  
6 Kathy Koller was saying there? Was she saying she  
7 wanted you to go home, or was she saying you keep  
8 saying, Ms. Buie, you want to go home? Explain what  
9 that conversation was or what those statements were.

10 A After I called home office, she got upset.  
11 And she said, well, you done called home office; you  
12 said you wanted to go home, so clock out and go home.  
13 It was like she was rephrasing what I said in sarcasm  
14 talking to me. So I just went on back to work.

15 Q Did you tell her that you did not want to go  
16 home?

17 A Yeah, I told her I did not want to go home, I  
18 came over here to work and I'm going back to work.

19 Q So you said I want to go back to work?

20 A Yes, I want to go back to work.

21 Q And then you went and returned --

22 A To work.

23 Q -- to your job, correct?

24 A Yes, sir.

25 Q And then did Kathy Koller allow you to stay

1 at your job and keep working?  
 2 A Yes, as far as I could remember I started  
 3 working until maybe about 30 minutes later, 25, 30  
 4 minutes later. And I look up and then the police is  
 5 coming.  
 6 Q So she allowed you to go back to your area  
 7 and start working; is that right?  
 8 A Yes.  
 9 Q And you continued to do that until she came  
 10 back with the police?  
 11 A Yes, sir.  
 12 Q Did she ever say to you that she was going to  
 13 call the police if you didn't leave the job?  
 14 A No, never.  
 15 Q Did Kathy Koller as the manager there at  
 16 Walmart make it look like you were being arrested?  
 17 MS. LEWIS: Objection.  
 18 THE DEPARTMENT: Yes.  
 19 BY MR. MURRELL:  
 20 Q Did Kathy Koller as the manager there at  
 21 Walmart make it look like you had stolen something?  
 22 MS. LEWIS: Objection.  
 23 THE DEPARTMENT: Yes.  
 24 BY MR. MURRELL:  
 25 Q Were you afraid that the police officers were

1 going to arrest you?  
 2 A Yes, sir.  
 3 Q Were you afraid that they were going to, you  
 4 know, put their hands on you or touch you and escort  
 5 you out, put handcuffs on you?  
 6 A Yes.  
 7 Q Okay.  
 8 A When we were going in the back, he made a  
 9 gesture. He could have perhaps touched me then, I  
 10 don't know. But he made gesture for me to go on to the  
 11 back with his hand.  
 12 Q Okay. All right. And after Kathy Koller  
 13 called the police, the next day and a couple of days  
 14 thereafter you talked with Kay Liles, the store  
 15 manager, about the whole incident, correct?  
 16 A Yes.  
 17 Q And what did Ms. Liles say to you as far as  
 18 what Kathy Koller had done?  
 19 A After she took my statement and the time of  
 20 investigation was up, she said, you got your job and  
 21 everything is fine. And I said to her, if everything's  
 22 fine, how could all of us be right. If somebody is  
 23 right, somebody is wrong. And she said Kathy was  
 24 wrong.  
 25 Q Wrong about?

1 A Wrong about calling the police on me.  
 2 Q That was the store manager, Ms. Liles, that  
 3 told you that?  
 4 A Yes.  
 5 MR. MURRELL: Those are all the questions  
 6 that I have.  
 7 MS. LEWIS: I'm so sorry, Ms. Buie, but  
 8 unfortunately in light of your attorney's  
 9 questions, I just have a couple I need to  
 10 follow-up on just for clarification.  
 11 FURTHER EXAMINATION  
 12 BY MS. LEWIS:  
 13 Q Your lawyer asked you that after Ms. -- after  
 14 Ms. Koller told you to clock out and go home, she  
 15 allowed you to go back and work, right?  
 16 A Yes.  
 17 Q And you said you worked for 30 minutes until  
 18 the police came, correct?  
 19 A Yes.  
 20 Q During that time, Ms. Koller came into your  
 21 area, right?  
 22 A At the time where I was working, she didn't.  
 23 Q She came and tried to move the pallet,  
 24 correct?  
 25 A That was early on.

1 Q It was after you had called home office and  
 2 gone back to work, right?  
 3 A Right.  
 4 Q So she came and tried to move the pallet,  
 5 right?  
 6 A Yes, but then she had left and I went back to  
 7 work.  
 8 Q And it was clear to you that Ms. Koller was  
 9 asking you to go home and you didn't do that?  
 10 A It wasn't clear to me because I hadn't done  
 11 anything.  
 12 Q I understand you didn't feel like you had  
 13 done anything wrong. But as you stated in your e-mail,  
 14 Ms. Koller told you to clock out and go home, and you  
 15 didn't do it?  
 16 A She told me -- The e-mail, she told me you  
 17 said -- You already called home office.  
 18 Q Right.  
 19 A You said you wanted to go home, go home.  
 20 Q Right. And you didn't do that, correct?  
 21 A It seemed like she was following on what I  
 22 said.  
 23 Q Ma'am, I --  
 24 A I had not planned to go home, no.  
 25 Q The answer is, you didn't do it after she

1 told you to clock out and go home?  
 2 A I told her I was going to work and I went  
 3 back to work.  
 4 Q Right. So the answer is no, you did not  
 5 follow her instructions: isn't that correct?  
 6 A It was an indirect instruction.  
 7 Q Whether it is direct or indirect, you did not  
 8 follow it, correct?  
 9 A No.  
 10 Q No, you did not follow it?  
 11 A No.  
 12 Q Am I correct in saying you did not follow it,  
 13 Ms. Buie?  
 14 A What I'm saying is yes, no, she didn't tell  
 15 me to go home.  
 16 Q Yet I am correct in saying you didn't follow  
 17 the instruction, whether it was direct or indirect?  
 18 A Yes.  
 19 Q How what did Ms. Roller do to make it look  
 20 like you stole?  
 21 A The whole facade. She lied about the entire  
 22 scene.  
 23 Q I need to know specifically what she did to  
 24 make it look like you stole.  
 25 A She called the police and had them escort me

1 out of the store.  
 2 Q Anything else that she did to make it look  
 3 like you stole?  
 4 A No.  
 5 Q What did she do to make it look like you were  
 6 going to be arrested?  
 7 A She called the police.  
 8 Q Anything else besides calling the police?  
 9 A No, ma'am.  
 10 Q All right. I think you told your Counsel  
 11 that you thought you were going to be arrested that  
 12 night? You thought you may arrested that night; is  
 13 that correct?  
 14 A I did.  
 15 Q And ultimately the police told you that it  
 16 really wasn't anything for them to be involved in,  
 17 right?  
 18 A After we got leaving at the end of the day.  
 19 It was after everything was all over and I asked him  
 20 about my pocketbook and I said, sir, since y'all  
 21 escorting me out of the store, I need a copy.  
 22 Q Well, but before that when you were in the  
 23 office --  
 24 A That didn't happen in the office. That's  
 25 what I'm telling you. Everything is broken up.

1 Q I understand.  
 2 A That happened at the walk out.  
 3 Q I understand that you ultimately ended up in  
 4 action alley, and you asked about going to get your  
 5 pocketbook. But before that, when you were in the  
 6 office, your testimony was that the officer told you,  
 7 you need to go on home, ma'am, because you don't want  
 8 to get in trouble for insubordination, didn't he?  
 9 A That's all he said in the office.  
 10 Q Right. And that let you know that he wasn't  
 11 intending to arrest you, he was telling you you needed  
 12 to go on home so you won't get in trouble with your  
 13 job? And he also told -- isn't that right?  
 14 A That's right that he said that.  
 15 Q That is right. And he also told you don't  
 16 call the store manager, I wouldn't want to be called in  
 17 the middle of the night either. At no time, isn't it  
 18 correct, Ms. Buie, at no time did the officer indicate  
 19 to you in any way that you were going to be arrested,  
 20 did they?  
 21 A Yes, when they walked in the office and told  
 22 me to go in the back.  
 23 Q Did they indicate you were going to be  
 24 arrested?  
 25 A I assumed I was. She called them on me.

1 Q Did you wonder why they -- if you were going  
 2 to be arrested, do they usually walk in the back or do  
 3 they arrest you and take you on to the car?  
 4 A Well, it appeared to me that when I went in  
 5 the back and they came out walking me, one in front of  
 6 me and one behind me, I was already arrested.  
 7 Q When they came out walking you, one in front  
 8 of you and one behind you, that's when they had already  
 9 told you to go ahead --  
 10 A They had not told me that. They had told  
 11 me --  
 12 Q Let me finish my question. When you all  
 13 walked out, when you left the office going to action  
 14 alley, hadn't they already told you --  
 15 A No, ma'am, they had not.  
 16 Q Ma'am, you don't know what I -- What's my  
 17 question?  
 18 A I'm sorry. I interrupted you.  
 19 Q It's no problem. My question is whether or  
 20 not when you all left the office, you were walking out  
 21 of action alley, they had already told you to go ahead  
 22 and go home which is why when you got to action alley,  
 23 you said, hey, I don't have my keys and my pocketbook.  
 24 And they said, well, go get your keys and your  
 25 pocketbook. Isn't that correct?

1 A Yes, that's when they escorted me out. They  
 2 didn't let me just leave the office alone and walk out.  
 3 Q Okay.  
 4 A I had an officer in front of me and an  
 5 officer behind me escorting me out of the store.  
 6 Q I get it. That's fair. But you didn't think  
 7 you were going to be arrested. You thought you were  
 8 being escorted out to go home like the officer had told  
 9 you to do, like the manager had asked you to do way  
 10 before she called the officer; isn't that right?  
 11 A True.  
 12 MS. LEWIS: Thank you. I have nothing  
 13 further.  
 14 FURTHER EXAMINATION  
 15 BY MR. MURRELL:  
 16 Q Ms. Buie, but before that time you had been  
 17 afraid you were going to be arrested by the officers --  
 18 A Very much so.  
 19 Q -- isn't that correct?  
 20 A Yes, sir.  
 21 Q How did you believe that Kathy Koller wanted  
 22 you to leave the job, or was she saying, you know, you  
 23 can leave or you can go to work? What was your  
 24 understanding of what Ms. Koller was saying?  
 25 A My understanding is that she really wanted me

1 to stay because there were six people not there, but  
 2 she felt as though she, I don't know, maybe had a point  
 3 to prove. I'm not sure what was going on. Everything  
 4 was not real. It just was not real. It was six  
 5 call-outs, and they had a large truck, a lot of stock.  
 6 And then all this happened for no reason. I didn't  
 7 really know what they wanted me to do.  
 8 Q But you were telling her you were going to go  
 9 work?  
 10 A I'm going to back to work.  
 11 Q You would do your job?  
 12 A Yes, because that's what I came for. I  
 13 clocked in, I was legally there because I was scheduled  
 14 to work.  
 15 Q You kept indicating that you would go and do  
 16 your job, correct?  
 17 A Yes, sir. Yes, sir. I never once said I  
 18 wanted to go home. I never said once that I was going  
 19 to leave. I never said anything but I will do my job,  
 20 I'm going back to work.  
 21 Q And did you feel like Ms. Koller was fine  
 22 with allowing you to stay at your job after you went  
 23 back, after y'all had talked and you were back there  
 24 doing your work? When she left did you believe she was  
 25 fine with you staying there and working?

1 MS. LEWIS: Objection to the form.  
 2 THE DEPOSITION: I do. I was called in. They  
 3 were short. I felt once she got over her issue  
 4 with herself, she would -- I would be able to  
 5 stay.  
 6 MR. MURRELL: That's all I have.  
 7 MS. LEWIS: And, Ms. Buie, I have one last  
 8 question. And then if your lawyer asks you  
 9 another question, I'm not asking you anything  
 10 else.  
 11 FURTHER EXAMINATION  
 12 BY MS. LEWIS:  
 13 Q Would you agree with me that once Ms. Koller  
 14 said, you said you wanted to clock; you've called home  
 15 office, you said you wanted to clock out and go home,  
 16 clock out and go home, if you had clocked out and gone  
 17 home right then, none of this would have happened,  
 18 would it?  
 19 A I feel like they started something, it  
 20 escalated --  
 21 Q And you finished it.  
 22 A They started it and I feel like I needed to  
 23 work because I was supposed to work.  
 24 Q I understand.  
 25 A I was on the clock and I needed to work. I

1 needed the money and I needed to stay and work.  
 2 Q Fair enough. My question was: Do you agree  
 3 with me when Ms. Koller had said, you said you wanted  
 4 to clock out -- you want to work or clock out and go  
 5 home, clock out and go home, if you had clocked out and  
 6 gone home at that time, none of this would have  
 7 happened, would it?  
 8 A No.  
 9 Q Thank you. I don't have anything more.  
 10 A I don't agree.  
 11 Q No, you don't agree?  
 12 A I don't feel that -- I don't understand that  
 13 question.  
 14 Q The question is: If you had simply clocked  
 15 out and gone home when Ms. Koller first told you to  
 16 clock out and go home, none of this would have  
 17 happened?  
 18 A She never told me to clock out and go home.  
 19 She said since you said ...  
 20 Q Well, let's phrase it the way she said it,  
 21 since you said. When Ms. Koller said, since you said  
 22 you would clock out and go home, and since you called  
 23 home office, clock out and go home. Right? That's  
 24 what she said, correct?  
 25 A Right.

Page 133

1 Q If you had clocked out and gone home at that  
 2 moment that she told you to do that, none of this would  
 3 have happened, can we agree on that?  
 4 A No, because if she didn't want me at the  
 5 store, she should have called me within 24 hours to let  
 6 me know not to come to work.  
 7 Q Ma'am, if you had clocked out and gone home  
 8 when she said it, none of this would have happened,  
 9 would it have?  
 10 A I don't agree with that. The way I feel is  
 11 that it should have never happened in the beginning.  
 12 Q I understand you disagree with what happened.  
 13 But you haven't -- so you're saying you think she would  
 14 have still called the police if you left and went home  
 15 when she told you to: is that what you're saying?  
 16 A I'm not saying that either.  
 17 MS. LEWIS: Okay. All right. I think we've  
 18 gotten what we need.  
 19 MR. MURRELL: No further questions.  
 20 (The deposition was concluded at 1:19 p.m.  
 21 The deponent waived signing her deposition.)  
 22  
 23  
 24  
 25

Page 134

1 CERTIFICATE OF REPORTER  
 2 I, Laura Chamblee, Registered  
 3 Professional Reporter and Notary Public for the  
 4 State of South Carolina at Large, do hereby certify:  
 5 That the foregoing deposition was  
 6 taken before me on the date and at the time and  
 7 location stated on page 1 of this transcript; that  
 8 the deponent was duly sworn to testify to the truth;  
 9 the whole truth and nothing but the truth; that  
 10 the testimony of the deponent and all objections  
 11 made at the time of the examination were recorded  
 12 stenographically by me and were thereafter transcribed;  
 13 that the foregoing deposition as typed is a true,  
 14 accurate and complete record of the said deposition at  
 15 the time of the deposition to the best of my ability.  
 16 I further certify that I am neither  
 17 related to nor counsel for any party to the cause  
 18 pending or interested in the events thereof.  
 19 Witness my hand, I have hereunto  
 20 affixed my official seal this 6th day of July 2015, at  
 21 Hartsville, Darlington County, South Carolina.  
 22  
 23  
 24  
 25

\_\_\_\_\_  
 Laura Chamblee,  
 Registered Professional Reporter  
 Notary Public  
 State of South Carolina at Large  
 My Commission expires:  
 December 22, 2018

Page 135

I N D E X

	PAGE
EXAMINATION:	
BY MS. LEWIS	3,123,131
BY MR. MURRELL	119,129
CERTIFICATE OF REPORTER	134
E X H I B I T S	
EXH.	DESCRIPTION
	PAGE
12 No. 1	Handwritten statement by the Plaintiff 45
13 No. 2	Witnessing Manager Interview Notes 57
14 No. 3	E-mails from Plaintiff 83
15 No. 4	General Statement of Facts 96
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

Page 135

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25