

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

Appellate Case No. 2015-002354

RECEIVED

MAY 25 2016

SC Court of Appeals

Willie Jordan,

Appellant,

v.

Jane Doe,

Respondent,

RECORD ON APPEAL

Pamela R. Mullis
MULLIS LAW FIRM
Post Office Box 7757
Columbia, SC 29202

COUNSEL FOR APPELLANT

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Mount Pleasant, SC 29465

COUNSEL FOR RESPONDENT

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

WILLIE JORDAN,

Plaintiff,

vs.

JANE DOE,

Defendant.

Civil Action No. 2014-CP-4065

ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT

RICHLAND COUNTY
FILED
2015 APR 28 PM 4:01
JEANNETTE W. MACBRIDE
C.C.P. &

This matter comes before this Court on Defendant Doe's Motion for Summary Judgment. This is a Jane Doe uninsured motorist case pursuant to S.C. Code Ann. § 38-77-170. Defendant asserts Plaintiff has failed to comply with the statutory requirements for bringing this claim. Specifically, Defendant contends Plaintiff failed to comply with S.C. Code Ann. § 38-77-170(2) and (3).

The Supreme Court held in Hart v. Doe, 261 S.C. 116, 198 S.E.2d 526 (1973) that the burden of proof in an uninsured motorist claim was on the plaintiff to prove, by a preponderance of the evidence, the negligence of the uninsured motorist and that her injuries were caused by the unknown vehicle.

The issue of interpretation of a statute is a question of law for the court. Univ. of S. Cal. v. Moran, 365 S.C. 270, 275, 617 S.E.2d 135, 137 (Ct.App.2005). The cardinal rule of statutory interpretation is to determine the intent of the legislature. Bass v. Isochem, 365 S.C. 454, 459, 617 S.E.2d 369, 377 (Ct.App.2005). All rules of statutory construction are subservient to the one that legislative intent must prevail if it can be reasonably discovered in the language used, and that language must be construed in the light of the intended purpose of the statute. McClanahan

SCANNED

v. Richland County Council, 350 S.C. 433, 438, 567 S.E.2d 240, 242 (2002). "Once the legislature has made [a] choice, there is no room for the courts to impose a different judgment based upon their own notions of public policy." S.C. Farm Bureau Mut. Ins. Co. v. Mumford, 299 S.C. 14, 19, 382 S.E.2d 11, 14 (Ct.App.1989). The legislature's intent should be ascertained primarily from the plain language of the statute. State v. Landis, 362 S.C. 97, 102, 606 S.E.2d 503, 505 (Ct.App.2004). When a statute's terms are clear and unambiguous on their face, there is no room for statutory construction and a court must apply the statute according to its literal meaning. Miller v. Aiken, 364 S.C. 303, 307, 613 S.E.2d 364, 366 (2005). The words of a statute must be given their plain and ordinary meaning without resorting to subtle or forced construction. Durham v. United Cos. Fin. Corp., 331 S.C. 600, 604, 503 S.E.2d 465, 468 (1998).



S.C. Code Ann. § 38-77-170 sets out the strict requirements to file suit under an uninsured motorist provision of an insurance policy when the owner or operator of motor vehicle allegedly causing injury or damage is unknown. Strict compliance with the statute has been required in previous John Doe cases. For example, in Morehead v. Doe, 324 S.C. 559, 479 S.E.2d 817 (Ct.App.1996), the plaintiff did not report the accident to the appropriate police authority until eight months after the accident. The Court of Appeals ruled the belated report did not satisfy §38-77-170(1), reasoning that: "[t]he report to a police authority must be made, as the statute requires, 'within a reasonable time' ... she had no right of action unless she reported the accident to an appropriate police authority within a reasonable time." Id. at 562-63, 479 S.E.2d at 818-19.

In the present case, Plaintiff was required to meet the requirements of statute prior to filing this suit. The evidence and testimony revealed that Plaintiff willfully failed to comply with subsection (3) requiring him to act to determine the identity of the vehicle and driver involved.

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Hart is the only case that has discussed this portion of the statute. In Hart, the plaintiff was injured and remained in her vehicle for 20-30 minutes. The unknown driver also remained on the scene until the plaintiff was taken to the hospital. The plaintiff failed to attempt to ascertain the unknown driver's identity or ask her passengers or the ambulance driver to do the same. The court held this failure amounted to negligence as a matter of law and barred her from recovery.

In this case, Plaintiff was aware of the existence of video tapes and security footage from the location of the accident yet he did not act to recover that evidence—or even choose to view the evidence. Plaintiff failed to follow up with the store manager to determine the identity of the driver. Police were dispatched the following day when Plaintiff presented to the hospital but Plaintiff shut down their investigation into the matter by instructing them not to pursue charges.

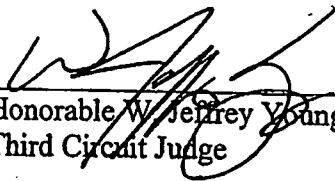
Due care required Plaintiff to actually seek out the footage from the store in order to ascertain the identity of the driver. Plaintiff failed to do so. Simply informing police officers one day later that there may be footage is not sufficient to meet the high burden of the statute. Additionally, instructing those same officers not to pursue the case negates any benefit that could be obtained from their investigation. Plaintiff's own actions resulted in a failure to obtain the identity of the vehicle and/or driver. These actions constitute negligence pursuant to S.C. Code Ann. § 38-77-170(3). For that reason, Plaintiff's claim is barred and Defendant's motion should be granted.

CONCLUSION

 For all the foregoing reasons, I find that Plaintiff failed to comply with S.C. Code Ann. § 38-77-170(3). Plaintiff willfully acted to stop the police officers from ascertaining the identity of the vehicle and the driver of the vehicle. And Plaintiff failed to take any steps on his own to

SCANNED

ascertain the identity of the vehicle and the driver of the vehicle. Plaintiff was, therefore, negligent as a matter of law in failing to exercise due care to ascertain the identity of the vehicle and the driver of the vehicle involved in this accident. Therefore, Defendant's motion is GRANTED¹.


Honorable W. Jeffrey Young
Third Circuit Judge

Sumter, South Carolina

17 April, 2015

¹ While not the basis for my ruling, the evidence and testimony in this case also show that Plaintiff failed to obtain an affidavit from any party—let alone a proper party—until more than four years after the accident and almost one year after filing the Complaint.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-40-1654

Willie Jordan

Jane Doe

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Andrew L. Richardson, Attorney for Defendant

Attorney for : ☐ Plaintiff ☒ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court: Plaintiff's Motion for Reconsideration of my April 17, 2015 Order Granting Defendant's Motion for Summary Judgment is DENIED. I find no issue of fact or law was overlooked. Plaintiff received my Order on April 27, 2015 and filed his Motion to Reconsider on May 1, 2015.

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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I certify that on this date, I have served a copy of the Form 4 Order Denying Plaintiff's Motion for Reconsideration in this action on counsel of record by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Pamela R. Mullis, Esquire
Mullis Law Firm
Post Office Box 7757
Columbia, South Carolina 29202
Attorney for Plaintiff

November 5, 2015
Date

Nicholas Halbert

Michelle D. Laliberte
Legal Assistant to Andrew L. Richardson, Jr.

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Willie Jordan,

Plaintiff(s)

vs.

Jane Doe,

Defendant(s)

IN THE COURT OF COMMON PLEAS

S.C. Code § 38-77-180

CIVIL ACTION COVERSHEET

2014-CP - 40-

RICHLAND COUNTY
FILED
2014 MAR 13 AM 9:09
JESSIE W. HERNANDEZ
C.C.P. & G.S.

(Please Print)

Submitted By: Pamela R. Mullis

Address: Mullis Law Firm

P.O. Box 7757

Columbia, SC 29202-7757

SC Bar #: 13503

Telephone #: 803-799-9577

Fax #: 803-254-8956

Other:

E-mail: prnullis@mullislawfirm.com

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

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete.*

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

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|---|---|---|
| Contracts | Torts - Professional Malpractice | Torts - Personal Injury | Real Property |
| ☐ Constructions (100) | ☐ Dental Malpractice (200) | ☐ Assault/Slander/Libel (300) | ☐ Claim & Delivery (400) |
| ☐ Debt Collection (110) | ☐ Legal Malpractice (210) | ☐ Conversion (310) | ☐ Condemnation (410) |
| ☐ Employment (120) | ☐ Medical Malpractice (220) | ☐ Motor Vehicle Accident (320) | ☐ Foreclosure (420) |
| ☐ General (130) | Previous Notice of Intent Case # | ☐ Premises Liability (330) | ☐ Mechanic's Lien (430) |
| ☐ Breach of Contract (140) | 20 -CP- - | ☐ Products Liability (340) | ☐ Partition (440) |
| ☐ Other (199) | ☐ Notice/ File Med Mal (230) | ☒ Personal Injury (350) | ☐ Possession (450) |
| | ☐ Other (299) | ☐ Other (399) | ☐ Other (399) |
-
- | | | | |
|--|---|---|--|
| Inmate Petitions | Judgments/Settlements | Administrative Law/Relief | Appeals |
| ☐ PCR (500) | ☐ Death Settlement (700) | ☐ Reinstate Driver's License (800) | ☐ Arbitration (900) |
| ☐ Mandamus (520) | ☐ Foreign Judgment (710) | ☐ Judicial Review (810) | ☐ Magistrate-Civil (910) |
| ☐ Habeas Corpus (530) | ☐ Magistrate's Judgment (720) | ☐ Relief (820) | ☐ Magistrate-Criminal (920) |
| ☐ Other (599) | ☐ Minor Settlement (730) | ☐ Permanent Injunction (830) | ☐ Municipal (930) |
| | ☐ Transcript Judgment (740) | ☐ Forfeiture-Petition (840) | ☐ Probate Court (940) |
| | ☐ Lis Pendens (750) | ☐ Forfeiture-Consent Order (850) | ☐ SCDOT (950) |
| | ☐ Transfer of Structured Settlement Payment Rights Application (760) | ☐ Other (899) | ☐ Worker's Comp (960) |
| | ☐ Other (799) | | ☐ Zoning Board (970) |
-
- | | |
|--|---|
| Special/Complex /Other | |
| ☐ Environmental (600) | ☐ Pharmaceuticals (630) |
| ☐ Automobile Arb. (610) | ☐ Unfair Trade Practices (640) |
| ☐ Medical (620) | ☐ Out-of State Depositions (650) |
| ☐ Other (699) | ☐ Sexual Predator (510) |

Submitting Party Signature:



Date:

3/13/2014

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

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Colleton, Florence, Greenville,
Hampton, Horry, Jasper, Lexington, Pickens (Family Court Only), and Richland

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

You are required to take the following action(s):

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

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

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Willie Jordan,)

Plaintiff,)

vs.)

Jane Doe,)

Defendant.)

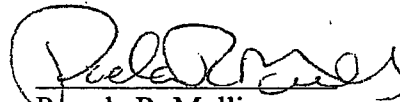
IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

SUMMONS
(Personal Injury)
(JURY TRIAL REQUESTED)

RICHLAND COUNTY
FILED
2014 MAR 13 AM 9:09
JEANETTE W. MCBRIDE
C.C.P. & G.S.

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer to said Complaint on the subscribed, Mullis Law Firm, 1229 Elmwood Avenue, Post Office Box 7757, Columbia, South Carolina 29202, within thirty (30) days after the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.



Pamela R. Mullis

MULLIS LAW FIRM

Post Office Box 7757

Columbia, South Carolina 29202

(803) 799-9577

Columbia, South Carolina

March 13, 2014

JURY TRIAL REQUESTED

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Willie Jordan,)
)
Plaintiff,)
)
vs.)
)
Jane Doe,)
)
Defendant.)
)
)
)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

COMPLAINT
(Personal Injury)
(JURY TRIAL REQUESTED)

RICHLAND COUNTY
FILED
2014 MAR 13 AM 9:09
JEANETTE W. OSBORN
C.C.P. & J.S.

The Plaintiff above named, complaining of the Defendant herein, would respectfully show unto the Court:

1. The Plaintiff, Willie Jordan, is a citizen and resident of the County of Richland, State of South Carolina.

2. The Defendant Jane Doe, whose true name is unknown, is upon information and belief, a citizen and resident of the County of Richland, State of South Carolina.

3. On or about April 1, 2011, the Plaintiff Willie Jordan was a pedestrian standing in the parking lot of Cricket Party Shop, 3047 Bluff Rd, Columbia, SC 29209, when unknown female driver backed up and struck Mr. Jordan with her vehicle and then fled the scene. The collision between Defendant's vehicle and Plaintiff caused Plaintiff's injuries and damages.

4. The aforementioned collision was a direct and proximate result of the negligence and the recklessness of the Defendant driver Jane Doe as follows:

- a. in failing to yield the right of way;
- b. in failing to maintain a proper lookout;

- c. in operating her vehicle in an unsafe manner;
- d. in backing her vehicle in an unsafe and without clearing roadway;
- e. in leaving the scene of an accident;
- f. in failing to exercise due care to avoid colliding with a pedestrian;
- g. in failing to use the degree of care and caution a reasonable and prudent person would have used under the same or similar circumstances;
- h. and in such other particulars as the evidence at trial may show.

5. As a direct and proximate result of the negligence and recklessness of the Defendant, the Plaintiff was injured as follows:

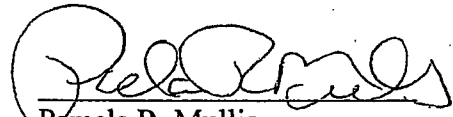
- a. suffered traumatic and permanent injury to his neck, back, left shoulder, right shoulder, right knee, left knee, hands, legs and suffered a concussion;
- b. incurred substantial medical expenses and will continue to incur such expenses in the future;
- c. suffered severe pain and mental anguish and will continue to so suffer in the future;
- d. suffered an impairment in his ability to enjoy life; and
- e. suffered a loss of wages and an impairment in her ability to earn wages in the future.

6. As a result of the negligence and recklessness of the Defendant which injured the Plaintiff, he is informed and believes he is entitled to recover actual and punitive damages against the Defendant.

WHEREFORE, the Plaintiff prays for judgment against the Defendant in an amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars, actual and punitive damages, for the costs of this action, and for such other and further relief as the Court may deem just and proper.

Columbia, South Carolina
March 13, 2014

JURY TRIAL REQUESTED.



Pamela R. Mullis

MULLIS LAW FIRM

Post Office Box 7757

Columbia, South Carolina 29202

(803) 799-9577

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

WILLIE JORDAN,
Plaintiff,

Civil Action No. 2014-CP-40-1654

vs.

ANSWER

JANE DOE,
Defendant.

(Jury Trial Demanded)

Defendant, Jane Doe, answers the Complaint and respectfully asserts the following:

FOR A FIRST DEFENSE

1. Each and every allegation of the Complaint not specifically admitted herein is denied.

FOR A SECOND DEFENSE

2. Defendant would respectfully show each and every cause of action set forth in the Complaint fails to state a claim upon which relief can be granted and, therefore, the Complaint should be dismissed.

FOR A THIRD DEFENSE

3. Defendant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 1 of Plaintiff's Complaint and demands strict proof thereof.

4. Defendant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 2 of Plaintiff's Complaint and demands strict proof thereof.

5. At the present time, Defendant lacks sufficient knowledge as to the facts alleged in Sentence 1 and Sentence 2 of Paragraph 3 of Plaintiff's Complaint and demands strict proof thereof.

6. Defendant denies the allegations in Paragraph 4, including subparts (a) through (h), of Plaintiff's Complaint.

7. Defendant denies the allegations in Paragraph 5, including subparts (a) through (e), of Plaintiff's Complaint.

8. Defendant denies the allegations in Paragraph 6 of Plaintiff's Complaint.

9. Defendant denies the remaining allegations of Plaintiff's Complaint including Plaintiff's prayer for relief.

FOR A FOURTH DEFENSE

10. Plaintiff has failed to comply with the provisions of S.C. Code Ann. §38-77-170 and that there is no Affidavit of a witness attesting to the facts of the accident and the Plaintiff was negligence and failing to determine the identity of "Jane Doe" vehicle at the time of the accident. Therefore, the Plaintiff's claims against Jane Doe should fail and should be dismissed as follows:

FOR A FIFTH DEFENSE
(Sole Negligence of Plaintiff)

11. Defendant alleges any injury and damage sustained by Plaintiff were due to and caused by the sole negligence and/or willfulness of Plaintiff and, therefore, Defendant is not liable to Plaintiff for any sum whatsoever.

FOR A SIXTH DEFENSE
(Comparative Negligence)

12. Defendant pleads the law and doctrine of comparative negligence and alleges the negligence and recklessness of Plaintiff was greater than the negligence, if any, which might be established against Defendant and, therefore, Plaintiff is barred from any recovery in this action. Defendant further alleges any injuries and damages sustained by Plaintiff were due to and caused by the negligence and/or willfulness of Plaintiff combining, concurring, and contributing with

the negligence and/or willfulness, if any, on the part of Defendant and, therefore, any amount of recovery awarded to Plaintiff for the injuries and damages alleged in the Complaint shall be reduced by the Court by the percentage of negligence and/or willfulness attributed to Plaintiff.

FOR A SEVENTH DEFENSE
(Negligence of a Third-Party)

13. Defendant alleges, upon information and belief, that any injury and damage sustained by Plaintiff were due to and caused by sole and negligent acts or omissions of a third party, over whom Defendant neither had nor exercised any authority or control, and, therefore, Defendant is not liable to Plaintiff for any sum whatsoever.

FOR AN EIGHTH DEFENSE
(Sudden Emergency)

14. Defendant alleges that at the time and place alleged in the Complaint, while through no fault of her own, she was placed in an unexpected emergency, and because of the unexpected emergency and sudden and negligent or intentional acts of another over which she had no control, Defendant was required to act only as appeared to her best under the circumstances, considering the emergency in which she was placed. Defendant acted in all respects in a careful and prudent manner and as any reasonable and prudent person would have acted under similar circumstances, for which reason the Defendant is not liable to Plaintiff in any sum whatsoever.

FOR A NINTH DEFENSE
(Bifurcation of Punitive Damages)

15. Pursuant to S.C. Code Ann. §15-32-520, the Defendant hereby requests trial bifurcation with the issues of actual damages and punitive damages.

FOR AN ELEVENTH DEFENSE
(Unconstitutionality of Punitive Damages)

16. Defendant would show the claim for punitive damages cannot be had because any award of punitive damages would violate her equal protection and due process rights as guaranteed by the United States and South Carolina Constitutions.

WHEREFORE, having fully answered, Defendant prays that the Complaint be dismissed, for the costs of defending this action, and for such other relief as the Court and jury deem just and proper.

MCANGUS GOUDELOCK & COURIE, L.L.C.



Andrew L. Richardson, Jr.

Bar No: 76214

Post Office Box 12519, Capitol Station

Meridian, 1320 Main Street, 10th Floor (29201)

Columbia, South Carolina 29211-2519

(803) 779-2300

ATTORNEYS FOR DEFENDANT JANE DOE

April 15, 2014

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

WILLIE JORDAN,

Plaintiff,

vs.

JANE DOE,

Defendant.

IN THE COURT OF COMMON PLEAS

Civil Action No. 2014-CP-40-1654

CERTIFICATE OF SERVICE

I certify that on this date, I have served a copy of Answer in this action on counsel of record by

☐ Delivering it to him/her personally;

☒ Mailing it to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Pamela R. Mullis, Esquire
Mullis Law Firm
Post Office Box 7757
Columbia, South Carolina 29202
Attorney for Willie Jordan

☐ Delivering it by commercial delivery service in accordance with Rule 4(d)(9), SCRCP, addressed as follows:

☐ Email addressed to:
☐ Facsimile to; or,
☐ Other: _____

April 15, 2014
Date

Barbara S. Ham
Barbara S. Ham
Legal Assistant to Andrew L. Richardson, Jr.

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Willie Jordan,)

Plaintiff,)

vs.)

Jane Doe,)

Defendant.)

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

CASE NO.: 2014-CP-40-1654

**PLAINTIFF'S MOTION FOR
RECONSIDERATION OF ORDER GRANTING
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

RICHLAND COUNTY
FILED
2015 MAY -4 AM 11:17
JANETTE W. MCBRIDE
C.C.P. & C.S.

TO: ANDREW L. RICHARDSON, JR., ESQUIRE ATTORNEY FOR DEFENDANT

YOU WILL PLEASE TAKE NOTICE the undersigned, as attorney for the Plaintiff moves before the Court, pursuant to SCRCP Rule 59, for Reconsideration of the Order Granting Defendant's Motion For Summary Judgment issued on April 17, 2015 after a hearing held on March 19, 2015, on Defendant's Motion For Summary Judgment and received by Plaintiff's counsel on April 27, 2015. Appearing at the motion were Pamela R. Mullis, Esquire; representing the Plaintiff, Willie Jordan and Andrew L. Richardson, Jr., Esquire, appearing on behalf of the uninsured carrier pursuant to S.C. Code Ann. § 38-77-140.

I Summary Judgment Should Not Be Granted Where The Plaintiff Has Offered A Mere Scintilla Of Evidence.

The court has established in *Hill v. York County Sheriff's Dep't*, 313 S.C. 303, 305, 437 S.E.2d 179, 180 (Ct.App.1993), when evidence is susceptible to more than one reasonable inference, the issue should be submitted to the jury. *Vaughan v. Town of Lyman*, 370 S.C. 436, 448, 635 S.E.2d 631, 638 (2006). "At the summary judgment stage of the proceedings, it is only necessary for the nonmoving party to submit a scintilla of evidence warranting determination by a jury for summary judgment to be denied." *Hill*, 313 S.C. at 308, 437 S.E.2d at 182; *see also Hancock v. Mid-South Mgmt. Co.*, 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009) (clarifying and



reaffirming in cases applying the preponderance of the evidence burden of proof, the nonmoving party is only required to submit a mere scintilla of evidence to withstand a motion for summary judgment). *Murphy v. Tyndall*, 384 S.C. 50, 54, 681 S.E.2d 28, 30 (S.C.App.,2009). It is well settled that in order to obtain summary judgment, the moving party must show that no genuine issue exists as to any material fact and that the moving party is entitled to summary judgment as a matter of law. *Rule 56(c), SCRPC*. In determining whether any triable issues of fact exist, all inferences from the facts in the record must be viewed in a light most favorable to the party opposing the summary judgment motion. *Hamilton v. Miller*, 301 S.C. 45, 389 S.E.2d 652 (1990). Even where there is no dispute as to the evidentiary facts, but only as to the conclusions or inferences to be drawn from them, summary judgment should not be granted. *Hill* at 305.

II. There is Clearly Evidence Before The Court Interpreted In The Light Most Favorable To The Plaintiff Of the Plaintiff's Reasonable Compliance with His Obligations Pursuant to the Uninsured Motorist Statute.

The Defendant's motion alleged the Plaintiff failed to show a mere scintilla of evidence supporting two separate subsections of the uninsured statute. The primary claim was the failure to determine the identity of the unknown driver. There are facts in the record showing the Plaintiff attempted to determine the identity of the unknown driver.

A. The Plaintiff Offered a Mere Scintilla Of Facts with Which A Reasonable Jury Could Find In the light Most Favorable to the Plaintiff He Attempted to Determine the Identity Of the Driver of the Vehicle.

The relevant portion of the statute states "If the owner or operator of any motor vehicle which causes bodily injury or property damage to the insured is unknown, there is no right of action or recovery under the uninsured motorist provision, unless: . . . the insured was not negligent in failing to determine the identity of the other vehicle and the driver of the other vehicle at the time of the accident. *S.C. Code Ann. § 38-77-170(3)*.

Here, the Plaintiff offered the sworn testimony of the of the day of this accident where he was hit by an individual in a parking lot who stopped and jumped out, so he could personally describe the individual to the police. (*Jordan Dep. Page 29 ln 19-22*) The Plaintiff then testified when he crawled off the ground after she pulled out of the parking lot, to see if he could locate the van. The Plaintiff testified he drove around for about 20 minutes trying to find the unknown vehicle. (*Jordan Dep. Page 49 ln 5-7*) He also testified he returned to the store where the person at the store confirmed they had a video camera and a video photo of the black female who hit the Plaintiff and pulled it up on the camera to confirm that it was still on the camera. (*Jordan Dep. Page 49 ln 8-21*) Obviously, since Willie Jordan had seen the woman who hit him in person he did not need to see her on video, she had yelled at him as he lay partially under her van in the parking lot, he merely needed to confirm the store had the video and could verify who the woman was that hit him if necessary which they in fact did for the police the next day.

Plaintiff further submitted the affidavit of Brandon Robins, who attached and incorporated his report and investigation of this incident reported by the Plaintiff on April 1, 2011. The report was filed as a "aggravated assault" incident report not a automobile traffic incident report – and the Plaintiff indicated to the police officer that he did not want to 'prosecute' the individual criminally, because he was not aware Jane Doe intentionally tried to hit him – or run him down with her car. This is a gross misrepresentation of the facts of the criminal incident report by the Defense. The Plaintiff's statement to the officer indicated this was an auto accident, negligence incident possibly willful, reckless, driving on the part of the unknown driver. He never indicated that Jane Doe ran him down in a parking lot and did not want the police instituting a man hunt for someone as he told the officer he did not believe Jane Doe intentionally ran him down.

He did provide a description of the vehicle Plaintiff also told the officer where to locate a photograph of the black female that hit him - on the video tape at the store. Officer Robins obtained photos of the Jane Doe individual from the store owner who saved the video at the request of the Plaintiff. (*Aff. Of Robbins*) Finally, as always where a negligence standard is applied, there is a reasonableness test, and therefore, clearly this would be a jury test to determine if the Plaintiff was in fact, reasonable in his actions.

There is sufficient evidence that not only did the Plaintiff attempt to determine the identity of the vehicle by ridding around for 20 minutes after the incident to get the license plates of the vehicle after the incident occurred, but also that he spoke with and requested the store owner preserve the video tape of the Jane Doe who hit him and that the police officer was able to preserve a photograph of the Jane Doe. The Plaintiff in fact actively attempted to determine the identity of the Jane Doe driver of the vehicle and there is more than a scintilla of evidence which the Plaintiff can show in this regard warranting a denial of the Defendants' Motion for summary Judgment. Plaintiff respectfully requests the Court reconsider the granting of the motion on this ground.

B. The Plaintiff Is Not Required To Provide an Affidavit Pursuant To the Statute Where There Is Physical Contact between The Unknown Vehicle and the Injured Party.

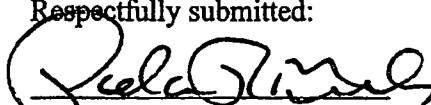
The uninsured statute states there is furthermore, no right of recovery, unless . . . Pursuant to the statute under subsection (2): "the injury or damage was caused by physical contact with the unknown vehicle, or the accident must have been witnessed by someone other than the owner or operator of the insured vehicle; provided however, the witness must sign an affidavit attesting to the truth of the facts of the accident contained in the affidavit . . . *S.C. Code Ann. § 38-77-170(2)*.

The Defendant misinterprets subsection two to require an affidavit of the Plaintiff where there is no impact between the vehicle of the unknown Jane Doe and the vehicle of the Plaintiff. This is simple statutory interpretation, here "the injury to the Plaintiff, was caused by physical contact with the unknown vehicle" this is a simple pedestrian accident, the statute contemplated pedestrian accidents, and does not require an affidavit where the unknown vehicle hit a pedestrian but did not hit a car, *i.e.* cause any physical damage [that would be the 'or damage' portion covering contact with a vehicle which we do not have here as this was clearly only a pedestrian accident]. As this is a pedestrian accident, where the Plaintiff was "physically contacted by the unknown vehicle," and has offered testimony in that regard which is undisputed, in his deposition (*Jordan Dep. Page 29 ln 19-23*) Further supported by the affidavit of Officer Robbins who interviewed the Plaintiff as he was being treated in the hospital. (*Aff. Of Robbins*) Plaintiff believes the plain meaning of the statute supports a denial of the summary judgment motion as to this basis.

CONCLUSION

For the forgoing reasons the Plaintiff respectfully request this Court reconsider the Order Granting Defendant's Motion For Summary Judgment.

Respectfully submitted:



Pamela R. Mullis
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Columbia, South Carolina
May 1, 2015

ATTORNEY FOR PLAINTIFF

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Willie Jordan,)

Plaintiff,)

vs.)

Jane Doe,)

Defendant.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
CASE NO.: 2014-CP-40-1654

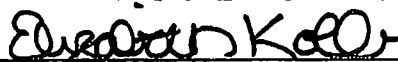
CERTIFICATE OF SERVICE

RICHLAND COUNTY
FILED
2015 MAY -4 AM 11:17
JEANNETTE W. HODDGE
C.C.P. & G.S.

The undersigned hereby certifies that she is a paralegal with the Mullis Law Firm; that a copy of Plaintiff's Motion for Reconsideration of Order Granting Defendant's Motion for Summary Judgment was served in the foregoing action by depositing the same in the United States mail, with sufficient postage affixed thereon, on May 1, 2015, to the following:

Andrew L. Richardson, Jr., Esquire
McAngus, Goudelock & Courie
P.O. Box 12519
Columbia, SC 29211

The Honorable W. Jeffrey Young
215 N. Harvin Street
Sumter, SC 29150


Elizabeth Kolb

Columbia, South Carolina

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND) IN THE COURT OF COMMON PLEAS
3
4 WILLIE JORDAN)
5 PLAINTIFF,) TRANSCRIPT OF RECORD
6 -vs-) 2014-CP-40-01654
7 JANE DOE,) MARCH 19, 2015
8 DEFENDANT.) COLUMBIA, SOUTH CAROLINA
9
10

11 B E F O R E:

12 THE HONORABLE W. JEFFREY YOUNG, JUDGE.
13
14

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

16 PAMELA R. MULLIS, ESQUIRE
17 ATTORNEY FOR THE PLAINTIFF

18 ANDREW L. RICHARDSON, JR., ESQUIRE
19 ATTORNEY FOR THE DEFENDANT

20 MICHAEL R. WATTS
21 CIRCUIT COURT REPORTER
22
23
24
25

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WITNESSES

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(NO WITNESSES CALLED)

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1	EXHIBITS			
2	NO.	DESCRIPTION	ID.	EV.
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1 (PROCEEDINGS, MARCH 19, 2015)

2 THE COURT: All right. This is the case of Willie
3 Jordan versus Jane Doe --

4 MS. MULLIS: Your Honor, if I may approach?

5 THE COURT: -- under docket number
6 2014-CP-40-1654.

7 Present appearing Ms. Pamela R. Mullis for the
8 plaintiff.

9 Mr. Andrew Richardson, is that correct?

10 MR. RICHARDSON: That's right, Your Honor.

11 THE COURT: Mr. Richardson from McAngus, Goudelock
12 & Courie for the defendant Jane Doe.

13 Is this your motion, sir?

14 MR. RICHARDSON: It is, Your Honor.

15 THE COURT: All right.

16 Yes, sir.

17 MR. RICHARDSON: Your Honor, may it please the
18 court, Drew Richardson on behalf of Jane Doe.

19 The basis of our motion, Your Honor, is found
20 under Statute 38-77-170, which allows for the plaintiff to
21 sue for the UIM coverage under the Jane Doe or John Doe.

22 I brought a copy of the statute, Your Honor, if
23 you would like to see that as well.

24 THE COURT: Yes, sir.

25 MR. RICHARDSON: I have -- also we filed a

1 memorandum. I think they got submitted to Judge Manning
2 yesterday. If you don't have it --

3 THE COURT: Do you have a copy of it?

4 MR. RICHARDSON: I do, Your Honor. I'll provide
5 you a copy as well.

6 Your Honor, based on the statute, this is -- it's
7 essentially two-fold the reason for filing the motion, and
8 I'm going to kind of summarize them for you.

9 I believe it's the Subsection 1 and Subsection 3,
10 but essentially what it is, Your Honor, it's the lack of
11 affidavit that was provided as a basis for Jane Doe -- suing
12 for Jane Doe.

13 And also, Your Honor, for the failure for the
14 plaintiff and the plaintiff's negligence in seeking the
15 identification of the defendant trying to find out.

16 Essentially, Your Honor, what Subsection 1 -- or
17 basically I think it's Subsection 1 -- no, Subsection 2,
18 excuse me. Subsection 1 is reporting the accident, if they
19 didn't report the accident.

20 But, essentially, Your Honor, there has been a
21 litany of cases that have determined this statute and the
22 necessity of filing an affidavit.

23 And essentially the facts of this accident, Your
24 Honor, is that on April 1st, 2011, the defendant -- or the
25 plaintiff claimed as he was walking through a Little Cricket

1 parking lot that a car backed into him and he fell down.

2 Your Honor, I will hold out to you that all of the
3 cases that we have been able to determine deal exclusively
4 with contact between two vehicles. If two -- if contact
5 between two vehicles is made, there is no reason for an
6 affidavit. Mainly for that is that you have got the
7 physical damage to the car to determine whether or not there
8 was any accident whatsoever. We don't have any of that
9 here. We have contact that's been made -- it's allegedly a
10 contact was made between the pedestrian and also the car.
11 We don't have any -- we don't actually have any substantive
12 proof that we can look at and see this is indicative of an
13 accident between two vehicles. And for that reason, Your
14 Honor, we believe that an affidavit is necessary.

15 THE COURT: Well, you see where one was filed,
16 though, something that looks like an affidavit?

17 MR. RICHARDSON: Something was filed, Your
18 Honor --

19 THE COURT: Supposed to be an affidavit.

20 MR. RICHARDSON: That was filed this week.

21 THE COURT: Right.

22 MR. RICHARDSON: It was filed -- it was filed a
23 year and a half after the complaint was filed. You know, it
24 was four years after the accident.

25 And it's our argument based upon the Collins case,

1 Your Honor, and, again, I brought copies of the cases, if
2 you need to see those as well, but based on the Collins
3 case, it's our understanding that filing an affidavit as
4 it's been defined and looked at within the Collins case is
5 the right to bring the action. You need to have the
6 affidavit and the right to bring the action.

7 So it is our understanding, Your Honor, that the
8 affidavit is actually a conditioned precedent. Without the
9 affidavit, there cannot be any lawsuit whatsoever. It needs
10 to be brought in at the same time, filed at the same time,
11 and we think that's what the Collins case holds. They went
12 in and looked at the definition of right of action and a
13 part of that is to bring the case. So, again, it's a
14 condition precedent, Your Honor.

15 I'm not going to go on too much on that other
16 issue, as that has been well documented and argued within
17 our memo.

18 But, again, Your Honor, the affidavit was filed
19 four years after the accident and it's year and a half after
20 the complaint.

21 We have already deposed the plaintiff and we have
22 already actually had mediation, and there is another issue
23 that's covered that doesn't have anything to do with that as
24 well.

25 The second part, Your Honor, is no investigation,

1 which is Subsection 3 of 38-77-170.

2 So essentially what it states is that the
3 plaintiff can't be negligent in failing to determine the
4 identification of the Jane Doe driver.

5 What we know here within the deposition -- and I
6 know that Ms. Mullis passed up some excerpts of the
7 deposition, but what I can tell you, Your Honor, that
8 whenever we deposed them -- I brought the entire transcript,
9 if you need it.

10 THE COURT: I think she's gotten it too.

11 MR. RICHARDSON: But starting on page 45, going
12 through page 47, was questions about the identification of
13 the driver. And essentially what we know now is that there
14 was video that recorded this.

15 There is some -- there may potentially be some
16 disputes, whether it's live feed or not live feed, whatever,
17 based on the affidavit that was submitted by the police
18 officer, but what we do know is that a -- there was a
19 potential of going back and seeing this person, this Jane
20 Doe driver, as they were checking out, or whatever, at the
21 Little Cricket.

22 At no point did the plaintiff ever go back and
23 seek a copy of that to at least try to determine who that
24 Jane Doe driver was, at no time.

25 The police were called about this incident the day

1 after whenever he went to the emergency room. An
2 investigating officer did go out and try to investigate this
3 a little bit more. He went to Jane -- went to the Little
4 Cricket, looked at the video, but the important part about
5 that is that Willie Jordan specifically stated that they
6 didn't want to press charges, that he didn't want to press
7 charges. So the investigation didn't go any further. And
8 so at no point did -- and he admitted in his deposition at
9 no point did he ever try to get a copy of that video, do any
10 further investigation.

11 This wasn't as if the Jane Doe driver just
12 completely drove off, there is no video, there is no way of
13 ascertaining who the ID of the Jane Doe is. We do have that
14 here, but nothing was done, nothing was taken a step further
15 and try to determine who the identity of the Jane Doe driver
16 was.

17 And, Your Honor, again, I have got full copies of
18 the transcript, if you need it, but essentially I have given
19 you a summary of what's found on page 45 through page 47,
20 where the plaintiff specifically says that "the clerk for
21 Little Cricket showed me the video, showed me the pictures
22 of the lady that was driving the van." No copy was ever
23 made. No copy was ever requested, or anything else, just
24 left it at that.

25 So for these two reasons, Your Honor, we believe

1 that our motion for summary judgment should be granted.

2 THE COURT: Yes, ma'am.

3 MS. MULLIS: May it please the court, I'm Pamela
4 Mullis. I'm here representing Willie Jordan.

5 We have provided to the court one, the excerpt of
6 the plaintiff's deposition.

7 He testified that on the day of the incident, on
8 April 1st of 2011, that he was hit by the defendant driver,
9 on page 29 of his deposition; that the car hit him
10 physically and left the scene of the accident.

11 We believe that opposing counsel is actually
12 misreading this statute.

13 I have provided you with a copy of this statute.
14 Subsection 2 of the statute, the first line of Subsection 2
15 of this statute -- and we redacted it in the way that it is
16 supposed to be redacted, the first line of it states "that
17 injury or damage was caused by physical contact with the
18 unknown vehicle."

19 Well, clearly the car that he was in wasn't hit.
20 So the question is was his injury caused by physical contact
21 with the unknown vehicle, and it was.

22 There is no affidavit required in this case. My
23 client is not required to submit an affidavit to the court
24 under 38-77-170, because he was physically hit by the car.

25 The only reason he would be required to submit an

1 affidavit under 38-77-170 is if, in fact, there was no
2 physical contact between my client and the unknown vehicle,
3 and that's the plain meaning of the statute.

4 If there was no physical contact between my client
5 and the unknown vehicle, then, in fact, he would be required
6 to submit an affidavit of a witness, after the or in that
7 subsection.

8 So frankly we did submit an affidavit, because he
9 had gone and gotten an affidavit, but there is actually no
10 affidavit requirement under this subsection, so that issue
11 is not actually even an issue.

12 But in our submission to the court, on page 29 and
13 his testimony submitted before the court, he indicates that
14 he was struck by the woman, when the van knocked -- back
15 into him, hit him in the head, knocked him, drove him to the
16 ground. She stopped, and he was crawling out from under the
17 back with his legs.

18 We also submitted a copy of the emergency room
19 report, which is attached to the submission to the court,
20 where he went to the emergency room the next day. It states
21 that "he had bilateral shoulder pain, neck, lower back pain
22 where a van backed into him yesterday causing him to fall
23 down to the ground. He caught himself with his arms." So
24 he went into the emergency room and reported the injury.

25 You also --

1 THE COURT: That was the next day he went?

2 MS. MULLIS: Yes, sir.

3 At the time of the incident, on page -- in regard
4 to Subsection 3, the issue raised by opposing counsel is
5 whether the insured was negligent in failing to determine
6 the identity of the driver of the vehicle or the driver of
7 the other vehicle at the time of the incident.

8 Page 48 through 49 and 50 he was asked about where
9 he went. Right after the incident he got up off the ground
10 and went to see if he could find the car. He had a
11 description of it. It was a gray van. He drove around for
12 about 20 minutes, because he didn't see the tag number of
13 vehicle to see if he can locate the vehicle, because he knew
14 where he was and what the vehicle looked like, and he drove
15 around for about twenty minutes to see if he could locate
16 the vehicle.

17 "I went to see if I could find the car," and I'm
18 reading page 49, line 13, "or whatever had hit me. Which
19 way she went," and he knew it was a black female.

20 I asked what color it was.

21 "I was going to see if I could find it, so that's
22 when I came back to the store.

23 "Okay. I'm sorry. So you left the store to go
24 try to find the van?

25 "Yes, sir.

1 "And what were you doing in terms of trying to
2 find the person?

3 "Well, I was driving down the road to look to see
4 if I could see a van, you know, with that description.

5 "All right. And about how long would you say you
6 did that?

7 "About 20 minutes or so.

8 "But the person that hit you, of course, was on
9 the video at the store?

10 "Correct. Yes.

11 "And you left for 20 minutes to try to find this
12 unknown person and then you came back?

13 "Yes.

14 "Okay. And when you came back to the store, what
15 did you do?

16 "I went into the store and I asked them did they
17 have a camera out there and she said yes.

18 "So what was your first time asking her if she had
19 a camera?

20 "Yes.

21 "And then what happened?

22 "She said yeah, I have a camera. And the lady --
23 and they said the lady driving the gray van and she said
24 come -- she came here all the time, and she pulled it up and
25 said this is her. That was it.

1 "And from there where did you go?

2 "I left and went home.

3 "And when you were looking at this van for
4 20 minutes, were you driving your car?

5 "Yes.

6 "And when he left and went home, how did you feel
7 at that point?

8 "Well, I was sore and aggravated. I was dizzy."

9 So he went home because he was dizzy.

10 The next thing you have attached is an affidavit
11 verifying the police report of Officer Corporal Brandon
12 Robbins, who came to the emergency room. He was dispatched
13 to Providence Hospital parking -- Providence Hospital when
14 my client went to Providence Hospital, who came up there and
15 took a statement of Mr. Jordan, who stated that he went up
16 to the Little Cricket and was able to take pictures from the
17 video camera of the individual for investigative purposes
18 when the management allowed him to take photographs taken of
19 the individual before the video was erased.

20 So the police were able to obtain photographs of
21 the individual that hit him in the parking lot for
22 investigative purposes for the purposes of an accident
23 report.

24 We believe that that's sufficient investigation
25 and certainly enough information with which my client

1 participated in attempting to obtain the identity of the
2 vehicle or the driver and was not negligent in failing to
3 ascertain the information of the vehicle or the driver, and
4 certainly enough to sustain a mere scintilla of evidence to
5 pass summary judgment.

6 THE COURT: Mr. Richardson?

7 MR. RICHARDSON: Briefly, Your Honor.

8 Again, our position is still the same on the
9 necessity of the affidavit.

10 The purpose of that, when they are talking about
11 physical contact, it's our understanding in all the case law
12 that deals with never deals with a pedestrian or car. It
13 only deals with two cars, and it's my understanding that the
14 purpose for that is that you can tell the physical contact,
15 the damage to the car, to illustrate -- you basically have
16 proof. Here you don't have that.

17 And I understand Mr. Mullis --

18 THE COURT: Let me -- she's -- we are at the
19 summary judgment stage. I mean, she has got an
20 investigative report from the hospital that would give
21 enough to say he didn't just make this up completely.

22 MR. RICHARDSON: Okay.

23 THE COURT: You know, whether or not they have a
24 strong case, I don't know, but that may --

25 And, again, I have got to case where there is no

1 other car where you can show damages.

2 Send me proposed orders and I'll rule on it.

3 MR. RICHARDSON: Yes.

4 The other point, Your Honor, if I may, of
5 addressing the accident portion.

6 Point three, and the issues that she addressed
7 with the negligence and finding the identity of the driver,
8 the point that is not addressed that is found in those
9 accident report or the incident report from the police
10 officer is that the plaintiff here specifically did not want
11 to press charges. So whether or not pictures were taken, or
12 whatever, it was never taken a step to determine who that
13 person was to press the charges. So it was his actual --
14 his actual --

15 THE COURT: He shut down.

16 MR. RICHARDSON: He shut down completely, so we
17 don't know where that would have gone.

18 The fact that pictures were taken doesn't matter.
19 He did not take any extra steps to determine who that
20 process was, and we don't know what the outcome of that was,
21 because he shut it down, so we have no way of finding who
22 that was.

23 THE COURT: Ms. Mullis, what would be your
24 argument that it doesn't matter that he wasn't
25 non-negligence? He intentionally shut it down.

1 MS. MULLIS: He filed the claim with his insurance
2 company.

3 THE COURT: Okay. Send me proposed orders within
4 ten days and then I'll rule. Thank you.

5 MR. RICHARDSON: Thank you, Your Honor.

6 (END OF REQUESTED TRANSCRIPT OF RECORD)
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CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Sixteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Richland County, South Carolina, on the 19th day of March, 2015.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 31, 2015



Michael R. Watts
Circuit Court Reporter

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Willie Jordan,)

Plaintiff,)

vs.)

Jane Doe,)

Defendant.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
CASE NO.: 2014-CP-40-1654

**AFFIDAVIT OF
BRANDON ROBINS**

RICHLAND COURT
FILED
2015 MAR 19 AM 10:21
JEANNETTE M. McBRIDE
C.C.P. & G.S.

Personally appeared before me, Brandon Robins, who being duly sworn does depose and state:

I am a Corporal with the Richland County Sheriff's Department, and the reporting officer of the Incident Report attached hereto and incorporated herein by reference. This is a true and accurate copy of the incident report taken on 4/2/2011 for an incident that occurred on or about 4/1/2011. This report is a standard incident report which is prepared within the course and scope of my regular investigative duties as a Richland County Sheriff's Deputy and accurately depicts my investigation and findings.

03/18/2015

Date

Cpl Brandon Van Robins
Brandon Robins

SWORN and subscribed to before me
This 18th day of March, 2015.

[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires 2/1/2018

INCIDENT REPORT

INFORMATION ONLY

CASE NUMBER

1104033002

NCIC

INQ. INTD.

INCIDENT TYPE										COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 13A AGGRAVATED ASSAULT										☒ YES ☐ NO	☒ YES ☐ NO	CONVENIENCE STORE		☐ Individual ☐ Business ☐ Financial ☐ Government ☐ Relig. Orgn ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.
2.										☒ YES ☐ NO	☒ YES ☐ NO			
3.										☒ YES ☐ NO	☒ YES ☐ NO			
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 3049 BLUFF RD, COLUMBIA, SC										ZIP CODE 29209		WEAPON TYPE		
INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK		DISPATCH DATE/TIME 24 HR. CLOCK		DISPATCH DATE/TIME 24 HR. CLOCK		LOCATION NO.			
04/01/2011	15:20		04/01/2011	15:40	04/02/2011 15:44		15:55		16:35		1			
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) JORDAN, WILLIE, THOMAS				RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE		
				#1 RU #2 #3		J	B	M	58 /	N	8033612560			
ADDRESS 112 SAGEMONT DR				CITY HOPKINS		STATE SC		ZIP CODE 29061		LOCATION NO.				
VICTIM'S NAME (LAST, FIRST, MIDDLE) JORDAN, WILLIE, THOMAS				RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE		
				#1 RU #2 #3		J	B	M	58 /	N	8033612560			
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.										
506	160	BLK	BRO											
ADDRESS 112 SAGEMONT DR				CITY HOPKINS		STATE SC		ZIP CODE 29061		LOCATION NO.				
VIOLENCE (VCT.1) ☒ YES ☐ NO ☐ EXPLAIN- Other				COMPLAINANT OF ANY NON-VIOLENCE ☐ YES ☐ NO										
VICTIM (VCT.1) USING: ALCOHOL ☐ YES ☐ NO ☐ UNK. ☐ DRUGS: ☐ YES ☐ NO ☐ UNK. ☐ TYPE:														
TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE PLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐				*J-This Jurisdiction. S-State. O-Out of State. U-Unknown.										
☒ SUSPECT	NAME (LAST, FIRST, MIDDLE) UNKNOWN, Unknown					RACE	SEX	AGE	ETH	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
☐ RUNAWAY						B	F	60 /	U		510	210	GRY	U
☐ WANTED	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.										DAYTIME PHONE		EVENING PHONE	
☐ WARRANT														
☐ ARREST	ADDRESS UNKNOWN					CITY		STATE SC		ZIP CODE		LOCATION NO.		
☐ JAIL														
☐ SUMMONS	SUBJECT (VCT.1) USING: ALCOHOL ☐ YES ☐ NO ☐ UNK. ☐ DRUGS: ☐ YES ☐ NO ☐ UNK. ☐ TYPE					ARRESTED NEAR OFFENSE SCENE ☐ YES ☐ NO ☐ TOTAL # ARRESTED					DATE/TIME OF OFFENSE 4/1/2011 3:20:00 PM		DATE/TIME OF ARREST	
DAY OF THE WEEK		HOW REPORTED		A= OFFICER DISPATCHED ON CALL B= REPORT TAKEN BY PHONE C= COMPLAINANT WALKED IN		D= COMPLAINT WRITTEN IN E= OFFICER INITIATED F= OTHER		DIFF. FACTOR		A= RESISTANCE/HOSTILITY B= WEAPONS C= UNFOUNDED CALLS D= MENTAL SUBJECT		E= COMPLAINANT FRE-QUENTLY INTOXICATED F= DOMESTIC N= NORMAL		
S M T W T F S UNK														
AGGRAVATED ASSAULT														
ON THE ABOVE DATE AND BETWEEN THE ABOVE TIMES M/D ROBINS WAS DISPATCHED TO PROVIDENCE HOSPITAL (2435 FOREST DRIVE) TO SPEAK TO MR. JORDAN IN REFERENCE TO AN INCIDENT THAT TOOK PLACE ON Friday (04/01/2011) IN THE PARKING LOT OF THE CRICKET PARTY SHOP (3049 BLUFF RD). MR JORDAN STATED THAT HE WAS AT THE ABOVE INCIDENT LOCATION WHEN AN UNKNOWN SUBJECT STRUCK HIM WITH A GREY AND BLACK IN COLOR VAN. MR. JORDAN STATED THAT THE ONLY REASON HE CALLED LAW ENFORCEMENT IS BECAUSE ON TODAY WHEN VISITING THE HOSPITAL, HOSPITAL EMPLOYEES TOLD HIM TO. MR. JORDAN DID NOT WANT LAW ENFORCEMENT TO BE INVOLVED. MR. JORDAN STATED THAT HE DID NOT WANT TO PROSECUTE. MR. JORDAN STATED THAT HE DID NOT KNOW IF IT WAS INTENTIONAL OR UNINTENTIONAL. MR.														
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY						JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY								
TYPE (GROUP)												TOTAL VALUE		
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SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☐ YES ☐ NO		S. F.		☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER				
REASON FOR EXCEPTIONAL CLEARANCE 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY														
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE		UNIT NUMBER				
Robins, Brandon		4/2/2011		1410		Brewton, Russ								
						FOLLOWUP INVESTIGATION ☐ YES ☐ NO		OFFICER ELLIS, MATTHEW		8/15/2011 8:00:00 AM		44		

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SVK

ADDITIONAL NARRATIVE

Agency Name: RICHLAND COUNTY SHERIFFS DEPT	ORI #: SC0400000	Report Date/Time: 04/01/2011 15:20	OCA #: 1104033002
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AGGRAVATED ASSAULT

JORDAN STATED THAT THE SUSPECT WAS A B/F BUT HE DIDN'T GIVE A DESCRIPTION. MR. JORDAN STATED THERE WAS A VIDEO CAMERA AT THE INCIDENT LOCATION.

M/D ROBINS WENT TO THE INCIDENT LOCATION AND SPOKE TO MANAGEMENT WHO STATED THAT THEY HAD A VIDEO OF THE LADY WHEN SHE WAS PURCHASING ITEMS IN THE STORE, BUT DO NOT HAVE VIDEO OF THE INCIDENT. MANAGEMENT STATED THAT THEY DIDN'T WITNESS THE INCIDENT, THEY ONLY KNOW WHAT MR. JORDAN TOLD THEM. THE MANAGER STATED THAT THE VIDEO CANNOT BE DOWN OR UP LOADED BECAUSE IT WAS A LIVE VIDEO FEED AND IT ERASES ITSELF. HOWEVER AFTER REWINDING THE VIDEO M/D ROBINS SAW THE VIDEO OF THE LADY PURCHASING ITEMS AND ASKED THEM TO FREEZE THE FRAME SO THAT HE COULD TAKE PICTURES FOR INVESTIGATIVE PURPOSES. MANAGEMENT ALLOWED THE PICTURES TO BE TAKEN BUT INFORMED M/D ROBINS THAT THE VIDEO WILL ERASE ITSELF BEFORE THE WEEKEND WAS OVER. THE PICTURES WERE FORWARDED TO CRIMEPIC.

THIS REPORT IS FOR DOCUMENTATION PURPOSES ONLY.

ADDITIONAL NARRATIVE

Agency Name: RICHLAND COUNTY SHERIFFS DEPT	ORI #: SC0400000	Report Date/Time: 04/01/2011 15:20	OCA #: 1104033002
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AGGRAVATED ASSAULT

ON THE ABOVE DATE AND TIMES M/D ROBINS WAS DISPATCHED TO PROVIDENCE HOSPITAL (2435 FOREST DRIVE) TO SPEAK TO MR. JORDAN ABOUT AN INCIDENT THAT TOOK PLACE ON 04/01/2011 IN THE PARKING LOT OF CRICKET PARTY SHOP (3049 BLUFF RD). MR. JORDAN STATED THAT HE WAS AT THE ABOVE LISTED INCIDENT LOCATION WHEN AN UNKNOWN SUBJECT STRUCK HIM WITH A GRAY AND BLACK IN COLOR VAN. MR. JORDAN WILL PROSECUTE.

MR. JORDAN STATED THAT THE SUSPECT WAS A B/F BUT DID NOT PROVIDE A DESCRIPTION. MR. JORDAN STATES THAT THERE IS VIDEO SURVEILLANCE OF THE INCIDENT LOCATION.

M/D ROBINS WENT TO THE INCIDENT LOCATION AND SPOKE TO MANAGEMENT WHO STATED THAT THEY HAD A VIDEO OF THE LADY WHEN SHE WAS PURCHASING ITEMS IN THE STORE BUT DO NOT HAVE VIDEO OF THE INCIDENT. MANAGEMENT STATED THAT THE VIDEO CANNOT BE DOWN OR UPLOAD BECAUSE IT WAS A LIVE VIDEO FEED AND IT ERASES ITSELF. HOWEVER AFTER REWINDING THE VIDEO M/D ROBINS SAW THE VIDEO OF THE LADY PURCHASING ITEMS AND ASKED THEM TO FREEZE THE FRAME SO THAT HE COULD TAKE PICTURES FOR INVESTIGATIVE PURPOSES. MANAGEMENT ALLOWED THE PICTURES TO BE TAKEN BUT INFORMED M/D ROBINS THAT THE VIDEO WILL ERASE ITSELF BEFORE THE WEEKEND WAS OVER. THE PICTURES WERE FORWARDED TO CRIMEPIC.

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STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Willie Jordan,)
)
Plaintiff,)
)
vs.)
)
Jane Doe,)
)
Defendant.)
)
_____)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
CASE NO.: 2014-CP-40-1654

**AFFIDAVIT OF
SAMUEL SIMS**

RICHLAND COUNTY
FILED
2015 MAR 12 AM 11:27
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

Personally appeared before me, Samuel Sims, who being duly sworn does depose and state:

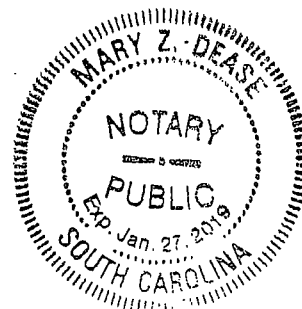
Please see statement attached hereto.

To whom it may concern
My name is Samuel sims
My wife name is Debbie sims
We witnessed an accident
Involving mr. wille Jordan
And unknowm lady
Mr. Jordan was walking
Up to rhe store and the lady
Was backing up and struck
Mr. Jordan.

Samuel Sims
Samuel Sims

On the 9th day of March, 2015, before me appeared
Samuel Sims who is known to me and executed
the above document.

Mary Z Dease
Notary, State of SC



A False Statement Concerning The Facts Contained in this
Affidavit may Subject The person MAKING The FALSE Statement to Criminal
Penalties AS Provided by LAW. Samuel Sims

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

WILLIE JORDAN,	)	
	)	
Plaintiff,	)	
	)	IN THE COURT OF COMMON PLEAS
vs.	)	CIVIL ACTION NO.: 2014-CP-40-1654
	)	
JANE DOE,	)	
	)	
Defendant.	)	

DEPOSITION OF
WILLIE JORDAN
COLUMBIA, SOUTH CAROLINA
NOVEMBER 12TH, 2014

ATKINSON-BAKER, INC. COURT REPORTERS
Telephone: (800) 288-3376
www.depo.com

REPORTED BY: Betty R. Lyons
FILE NO. A80A1F2

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

WILLIE JORDAN,	)	
	)	
Plaintiff,	)	
	)	IN THE COURT OF COMMON PLEAS
vs.	)	CIVIL ACTION NO.: 2014-CP-40-1654
	)	
JANE DOE,	)	
	)	
Defendant.	)	

Deposition of WILLIE JORDAN, taken on behalf of
the Defendant, at Mullis Law Firm, 1229 Elmwood Avenue,
Columbia, South Carolina commencing at 10:33 a.m.,
Wednesday, November 12th, 2014, before Betty R. Lyons.

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A P P E A R A N C E S

FOR THE PLAINTIFF:	PAMELA R. MULLIS
Willie Jordan	Mullis Law Firm
	1229 Elmwood Avenue
	Columbia, South Carolina 29201
	803-799-9577
	prnullis@mullislawfirm.com
FOR THE DEFENDANT:	CHRISTOPHER GIBBS
Jane Doe	McAngus Goudelock and Courie, LLC
	1320 Main Street
	Meridian, 10th Floor
	Columbia, South Carolina 29201
	803-779-2300
	christopher.gibbs@mgclaw.com

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I N D E X

WITNESS: WILLIE JORDAN

EXAMINATION	PAGE
By Mr. Gibbs	05, 78
By Ms. Mullis	75

EXHIBITS:

NUMBER	PLAINTIFF'S DESCRIPTION	PAGE
	(None.)	

NUMBER	DEFENDANT'S DESCRIPTION	PAGE
01	Moore Orthopaedics 04/15/2011	58
02	Workers' Compensation Commission	61
03	Answers To Interrogatories	66
04	Moore Orthopaedics 04/22/2011	68
05	Family Practice Note	69

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:
(None.)

INFORMATION TO BE SUPPLIED:

PAGE	LINE
75	02

INFORMATION TO BE CERTIFIED:
(None.)

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WILLIE JORDAN,

having first been duly affirmed, was
examined and testified as follows:

EXAMINATION

BY MR. GIBBS:

Q. Good morning, Mr. Jordan, how are you doing?

A. How are you doing, sir?

Q. Pretty good. My name is Chris Gibbs, and I'm an attorney with the law firm of McAngus, Goudelock and Courie. We're here pursuant to you bringing an uninsured motorist claim as a result of an accident that occurred back on April 1st, 2011.

Is that your recollection of when this accident took place?

A. Well I left the job -- left my job and went down to pick up this guy. I got -- I would say between quarter to three and, maybe, ten minutes to three.

Q. Okay. But just to confirm that date, April 1st, 2011, was the date?

A. Yes, sir.

Q. All right? Well today we are here to take your deposition. Now have you ever had your deposition taken before?

A. Yes, sir.

Q. Okay. Well even though you went through that

1 process, the Supreme Court requires that I go over just a
2 few ground rules with you. Pretty much it's going to be a
3 straight-forward process.

4 It's going to be a series of questions and
5 answers. You're doing a great job right now. However, I'll
6 like to point out to you that we have, obviously, a court
7 reporter to my left and your right, and she is going to be
8 jotting down everything that we discuss today. So it's very
9 important that you speak up clear, give me an auditory
10 response as opposed to hand gestures and head bows. You
11 understand that?

12 A. Yes, sir.

13 Q. Also -- and I do this all the time, and I'm going
14 to apologize in advance. But also, you know, throughout
15 this process to make the court reporter's job a little
16 easier, and also to make sure we have a clear record, I
17 would ask that you wait until I answer -- until I ask the
18 question before you answer, and I'll try to extend you the
19 same courtesy. And, again, that's all so that we can keep
20 the court reporter's job a little easier.

21 Is that okay with you?

22 A. Yes, sir.

23 Q. All right. Now you know, this is not meant to be
24 some marathon, so for whatever reason -- if you've got to go
25 to the restroom, just need to take a break, or whatever,

1 you're just tired of hearing my voice, just need to cool
2 down, please feel free to let me know, and I have no problem
3 with letting you do that.

4 However with that being said, I want you to know
5 that in the event that you take a break from taking the
6 deposition, during that break you can't speak with your
7 attorney about any of the testimony that you've provided
8 today. In the event that you do, I'm entitled to know the
9 content of that discussion. Do you understand?

10 A. Yes, sir.

11 Q. All right. Also, you know, I just wanted to let
12 you know that -- and your attorney kind of referenced this a
13 few minutes ago -- but throughout this process you can't ask
14 her any questions. If you have any questions, please direct
15 them to me.

16 And throughout this process, if you -- for
17 whatever reason you don't understand my question or you
18 didn't hear me, please let me know, and I have no problem
19 with asking the question again. Is that okay with you?

20 A. Yes, sir.

21 Q. I'm not here to trick you or anything like that.
22 So if you don't understand the question, please just ask me
23 to ask you again.

24 Now with that being said, whenever you answer a
25 question, I'm going to take it that you knew exactly what I

1 was asking. Is that fair?

2 A. Yes, sir.

3 Q. Okay. All right. Now throughout this process you
4 may hear your attorney object to the form of a question. If
5 whenever she does that, I ask that you continue to answer
6 the question unless she instructs you to do otherwise. You
7 understand?

8 A. Yes, sir.

9 Q. All right. Now, of course, as you know the
10 penalties of perjury apply today, just as they would as if
11 you were in a court. So it's very important to give me
12 truthful responses to the best of your knowledge. Do you
13 understand?

14 A. Yes, sir.

15 Q. Before we get started, do you have any questions?

16 A. No, sir.

17 Q. All right. Mr. Jordan, are you currently under
18 the influence of any alcohol, or taken any medication that
19 may impede your ability to understand my question?

20 A. No, sir.

21 Q. All right. Could you please state your full name
22 for the record?

23 A. My name is Willie Thomas Jordan.

24 Q. Mr. Jordan, what's your date of birth?

25 A. 2-23-53.

1 Q. I'm sorry. You said '63?

2 A. '53.

3 MR. GIBBS: All right. We'll go off the record
4 for just a second.

5 (Pause.)

6 BY MR. GIBBS:

7 Q. Just to confirm, the last four of your Social is,
8 4911?

9 A. Yes, sir.

10 Q. Mr. Jordan, currently where do you reside?

11 A. I don't understand you.

12 Q. Currently where do you reside? Where do you live?

13 A. Oh, I live in Hopkins.

14 Q. Okay. What's the address?

15 A. It's -- I have a P.O. Box 204, Hopkins. I live on
16 112 Sagemont Drive.

17 Q. 112?

18 A. Sagemont, S-A-G-E-M-O-N-T.

19 Q. Drive. Is that where you resided at the time of
20 this accident?

21 A. Yes, sir.

22 Q. Mr. Jordan, are you currently married?

23 A. Yes, sir..

24 Q. Sound like a proud man. Congratulations. How
25 long have you been married?

1 A. Forty-two.

2 Q. Congratulations, again. What's your wife's name?

3 A. Will, W-I-L-L, Ann, A-N-N, Jordan.

4 Q. Do you and Ms. Jordan have any children?

5 A. Yes.

6 Q. Are any of those children over the age of 18 and

7 also residing in Richland County?

8 A. Yes, sir.

9 Q. Okay. What are their names?

10 A. Luther Jordan.

11 Q. How old is Luther?

12 A. Thirty-nine.

13 Q. You say he resides in Columbia?

14 A. Yes, sir.

15 Q. Okay. Is that it?

16 A. No. Melvin Jordan.

17 Q. Alright. How old is Melvin?

18 A. Thirty-seven.

19 Q. Okay. Any others?

20 A. James Jordan.

21 Q. How old is James?

22 A. Thirty-three.

23 Q. Any others?

24 A. Jessica Jordan, 26.

25 Q. Any others?

1 A. Jonathan Jordan, 22.

2 Q. Any others?

3 A. That's it.

4 Q. Well I can tell you and Ms. Jordan love each
5 other. All right. So do you have any other family members
6 in Richland County with the last name different from yours?

7 A. Yeah. Jacqueline Anderson.

8 Q. You can just tell me their last name.

9 A. Anderson.

10 Q. Anderson. Any others.

11 A. No.

12 Q. All right. Mr. Jordan, tell me a little bit about
13 your educational background. Where did you go to high
14 school?

15 A. Hopkins High School.

16 Q. What year did you graduate? I'm sorry. Did you
17 graduate?

18 A. I dropped out in the 12th grade.

19 Q. Okay. Did you ever obtain your GED?

20 A. No, sir.

21 Q. Did you -- do you have any certificates or
22 certifications -- professional certifications?

23 A. No, sir.

24 Q. Currently where are you employed?

25 Q. Owen Steel.

1 Q. You've been employed there for the past 31 years?
2 A. Thirty-five.
3 Q. And what's your job title?
4 A. Well, I call it a fitter.
5 Q. Okay. Is that what you call it, or is that
6 what --
7 A. That's what it is. Yes, sir.
8 Q. And tell me exactly what a fitter does?
9 A. Read blueprints and build pieces off of
10 blueprints.
11 Q. And when you say you build pieces off of that
12 blueprint, what do you mean by that?
13 A. It's just like it come in a raw piece, just like a
14 column or beam, or something like that. It may have 20 or
15 30 pieces of details on it. So I read it. I pull the
16 measurements, and I put all the pieces on it.
17 Q. So, basically, you are delivered raw steel, and
18 you --
19 A. I process it into being a man (sic) member to go
20 inside buildings and stuff.
21 Q. And as a fitter -- because I've never heard of
22 that position before -- but you said this -- it would be
23 what the job description would be for your employer? This
24 is what they would categorize your position as?
25 A. Yes.

1 Q. Now have you always been a fitter?

2 A. Yes. I'm also a lead -- I'm also a lead
3 supervisor at the job, too.

4 Q. And I'm sorry. I'm not too familiar with Owen
5 Steel. It sounds pretty self-explanatory. But can you tell
6 me exactly what it is that Owen Steel does?

7 A. Okay. What it does is that we -- we build
8 buildings. An example is that we're doing the Trade Center
9 now. We built one part of the Trade, now we're doing
10 another part of the Trade. We build stadiums, like,
11 football stadiums like the Jaguars, and Chicago Bulls, and
12 Washington Redskins, stuff like that.

13 Q. Would you consider it a manual labor job --
14 specifically yours?

15 A. Well you can say that, because I have to -- I have
16 to process the piece from being raw steel to man member, so
17 it would have to be that.

18 Q. Would you consider this job to be pretty demanding
19 on your body in your opinion?

20 A. Well to me it's a lot of -- it's a lot of work you
21 does (sic). So I mean anything you have a lot work does --
22 I'll say it can take a toll to your body. Yeah.

23 Q. All right. And were you employed there at the
24 time of this accident?

25 A. Yes, sir.

1 Q. And how -- are you full time or part time?

2 A. I'm full time.

3 Q. Okay. So in a typical week, how many hours would
4 you say you work -- even though you're full time, 40 or --

5 A. I work sometimes 53.

6 Q. Okay.

7 A. Sometimes sixty something. It's just according to
8 what the job calls for.

9 Q. I guess what I'm getting at is, do you work a
10 consistent schedule just in terms of nine to five, and if
11 you've got to work longer, you work longer?

12 A. Yes, sir. We work from -- mostly I work from -- I
13 mean, I work from 7:00 to 5:30.

14 Q. Okay. Now did you miss any time as a result --
15 did you miss any time from work as a result of this
16 automobile accident?

17 A. No more than when I had the operation.

18 Q. Okay. Do you know about how long that was?

19 A. I think it was eight weeks, sir.

20 Q. Okay. Do you know about -- I have the documents,
21 but I -- a lot of these questions I just want to get your
22 information in regards to it.

23 A. Yes, sir.

24 Q. So do you know about when that occurred -- you
25 know, year, month?

1 A. I think it was October 25th -- operation was --
2 2011.

3 Q. Okay. So on or about eight weeks after that date?

4 A. Yes, sir.

5 Q. Okay. And what operation was that, again?

6 A. My shoulder operation.

7 Q. And specifically?

8 A. My right shoulder.

9 Q. All right. And you're claiming loss wages as a
10 result of this automobile accident?

11 A. Did I loss (sic) any wages?

12 Q. Yeah. And I'm sure you may have had this
13 conversation with your attorney. But are you claiming loss
14 wages as a result of this accident? Are you trying to --
15 attempting to recoup any loss wages that you may have had --

16 A. Yes, sir.

17 Q. -- while you were working as a result of this
18 accident?

19 A. Yes, sir.

20 Q. Okay. So it's your position that any time that
21 you missed from work for this procedure was due to this
22 accident?

23 A. I don't understand you.

24 Q. Okay. So it is your position that the time you
25 missed from work due to this operation on your shoulder was

1 a result of -- direct result of this accident?

2 A. Yes, sir.

3 Q. Okay. All right. And what's your salary -- or
4 are you paid per hour?

5 A. I get paid per hour.

6 Q. Okay. How much do you get per hour?

7 A. 21.35.

8 Q. All right. Have you ever received any
9 unemployment?

10 A. No, sir.

11 Q. Have you ever received any disability benefits?

12 A. Yes, sir.

13 Q. Okay. When?

14 A. Well I draw disability benefits when I'm out with
15 my -- you know, like, my job still pays me a disability
16 check when I'm out. Yes, a little small wage check.

17 Q. Okay. I guess the question is disability for
18 what?

19 A. Like if I'm out sick, or something like that.
20 Like if I have a injury or something like that, you know, I
21 get a little small check.

22 Q. For your job?

23 A. Yes, sir..

24 Q. Let me ask you this way. When was the last time
25 you received disability benefits?

1 A. I mean, what -- I don't understand you when you
2 mean disability benefits, you know.

3 Q. I guess what I'm saying is that, for some
4 disabilities -- it's not always the job, you know.
5 Government --

6 A. Okay. No, I never drew any disability from
7 anybody else. I have insurance on my job --

8 Q. Right.

9 A. -- that if I'm out more than seven days, they'll
10 pay me -- they call it disability, too.

11 Q. Okay.

12 A. So it just -- I never drew (sic) any disability
13 from anybody else other than my job. If I'm out or
14 something like that, I'll draw a disability check.

15 Q. Okay. So when you were out for these eight weeks
16 for that surgery to your shoulder, your job paid you?

17 A. Yeah, it just -- I just get a disability check
18 from my insurance that I had, yeah, from my job.

19 Q. Okay. All right. So that would be a "Yes"?

20 A. Yes, sir.

21 Q. All right. Have you ever made any workers'
22 compensation claims?

23 A. Yes, sir.

24 Q. Okay. Tell me when and what it was for.

25 A. Well I had got injured on the job, right knee,

1 left knee, and I got injured again --

2 Q. And I'm sorry. What year was that? Obviously it
3 didn't happen at the same time, so tell me what years they
4 happened.

5 A. The injury on my knees they couldn't do but one at
6 a time, but it was like 10/12 years ago -- somewhere like
7 that, 10 or 15 years ago.

8 Q. Okay. And I guess what I'm trying to get at, did
9 it occur at one time? Did that injury occur -- did the
10 injury to your left and right knee occur at one time, or
11 were they separate occasions?

12 A. Well they treated at separate occasions, but when
13 I got injured -- when I got hit on the job, it created the
14 injury then. And so when they do -- when you do -- they're
15 going to do them at separate dates, yeah. It would be
16 separate times, yeah.

17 Q. Okay. When was the first time you got injured at
18 work? Let me ask you this way.

19 A. Like I said, it was about 10/15 years ago.

20 Q. Okay. And what was that injury related to?

21 A. My right knee.

22 Q. Okay. Just the right knee?

23 A. Yeah. I had another one done on my left knee,
24 too.

25 Q. Okay. And I'll get to that. So about ten years

1 ago you injured your right knee at work?

2 A. Yes, sir.

3 Q. And tell me how that occurred.

4 A. Well I was doing some work -- well we were

5 building this big old huncho (phonetic) --

6 Q. Okay.

7 A. -- these real rectangular -- and these guys were

8 turning it over on this side (indicating), and I was on this

9 side (indicating). And when they turned it, the huncho

10 catch a piece of iron and throw it, and it hit me and

11 knocked me down. It hit my knees and knocked my leg out

12 from under me.

13 Q. And that was an injury to your right knee?

14 A. Yes, sir.

15 Q. And you brought a workers' compensation claim for

16 that?

17 A. I didn't have a claim. They send (sic) me to the

18 doctor, you know.

19 Q. Okay.

20 A. I never sued workers' comp at no time like that.

21 No.

22 Q. And now you were telling me about you injured your

23 left knee --

24 A. Yes, sir.

25 Q. -- at work as well?

1 A. Yes, sir.

2 Q. Did you make a workers' compensation claim for
3 that?

4 A. Yes. They did. I know I haven't put no claim
5 against the workers' comp, no, not at that time. I followed
6 through what they done.

7 Q. And when did that injury occur?

8 A. It's about two years after that one, so it's about
9 eight years -- eight years from that.

10 Q. All right. So tell me how you injured that at
11 work -- your left knee.

12 A. Well it was in the process of doing the same thing
13 where that iron hit me at -- but it wasn't as bad for them
14 to do it in (sic) -- and I was going up the stairs one day
15 and my leg collapsed, and that's when they took me back, and
16 did the right (sic) knee.

17 Q. Okay. So, basically, you're saying an iron hit
18 you at work in your left knee?

19 A. Yes, sir.

20 Q. And you're saying they did both the right and left
21 knee surgery at the same time?

22 A. No, sir.

23 Q. Okay.

24 A. Two different times.

25 Q. Okay. That's what I was getting --

1 A. It's two years difference in them operations.

2 Yes, sir.

3 Q. Okay. And I think I cut you off. So those where
4 two --

5 A. Two separate -- yeah.

6 Q. And you were telling me about -- any other workers
7 compensation claims that you have?

8 A. Yes, sir. My left hand.

9 Q. Okay. Okay. When was that?

10 A. In 2004.

11 Q. And you brought a workers' compensation claim for
12 that?

13 A. I didn't have a claim, but I went through the
14 process of workers' comp, yes, sir.

15 Q. Okay. All right. And tell me about how you got
16 that injury.

17 A. Well this big old huge piece of iron, about 70
18 tons -- I was down in the erector position to get it set.
19 This guy bring it up, and they spinned it around. And when
20 he spinned it around and I looked up, it was right in my
21 face. He didn't see me down there. So I pushed my hand up
22 and it drive (sic) my hand against another big column and
23 mashed my index finger -- my middle long.finger.

24 Q. Okay. All right. Any other injuries at work or
25 workers' compensation claims?

1 A. Well they done operated on this finger three
2 times.

3 Q. Okay.

4 A. I just finished getting operated on this finger
5 again. Yes.

6 Q. Okay. All right. But I guess what I'm saying,
7 any other injuries at work, or any other workers'
8 compensation claims that you've had?

9 A. No, sir.

10 Q. So let me get this right. I don't want to put
11 words in your mouth. It's your testimony that you injured
12 your left hand in approximately 2004 at work?

13 A. Yes, sir.

14 Q. Did you ever injure that hand again at work?

15 A. Yes, sir.

16 Q. Okay. When was that?

17 A. It was -- I was operated on in September, so it
18 had to be in November of 2011. I think it was.

19 Q. And that was at work when you injured that?

20 A. Yes, sir.

21 Q. Any other times that you injured your left hand at
22 work?

23 A. No, sir.

24 Q. All right. Well let me ask you this. Any other
25 times that you injured your left or right knee at work?

1 A. No, sir.

2 Q. Okay. All right. Now let me get this straight.

3 Are you -- as a result of this accident which we're here to
4 discuss today, are you claiming that you injured your left
5 knee?

6 A. Sir?

7 Q. Are you claiming that you injured your left knee
8 as a result of this accident that we're talking about today?

9 A. No, sir.

10 Q. Okay. So is it your position that any surgeries
11 or any treatment that you had for your left knee is not
12 related to the accident we're here to discuss today?

13 A. No, sir.

14 Q. All right. Same question for your right knee.
15 Are you claiming that your right knee was injured as a
16 result of this accident that we're talking about today?

17 A. No, sir.

18 Q. So it's your position that any treatment or
19 surgeries that you had for your right knee is not related to
20 this accident?

21 A. No, sir.

22 Q. Okay. Same question for the left hand that you
23 injured at work. As a result of this accident that we're
24 here to discuss today, are you claiming that you injured
25 your left hand as a result of that accident?

1 A. No, sir.

2 Q. So any treatment or surgeries that you've had to
3 your left hand is not related to the accident that we're
4 here to discuss today?

5 A. No, sir.

6 Q. All right. Mr. Jordan, these are standard
7 questions for the most part. I ask them in every
8 deposition, so don't take it personally. Now have you ever
9 been charged with any criminal offenses?

10 A. No, sir.

11 Q. Okay. Have you ever been arrested for any
12 criminal offenses?

13 A. No, sir.

14 Q. And a lot of times it's difficult to remember a
15 lot of that stuff. But a lot of these questions I ask
16 today -- and that's why I'm letting you know that I'm not
17 trying to trick you or anything like that.

18 A. I understand. You're doing your job.

19 Q. A lot of these questions I already have the answer
20 to those questions. I already have SLED reports and things
21 of that nature. But it's your position, that as far as you
22 can understand -- you remember, you've never been arrested
23 and charged for any criminal offenses?

24 A. No, sir.

25 Q. Okay. Have you ever been involved in any civil

1 suits outside of the one that we're talking about today?

2 A. Civil suits -- yes, I have. One civil suit, yeah.

3 Q. And when was that?

4 A. I'll say probably it's been a year or a year and a

5 half ago.

6 Q. And what was that involving?

7 A. A contractor doing some work at my house, and he

8 messed it up and I got into --

9 Q. Breach of contract?

10 A. Yes.

11 Q. Any other civil suits that you've been involved in

12 outside of this one?

13 A. No, sir.

14 Q. And you were involved in some automobile accidents

15 previously, correct -- outside of the one that we're talking

16 about today?

17 A. Previously?

18 Q. Yes.

19 A. Not previously. I've been in an accident before,

20 yes.

21 Q. Okay. And when was that?

22 A. I can't remember the date, but it was years back.

23 Q. Okay. Now you brought a lawsuit as a result of

24 that accident, correct?

25 A. Yes, sir. I brought one that I had with my

1 shoulder when the lady backed over me. Now that wasn't an
2 accident. I was standing up and she backed over me. Yes,
3 sir.

4 Q. Right. And that's what I'm referring to, any
5 civil suits or anything that you were involved in.

6 A. Oh, okay.

7 Q. So when did that occur?

8 A. The fourth month, the first of 2011.

9 Q. Okay. Now you're talking about -- that's what
10 we're here to discuss today?

11 A. Yeah.

12 Q. Okay. I'm talking about any other automobile
13 accidents that you've brought a lawsuit for?

14 A. Years ago, but I ain't brought none -- no, sir.

15 Q. Right. And that's what I'm asking you about.

16 A. No, sir.

17 MR. GIBBS: Can we go off the record just for a
18 second.

19 (Pause.)

20 BY MR. GIBBS:

21 Q. All right. Mr. Jordan, I believe we were just
22 talking about any other lawsuits that you may have brought
23 outside of this one -- whether it was yesterday or ten years
24 ago. Now have you been involved in any other lawsuits
25 outside of the one that we're talking about today?

1 A. Yes, sir.

2 Q. Can you tell me?

3 A. Can I tell you?

4 Q. When and for what?

5 A. Well, the one with Bill Green, that if I can

6 recall correctly, it was the -- it was the one that a guy

7 that ran and jumped this bench and almost hit us with the

8 car and knocked us down -- knocked me down. And, actually,

9 it was just like a thing with the insurance company, and

10 that was it. Now I can't tell you exactly when it was. I

11 can't remember the dates way back then.

12 Q. Right. And it was involving a car accident?

13 A. Yes, sir.

14 Q. And you received a settlement for the injuries

15 that --

16 A. Yes, sir.

17 Q. And, I'm sorry. You said about when did that

18 occur? If you can give an approximate date, we're not going

19 to hold you down to a specific date.

20 A. Man, it was years. I don't know.

21 Q. Would you say ten years ago?

22 A. Ten -- ten, fifteen, somewhere around in there.

23 Q. And what did you injure in that accident?

24 A. I just was sore. You know, I just went to the

25 hospital just like they said, just go up on a follow-up and

1 that was it. Just sore and aching and stuff like that.

2 Q. And specifically where were you sore?

3 A. Well it was like I was sore. And, you know, just
4 like when you get hit, just your whole body aching, you
5 know, and hurting, so I went to the doctor.

6 Q. All right. Any other lawsuits aside from the Bill
7 Green one?

8 A. I think it was one more, but I can't remember way
9 back -- it was way years ago.

10 Q. All right. Was that a car accident as well?

11 A. Yes, sir.

12 Q. Did you receive a settlement for that as well?

13 A. No, sir.

14 Q. Okay. All right. Now have you had any --
15 experienced any slip and falls and injured yourself as a
16 result of that?

17 A. No, sir.

18 Q. To the best of your knowledge, has any of your
19 immediate family members ever made any personal injury
20 claims?

21 A. No, sir, not that I'm aware of.

22 Q. Who's your primary?

23 A. Dr. Mark Hester.

24 Q. Has your health coverage ever been denied?

25 A. Health coverage?

1 Q. Right. So have you ever put in a claim for your
2 insurance for any injury and it was denied?

3 A. No, sir.

4 Q. And Mark Hester, where does he work?

5 A. He got an office on Woodhill Mall.

6 Q. Do you know the name of his practice?

7 A. I can't remember the name.

8 Q. All right. Mr. Jordan, let's talk a little bit
9 about this accident that we're here to discuss today -- and
10 I'm talking about the April 1st, 2011. In your own words,
11 tell me how that accident occurred?

12 A. I knocked off from work and I came down to the
13 store. And I usually pick this guy up. So I had walked
14 away from my truck about six foot. Another guy had called
15 me, and I turned to see what he wanted. He asked me a
16 question, have I seen so and so. Could I see if I could get
17 in touch with him.

18 So I picked my phone out (sic), went to make a
19 call. And the next thing I know of, this woman with this
20 van done backed into me, hit me in the back of my head,
21 knocked me down -- drive me to the ground. And she stopped
22 and jumped out. I was crawling out from under -- the back
23 of my legs and stuff out from under the van to get up.. She
24 just jumped in the vane and hauled gas.

25 Q. Okay. All right. About what time did you get off

1 from work?

2 A. I knocked off at 2:30.

3 Q. Okay. And you said you went to pick up a friend?

4 A. I went down to the store -- it's got like a --
5 it's got two or three stores there. You've got Tony's
6 Restaurant, you got Rickenbacker (phonetic), and you got
7 Eddies right here. So I was parked on the restaurant side
8 -- on this side by the sign. And I got out --

9 Q. And I'm sorry. I guess I was asking, were you
10 going to -- did you say you'd picked up a friend?

11 A. I was going down -- you know, like somebody ride
12 with you?

13 Q. Right.

14 A. You know, like, every day.

15 Q. Uh-huh.

16 A. And he'd always get off -- he works in the park
17 cross from there. He be done walked over there (sic), and I
18 just pull over and pick him up.

19 Q. So when you left from work, was he riding with
20 you?

21 A. No, sir. I was going down to the store to pick
22 him up.

23 Q. Okay. And that's the store where this accident
24 occurred?

25 A. Yes, sir.

1 Q. Okay. And what's his name?
2 A. Ike Cole -- Isaac Cole.
3 Q. All right. And you said Ike Cole works with you?
4 A. No, sir. I said I was going to pick him up. He
5 works at another place --
6 Q. Okay.
7 A. -- and I pick him up -- I was supposed to take him
8 down with me, down where I live at. Yeah.
9 Q. Okay. All right. So he was just catching a ride
10 with you?
11 A. Yes, sir. He always catch a ride. Yeah.
12 Q. Does he stay in the same neighborhood or
13 something?
14 A. No, sir. He was going down to do some work for
15 somebody else. He do brick work.
16 Q. Okay.
17 A. And I picks him up and drop him off like, you
18 know; he lives further down the road, but he wasn't going
19 where I live at, no, sir.
20 Q. And is this the normal location where you always
21 pick him up?
22 A. Yes, sir.
23 Q. Okay. All right. So you said you were getting --
24 you parked?
25 A. Yes, sir. And I got out.

1 Q. And where did you park?

2 A. I parked where the restaurant -- they got like a
3 concave -- like a brick thing what hold the sign --

4 Q. Correct.

5 A. -- I parked on the other side where the restaurant
6 part at.

7 Q. And which restaurant parking lot was that?

8 A. It was Tony's Restaurant at the time. Yes, sir.

9 Q. Okay. And you got out of your car?

10 A. Yes, sir. Got out of my truck, yes, sir.

11 Q. Okay. And you were going to meet Ike?

12 A. Well I was getting out of my truck to see where
13 Ike -- because most -- a lot of times he'll go over there by
14 the wall over there, and he'll be over there. A lot of
15 times I'll get out, I'll go to get me something to eat after
16 I knock off.

17 Q. Okay.

18 A. And I was getting ready to do that. And this guy
19 called me and asked me did (sic) I had seen another guy, was
20 he coming on down from the job. I said, "Yeah."

21 Q. Okay. Who's the guy that you said called you on
22 your cell phone?

23 A. No, sir. He was standing there waiting on another
24 guy supposed to be coming from my job, and he thought he had
25 went the other way. But he didn't went (sic) the other way,

1 he was coming down there. He was waiting down there to see
2 him, so he was asking me have I seen him yet. I said,
3 "Yeah." His name is James Tucker, who the guy was asking
4 for. So I picked up my phone to do it -- I was standing
5 there, that's when the lady backed out and hit me.

6 Q. And we're going to get to that. I'm just trying
7 to get it piece by piece.

8 A. Okay.

9 Q. So a guy asked you, "Hey, did you see James
10 Tucker?"

11 A. Yeah.

12 Q. Okay. And who's that guy? What was the guy's
13 name that asked you about James Tucker?

14 A. Tommy Dee.

15 Q. I'm sorry?

16 A. Tony -- Tommy.

17 Q. Tommy?

18 A. Yeah, Tommy. Yeah.

19 Q. And that's spelled T-O-M --

20 A. T-O-M-M --

21 Q. "Y"?

22 A. "Y".

23 Q. And is Dee his last name, D-E-E?

24 A. Yeah, D-E-E.

25 Q. Okay. All right. And you responded to Tommy Dee?

1 A. "He at the job. I'll call and see what's taking
2 so long." So I take my phone out and put it to my head,
3 and by that time the lady backed into me and hit me.

4 Q. Okay. So you -- at that point you pulled out your
5 cell phone --

6 A. Yes, sir.

7 Q. -- to call James Tucker?

8 A. Yeah.

9 Q. Okay. And when you pulled out your phone, that's
10 when an unidentified driver --

11 A. I was -- yes, sir. I pulled out my phone. By the
12 time I put it to my head, then I was standing there waiting
13 for it to ring. Before anybody answered, the unidentified
14 driver backed and hit me and knocked me down. Yes.

15 Q. And where were you standing as you're calling
16 James Tucker?

17 A. About six foot from my truck, in front of my truck
18 -- oblong.

19 Q. Was that in the middle of the parking lot, was it
20 on the sidewalk?

21 A. No, it was -- like, you got -- you've got to park
22 in front of the store.

23 Q. Okay. And I hate to do this, but I just want to
24 remind you that the court reporter, she does a great job,
25 but she's not going to be able to write down your hand

1 gestures. So when you say, "To this wall," or "That wall,"
2 and you indicate with your hand, if you could just say, "To
3 the wall to my right," or "To the wall in front of Tony's,"
4 again, just so that we can keep the record clear.

5 A. I'll say I was standing in front of Tony's
6 approximately like 26/27 feet --

7 Q. Okay.

8 A. -- from the front of where she was parked at.
9 Yes.

10 Q. All right. And were you standing in the parking
11 lot, or were you standing on the sidewalk? Where were you
12 standing?

13 A. No, I was -- part of -- it's part of the parking
14 lot. I was standing where I parked, and I was just getting
15 out in the front of the truck.

16 Q. So, basically, you were standing in the middle of
17 the parking lot?

18 A. No.

19 Q. Okay.

20 A. I was standing on the edge of -- like if you got
21 the parking -- the whole open parking lot, right --

22 Q. Correct.

23 A. -- I was not in the -- I wasn't standing -- when
24 you turn off, you parks right at the edge of the road into
25 there, then you in the yard.

1 Q. Uh-huh.

2 A. Then when you move in front of your truck, you're
3 not in the middle of the road because you've got 25 or
4 30 feet from there to the building.

5 Q. Right.

6 A. So I was parked -- I was standing on the edge of
7 the parking lot -- where I was standing at. I wasn't
8 standing in the middle of the parking lot, no, sir.

9 A. Okay. All right. Well I guess what I'm trying to
10 indicate, you know how businesses have sidewalks, and then
11 there's the parking lot, correct?

12 A. Uh-huh.

13 Q. I'm trying to get an understanding if you were
14 standing on the sidewalk or in the parking lot?

15 A. Well what I'm saying -- when you just said
16 sidewalk -- okay, you here and here, and you've got a space
17 25 foot. I can't say that was a sidewalk or whatever you
18 want to call it. If you want to say sidewalk, I can say
19 sidewalk.

20 Q. Okay. And it is just so you understand. I just
21 want to -- first of all I'm just trying to understand
22 because I wasn't there.

23 A. Right.

24 Q. I'm trying to get a picture of where you were
25 standing when you got hit. You indicated that you were

1 approximately 25 feet from the Tony's wall?

2 A. Exactly.

3 Q. I'm assuming that that's in the parking lot, or at
4 least where cars are moving -- if it's 25 feet away from
5 Tony's. And if I'm incorrect, let me know.

6 A. No, sir. Act just like -- this is the building
7 here (indicating). Where my hand at, this is the parking
8 lot.

9 Q. And you can go ahead and draw that for me.

10 A. Okay. This is the building here. I'm just going
11 to use this as the parking lot.

12 Q. Okay.

13 A. You got people pulls (sic) up and park right here
14 like that (indicating). You got people park in front of the
15 building like that. Okay. I was standing here where my
16 truck at, and she backed out here and turned this way and
17 hit me right here. So now if you want to say that's the
18 parking lot or walkway -- I don't know what would (sic) you
19 call it.

20 Q. Okay. So let's say this is Tony's.

21 A. Yes.

22 Q. This would be the door to go into Tony's?

23 A. I would guess so. Yeah.

24 Q. Okay. All right.

25 A. You got cars parked in the front there.

1 Q. Cars parking -- this is kind of like the park?
2 A. Yeah.
3 Q. What's in this area?
4 A. Nothing. That's just open. That's open right
5 there.
6 Q. And where is the highway where you come into the
7 Tony's parking lot?
8 A. The highway out here.
9 Q. So we'll say that's the highway?
10 A. The main road, yeah.
11 Q. And cars come into the Tony's parking lot through
12 this way?
13 A. They come in through this way. This the driveway,
14 like this. You know, like this is an open area. You got an
15 opening here that they can come in and park.
16 Q. Uh-huh.
17 A. So they can come in and park here.
18 Q. So they come in this way?
19 A. Yeah, they come in over in the center. They got a
20 driveway in the center over here. All of this is park area.
21 That's just -- all of this is park, where cars park all
22 along there.
23 Q. Okay. So cars can park right in front of the
24 highway?
25 A. Yeah.. Right off the highway, there's nothing but

1 cars parked there.

2 Q. And is this parking spaces in this area?

3 A. Yeah, and -- no, ain't no parking area in there.

4 Q. Okay. It's just where cars are driving?

5 A. Yeah. Where they're driving, backing in and out,
6 and all that. Yeah.

7 Q. Okay. Where were you standing?

8 A. Standing right there in front of my truck. My
9 truck right there. I was about six foot standing in front
10 of my truck, right there.

11 Q. Okay. So it's okay to -- this is your truck?
12 We'll say this is your truck?

13 A. Yes, sir. My truck.

14 Q. Okay. And you were standing about right here,
15 about six feet?

16 A. Well wherever, how you want to put it. Yeah.

17 Q. Okay. All right. So where is -- can you see Ike
18 at this point? He was standing --

19 A. No, I can't see him because there's a lot of
20 people on the wall, and everything, and cars parked all
21 along here (indicating). I can't see Ike.

22 Q. Okay. And where is Tommy Dee?

23 A. He's standing back over here in these cars over
24 here.

25 Q. Okay. Was he in his car or --

1 A. He was standing -- he was standing by his car
2 yelling at me over -- he was standing out over here. Yes.
3 Q. Okay. All right. Sorry to take you through this.
4 This just helps, you know --
5 A. That's fine.
6 Q. -- get a diagram of where everything is going.
7 Okay. So where did the car come -- the van come from that
8 struck you?
9 A. She backed out here.
10 Q. Okay.
11 A. She backed out.
12 Q. Did you see if she was parked or not?
13 A. Yeah, she was parked. She was parked.
14 Q. Would you say she was a customer at Tony's?
15 A. No. See what it is now, see Tony's -- you got
16 Tony's here. You got a beverage store here.
17 Q. Like a strip mall?
18 A. Yeah, it's a strip mall. Yeah. And I don't know
19 what store she was in at the time?
20 Q. But she was definitely a customer?
21 A. Yes. She was a customer.
22 Q. Okay. So if you would just draw where she backed
23 out. Oh, I'm sorry. Where are you facing as you're
24 standing right here? Are you facing your truck?
25 A. I'm facing cater-cornered to my truck, talking to

1 the guy right here.

2 Q. Talking to Tommy?

3 A. Well, he was yelling at me. Yeah. Yeah -- for to

4 (sic) ask me where Tucker was, yeah.

5 Q. So it's about in this direction?

6 A. Yeah, something like that.

7 Q. So you're facing, basically, opposite from where

8 the van came?

9 A. Right.

10 Q. Okay. All right. So you didn't see the van back

11 out?

12 A. No, I didn't see it back out. No.

13 Q. And to just ask you a question. So how did you

14 know she was parked right there?

15 A. I know because after the van hit me, all the guys

16 and everything on the wall, tell (sic) me that she was in

17 the beverage store.

18 Q. Okay.

19 A. So that's when I went in the store -- after she

20 hit and run, I went in the store and asked who was driving

21 that van and the lady pulled it up.

22 Q. Okay. All right. Just so I'm clear. You didn't

23 actually see her park right there, someone else told you

24 that she was parked right there?

25 A. Yes.

1 Q. And who was that, that told you that?

2 A. Lots of people was out there. I mean, I can't
3 remember all the people that was out there.

4 Q. All right. And she backed up and she hit you?

5 A. Yes. Hit me right in the back.

6 Q. So, obviously, you were facing the other way. You
7 didn't see her coming?

8 A. No, I didn't see her coming. No, sir.

9 Q. And then, tell me when she hit you what occurred?

10 A. I went down to the concrete, forced myself like
11 this (indicating). And she got out of the van. Come around
12 and looked. And she said, "Them damn telephones will get
13 you killed," and she jumped in the van and pulled off.

14 Q. So, basically, she just -- she struck you --

15 A. Yes, sir.

16 Q. -- with her vehicle. She yelled at you?

17 A. She got out. She got out and she came to the back
18 to see what she had hit. And she see that she had hit me,
19 and she just said -- I was crawling off the ground and
20 getting up. She said, "Them damn telephones will get you
21 killed." And she had one in her hand talking, too. And she
22 just jumped back in the van and took off.

23 Q. So when she got out of the car were you still on
24 the ground?

25 A. Yes, I was getting up. Yeah. Trying to get up,

1 yeah.

2 Q. Okay. Did you ever say anything to her?

3 A. No, I didn't have a chance to say anything to her.

4 Q. Okay. So when she told you the damn cell phones
5 will get you killed, when she told you that, what was your
6 take on that? Did you feel like you weren't paying
7 attention and shouldn't have been standing there?

8 A. No, sir.

9 Q. Let me ask you this way. Do you feel that there's
10 anything that you could have done different from getting
11 hit?

12 A. No, sir.

13 Q. Let me ask you this. When you were making the
14 phone call, you think it would have been a better place to
15 make the phone call in your car as opposed to six feet away
16 from your car facing the opposite direction of where other
17 vehicles may possibly come?

18 A. No, sir. Because as -- because I -- I'll take a
19 look at it like this. I was in the safety zone.

20 Q. And I'm sorry. By "safety zone," what do you mean
21 by that?

22 A. I was in the safety zone, because it ain't but two
23 things, if you're about 35 feet, you can -- how many cars
24 can pass within 35 feet? You should be able to miss me by
25 ten, fifteen, twenty foot. If you've got a road, it's not

1 that wide.

2 Q. All right. Again, I'm just asking the questions,
3 just trying to understand --

4 A. Yes, sir.

5 Q. -- to get your opinion. Specifically when you
6 said "safety zone," I didn't know exactly what you were
7 referring to when you said that.

8 A. What I'm saying is, when they make these driveways
9 come in and out of stores, anything, they make it where
10 pedestrians can stand and pedestrians can walk. So it's not
11 only for the vehicles.

12 So if I got out of my truck and stand right there
13 and somebody asked me a question, and I make the respond
14 (sic) to it, that don't mean you got to back up 35 feet and
15 hit me.

16 Q. And did you do your own research on that, or how
17 do you know that?

18 A. How do I know? I know that yard. If you got a
19 car parked here, and before you can make your turn, you've
20 got to clear that car, right? So from there behind that car
21 here, you got over 20 or 25 feet. Why would you be backing
22 way over there, you know.

23 Q. Yeah, I don't know. I wasn't there. I guess --
24 so it's your opinion that she had enough room to back up and
25 leave without hitting you?

1 A. Yes, sir.

2 Q. Okay. Do you know of any -- so how far was it
3 from where you were standing, which is right here, to
4 Tony's? You said that was about --

5 Q. Between 20/25 foot -- I was standing.

6 A. Okay. All right. So looking back, you don't look
7 at it like, "Man, I should have made that phone call in my
8 car, otherwise I wouldn't have gotten hit?"

9 A. No, sir. I don't see it that way.

10 Q. Would you agree that you -- is it your opinion
11 that you would not have gotten hit if you were in your car
12 making the phone call?

13 A. I wouldn't say that, sir.

14 Q. All right. So at that point she left -- the
15 unknown driver left. Take me from what happened at that
16 point.

17 Q. I went out -- after I got up, I didn't see -- with
18 the people running all around, crowding around trying to see
19 is (sic) I'm all right, I couldn't see no license number or
20 nothing like that. I said, "Where did she went? Which way
21 she went?" They said, "She went that way."

22 So I stood there a few minutes. After my head got
23 straight -- my arm and stuff was hurting -- so I got in my
24 truck and I went to see could I find her. I couldn't never
25 find her. So then I came back to the store. I went in the

1 store and asked (sic) the woman, that a van hit me out there
2 and she pulled it up on the camera and said, "This lady
3 right here drive this van."

4 Q. Did you ever get that video?

5 A. (Witness moves head from side to side.)

6 Q. And I'm sorry, you're shaking your head. That
7 would be a, "No."

8 A. No.

9 Q. All right. Do you know if that video is still
10 available?

11 A. I don't know whether that store have that video or
12 not.

13 Q. Were you ever curious to find out who hit you?

14 A. Yes, I was looking for the car for months and
15 months.

16 Q. Okay. Do you think it would have been a good
17 thing to do to request the video if they, indeed, told you
18 that they had the video of this woman hitting you?

19 A. She showed me the video. She showed me the -- she
20 showed me the picture of the lady that was driving the van.
21 Yes.

22 Q. Okay. I guess my question is, if you knew that
23 the clerk had video of the person hitting you, and this
24 person you can't identify, did you ever think to get that
25 video from the clerk?

1 A. No, sir.

2 Q. And why not?

3 A. Because when I come and asked who hit me, I just
4 see a face. And I don't know how they keep their videos --
5 daily or monthly or whatever.

6 Q. But when she showed that video, at no point did
7 you request to get a copy of that video?

8 A. No, sir.

9 Q. And I guess my question is, why not?

10 A. Well I wasn't thinking at the time about getting
11 no video. I'm thinking about somebody who hit me.

12 Q. All right. Is it your position that you would
13 like to find the person that hit you -- you would like to
14 know the person that hit you?

15 A. Yes, sir.

16 Q. Let me ask you this question -- this one last
17 question. Do you think that that video could have helped
18 you find the person that hit you?

19 A. Well, I mean, I was just looking at a picture. I
20 don't really know that it would have helped me find them,
21 but I would at least have a face just to look at. Yeah.

22 Q. All right. So let's go back to the statement
23 where the unidentified driver said, "Them damn cell phones .
24 will get you killed."

25 A. Yes, sir.

1 Q. What do you think she meant by that?

2 A. Today, I don't know. Only thing I know, I'm
3 standing here getting ready to make a phone call, and she
4 backed into me. I don't know what she meant by that.

5 Q. Okay. All right. So where did you go after that?

6 A. After I couldn't find her, I went home.

7 MS. MULLIS: May we take a break?

8 MR. GIBBS: Yes.

9 (Recess.)

10 BY MR. GIBBS:

11 Q. Okay. Now I was asking you about where did you go
12 after you left the parking lot on the day of the accident?

13 A. I went to see if I could find the car -- the van
14 or whatever -- what had hit me, which way she went. I asked
15 what color it was, and I was going to see could I find it.
16 So that's when I came back up to the store --

17 Q. Okay. And I'm sorry. So you left the store to go
18 try to find the van?

19 A. Yes, sir.

20 Q. And what were you doing in terms of trying to find
21 the person?

22 A. Well I was driving down the road looking to see
23 could I see a van, you know, with that description.

24 Q. All right. And about how long would you say you
25 did that?

1 A. About twenty minutes or so.

2 Q. But the person that hit you, of course, was on the
3 video at the store, correct?

4 A. Yes.

5 Q. You left for 20 minutes to try to find this
6 unknown person, and then you came back?

7 A. Yes.

8 Q. Okay. And when you came back to the store, what
9 did you do?

10 A. I went in -- I went in to the store, and I asked
11 them did they have a camera out there, and she said, "Yes."
12 The woman said, "Yes."

13 Q. So that was your first time asking her if she had
14 a camera?

15 A. Yes.

16 Q. Okay. Okay. Then what happened?

17 A. And she said, "Yeah, I have a camera." And I
18 said, "Well they said this lady drive a gray van." And she
19 said, "She come here all the time. She come here all the
20 time." And she pulled it up and said, "This her. This
21 her."

22 Q. That was it?

23 A. Yeah.

24 Q. Okay. And from there, where did you go?

25 A. I left and went home.

1 Q. Okay. Now when you were looking for this van for
2 20 minutes, you were driving your car?

3 A. Yes.

4 Q. Okay. All right. Then you left and went home.
5 How did you feel at that point, physically?

6 A. Well I feel sore and aggravated. I was dizzy.

7 Q. Where were you sore?

8 A. I was sore on my neck, my back, and my right
9 shoulder. I had pains in my right shoulder.

10 Q. Okay. So on a, let's say a level of zero to
11 ten -- ten being excruciating pain -- how would you rate the
12 pain and discomfort that you felt at that time?

13 A. Well at the time, when it was coming, it was
14 coming slowly, and I was getting stiff. I would say around
15 a five.

16 Q. Okay. You just didn't want to go to the hospital
17 that day or --

18 A. Well I'm like this, you know, I always felt that
19 maybe it was just soreness, but it would go away. And then
20 I wake (sic) up the next morning I couldn't -- to go to
21 work, I couldn't -- I couldn't do it. So I had to go to the
22 doctor.

23 Q. Okay. Do you know about how fast she was going
24 when she hit you?

25 A. Backing out of the parking lot, she was already

1 turning like this (indicating) when she hit me. So another
2 car probably could go in front of her van, so I would say
3 about two -- maybe two miles an hour, probably.

4 Q. And you said you injured your right shoulder?

5 A. Yes, sir.

6 Q. And how did you injure your right shoulder?

7 A. Well when she hit me with the van, the tire
8 actually hit me here (indicating) on my head, drive me down
9 to the concrete. I threw my arm up to force (sic) -- to try
10 to help my fall, and I guess jammed my shoulder back.

11 Q. Okay. Now I'm just trying to walk through that.
12 So she's driving approximately two miles per hour backing
13 up?

14 A. Yeah.

15 Q. She hit you, and you fell to the ground?

16 A. It drive me straight to the ground. Yes, sir.

17 Q. Okay. Were you laying face down?

18 A. Yeah. Straight down just like that (indicating).

19 Q. Okay. All right. And she came from your left
20 hand side, correct?

21 A. No. I was standing -- if I was standing -- where
22 I was standing, she was backing, she coming straight into my
23 back. Just like this, I'm standing here, she backing out,
24 the van straddled me. The way that she hit me, just like
25 that (indicating).

1 Q. Right. And I'm just going from this graph that
2 you -- on this diagram that you indicated, and just trying
3 to orientate myself. You're saying as you drew -- you
4 indicated that you were facing where --

5 A. Like that, yeah.

6 Q. -- Tommy was, correct?

7 A. Right.

8 Q. Kind of like cater-cornered. Okay. The
9 unidentified driver backed up --

10 A. And she started turning her wheels, so she was the
11 same -- almost same angle I was when she hit me.

12 Q. Okay. All right. And where did the collision
13 occur?

14 A. She hit me right just like that in my back
15 (indicating) --

16 Q. Okay. Lower back, upper back?

17 A. No, it had a tire on it, okay.

18 Q. Okay.

19 A. So the tire hit my back and my head.

20 Q. Okay. I guess I'm just trying -- if you're facing
21 towards the left, and she comes from --

22 A. If she coming out like this, right, she got to
23 turn like this to go -- where she can go that way.

24 Q. Now just so that -- see if you can get -- these
25 are some simple questions, and I'm not trying to belittle

1 you or anything, I'm just trying to get an understanding of
2 where you're coming from.

3 So if you're facing this way, this would be your
4 left, correct?

5 A. Yeah.

6 Q. And this would be your right, correct?

7 A. Yeah.

8 Q. This would be your left shoulder, correct?

9 A. Yeah.

10 Q. And this would be your right?

11 A. Yeah.

12 Q. She backed up and hit you?

13 A. Yes.

14 Q. You fell to the ground?

15 A. Yes.

16 Q. I'm trying to understand how did her tire get --
17 how did your right shoulder get under her tire if you're
18 laying face down?

19 A. No, no. No, sir, I didn't say under her tire.

20 Q. Okay.

21 A. The tire on the van -- you know, the spare tire --

22 Q. Correct.

23 A. -- it hit me. It drove me down, and when it
24 slammed me to the ground, I'm holding with the elbow, here,
25 fighting with my elbow to try to take -- you know, to keep

1 from hitting my face.

2 Q. Oh, okay. So at no point did the tire hit you?

3 A. No, sir. But my leg was under the van, you know,
4 because when she took me down, part of me had to be under
5 the van. I crawled out from under the van.

6 Q. Okay. All right. All right. And so your opinion
7 is that your shoulder -- right shoulder was injured from you
8 trying to brace yourself as you fell?

9 A. Yeah. She jammed -- she jammed my shoulder back
10 in (sic).

11 Q. Okay. All right. All right. So the next morning
12 you woke up and you were sore, couldn't go to work, you went
13 to the hospital?

14 A. Yes, sir.

15 Q. All right. Tell me about that. Walk me through
16 that process.

17 A. Well I went to the emergency room.

18 Q. In which you went to Providence, correct?

19 A. Providence. Yes, sir.

20 Q. All right.

21 A. So I got the paperwork, everything, filled out,
22 tell (sic) them what happened. So they had a male nurse
23 there, and he came out and talked to me. He said, "Well you
24 were hit? Show me how you were hit?" Did the same thing
25 the way you're doing. I tell him. He said, "Well, I got to

1 call the police." So he called the police there. I
2 discussed everything with the police.

3 Q. All right. Okay. So what are the injuries that
4 you're alleging occurred from this accident? You're saying
5 the lower back -- I'm sorry, your back, your right
6 shoulder --

7 A. And my neck.

8 Q. -- and your neck. Okay. So any other treatments
9 or surgeries involving other parts of your body, it's not
10 related to this accident?

11 A. No, sir.

12 Q. Okay. Okay. All right. So the accident occurred
13 on April 1st, 2011. So by April 2nd, 2011, is when you went
14 to the hospital?

15 A. Yes, sir.

16 Q. All right. And tell me what occurred just two
17 months later when you were at work and you grabbed for
18 something and you injured your right shoulder, correct?

19 A. No, sir.

20 Q. Okay. Well what happened? You know what I'm
21 referring to?

22 A. Yes.

23 Q. Okay.

24 A. No, sir, I didn't grab anything with my right
25 shoulder.

1 Q. Okay. Well do you recall after this accident
2 being at work and injuring yourself?

3 A. No, sir.

4 Q. Okay. So your testimony is that at no point after
5 this accident occurred did you also injury yourself at work?

6 A. No, sir.

7 Q. Okay. So, I'm going to hand this to you and your
8 attorney. I only have one copy.

9 MS. MULLIS: Hand it to me first.

10 THE WITNESS: I don't have my glasses... I can't
11 see it.

12 BY MR. GIBBS:

13 Q. Can you see it?

14 A. Barely, but go ahead.

15 Q. I want you just to take your time and review that
16 and kind of refresh your memory.. And I just want to ask you
17 a few questions in regards to it.

18 MS. MULLIS: Either that, or I'm going to have to
19 read it to you. Can you read it?

20 THE WITNESS: I can barely see it.

21 BY MR. GIBBS:

22 Q. Are you reading it now? Are you able to read it,
23 or --

24 A. I just barely can see it.

25 Q. Okay. Well you want to pass it to your attorney

1 so she can --

2 MS. MULLIS: Going on record, okay. It's a
3 medical record from Moore Orthopaedics dated April 15th,
4 2011, Willie Jordan and Richland Office. It's a history
5 reported by David A Scott, MD.

6 It says, "Mr. Jordan presents with a chief
7 complaint of pain in his right shoulder. He notes that he
8 was at work where he tried to grab something that was on its
9 way to falling. I do not believe that this was
10 work-related. It tugged on his arm, and since that time, he
11 has been having some pretty impressive discomfort relative
12 to inability to move the shoulder in certain directions and
13 certain movements. He had been seen at Providence ER, and
14 the injury was roughly two weeks ago.

15 Past Medical History: Please see scanned Moore
16 intake form for all components of history, medicines,
17 allergies. This was scanned in on April 15th, 2011, and
18 reviewed by me today in clinic.

19 BY MR. GIBBS:

20 Q. And that's pretty much all I wanted to get. So
21 pretty much, April 15th, 2011, you indicated, obviously to
22 the professional at Moore Orthopaedics that you were at work
23 and you reached for something and you injured your right
24 shoulder?

25 A. No, sir. I did not tell them that.

1 Q. Okay. So, I guess, what your attorney read today,
2 that's not -- that didn't occur?

3 A. That's not accurate. No, sir.

4 Q. Do you have -- do you ever recall being at work
5 reaching for something and injuring your right shoulder?

6 A. No, sir.

7 MR. GIBBS: I'll just go ahead and put this as an
8 exhibit.

9 MS. MULLIS: Without objection.

10 (Exhibit 1 marked for identification.)

11 BY MR. GIBBS:

12 Q. And just reviewing some of the discovery responses
13 that your attorney provided, it indicated that you've had a
14 10 percent permanent impairment to your left hand?

15 A. Okay.

16 Q. But, again, that's not related to this accident?

17 A. No, sir.

18 MS. MULLIS: Ten percent permanent impairment
19 relating to his what?

20 MR. GIBBS: Left hand.

21 MS. MULLIS: Oh, I'm sorry. That's not what I
22 heard you say.

23 BY MR. GIBBS:

24 Q. All right. Now I just want to -- I know I've
25 already asked you some questions -- that those questions

1 were just going off of your memory. I have some documents
2 with me, and, specifically, I want to talk a little bit
3 about the injuries you received from work, and workers'
4 compensation claims.

5 Now it's your understanding that you only made one
6 workers' compensation claim?

7 A. No, sir. I didn't say I made one workers'
8 compensation claim.

9 Q. Okay. I'm sorry. How many workers' compensation
10 claims have you made?

11 A. I said I had a right knee, left knee, I said left
12 hand -- twice left hand done been injured, okay. And that's
13 what I said.

14 Q. And I'm talking about how many times you brought
15 workers' compensation claims for injuries at work?

16 A. When you say "claims," it's just that -- where I
17 got injured, right?

18 Q. Okay. For instance, right here I have a workers'
19 compensation claim filed by you. It was file with the South
20 Carolina Workers' Compensation Claim (sic). It list your
21 employer as Owen Steel. And I'm going to provide you a copy
22 of this, I just wanted to orient myself.

23 A. Okay.

24 Q. And it indicates the date of injury or illness as
25 9-15-2011. Okay. And this was received by Workers'

1 Compensation Commission July 22nd, 2013. That's a workers'
2 compensation claim.

3 A. Yes.

4 Q. So when I ask you about workers' compensation
5 claims that you've filed, that's what I'm referring to.

6 A. Like I said, the only thing I'm saying is with my
7 left hand, after I went to the workers' comp, the only thing
8 I did was put a Form 50 in. That's all I did. A Form 50,
9 that's all I did -- Form 50/Form 51. And that is my right
10 to put it in within a year of my injury.

11 Q. Yeah, I know.

12 A. Okay.

13 Q. And I'm just trying to -- so that you understand
14 what I'm asking you -- and here's a copy -- pass it to your
15 attorney, and you can look at it. That's the document that
16 I was referring to.

17 A. That's the Form 50.

18 Q. Okay. So does that document look familiar to you?

19 A. Yeah. Form 50.

20 Q. And that's a claim for workers' compensation?

21 A. Yes, sir.

22 Q. And that was from an injury from September 15th,
23 2011?

24 A. Yes, sir.

25 Q. Correct. And that injury was related to?

1 A. My left hand.

2 MR. GIBBS: With no objection, I would like to
3 enter this as Exhibit 2.

4 MS. MULLIS: No objection.

5 (Exhibit 2 marked for identification.)

6 BY MR. GIBBS:

7 Q. But you also have some other workers' compensation
8 claims that you brought against Owen Steel, correct?

9 A. With my left hand. Yes, sir.

10 Q. So you have another -- another workers'
11 compensation claim that you brought. In what year did you
12 bring that?

13 A. Like I said, I had one for 2004 and one for 2011,
14 that's it.

15 Q. And did you ever make a workers' compensation
16 claim against your employer for your left knee?

17 A. No, sir.

18 Q. Okay. Do you recall back in January of 2000 --
19 I'm sorry, back in January 21st of 2008, do you recall ever
20 been at work exiting a restroom, misstepping, and twisting
21 your left knee at work?

22 A. Yes, sir.

23 Q. Okay. Now did you bring a workers' compensation
24 claim for that as well?

25 A. When you mean bring a claim --

1 Q. Like this. I mean, you filled out this form,
2 correct?

3 A. Yes. I filled out two forms for workers' comp.
4 That's it.

5 Q. All right. And I'm sorry, I'm not meaning to jump
6 around to confuse you. I'm just trying to get an
7 understanding. So from Exhibit 1 when the doctor indicates
8 that you informed him that you were at work and you reached
9 for something and you injured your right arm -- this was
10 April 2011 -- you said you don't recall that?

11 A. I didn't say I didn't recall that. I said I did
12 not tell them that.

13 Q. Right. And that's what I mean, you don't recall
14 telling them that?

15 A. Exactly. He got a profile form that I filled out
16 of what happened in there.

17 Q. Okay. All right. Have you ever -- and those are
18 the documents -- and that's the document that we received
19 from him. That's the document I just showed you in
20 exhibit --

21 A. You can show me the one that I filled out when I
22 went there. Can you show me that one? I know what I filled
23 out.

24 Q. Right. And I'm sorry. This is the time for --
25 only I -- unfortunately only I can ask the questions.

1 A. Oh, yeah.

2 Q. But what I'm saying is that, those documents you
3 referred to that he has, those are the documents that we
4 received and I just presented to you, which indicated that
5 you said that you injured your right shoulder at work.
6 That's what we have from him.

7 A. He lied.

8 Q. Okay. All right. So were there any other
9 situations where you injured yourself after this accident
10 that occurred April 1st, 2011?

11 A. No, sir.

12 Q. Prior to this accident occurring -- I'm talking
13 the April 1st, 2011, physically how were you? Did you --
14 you still had hand pain -- left hand pain?

15 A. Yes.

16 Q. Okay. You still had injuries to your knee -- or
17 at least discomfort to your left knee and right knee?

18 A. No.

19 Q. Okay. I guess my question is, were you treating
20 for those injuries prior to the accident that occurred on
21 April 1st, 2011?

22 A. Not my knees, but I was having something done to
23 my hand. Yes, sir.

24 Q. All right. What type of medications do you recall
25 being prescribed as a result of this accident? Did you take

1 any pain pills?

2 A. I can't remember what it was. He give (sic) -- he
3 give me some pain pills, but I can't recall what it was.

4 Q. Now, again, you indicated that the only injuries
5 that you related to the April 1st, 2011 automobile accident
6 was your back, your right shoulder and --

7 A. And my neck.

8 Q. -- and your neck. Okay. How has -- now have you
9 fully recovered? Today, how do you feel?

10 A. It don't never -- it don't never ever fully
11 recover, if you ask me. Because at times now, I go out
12 there and try to play with my grand boys, my back bothers
13 me. I go out there and try to play with my grand boys, my
14 shoulder bothers me, still after the operation.

15 My neck, whatever it is -- whiplash or whatever I
16 had, it goes and comes. My neck gets stiff. You know, it
17 just -- it just goes and come.

18 Q. Okay. So I have you down as -- I'm pretty sure
19 you don't know how much your medical expenses are for this
20 accident, do you?

21 A. No, sir.

22 MR. GIBBS: Can we go off the record for just one
23 second.

24 (Pause.)

25 MS. MULLIS: Defense Counsel just supplemented

1 your Discovery at 9:50 by e-mail. So this will reflect the
2 supplemental Discovery that we received at 9:50. So there's
3 a CVS bill in there that Discovery doesn't reflect.

4 So that's the only thing that I'm aware of at this
5 time --

6 MR. GIBBS: That's not included.

7 MS. MULLIS: -- that wouldn't be included in those
8 numbers.

9 BY MR. GIBBS:

10 Q. So, Mr. Jordan, we were referring to some
11 Discovery Responses which, pretty much, answered -- were
12 provided by your attorney, which indicates some of your
13 medical expenses.

14 I'm going to pass you her most recent responses to
15 our interrogatories. She's not sure if this has been
16 updated. From my understanding there's expenses that may be
17 included to this. So I'm going to pass this to you --

18 MR. GIBBS: And, Pam, you can look at this as
19 well.

20 THE WITNESS: I can't see it no way.

21 BY MR. GIBBS:

22 Q. All right. And you can ask your attorney about
23 this -- and maybe she can help you out. But you indicated
24 that the left hand, and both knees -- any treatment and any
25 surgeries in regards to those three things is not included

1 in this lawsuit?

2 A. No, sir.

3 Q. Okay. The reason why I ask is because, some of
4 the medical expenses listed on there actually relate to hand
5 surgery treatment for the hand, and knees, and things of
6 that nature.

7 So it's your position that, to the extent that any
8 of that is included on these Discovery Responses, that is
9 not included as the damages that you're alleging from this
10 accident?

11 A. No, sir.

12 Q. Okay.

13 MR. GIBBS: And, Pam, if you have no objection,
14 we'll put this as Exhibit 3.

15 (Exhibit 3 marked for identification.)

16 BY MR. GIBBS:

17 Q. All right. Mr. Jordan, do you need to take a
18 break or anything?

19 A. I'm fine.

20 Q. Okay. We were referring -- we were talking about
21 some of the documents that we received from the medical
22 professionals that you treated with. I have with me another
23 follow-up where you went to Moore Orthopaedics, and this was
24 on April 22nd, 2011. And I'll pass this to your attorney so
25 that she can read it -- since you can't read today. And you

1 can review that, if you want to, before reading it on the
2 record.

3 And specifically what I want to draw your
4 attention to is the note that indicates that, again, you
5 injured your right arm at work -- right shoulder at work.
6 That's what I want to draw your attention to. And I would
7 have yourself or your attorney --

8 MS. MULLIS: Again, this is a note from Moore
9 Orthopaedics that's dated April 22nd, 2011. It says,
10 "Mr. Jordan is back for follow-up today. He has right
11 shoulder pain which was pretty impressive. He injured it
12 while attempting to grab something that tugged on his arm.
13 He had a difficult time moving it, so we got an MRI of his
14 right shoulder. He has (sic) complaints of numbness,
15 tingling" -- I'm sorry.

16 "He injured it while attempting to grab something
17 that tugged on his arm. He had a difficult time moving it
18 so we got an MRI of his right shoulder. He had no
19 complaints of numbness, no tingling, and no weakness, just
20 relative lack of range of motion and a lot of pain."

21 But it states that you injured it while attempting
22 to grab something that tugged on your right arm. And that's
23 why he --

24 MR. GIBBS: And I'm not looking directly at that,
25 but does it indicate that he injured it at work? I know you

1 read it, but I didn't know -- okay, let me see.

2 MS. MULLIS: I'm missing what he's looking at.

3 MR. GIBBS: All right. Thanks for providing that
4 for me, Pam.

5 I'll like to add this as Exhibit 4.

6 (Exhibit 4 marked for identification.)

7 BY MR. GIBBS:

8 Q. All right. I'll beg your indulgence just for a
9 second. I'm about to conclude. I just want to make sure
10 we've been over a few things.

11 I just want to pass you another document. This is
12 from South Hampton. And this is just for clarity for my
13 sake. It refers to -- that you had a complaint on
14 August 7th, 2013, where you were going to South Hampton to
15 follow-up for an injury to your left hand. Do you recall
16 treating for that in --

17 A. South Hampton?

18 Q. Yes.

19 A. Why would I go to South Hampton for --

20 Q. I don't know. I just got the document, so I just
21 wanted to ask you a few questions about it.

22 A. No, sir. I mean, that's my primary doctor. I
23 mean South Hampton is my physician that -- at family. Why
24 would I go to him when -- if I injured my right hand on
25 workers' comp, why would I go to South Hampton?

1 MS. MULLIS: Yeah, I can't explain it.

2 BY MR. GIBBS:

3 Q. Okay. So I guess my point was that, in 2013 were
4 you treating for your left hand?

5 A. Not at South Hampton.

6 Q. Okay. Were you treating at all for your left
7 hand?

8 A. For my left hand?

9 Q. Correct.

10 A. 2013?

11 Q. Correct.

12 A. No. I mean, only time I was treated for my left
13 hand is when I got injured at work. But South Hampton is my
14 family doctor. No, I never went to South Hampton.

15 Q. No problem.

16 MR. GIBBS: We'll go ahead and add that as
17 Exhibit 5.

18 (Exhibit 5 marked for identification.)

19 BY MR. GIBBS:

20 Q. Well. All right. The point that I want to get
21 to -- and the reason why I'm telling you this is because I
22 want you to understand why I'm asking the question. You had
23 multiple injuries from work --

24 A. Yes, sir.

25 Q. -- from your left knee, your right knee, correct?

1 A. Yes, sir.

2 Q. And your -- your left hand?

3 A. Yes, sir.

4 Q. Correct. There's also documents which I showed
5 you today, correct, that indicates that you also injured
6 your right shoulder at work April of 2011. Now I understand
7 it's your position that you did not injure your shoulder at
8 work, however I can only -- I'm going off of the documents,
9 you understand?

10 A. Got that.

11 Q. I'm trying to get an understanding, because at the
12 very -- at a bare minimal, even if you did not injure your
13 right shoulder at work, at a bare minimal there seems to be
14 a lot of instances where you did injure yourself at work.

15 So I want to go back to the industry that you work
16 in. And is it that these injuries just so happen to be a
17 mere coincidence, or is your position that you have a
18 physically demanding job?

19 MS. MULLIS: Object to the form. Go ahead, you
20 can answer.

21 BY MR. GIBBS:

22 Q. And you can answer the question.

23 A. Well I work in an environment that is very heavy
24 construction, okay.

25 Q. Okay.

1 A. Now my point is, any time a person get injured at
2 my job, it's an injury, because you lucky you go in, in the
3 morning and come back out alive, because our job is very
4 strict. It's very high tolerance that you can get hurt.
5 Yes.

6 Q. So you would agree with me that you work in an
7 industry where you can go there and get hurt pretty
8 frequently?

9 A. No, I wouldn't say pretty frequency (sic). You
10 can get injured, just like you can get injured walking
11 across the street.

12 Q. The reason why I said frequently, because I'm
13 referring to the four injuries that you've received from
14 work.

15 A. None of those were my fault. None.

16 Q. And I'm not saying that they were your fault. I
17 just want to see if you would agree that you have a
18 physically demanding job?

19 A. I have a physically demanding job. It's no
20 different than being a firefighter or walking across the
21 street, or doing anything that you can get injured. Yes,
22 sir.

23 Q. Have you -- did you ever injure yourself -- your
24 back at work?

25 A. No, sir.

1 Q. Did you ever injure your neck at work?

2 A. No, sir.

3 Q. And it's your position that you never injured your
4 right shoulder at work?

5 A. No, sir. I never injured my right shoulder at
6 work.

7 Q. Okay. It is your position that Exhibit 1 which
8 indicates that you injured your right shoulder at work, you
9 disagree with that?

10 MS. MULLIS: Object to the form.

11 THE WITNESS: Yes, sir.

12 BY MR. GIBBS:

13 Q. All right. Mr. Jordan, do you use any special
14 devices, such as braces or canes, as a result of this
15 automobile accident?

16 A. At times.

17 Q. Okay. And what is that?

18 A. A walking cane.

19 Q. And what do you use a walking cane for?

20 A. Use it as balance sometimes. Like when my back
21 hurting me, and you got to lean over, you got to have
22 something to help you.

23 Q. Okay. So you don't use the walking cane for your
24 knee injuries?

25 A. No my knee don't bother me.

1 Q. Are you alleging any permanent injuries as a
2 result of this automobile accident?

3 A. I'm not going to say permanent. But it's -- it
4 can add to it -- it's going to be nagging. You know, just
5 like I said, injuries just don't just go away. Once you're
6 injured, it's never going to be 100 percent again.

7 Q. Okay.

8 A. Never.

9 Q. And you had right shoulder surgery, for your right
10 should, correct?

11 A. Yes, sir.

12 Q. Rotator cuff, correct?

13 A. Yes, sir.

14 Q. All right. And what type of treatment did you do
15 to strengthened your right shoulder after that surgery?

16 A. They sent me to a therapist. They sent me to
17 therapy.

18 Q. And what did you do? I mean, outside of going to
19 therapy, did you do any exercise or anything on your own?

20 A. Well I only do what the therapy does.

21 Q. All right. As a result of this accident have you
22 been limited in any way at work?

23 A. Well I can't lift as much as I used to, and stuff
24 like that.

25 Q. Okay. Anything else -- ways that you've been

1 limited as a result of this accident?

2 A. Yes, sir. I can't shoot my shotgun, hunt. I
3 can't, just like, go out catch no baseball, run chainsaws
4 and all of that. All of that is a problem now.

5 Q. Okay. All right. And you said you're making a
6 claim for loss wages as a result of this accident, correct?

7 A. Yes, sir.

8 Q. Has your employer provided you and your attorney
9 with any lost-wage verification form or anything?

10 A. No, my job as hasn't verified me anything as far
11 as no loss wages.

12 Q. Okay. Now do you clock in when you go to work,
13 and then you clock out?

14 A. Yes, sir.

15 Q. Okay. So you'll be able to provide some
16 information in regards to the days that you missed from work
17 as a result of this accident?

18 A. Yes. When I was out with the surgery, yes.

19 Q. So, I guess what I'm saying is that that, are you
20 able to go to your job and get documents which indicate that
21 for those eight weeks that you said you missed --

22 A. Yes, sir. Yes, sir.

23 Q. -- that you actually miss those days?

24 A. Yes, sir.

25 Q. Okay. Can we request that from your employer?

1 A. Yes, sir.

2 Q. Okay. And you can get that to your attorney so
3 she can get it to us?

4 A. Yes, sir.

5 Q. Well I just want to conclude. Have your answers
6 been accurate -- true and accurate to the best of your
7 knowledge?

8 A. Yes, sir.

9 Q. Have I influenced you in any way?

10 A. No, sir.

11 Q. All right. At this time, I have no further
12 questions. Please answer any questions your attorney may
13 have.

14 EXAMINATION

15 BY MS. MULLIS:

16 Q. Mr. Jordan, the statement from Dr. Scott in your
17 medical record, he states in the History, "I do not believe
18 this was work-related." Do you agree with that statement?

19 A. It's not work related. No.

20 Q. He also stated under History that, "the injury was
21 roughly two weeks ago," and this record is dated on
22 April 15th?

23 A. No, sir -- no, ma'am.

24 Q. Well if it was dated on April 15th and it was
25 about two weeks before April 15th, wouldn't that be about

1 right?

2 A. Yeah, that would be right, between when I went to
3 the hospital and they send me to be set up with him and
4 everything. Yes, sir -- Yes.

5 Q. So do you know who sent you to Dr. Scott or who
6 sent you to Moore Orthopaedics?

7 A. Yeah. Providence hospital sent me to Moore
8 Orthopaedics.

9 Q. Okay. So somewhere there's a Providence Hospital
10 record that sent you to Moore Orthopaedics?

11 A. Yes, ma'am.

12 Q. How long did you work for Owen Steel?

13 A. Thirty-five years.

14 Q. And in 35 years you got injured on the job, you
15 think, about four times, maybe -- a couple of knees, and a
16 hand?

17 A. It's four times -- the hand is the same injury.
18 Actually it's just three times, but you can say four.

19 Q. You stated that the individual -- the woman that
20 backed up and hit you, was talking about you -- something
21 about you being on your phone, or picking up your phone?

22 A. Yes.

23 Q. Was she on her phone?

24 A. Yes, she got out with it in her hand. She was
25 still talking on it.

1 Q. Okay. You said something about her coming out of
2 the beverage store?

3 A. Yes, she came out of the beverage store. Yes.

4 Q. What do you mean by "beverage store?"

5 A. The liquor store.

6 Q. Okay. Did she go in the liquor store and buy
7 liquor?

8 MR. GIBBS: Objection.

9 THE WITNESS: Yes.

10 BY MS. MULLIS:

11 Q. Did you ask the woman when you went in the liquor
12 store if she bought liquor?

13 A. Yes.

14 Q. Do you know what kind of liquor she bought?

15 MR. GIBBS: Objection.

16 THE WITNESS: No, ma'am.

17 BY MS. MULLIS:

18 Q. When you spoke to her, could you smell liquor on
19 her?

20 A. No, ma'am, I wasn't that close.

21 Q. Do you have a driver's license?

22 A. Yes, ma'am.

23 Q. How long have you had your driver's license?

24 A. Ever since I was about 16.

25 Q. Did you tell the police when you reported this

1 accident that the beverage store had video footage of the
2 woman that hit you?

3 A. Yes, ma'am.

4 Q. Okay. And did the policeman investigate this
5 accident?

6 A. Yes, ma'am.

7 Q. Do you know if he ever talked to the woman in the
8 liquor store about this accident or the woman that hit you?

9 A. Yes, ma'am.

10 Q. Do you know if he ever talked to her about the
11 video or getting a copy of the video?

12 A. Well, yes, he got -- she pulled the web cam up
13 with the picture on there. He took the picture off the web
14 cam -- the police took it off with his camera.

15 Q. So you reported it to the police, and the police
16 took the picture, is that correct?

17 A. Yes, ma'am.

18 Q. Because you didn't have the ability to take the
19 picture from the liquor store?

20 A. Right.

21 Q. But you had reported this to the police, and the
22 police took over investigation of the crime?

23 A. Yes, ma'am.

24 Q. Okay. Those are all the questions that I have.

25 FURTHER EXAMINATION

1 BY MR. GIBBS:

2 Q. Just a few quick follow-ups. 'Now from my
3 understanding -- correct me if I'm wrong, but it was your
4 testimony that you didn't see where the unknown driver was
5 parked? You didn't actually see her prior to her backing up
6 and hitting you?

7 A. No, sir. No. I didn't see where she was parked
8 until she hit me.

9 Q. So you didn't see unknown driver at all until
10 after she hit you?

11 A. Yes, sir.

12 Q. So how could you sit here and testify today that
13 she came -- you saw her come out of the liquor store?

14 A. I didn't say she come out the liquor store.

15 Q. Okay.

16 A. I did not say that.

17 Q. Okay. And I just want to get it right. So you --

18 A. No, sir, I --

19 Q. -- didn't actually see her come out of the liquor
20 store?

21 A. No, sir. I did not say she came out of the liquor
22 store. I said I went back, and they said that she came out
23 the liquor store, and I went in there and I questioned the
24 lady in the liquor store.

25 Q. Okay. So this is not anything you observed

1 yourself, this is from what other people told you?

2 A. Yes, sir.

3 Q. Okay. All right. Just wanted to clear that up.

4 Now do you know the names of the people who told you that?

5 A. No. It was so many people running around there,
6 man, until it was a shame.

7 Q. So they're not actually listed as individuals on
8 your discovery response that would be witnesses to this
9 trial that would state the same?

10 A. No.

11 Q. Okay. All right. I have no further questions.

12 Thanks a lot, Mr. Jordan.

13 (Ending time: 12:30 p.m.)

14 (Signature waived.)

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REPORTER'S CERTIFICATE

I, BETTY R. LYONS, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly affirmed by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

BETTY R. LYONS

Moore Orthopaedics
14 Medical Park, Suite 200
Columbia, South Carolina 29203
8032278170 Phone / 18032278270 Fax

04/15/2011

WILLIE JORDAN 203582

Richland Office

HISTORY:

Mr. Jordan presents with a chief complaint of pain in his right shoulder. He notes that he was at work where he tried to grab something that was on its way to falling. I do not believe this was work-related. It tugged on his arm, and since that time, he has been having some pretty impressive discomfort relatively to inability to move the shoulder in certain directions and certain movements. He had been seen at the Providence ER, and the injury was roughly two weeks ago.

PAST MEDICAL HISTORY:

Please see scanned Moore intake form for all components of history, medicines, allergies, etc. This was scanned in on April 15, 2011 and reviewed by me today in clinic.

PHYSICAL EXAMINATION:

The patient has had a little bit of pain with resisted arm abduction as well as internal and external rotation. He can perform these functions, however. He has impression impingement signs with Hawkins and Neer, no pain over the acromioclavicular joint or sternoclavicular joint, no pain with cervical range of motion, intact sensation to light touch and pressure throughout the left upper extremity, good radial pulse.

RADIOGRAPHS:

We did several views of the patient's plain films, and these do not show any impressive signs of degenerative arthrosis or fracture.

IMPRESSION:

The patient does appear to have a cuff and/or a labral problem. I would guess that this is more cuff-related.

PLAN:

We are going to get an MRI of his shoulder on the right side, and we will have him follow up after this is complete.

David A. Scott, MD

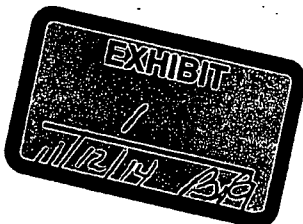
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DD: 05/18/2011 DT: 05/23/2011 15:29:46

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This document was electronically authenticated by David A. Scott, MD on 05/25/2011 17:07:14.



PLTF045

130

JORDAN, WILLIE T (Id #255379, dob: 02/23/1953)

South Carolina Workers' Compensation Commission
333 Main Street, Suite 500 • Post Office Box 1715
Columbia, South Carolina 29202-1715
(803) 737-5723
www.wcc.sc.gov



WCC File #: 11142360
Claim File #: _____
Carrier Code #: _____
Employer FEIN #: _____

Claimant's Name: Willie Jordan SSN: _____ Employer's Name: Owen Steel Corp
Address: P.O. Box 204 Address: 2151 S Bellview Blvd
City: Hopkins State: SC Zip: 29066 City: Columbia State: SC Zip: 29201
Home Phone: (803) 34-250 Work Phone: () Insurance Carrier: Old Republic
Preparer's Name: Debbie Marsh Law Firm: _____ Preparer's Phone #: (803) 271-2280

Complete each information block. To request a hearing, check Box 13b. Indicate the kinds of benefits claimed by checking the box(es) at nos 6, 7, 8, and 9, and file this form in duplicate.

claim for workers' compensation benefits is made based on the following grounds:
Injury ☐ Illness ☐ Repetitive Trauma

Date of Injury or Illness: 9-15-11

- 1a. The claimant sustained an injury to L.H. (middle of body) on hand. (Indicate part of body injured) on Right side of SC.
- 1b. Body part(s) affected are: Hand middle finger
Briefly describe how the accident occurred: While moving a piece I sat it down the chain was back and when it was bumped it injured
2. Both the claimant and the employer were subject to the South Carolina Workers' Compensation Act at the time of injury. Yes
3. The relationship of employer and employee existed at the time of injury. Yes
4. At the time of the injury the claimant was performing services arising out of and in the course of employment. Yes
5. Notice of the accidental injury was given to the Employer on _____ (month/year) in the following manner: _____
6. Due to injury, the claimant is in need of (check one):
☐ (a) medical examination and treatment for: _____
☒ (b) additional medical examination and treatment for: _____
7. Due to injury, the claimant requests temporary total disability benefits because of lost compensable time from work and wages for the period of: Yes
8. Due to the injury, the claimant has permanent disability of the following nature and extent (check one):
☐ (1) General Disability: ☐ Total ☐ Partial ☐ (2) Specific Disability: ☐ Total ☐ Partial
9. Due to the injury, the claimant has a serious bodily disfigurement consisting of: Yes I got a bone spur growing my middle don't work like it should
- 10a. At the time of the injury, the claimant was paid weekly wages of \$_____ and demands accounting of days worked and wages earned as provided by law. 704.92
- 10b. Give names and addresses of all employers for whom the claimant has worked since the date of the accident: Owen Steel
- 11a. Further grounds or unusual aspects of claim: My middle finger don't move like it should it work sometimes I got a bone spur
- 11b. List names and addresses of all physicians or other medical specialists who have seen or treated the claimant as a result of the accident: Michael Hightower
- 11c. To the best of your knowledge, did you have any prior permanent disability? No
If yes, describe: _____
12. Appropriate benefits as provided in the Act for the above grounds and other relief as the Workers' Compensation Commission may direct as just and proper.
- 13a. I am filing a claim. I am not requesting a hearing at this time. I need to see a doctor
- 13b. I am requesting a hearing. A \$25 fee is required. My hand is going numb
14. Estimated time needed for hearing: After I see doctor

I certify the contents of this form are accurate and true to the best of my knowledge.

Claimant's Signature: Willie Jordan Title: Self Email: N/A Date: 7-15-13

*to R.67-204 through R.67-210 and R.67-601 through R.67-615. Questions about the use of this form may be directed to the Commission's Claims

Form # 50
Issued 9/07

50

Employee's Notice of Claim and/or
Request for Hearing



STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Willie Jordan,)
)
Plaintiff,)
vs.)
)
Jane Doe,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
CASE NO.: 2014-CP-40-1654

**PLAINTIFF'S ANSWERS TO
DEFENDANT'S INTERROGATORIES**

TO: ANDREW L. RICHARDSON, JR., ESQUIRE, ATTORNEY FOR DEFENDANT:

1. Give the names and addresses of persons known to Plaintiff or counsel to be witnesses concerning the facts of the case and indicate whether written or recorded statements have been taken from these witnesses, and indicate who has possession of such statements.

ANSWER: Willie T. Jordan
112 Sagemont Dr.
Hopkins, SC 29061
The Plaintiff can testify regarding the facts of this matter. No written or recorded statements have been taken.

Willann Jordan
112 Sagemont Dr.
Hopkins, SC 29061
Mrs. Jordan is the Plaintiff's wife and will testify to her knowledge of the facts of this matter. No written or recorded statements have been taken.

Jane Doe
Defendant, if located, would presumably testify regarding the facts and circumstances surrounding the subject accident. Plaintiff is not in possession of any written or recorded statements.

Mona Tacker, owner
Cricket Party Shop
3047 Bluff Rd.
Columbia, SC 29209
Ms. Tacker is the store owner where the incident took place. She is expected to testify to her knowledge of the facts of this case.



br

b.) Plaintiff's medical records and bills; and

c.) Lost wages documentation.

4. Set forth the names and addresses of all physicians and/or other healthcare professionals who have treated the Plaintiff and all hospitals to which Plaintiff has been admitted in connection with the motor vehicle accident in question.

ANSWER: Please see Answer to Interrogatory No. 5 below.

5. Set forth a statement of all medical costs incurred by the Plaintiff, identifying each specific medical provider; the cost associated with said provider; and the date or dates of the charges.

ANSWER:	Providence Hospital (dos: 4/2/11)	\$1,315.62
	2435 Forest Dr.	
	Columbia, SC 29204	
	Providence ER Physician (dos: 4/2/11)	\$601.00
	2435 Forest Dr.	
	Columbia, SC 29204	
	Providence Hospital (dos: 2/24/12)	\$563.89
	Providence Hospital (dos: 2/24/12)	\$330.00
	Providence Hospital (dos: 10/28/12)	\$1,849.99
	Providence ER Physician (dos: 10/28/12)	\$624.00
	Midland Orthopaedics	\$23,916.79
	Dr. Michael Ugino	
	Dr. Michael Green	
	Moore Orthopaedics	<u>\$1,842.00</u>
	Dr. David A. Scott	
	14 Medical Park, Suite 200	
	Columbia, SC 29203	
	TOTAL MEDICALS:	\$31,043.29

6. Please provide a detailed explanation of the Plaintiff's alleged physical disability (if any) as a result of the incident in question.

Moore Orthopaedics
14 Medical Park, Suite 200
Columbia, South Carolina 29203
8032278170 Phone / 18032278270 Fax

04/22/2011

WILLIE JORDAN 203582

Richland Office

HISTORY: Mr. Jordan is back for follow-up today. He has right shoulder pain which was pretty impressive. He injured it while attempting to grab something that tugged on his arm. He has had a difficult time moving it so we got an MRI of his right shoulder. He has no complaints of numbness, no tingling and no weakness, just relative lack of range of motion and a lot of pain.

PAST MEDICAL HISTORY: Past medical, surgical history, family history, review of systems, medications, allergies, social history please see the scanned Moore intake form dated 04/15/2011.

PHYSICAL EXAMINATION: The patient has difficulty with raising his arm up above 90 degrees of abduction. Internal and external strength is well maintained but is painful. Belly press test shows good symmetric strength bilaterally. He has intact sensation to light touch and pressure throughout the whole right upper extremity. Good radial pulse in the right upper extremity. No pain with cervical range of motion. The patient basically has pain when he raises his arm up above 90 degrees. There is also weakness when he is in this position as well.

RADIOGRAPHS: MRI does show complete supraspinatus tear.

PLAN: I am going to have the patient see one of my colleagues, Dr. Fulton, for an evaluation of surgical intervention. He is a manual laborer and needs this shoulder to be working properly for him. I will see him back in my clinic p.r.n.

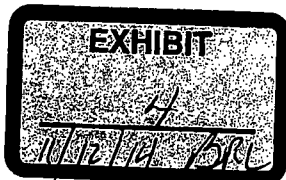
David A. Scott, MD

CC List:

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DD: 04/22/2011 DT: 04/25/2011 10:47:59
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This document was electronically authenticated by David A. Scott, MD on 04/25/2011 12:59:13.



PLTF047

134

Family Practice Note

JORDAN, WILLIE - 453542

HTN, Lipid visit

Patient: JORDAN, WILLIE MRN: 453542 FIN: B2013020700535
Age: 60 years Sex: Male DOB: 2/23/1953
Associated Diagnoses: Hypertension; Hypercholesterolemia NOS; Crushing injury of left hand
Author: Hester MD, Brabham

Visit Information

Visit type: Scheduled follow-up.
Accompanied by: No one.
Source of history: Self.
History limitation: None.

Chief Complaint

8/7/2013 9:05 AM EDT 6 mos. follow up

History of Present Illness

The patient presents for follow-up evaluation of hypertension. The quality of hypertension symptom(s) since the patient's last visit is described as being unchanged. There are no modifying factors. Compliance problems: none.

The patient presents with hypercholesterolemia.

He continues to have hand pain and loss of the ability to flex his left middle finger. This was a workman's comp injury.

Review of Systems

Constitutional: Negative except as documented in history of present illness.

Eye: Negative except as documented in history of present illness.

Ear/Nose/Mouth/Throat: Negative except as documented in history of present illness.

Respiratory: Negative except as documented in history of present illness.

Cardiovascular: Negative except as documented in history of present illness.

Gastrointestinal: Negative except as documented in history of present illness.

Musculoskeletal: Negative except as documented in history of present illness.

Health Status

Allergies:

Allergic Reactions (Selected)

No known allergies

Medications: (Selected)

Prescriptions

Prescribed

Cialis 5 mg oral tablet: 1 tab(s) (5 mg), po, daily, # 30 tab(s), 5 Refill(s), Type: Maintenance, Pharmacy:

CVS/pharmacy #3850, 1 tab(s) po daily

Indocin 25 mg oral capsule: 1 cap(s) (25 mg), PO, TID, PRN: for pain, # 30 cap(s), 5 Refill(s), Type: Maintenance,

Pharmacy: CVS/pharmacy #3850, 1 cap(s) po tid, PRN: for pain

Norvasc 10 mg oral tablet: 1 tab(s) (10 mg), PO, Daily, # 90 tab(s), 3 Refill(s), Type: Maintenance, Pharmacy:

CVS/pharmacy #3850, 1 tab(s) po daily

Vytorin 10 mg-40 mg oral tablet: 1 tab(s), po, daily, # 90 tab(s), 3 Refill(s), Type: Maintenance, Pharmacy:

CVS/pharmacy #3850, 1 tab(s) po daily

benazepril 40 mg oral tablet: 1 tab(s) (40 mg), PO, Daily, # 90 tab(s), 3 Refill(s), Type: Maintenance, Pharmacy:

CVS/pharmacy #3850, 1 tab(s) po daily

Problem list:

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Page 1 of 4
(Continued)



THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

Appellate Case No. 2015-002354

RECEIVED
MAY 25 2016
SC Court of Appeals

Willie Jordan,

Appellant,

v.

Jane Doe,

Respondent,

CERTIFICATE OF COUNSEL

Counsel for Appellant certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

May 25 2016



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