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ORIGINAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE WORKERS COMPENSATION COMMISSION

Susan S. Barden, Commissioner
T. Scott Beck, Commissioner
Gene McCaskill, Commissioner

RECEIVED

JUN 30 2017

WCC File No. 1310882
Appellate Case No. 2016-002296

SC Court of Appeals

Tyrone Lawrence, Employee/Claimant, Respondent,
v.

Advanced Glassfiber Yarns, Inc., Employer, and Great American Alliance Insurance Co., Carrier, Appellants.

RECORD ON APPEAL
Volume I



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June 15, 2017

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APPELLATE PANEL
DECISION AND ORDER
OF THE
SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION

W.C.C. FILE NO. 1310882

TYRONE LAWRENCE,

Employee,

Claimant,

vs.

ADVANCED GLASSFIBER YARNS, INC.,

Employer,

Ans

GREAT AMERICAN ALLIANCE INSURANCE CO.,

Carrier,

Defendants.

DECISION AND ORDER

W.C.C. FILE NO. 1310882

Appellate Panel Review held in Columbia, South Carolina on

August 15, 2016

Appellate Panel Decision and Order filed on October 12th, 2016

Appearances:

Claimant represented by William L. Smith II, Esquire
Defendants represented by E. Ros Huff, Jr., Esquire

STATEMENT OF THE CASE

This case came before the Single Commissioner, the Honorable Avery Wilkerson, pursuant to a Form 50 filed by Claimant, Tyrone Lawrence. Claimant sought benefits under the South Carolina Workers' Compensation Act based upon an accidental injury that occurred on August 14, 2013. Specifically, Claimant suffered an injury to his shoulders, his head, his neck, and his lower back when a fluorescent light and part of the ceiling fell on him. Defendants argued the light did not fall on Claimant in the manner he described and consequently denied the claim. The issues presented before the Single Commissioner were the compensability of Claimant's injury; Defendants' responsibility for the payment of temporary total disability for the time Claimant was out of work; reimbursement of Claimant's reasonable and causally related medical expenses; which doctor should be designated as the authorized treating physician; and the extent of Claimant's disability if he is found to be at maximum medical improvement.

The hearing was held before the Single Commissioner on November 23, 2015, and the Single Commissioner issued his Decision and Order on February 11, 2016, in which he made the following Findings of Fact:

1. The parties and proceedings are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act.
2. Advanced Glassfiber Yarns (AGY) is the employer and Great American Alliance Insurance is the insurance carrier.
3. Claimant sustained a compensable injury by accident on August 14, 2013.
4. Claimant was a very credible witness. Claimant is a thirty-seven (37) year employee and testified in a clear, honest, and very credible manner.
5. All of the witnesses testified very similarly to the Claimant and showed that the light fixture fell. The only person present in the area when the light fixture fell was the Claimant. However, Martha Caine verified that the light fixture had fallen and there was debris on the Claimant and he appeared stunned.

6. The light fixture was an older fixture and it had been designated for repair on several occasions. Such a hanging fixture would swing when it fell.
7. Dr. Poletti, Dr. Carter, and Dr. Lehman all provided opinions that Claimant's condition was causally related to the accident.
8. Claimant is entitled to temporary total compensation for the five (5) weeks of benefits in the fall of 2013 and for the period of June 4, 2015 through July 27, 2015. Claimant has not reached maximum medical improvement. Dr. Poletti is named as the authorized treating physician. Defendants denied the claim and lost the right to choose the medical provider.

The Single Commissioner further made the following Conclusions of Law:

1. Pursuant to §42-1-160, Claimant sustained a compensable injury by accident arising out of and in the course of his employment.
2. Pursuant to §42-15-20, notice of the accident was given to the employer.
3. Pursuant to §42-9-10, Claimant is entitled to temporary total compensation as outlined above
4. Pursuant to §42-15-60, Claimant is entitled to payment of all causally related medical expenses to date and continuing with Dr. Poletti to serve as treating physician.

The Single Commissioner further issued the following Order:

1. Payment of temporary total compensation for five (5) weeks of benefits during the fall of 2013 and for the period of June 4, 2015 through July 27, 2015 at the rate of \$646.24 per week.
2. Payment of all causally related medical expenses from August 14, 2013 to present and continuing.
3. All other issues are held in abeyance.

Within the statutory period, the Defendants timely filed an application for review and a Form 30 setting forth their grounds for review. Copies of the application and the Form 30 were furnished to all interested parties. The Appellant/ Defendants requested review of the following questions:

1. Did the Single Commissioner err in finding as fact and concluding as a matter of law that the Claimant sustained a compensable injury by accident for the bodily injury?

2. Did the Single Commissioner err in finding as fact and concluding as a matter of law that Dr. Poletti is the authorized treating physician.

Briefs were submitted prior to oral arguments and they were presented before the Appellate Panel on August 15, 2016. All proffered testimony, documentary testimony, and oral arguments have been delivered to the Appellate Panel, and the Panel has since been under study and consideration. In appellate review, the Appellate Panel shall, pursuant to S.C. Code Ann. §42-17-50, review the award, weigh the evidence as presented at the initial hearing, and, if grounds exists for, make its own findings of fact and reach its own conclusions of law consistent or inconsistent with those of the Single Commissioner. Counsel for Claimant and for Defendants appeared at the scheduled hearing to present oral arguments on behalf of the parties.

A review of the record in its entirety shows the evidence supports, with amendments, the Single Commissioner's Decision and Order.

FINDINGS OF FACT

1. The parties and proceedings are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act.
2. Advanced Glassfiber Yarns (AGY) is the employer and Great American Alliance Insurance is the insurance carrier.
3. Claimant sustained a compensable injury by accident.
4. Although there were discrepancies between Claimant's deposition testimony and Claimant's hearing testimony, we believe Claimant more than we doubt him.
5. All of the witnesses testified very similarly to the Claimant and showed that the light fixture fell. The only person present in the area when the light fixture fell was the Claimant. However, Martha Caine verified that the light fixture had fallen and there was debris on the Claimant and he appeared stunned.
6. While the fact is not dispositive, Claimant was a thirty-seven (37) year employee of Advanced Glassfiber Yarn, Inc., the Defendant/Appellant.
7. The light fixture was an older fixture and it had been designated for repair on several occasions. Such a hanging fixture would swing when it fell.

8. Dr. Poletti, Dr. Carter, and Dr. Lehman all provided opinions that Claimant's condition was causally related to the accident.
9. Claimant is entitled to temporary total compensation for the five (5) weeks of benefits in the fall of 2013 and for the period of June 4, 2015 through July 27, 2015. Claimant has not reached maximum medical improvement. Dr. Poletti is named as the authorized treating physician.

CONCLUSIONS OF LAW

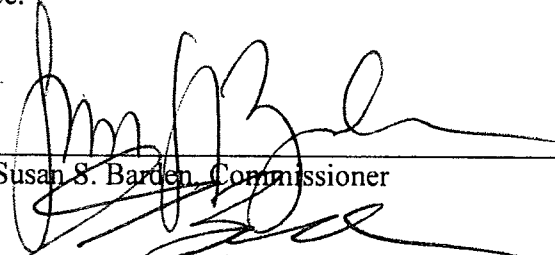
1. Pursuant to §42-1-160, Claimant sustained a compensable injury by accident arising out of and in the course of his employment.
2. Pursuant to §42-15-20, notice of the accident was given to the employer.
3. Pursuant to §42-9-10, Claimant is entitled to temporary total compensation as outlined above
4. Pursuant to §42-15-60, Claimant is entitled to payment of all causally related medical expenses to date and continuing with Dr. Poletti to serve as treating physician.

ORDER

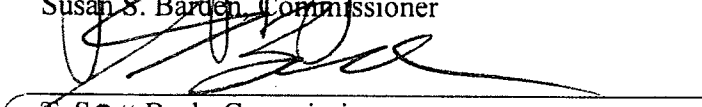
IT IS THEREFORE ORDERED: The decision of the Single Commissioner filed in the above entitled matter on February 11, 2016, is hereby affirmed with amendments by the Appellate Panel of the South Carolina Workers' Compensation Commission. We Order Defendants make the following payments:

1. Payment of temporary total compensation for five (5) weeks of benefits during the fall of 2013 and for the period of June 4, 2015 through July 27, 2015 at the rate of \$646.24 per week.
2. Payment of all causally related medical expenses from August 14, 2013 to present and continuing.
3. All other issues are held in abeyance.

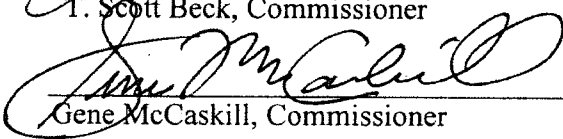
AND IT IS SO ORDERED!



Susan S. Barden, Commissioner



T. Scott Beck, Commissioner



Gene McCaskill, Commissioner

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION
COMMISSION

Tyrone Lawrence,

Claimant,

vs.

Advanced Glassfiber Yarns,

Employer,

Great American Alliance Ins. Co.,

Carrier/Defendants.

DECISION & ORDER

WCC FILE NO: 1310882

STIPULATIONS

The parties stipulated at the hearing to following issues:

1. The claimant has an average weekly wage of \$967.82 with a corresponding compensation rate of \$645.24.
2. Notice of the hearing was timely and properly served on all parties of interest.
3. Venue was proper in Aiken County.

APA SUBMISSIONS

Pursuant to the Administrative Procedures Act, the following were submitted into evidence;

Claimant's APA:

	<i>Provider</i>	<i>Date of Service</i>	<i>Page Nos.</i>
APA 1	William L. Lehman, MD	8/07/14 – 4/27/15	1-6
APA 2	Carolina Musculoskeletal Institute	10/10/13 – 6/17/15	7-54; a
APA 3	Doctors Care - Aiken	8/15/13 - 8/19/13	55-72
APA 4	Aiken Regional Medical Center	8/14/13 - 12/23/13	73-114; c
APA 5	Advanced Glassfiber Yarns	8/14/13 - 9/20/13	115-132
APA 6	Claimant's Statement to Adjuster	8/27/13	133-146
APA 7	Steven C. Poletti, MD	5/27/15	147-148

Defendant's APA:

APA 2	Carolina Musculoskeletal Institute	4/7/98 -11/17/14	133-151
APA 3	Aiken Regional Medical Center	5/7/97 – 1/27/06	152-174
APA 4	Augusta Orthopaedic Clinic	10/25/02 – 11/15/02	175-178
APA 5	Southside Family Medicine	10/29/12 – 7/01/13	179-183
APA 6	Ten Year Driving Record		184-185
APA 7	MVA Reports		186-196
APA 8	2006 Farm Bureau MVA File		197-228
APA 9	SLED Report		229-230
APA 10	Claimant Deposition		231-277
APA 11	Doctors Care	8/3/02 – 8/19/13	278-290
APA 12	Augusta Orthopaedic Clinic	10/25/02 – 11/15/02	291-294
APA 13	Aiken Regional Medical Center	8/14/13 – 6/4/15	295-324
APA 14	Carolina Musculoskeletal Institute	9/17/13 – 9/22/15	325-387

However, claimant objected to the SLED report and ten year driving record, pages 229 and 230 and pages 184 and 185. Claimant also objected to his deposition being offered as evidence. The defendants agreed and those items were removed from the record and, while noted above under the APA submissions, these records were removed and are not part of the evidence in this case.

In addition, the deposition of Dr. Steven C. Poletti was admitted into evidence.

STATEMENT OF THE CASE

Claimant contends that he suffered a compensable injury on August 14, 2013 when a fluorescent light and part of a ceiling fell on top of him hitting him in the head and neck. Claimant alleges injuries to both shoulders, his head, his neck, and his lower back. Claimant is seeking temporary total compensation for five weeks in the fall of 2013 as well as June 4, 2015 through July 27, 2015 along with payment of all medical expenses. Claimant further contends he has not reached maximum medical improvement and any award of permanent disability would be premature.

Defendants, on the other hand, contend that the injury could not have occurred the way claimant alleges and they allege that claimant is not credible. Defendants deny any benefits due under the Workers' Compensation Act.

Claimant is represented by William L. Smith II of Columbia and defendants are represented by E. Ros Huff, Jr. of Columbia. The Commission file was made a part of the record.

This case was heard by the undersigned Commissioner on November 23, 2015, at which the times the parties and their representatives appeared and evidence was received. Initially, the case was scheduled to be heard on May 5, 2015. However, the defendants wished to depose Dr. Steven Poletti, who was not available for deposition until November 18, 2015. The Commission forwarded the instructions to the parties for creating the Order on December 15, 2015.

EVIDENCE OF THE CASE

Claimant is a fifty-six (56) year old married male. He has been married to his wife Yvonne for thirty-five (35) years and they have three (3) adult children. Claimant graduated from high school and has worked at AGY for thirty-seven (37) years. Claimant testified that before August 2013 he was not having any trouble with his neck, arms, or low back.

On August 14, 2013, claimant testified he was attending to his job and as he walked toward position number seven to close the lid a light fixture with sheet metal and ceiling tile fell from the ceiling striking him on the top of the head, neck, and shoulder area. Claimant testified that when it happened he thought the whole ceiling was coming down. Claimant reported the injury and eventually saw the plant nurse, Ann Tyler. An accident report was written up and the claimant was taken to Aiken Regional Medical Center by his department head. Claimant received follow-up care at Doctors Care and was placed on light duty. Claimant originally

worked light duty up until the time that he had a planned vacation to go see his son play college football in Seattle, Washington. When claimant returned from his vacation he was notified that they were no longer providing light duty and that his workers' compensation claim had been denied.

Claimant eventually started treatment at Carolina Musculoskeletal Institute where he was treated by Dr. Vaughn Massey and by Dr. Ty Carter. Claimant underwent injections, physical therapy, and took medications. Claimant returned to work but continued to see the doctors at Carolina Musculoskeletal. Eventually claimant had a second MRI scan and Dr. Carter recommended cervical fusion surgery. Claimant went to Dr. Steven Poletti who concurred with the need for surgery and Dr. Ty Carter performed the cervical fusion. Claimant testified that he had not sustained any subsequent injuries after his on the job injury in August 2013.

On cross examination claimant was questioned about his use of the cervical collar while on vacation in Seattle. Claimant was also questioned about moving luggage while on that trip. In his deposition, claimant testified that he wore the cervical collar on vacation and that his wife moved all of the luggage. On cross examination, he admitted that those statements had been inaccurate but he had not intended to be untruthful about it. Claimant was questioned regarding an internet post where he stated "I will be honest I just fell on both knees just hollering." However, claimant clarified this to indicate this was a post to his son's professional agent after his son made an outstanding play in a playoff game. He was referring to the fact that he was so excited he jumped on his knees in prayer and there had not been any injury involved.

Ricky Raeford testified. Mr. Raeford is employed at AGY as a furnace process operator and has been employed there for thirty-nine (39) years. He testified that on August 14, 2013 he was working down the line from Mr. Lawrence. He heard something and saw another employee

run by him. He walked back to where Mr. Lawrence was and saw him stooped over holding his neck. He saw the light fixture hanging down from the ceiling and he testified the whole light thing came down. He testified that he estimated that the light fixture weighed around thirty (30) pounds and that Mr. Lawrence appeared to be in shock and was holding his neck. Prior to that time he had not observed claimant having any trouble in performing his work.

Richard Gladden also testified. Mr. Gladden has worked at AGY for forty-three (43) years. He testified that he did not see the accident happen but that he came up after the event had occurred. He saw the light fixture and debris hanging from the ceiling. By the time he got there the claimant had already been taken up front for treatment. He said the only thing that was holding the light fixture up from completely falling to the floor was the conduit pipe. He testified that he had issues with the fixture before but that the light had not been fixed.

Martha Caine was also called to testify. Ms. Caine testified that she is currently employed at Glasgow Smith Kline LLC. Ms. Caine had previously worked at AGY for ten and a half years and was working in close proximity to claimant at the time of the injury. She testified that on that day she was performing her job as a glass fiber operator and she heard a loud shout. She looked up and saw the claimant with debris from the ceiling and the light fixture hanging from the ceiling and Mr. Lawrence was under it at the time. She asked him if he was okay and she went to find someone to assist him. She testified that there was debris on the floor and debris all over the table as well as debris on Mr. Lawrence. Shortly after the accident Mr. Lawrence was taken out of the area by a supervisor. Prior to that time she had never seen Mr. Lawrence have any difficulty in performing his job from a physical stand point.

Yvonne Lawrence, wife of claimant testified. She testified that she had observed her husband on a daily basis for a long period of time and that he was not having any difficult prior

to his injury in August of 2013. However, after the injury he began to have pain and problems and he has not suffered any injuries since August of 2013.

Robert Padgett testified on behalf of the employer. Mr. Padgett has worked at AGY for forty (40) years. He identified photographs of the work area that were taken after the accident and confirmed that a ceiling light had fallen. He testified that in the aftermath of the incident the light was down touching the table. He testified that the area in which Mr. Lawrence was working was six to seven feet from the table and that the light fixture was forty-eight (48) inches long. On cross examination, Mr. Padgett was shown the statement given by claimant to the adjuster in which indicated that claimant was going toward position number 7, not actually at position number 7. He testified that he was unaware of exactly where claimant was at the time of the accident because he did not see the accident.

Defendants introduced a videotape of claimant taken by a private investigator. This videotape shows claimant briefly moving luggage and standing in an airport and in a hotel lobby. Claimant is not wearing a cervical collar during the time the video was taken.

All of the medical records were reviewed as evidence. The AGY medical department notes were reviewed and they show from their accident report the incident occurred on August 14, 2014 around 11:55 a.m. It indicates that Mr. Lawrence was hit by a falling light fixture in the ceiling on the back of the head and back of the neck. The damage was listed as broken light fixture and supports in ceiling. The records reveal that claimant was treated at Aiken Regional Medical Center on that date. Follow-up care occurred with Doctors Care in Aiken and claimant began receiving treatment at Carolina Musculoskeletal institute on October 10, 2013.

The records of Carolina Musculoskeletal Institute indicate claimant had cervical spine pain, bilateral shoulder pain, and low back pain. Claimant ultimately underwent a cervical

fusion performed by Dr. Ty Carter. Dr. Carter provided an opinion that claimant's neck and shoulder pain were most probably caused by the event of the light fixture falling on his head and shoulder on August 14, 2013. (APA p. 37)

Claimant was also evaluated by Dr. William Lehman. Dr. Lehman evaluated claimant on August 7, 2014. Dr. Lehman opined that claimant's low back and cervical spine problems were caused by his on the job injury in which a light fixture fell on him.

Claimant was also evaluated by Dr. Steven Poletti. Dr. Poletti's reports and deposition were admitted into evidence. Dr. Poletti testified that claimant had an extremely large disc herniation at C5-6. He testified that claimant began having pain in his neck and left arm after his accident. Based on that history, Dr. Poletti opined that claimant's neck problem was related to his on the job injury. He testified that he believed claimant suffered some measure of disc injury, a protruding disc which required injections by Dr. Carter and Dr. Daniel. These injections gave claimant temporary relief but in the course of going through non-operative care the disc herniated completely causing a nerve deficit and need for surgery. He further testified that a large disc herniation pressing against the spinal canal can cause spinal cord contusion and weakness in the legs. He agreed with Dr. Carter's assessment that claimant was in need of surgery. Dr. Poletti reviewed the records of the treating physicians following the surgery up until the time he saw him. When he reviewed those records the findings noted by those physicians showed that claimant was having symptoms consistent with the herniated disc that was ultimately diagnosed. It was Dr. Poletti's opinion that the reason for surgery was because of injuries sustained in the August 2013 accident when claimant was struck by a falling light fixture.

Based on the above-stated evidence, the following are made as

FINDINGS OF FACT

1. The parties and proceedings are to subject and bound by the terms and provisions of the South Carolina Workers' Compensation Act.
2. Advanced Glassfiber Yarns (AGY) is the employer and Great American Alliance Insurance is the insurance carrier.
3. Claimant sustained a compensable injury by accident.
4. Claimant was a very credible witness. Claimant is a thirty-seven (37) year employee and was testified in a clear, honest, and very credible manner.
5. All of the witnesses testified very similarly to the claimant and showed that the light fixture fell. The only person present in the area when the light fixture fell was the claimant. However, Martha Caine verified that the light fixture had fallen and there was debris on the claimant and he appeared stunned.
6. The light fixture was an older fixture and it had been designated for repair on several occasions. Such a hanging fixture would swing when it fell.
7. Dr. Poletti, Dr. Carter, and Dr. Lehman all provided opinions that claimant's condition was causally related to the accident.
8. Claimant is entitled to temporary total compensation for the five (5) weeks of benefits in the fall of 2013 and for the period of June 4, 2015 through July 27, 2015. Claimant has not reached maximum medical improvement. Dr. Poletti is named as authorized treating physician. Defendants denied the claim and lost the right to choose the medical provider.

RULINGS OF LAW

1. Pursuant to Section §42-1-160, claimant sustained a compensable injury by accident arising out of and in the course of his employment.
2. Pursuant to Section §42-15-20, notice of the accident was given to the employer.
3. Pursuant to Section §42-9-10, claimant is entitled to temporary total compensation as outlined above.
4. Pursuant to Section §42-15-60, claimant is entitled to payment of all causally related medical expenses to date and continuing with Dr. Poletti to serve as treating physician.

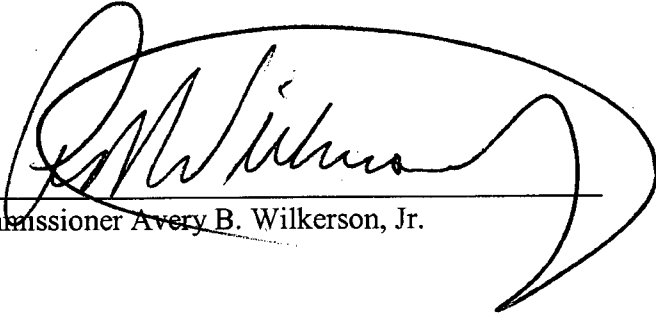
ORDER

It is therefore ordered that the defendants shall make the following payments;

1. Payment of temporary total compensation for five (5) weeks of benefits during the fall of 2013 and for the period of June 4, 2015 through July 27, 2015 at the rate of \$645.24 per week.
2. Payment of all causally related medical expenses from August 14, 2013 to present and continuing.
3. All other issues are held in abeyance.

AND IT IS SO ORDERED!

FILED: February 11, 2016



Commissioner Avery B. Wilkerson, Jr.

CERTIFICATE OF SERVICE

This is to certify the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).



WCC File #: 1310882
Carrier File #: _____
Carrier Code #: _____
Employer FEIN #: _____

Claimant's Name: Tyrone Lawrence SSN: [REDACTED] Employer's Name: AGY
Address: 845 Colbert Bridge Road Address: 2556 Wagener Road
City: Windsor State: SC Zip: 29856 City: Aiken State: SC Zip: 29801
Home Phone: 803-641-6748 Work Phone: _____ Insurance Carrier: Great American Alliance Insurance Company
Preparer's Name: E. Ros Huff, Jr. Law Firm: Huff & Hapeshis, LLC Preparer's Phone #: 803-252-2232

REQUEST FOR COMMISSION REVIEW

Request for Commission Review by ☐ Claimant ☒ Employer (check one) Date of Injury or Illness: 08/14/2013 (m/d/yyyy)

The undersigned makes application for review of the findings of the Commissioner in the above-captioned case. The request for review is based on the following grounds: (State the grounds of your appeal in the form of questions presented. Each question presented must contain a concise statement of one proposition of law or fact. Refer to evidence by title and exhibit number. Use additional pages if necessary).

1) Did the single Commissioner err in finding as a fact and concluding as a matter of law that the Claimant sustained an injury by accident for bodily injury?

2) Did the single Commissioner err in finding as a fact and concluding as a matter of law that Dr. Poletti is named as the authorized treating physician?

3) Did the single Commissioner err in finding as a fact and concluding as a matter of law that the Claimant is entitled to TTD as stated in the Order?

(Check one) Oral argument ☒ is ☐ is not requested. Appellant's request for oral argument is waived if not indicated on this form.

☐ Mediation

☐ Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to Chappell, Smith & Arden

address PO Box 12330, Columbia, SC 29211

by first class postage certified mail personal service on the 23rd day of February 2016

E. Ros Huff, Jr. Attorney for Employer/Carrier
Preparer's Signature Title

roshuff@huffandhapeshis.com 2/23/2016
Email Date

Check this box if you are not represented by an attorney ☐

Questions about the use of this form should be directed to the Judicial Department at 803.737.5675 or appeals@wcc.sc.gov. If the claimant appeals and is not represented by counsel, the Judicial Department will properly serve this form pursuant to Reg. 67-607 C. Pursuant to Reg. 67-205 and Reg. 701, the appeal must be postmarked no later than 14 days from the date of service of the Decision and Order of the Hearing Commissioner along with the filing fee. Attach a Form 32, if you are unable to pay the filing fee. Refer to Reg. 67-211 and Reg. 67-701 through 711.



File #: 1310882
Carrier File #: 564593387
Carrier Code #: _____
Employer FEIN #: 200423093

Claimant's Name: Tyrone Lawrence SSN: [REDACTED] Employer's Name: Agy Holding Corporation
Address: 845 Colbert Bridge Road Address: 2556 Wagener Road
City: Windsor State: SC Zip: 29856 City: Aiken State: SC Zip: 29801
Home Phone: 803-641-6748 Work Phone: _____ Insurance Carrier: Great American Alliance Insurance Company
Date of Injury: 08/14/13
Preparer's Name: E. Ros Huff, Jr., Esquire Law Firm: Huff Law Firm, LLC Preparer's Phone #: 803.252.2232

Date of Injury or Illness: 08/14/13

Estimated time for hearing: _____

Complete each information blank. Clearly specify when contentions are admitted in part and denied in part. The Employer/Carrier in answer to the claim, respectfully shows:

1. It is ☐ Admitted ☒ Denied the employee sustained an injury or illness on or about the date set forth in the Form 50. The reasons for denial are:
Pending Investigation/Discovery
2. It is ☒ Admitted ☐ Denied both the employer and employee were subject to the Workers' Compensation Act at the time in question. The reasons for denial are: _____
3. It is ☒ Admitted ☐ Denied the relationship of employer and employee existed at the time in question. The reasons for denial are: _____
4. It is ☒ Admitted ☐ Denied at the time in question the employee was performing services arising out of and in the course of employment. The reasons for denial are: _____
5. It is ☒ Admitted ☐ Denied notice of injury was given the employer. The reasons for denial are: _____
6. It is ☐ Admitted ☒ Denied the employee ☒ Needs ☒ Is Entitled to Additional medical care as a result of injury or illness. The reasons for denial are: See No. 1
7. It is ☐ Admitted ☒ Denied the employee is entitled to temporary total disability for the period(s) of: See No. 1
8. It is ☐ Admitted ☒ Denied the employee is permanently disabled. The reasons for denial are:
Not raised in Form 50
9. It is ☐ Admitted ☒ Denied the employee has serious disfigurement.
10. It is contended that an average weekly wage of \$ 967.82 applies, according to attached Form 20 as provided by law.
11. Further contentions, grounds of defense, or unusual aspects are:
At this time no affirmative defenses are known, however, the defendants reserve the right to amend and raise any and all defenses once discovered.

☐ Mediation

- ☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
- ☐ b. Mediation is required pursuant to Reg. 67-1802.
- ☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
- ☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I verify the contents of this form are accurate and true to the best of my knowledge.

Preparer's Signature

Attorney
Title

roshuff@colalaw.com
Email

November 6, 2014
Date

Refer to R.67-204 through R.67-210 and R.67-601 through R.67-615. Refer to R. 67-1801 for mediation. Questions about the use of this form may be directed to the Commission's Judicial Department at 803-737-5675 or judicial@wcc.sc.gov or mediation@wcc.sc.gov. Pursuant to R.67-606, a Form 20 must be filed with the Claims Department at least 30 days from the date of filing this form.



File #: 1310882
Carrier File #: _____
Carrier Code #: _____
Employer FEIN #: 200423093

Claimant's Name: Tyrone Lawrence SSN: [REDACTED] Employer's Name: Agy Holding Corporation
Address: 845 Colbert Bridge Road Address: 2556 Wagener Road
City: Windsor State: SC Zip: 29856 City: Aiken State: SC Zip: 29801
Home Phone: 803-641-6748 Work Phone: _____ Insurance Carrier: Great American Alliance Insurance Company
Date of Injury: 08/14/13 Preparer's Name: E. Ros Huff, Jr. Law Firm: Huff Law Firm, LLC Preparer's Phone #: 803.252.2232

Date of Injury or Illness: 08/14/13

Estimated time for hearing: two hours

Complete each information blank. Clearly specify when contentions are admitted in part and denied in part. The Employer/Carrier in answer to the claim, respectfully shows:

1. It is ☐ Admitted ☒ Denied the employee sustained an injury or illness on or about the date set forth in the Form 50. The reasons for denial are:
Pending investigation and discovery.
 2. It is ☐ Admitted ☒ Denied both the employer and employee were subject to the Workers' Compensation Act at the time in question. The reasons for denial are:
See No. 1.
 3. It is ☐ Admitted ☒ Denied the relationship of employer and employee existed at the time in question. The reasons for denial are:
See No. 1.
 4. It is ☐ Admitted ☒ Denied at the time in question the employee was performing services arising out of and in the course of employment. The reasons for denial are:
See No. 1.
 5. It is ☐ Admitted ☒ Denied notice of injury was given the employer. The reasons for denial are:
See No. 1.
 6. It is ☐ Admitted ☒ Denied the employee ☐ Needs ☐ Is Entitled to Additional medical care as a result of injury or illness. The reasons for denial are:
To be determined by SCWCC.
 7. It is ☐ Admitted ☒ Denied the employee is entitled to temporary total disability for the period(s) of: Not an issue on Form 50.
 8. It is ☐ Admitted ☒ Denied the employee is permanently disabled. The reasons for denial are: Not an issue on Form 50.
 9. It is ☐ Admitted ☒ Denied the employee has serious disfigurement. Not an issue on Form 50.
 10. It is contended that an average weekly wage of \$ 967.82 applies, according to attached Form 20 as provided by law.
 11. Further contentions, grounds of defense, or unusual aspects are:
At this time no affirmative defenses are known, however, the defendants reserve the right to amend and raise any and all defenses once discovered.
- ☐ Mediation
- ☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
 - ☐ b. Mediation is required pursuant to Reg. 67-1802.
 - ☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
 - ☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I verify the contents of this form are accurate and true to the best of my knowledge.

E. Ros Huff, Jr.
Preparer's Signature

Attorney for Defendant
Title

roshuff@colalaw.com
Email

October 23, 2013
Date

Refer to R.67-204 through R.67-210 and R.67-601 through R.67-615. Refer to R.67-1801 for mediation. Questions about the use of this form may be directed to the Commission's Judicial Department at 803-737-5675 or judicial@wcc.sc.gov or mediation@wcc.sc.gov. Pursuant to R.67-606, a Form 20 must be filed with the Claims Department at least 30 days from the date of filing this form.

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500 • Post Office Box 1715
Columbia, South Carolina 29202-1715
(803) 737-5723 www.wcc.sc.gov



WCC File #: 1310882
Carrier File #: _____
Carrier Code #: _____
Employer FEIN #: _____

Claimant's Name: Tyrone Lawrence SSN: [REDACTED] Employer's Name: Advanced Glassfiber Yarns
Address: 845 Colbert Bridge Road Address: 2556 Wagener Road
City: Windsor State: SC Zip: 29856 City: Aiken State: SC Zip: 29801-957
Home Phone: (803) 641-6748 Work Phone: _____ Insurance Carrier: Great American Alliance Ins. Co.
Preparer's Name: William L. Smith II Law Firm: Chappell, Smith & Arden Preparer's Phone #: 803-929-3600

A claim for workers' compensation benefits is made based on the following grounds: _____ Date of Injury or Illness: 8/14/2013
☒ Injury ☐ Illness ☐ Repetitive Trauma ☐ Occupational Disease ☐ Physical Brain Injury ☐ Concurrent Jurisdiction

1. The claimant sustained an injury to right shoulder/arm, head, neck, and back (Part(s) of Body Injured) on 8/14/2013 (Month/Day/Year) in Aiken county, state of SC. Body part(s) affected are: right shoulder/arm, head, neck, and back
2. Briefly describe how the accident occurred. Claimant was injured when a ceiling collapsed on him.
3. Both the claimant and the employer were subject to the South Carolina Workers' Compensation Act at the time of injury.
4. The relationship of employer and employee existed at the time of injury.
5. At the time of the injury the claimant was performing services arising out of and in the course of employment.
6. Notice of the accidental injury was given to the Employer on 8/14/2013 (Month/Day/Year) in the following manner:
Notice given to supervisor

- ☒ 7. Due to injury, the claimant is in need of (check one):
☐ (a) medical examination and treatment for: _____
☒ (b) additional medical examination and treatment for: right shoulder/arm, head, neck, and back

- ☒ 8. Due to injury, the claimant requests temporary total disability benefits because of lost compensable time from work and wages for the period of:
TTD for five weeks.

- ☐ 9. 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 ☐ (3) Wage Loss

- ☒ 9a. ☒ A determination of permanent disability is premature at this time.

- ☐ 10. Due to the injury, the Claimant has a serious bodily disfigurement consisting of:

10a. At the time of the injury, the Claimant was paid weekly wages of F20, and demands accounting of days worked and wages earned as provided by law.

10b. Give names and addresses of all employers for whom the Claimant has worked since the date of the accident:
Advanced Glassfiber Yarns

11. Further grounds or unusual aspects of claim:

11a. List names and addresses of all physicians or other medical specialists who have seen or treated the Claimant as a result of the accident:
Doctors Care, Aiken Regional Medical Center, Carolina Musculoskeletal, Dr. William Lehman

11b. To the best of your knowledge, did you have any prior permanent disability?
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. 14. Estimated time needed for hearing: 30 minutes

- ☒ 13b. I am requesting a hearing. A \$25 fee is required.

- ☐ Mediation
☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
☐ b. Mediation is required pursuant to Reg. 67-1802.
☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to E. Ros Huff
address P.O. Box 1935, Columbia, SC 29063 on the 10 day of October 20 14, by ☒ first class postage ☐ certified mail ☐ personal service.

I verify the contents of this form are accurate and true to the best of my knowledge.

Preparer's Signature: [Signature] Attorney: bsmith@csa-law.com Title: _____ Email: _____ Date: 10-9-14

Questions about the use of this form should be directed to the Claims Department at 803.737.5723. Refer to Regulations 67-204 through 67-211 and Regulations 67-601 through 67-615 as well as Reg. 67-1801.

WCC Form # 50
Revised 7/13

50

Employee's Notice of Claim and
Request for Hearing

018

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500 • Post Office Box 1715
Columbia, South Carolina 29202-1715
(803) 737-5723 www.wcc.sc.gov



WCC File #: 1310882
Carrier File #: _____
Carrier Code #: _____
Employer FEIN #: _____

Claimant's Name: Tyrone Lawrence SSN: Employer's Name: Advanced Glassfiber Yarns
Address: 845 Colbert Bridge Road Address: 2556 Wagener Road
City: Windsor State: SC Zip: 29856 City: Aiken State: SC Zip: 29801-957
Home Phone: (803) 641-6748 Work Phone: Insurance Carrier: Great American Alliance Ins. Co.
Preparer's Name: William L. Smith II Law Firm: Chappell, Smith & Arden Preparer's Phone #: 803-929-3600

A claim for workers' compensation benefits is made based on the following grounds:

Date of Injury or Illness: 8/14/2013

- ☒ Injury ☐ Illness ☐ Repetitive Trauma ☐ Occupational Disease ☐ Physical Brain Injury ☐ Concurrent Jurisdiction
1. The claimant sustained an injury to: head, neck, and back (Part(s) of Body Injured) on 8/14/2013 (Month/Day/Year) in
Aiken county, state of SC. Body part(s) affected are: head, neck, and back
2. Briefly describe how the accident occurred. Claimant was injured when a ceiling collapsed on him.
3. Both the claimant and the employer were subject to the South Carolina Workers' Compensation Act at the time of injury.
4. The relationship of employer and employee existed at the time of injury.
5. At the time of the injury the claimant was performing services arising out of and in the course of employment.
6. Notice of the accidental injury was given to the Employer on 8/14/2013 (Month/Day/Year) in the following manner:
Notice given to supervisor
- ☒ 7. Due to injury, the claimant is in need of (check one):
☐ (a) medical examination and treatment for:
☒ (b) additional medical examination and treatment for: head, neck, and back
- ☐ 8. Due to injury, the claimant requests temporary total disability benefits because of lost compensable time from work and wages for the period of:
- ☐ 9. 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 ☐ (3) Wage Loss
- ☒ 9a. ☐ A determination of permanent disability is premature at this time.
- ☐ 10. Due to the injury, the Claimant has a serious bodily disfigurement consisting of:
- 10a. At the time of the injury, the Claimant was paid weekly wages of F20, and demands accounting of days worked and wages earned as provided by law.
- 10b. Give names and addresses of all employers for whom the Claimant has worked since the date of the accident:
Advanced Glassfiber Yarns
11. Further grounds or unusual aspects of claim:
- 11a. List names and addresses of all physicians or other medical specialists who have seen or treated the Claimant as a result of the accident:
Doctors Care, Aiken Regional Medical Center, Carolina Musculoskeletal
- 11b. To the best of your knowledge, did you have any prior permanent disability?
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. 14. Estimated time needed for hearing: 30 minutes
- ☒ 13b. I am requesting a hearing. A \$25 fee is required.
- ☐ Mediation
☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
☐ b. Mediation is requested pursuant to Reg. 67-1802.
☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.
- Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to E. Ros Huff
address P.O. Box 1935 Columbia, SC 29063 on the 20 day of August 2013 by ☒ first class postage ☐ certified mail ☐ personal service.

I verify the contents of this form are accurate and true to the best of my knowledge.

Preparer's Signature: [Signature] Attorney: bsmith@csa-law.com Title: Email: Date: 8-23-13

Questions about the use of this form should be directed to the Claims Department at 803.737.5723. Refer to Regulations 67-204 through 67-211 and Regulations 67-601 through 67-615 as well as Reg. 67-1801.

WCC Form # 50
Revised 7/13

50

Employee's Notice of Claim and/or
Request for Hearing

019

S.C. WORKERS' COMPENSATION COMMISSION - FIRST REPORT OF INJURY OR ILLNESS

EMPLOYER (NAME & ADDRESS INCL ZIP) AGY AIKEN LLC - WC 1708667 03 04 2556 WAGENER ROAD AIKEN SC 29801		CARRIER/ADMINISTRATOR CLAIM NUMBER	OSHA LOG NUMBER	REPORT PURPOSE CODE
INDUSTRY CODE 2221		JURISDICTION SC		JURISDICTION CLAIM NUMBER
EMPLOYER FEIN 200423093		INSURED REPORT NUMBER		
EMPLOYER'S LOCATION ADDRESS (IF DIFFERENT)				LOCATION # WC 1708667 03 04 PHONE #

CARRIER/CLAIMS ADMINISTRATOR				
CARRIER (NAME, ADDRESS, & PHONE #) GREAT AMERICAN ALLIANCE INS		POLICY PERIOD 09/30/2012 TO 09/30/2013		CLAIMS ADMINISTRATOR (NAME, ADDRESS & PHONE NO)
CARRIER FEIN		POLICY/SELF-INSURED NUMBER		ADMINISTRATOR FEIN 36-3365500
AGENT NAME & CODE NUMBER				

EMPLOYEE/WAGE				
NAME (LAST, FIRST, MIDDLE) LAWRENCE, TYRONE		DATE OF BIRTH	SOCIAL SECURITY NUMBER	DATE HIRED 07/03/1979 SC
ADDRESS (INCL ZIP) 845 COLBERT BRIDGE ROAD WINDSOR, SC 29856 USA		SEX ☒ Male ☐ Female ☐ Unknown	MARITAL STATUS ☐ Unmarried/Single/Divorced ☒ Married ☐ Separated ☐ Unknown	OCCUPATION/JOB TITLE FPOQ
PHONE (803)641-6748		# OF DEPENDENTS 4	EMPLOYMENT STATUS ACTIVE	
RATE PER \$20.19		☐ DAY ☐ MONTH ☒ OTHER HOURLY	FULL PAY FOR DAY OF INJURY? ☒ YES ☐ NO	
		DAYS WORKED/WEEK 5	DID SALARY CONTINUE? ☒ YES ☐ NO	

OCCURRENCE/TREATMENT				
TIME EMPLOYEE BEGAN WORK 08:00	☒ AM ☐ PM	DATE OF INJURY/ILLNESS 08/14/2013	TIME OF OCCURRENCE ☐ CANNOT BE DETERMINED ☐ AM ☐ PM 11:55	LAST WORK DATE 08/14/2013
CONTACT NAME/PHONE NUMBER ANN TYLER (803)643-1147		TYPE OF INJURY/ILLNESS SPECIFIC INJURY - SPRAIN		DATE EMPLOYER NOTIFIED 08/14/2013
DID INJURY/ILLNESS/EXPOSURE OCCUR ON EMPLOYER'S PREMISES? ☒ YES ☐ NO		TYPE OF INJURY/ILLNESS CODE 49		DATE DISABILITY BEGAN
DEPARTMENT OR LOCATION WHERE ACCIDENT OR ILLNESS EXPOSURE OCCURRED AGY AIKEN LLC - 2556 WAGENER ROAD - AIKEN - SC 29801		ALL EQUIPMENT, MATERIALS, OR CHEMICALS EMPLOYEE WAS USING WHEN ACCIDENT OR ILLNESS EXPOSURE OCCURRED BROKEN LIGHT FIXTURE		
SPECIFIC ACTIVITY THE EMPLOYEE WAS ENGAGED IN WHEN THE ACCIDENT OR ILLNESS EXPOSURE OCCURRED NORMAL JOB DUTIES		WORK PROCESS THE EMPLOYEE WAS ENGAGED IN WHEN ACCIDENT OR ILLNESS EXPOSURE OCCURRED FPO JOB		
HOW INJURY OR ILLNESS/ABNORMAL HEALTH CONDITION OCCURRED. DESCRIBE THE SEQUENCE OF EVENTS AND INCLUDE ANY OBJECTS OR SUBSTANCES THAT DIRECTLY INJURED THE EMPLOYEE OR MADE THE EMPLOYEE ILL CONTUSION TO BACK OF HEAD AND NECK SPRAIN/STRAIN				CAUSE OF INJURY CODE 75

DATE RETURNED TO WORK 08/15/2013	IF FATAL, GIVE DATE OF DEATH	WERE SAFEGUARDS OR SAFETY EQUIPMENT PROVIDED? ☒ YES ☐ NO	WERE THEY USED? ☒ YES ☐ NO
PHYSICIAN/HEALTH CARE PROVIDER (NAME & ADDRESS) AIKEN REGIONAL MEDICAL CENTER 302 UNIVERSITY PARKWAY AIKEN SC 29801		INITIAL TREATMENT: 0 ☐ No Medical Treatment 1 ☐ MINOR BY EMPLOYER 2 ☒ MINOR CLINIC/HOSP 3 ☐ EMERGENCY CARE 4 ☐ HOSPITALIZED > 24 HOURS 5 ☐ FUTURE MAJOR MEDICAL/LOST TIME ANTICIPATED	

OTHER			
WITNESSES (NAME & PHONE #)			
DATE ADMINISTRATOR NOTIFIED	DATE PREPARED 08/14/2013	PREPARER'S NAME & TITLE ANN TYLER via Internet (RN BSN COHN-S)	PHONE NUMBER (803)643-1147

STATE OF SOUTH CAROLINA
BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC No. 1310882

Tyrone Lawrence,)
)
 Claimant,)
)
 v.)
)
 Advanced Glassifiber Yams,)
)
 Employer,)
)
 and)
)
 Great American Insurance Co.,)
)
 Carrier/Defendants.)
)

FULL COMMISSION PANEL HEARING

Monday, August 15, 2016

1:37 p.m. - 2:00 p.m.

The full commission panel hearing was held before the South Carolina Workers' Compensation Commission, 1333 Main Street, 5th Floor, Columbia, South Carolina, on the 15th day of August, 2016 before Jill H. Vickers, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES

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COMMISSION PANEL:
Gene McCaskill, Chair
Susan Barden
Scott Beck

William L. Smith, II
Chappell, Smith & Arden, P.A.
1510 Calhoun Street
Columbia, South Carolina 29201
Attorney for the Claimant

E. Ross Huff, Esquire
Huff & Hapeshis, LLC
7244 Woodrow Street
Irmo, South Carolina 29063
Attorney for the Defendants

INDEX

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1 COURT REPORTER: Today is August 15, 2016. This is
2 South Carolina Workers' Compensation Case
3 Number 1310882. This is the case of Tyrone
4 Lawrence, Claimant vs. Advanced Glassifiber
5 Yams, Employer, and Great American Insurance
6 Company is the Carrier. The Appellant is the
7 Defendant who is represented by Ross Huff. The
8 Respondent is represented by William Smith.
9 Each side is allowed ten minutes for oral
10 argument and three minutes in reply. You are
11 requested to argue the grounds of exception and
12 stay within the record.

13 ARGUMENT BY MR. HUFF:

14 MR. HUFF: Thank you, commissioners. We appreciate
15 your time today. Basically, there's several
16 questions, but one question, question number
17 one that we appealed was the finding of fact
18 and conclusion of law of injury by accident.
19 That's one issue we're going to be arguing.
20 The other one was that once the case was found
21 compensable, they then ordered that
22 Dr. Poletti, which was a one-time IME, to be
23 the authorized treating doctor. What I have
24 handed up to you is the McKinney Decision,
25 because I was faced with the same thing when I

1 was the claimant's lawyer, and we wanted to
2 direct treatment, and the Court had ruled, that
3 no, under 42-15-60 under the statute, "The
4 employer gets to provide medical treatment", we
5 always do that in an admitted claim, but when
6 you have a denied claim, once it's found
7 compensable, then under 42-15-60, we get to
8 direct treatment, unless you can show some
9 refuse, and there wasn't, and that's what we
10 want to do, and we think having Dr. Poletti,
11 which is an IME, being the authorized treating
12 doctor, that would be improper. The next issue
13 is, is the medical treatment and the
14 compensability of the claim, and the question
15 is, what happened that day, did it actually
16 cause his injuries, did it cause his herniated
17 disc, and what I wanted to show to you is, the
18 date of accident is August 4th of 2013, and we
19 had examinations that were done on August 14th
20 of 2013, within 10 days. That was the X-ray
21 that was done, and that said -- the impression
22 at that time was "mild degenerative changes in
23 the cervical spine", no acute osseous
24 abnormality within the limitations of this
25 study. It was clean, basically, but that's an

1 X-ray. What happened next? Well, in December,
2 four months later, Page 24 of the APAs, there's
3 an MRI. What did the MRI show? "The MRI scan
4 of the cervical spine is without ..." -- I'm
5 going to repeat that, "... is without evidence
6 of degenerative disc disease, collapse,
7 herniation or encroachment of the nerve root".
8 It's clean. There's nothing there. Now, a
9 year-and-a-half later, they go back for an MRI,
10 and now, we've got something different. That
11 was done in May of 2015. Look at the exam date
12 there, May of 2015. We're looking at a
13 year-and-a-half later. What does that say, not
14 that there's a herniated disc. "There is a
15 large broad-based approximately 10 by 5 times
16 10 left paracentral lesion compressing the left
17 lateral recess and creating left recess and
18 foraminal stenosis". Where did that come from?
19 This guy continued to work for a
20 year-and-a-half, but it's not on the MRI. Not
21 only did he work for a year-and-a-half, he went
22 to England, Seattle, Dallas, and I forgot the
23 other place. His son is a professional
24 football player, and he travels around the
25 United States, and he goes to see his son play.

1 Within a month or two after this accident, he
2 goes out to Seattle to watch his boy play
3 football, and he says while he's out there in
4 the evidence that he wore a cervical collar
5 while he was out there. Well, in this
6 particular case, we put a video investigator on,
7 him and followed him out there. Not one time
8 when he was out of the room. He said he wore
9 it every time he was out of the room. Not one
10 single solitary time did this man ever ever
11 ever wear a cervical collar. He never wore a
12 cervical collar at all. Let's look at our
13 argument here, and it's on Page 2 of our brief.
14 After the accident when it occurred which was
15 August 14th of 2013, we got him over there, and
16 he got his X-rays done. They were done at 1:57
17 p.m. on August 14th. It comes back with
18 nothing. It's clean. It's normal. Then, like
19 I said, the MRI that was done on 12-23-13, four
20 months later, it comes back clean, no
21 degenerative disc disease, no collapse, no
22 encroachment on the nerve root, nothing. He's
23 totally clean. As far as his burden of proof,
24 if you go to Page 4 of our brief near the
25 bottom, he testified that he had never had any

1 problems with his back before, never had any
2 treatment at all. He testified in his
3 deposition that he had no prior problems with
4 his neck, arms, low back or anything. However,
5 in January of 2006, he was in a car wreck, and
6 what's he complaining of, cervical injury,
7 cervical strain. He had a neck injury, even
8 though he testified he didn't, even though he
9 testified he wore a cervical collar, even
10 though he testified he never went to England to
11 see a football game, but it's in the medical
12 report of Dr. Ty Carter that he did. He told
13 him. This man was not telling the truth. If
14 he could get away with it, it was lying and
15 committing perjury, but I kept nailing him
16 every time he would do that. And I'm looking
17 on Page 5 of our brief. On February 2nd, he
18 saw Dr. Hawkins, and he diagnosed him with
19 cervical strain as well as some shoulder and
20 neck pain. The claimant admitted at the
21 hearing that his statement of no prior problems
22 with those body parts with the doctor was
23 untruthful. He said that under oath, "I was
24 untruthful when I said that". He was traveling
25 to Idaho, Dallas and New Orleans, and he went

1 to England. The surveillance footage shows him
2 doing that. It shows him carrying luggage. He
3 said he didn't carry luggage. He did. He said
4 his wife carried the luggage when they went on
5 that trip to Seattle. We've got him on video
6 footage getting the luggage out of the back of
7 the car and placing it to put on the shuttle
8 that took them to Atlanta where they flew out
9 of because the price was cheaper. Regarding
10 the cervical collar where he said -- it's on
11 Page 5 of my brief where he said he would wear
12 it outside the room, when confronted with the
13 video footage and the photographs, he then
14 admitted that he was untruthful again. I put
15 on Page 6 of our brief, "The claimant
16 repeatedly had testified he had never left the
17 country; however, Dr. Ty Carter on November
18 17th, 2004, notes that the claimant has been
19 traveling quite a bit and even went to London,
20 England for a football game". Now, Dr. Ty
21 Carter could have said he went to India or
22 China or Australia, but it coincides with what
23 the testimony is. All right. Again, as
24 Dr. Poletti is concerned, we did cite the
25 McKinney Decision, which I think covers that.

1 I think that's basically what I have to say.

2 I can answer some questions.

3 COMMISSIONER BECK: Didn't that McKinney Decision
4 just have to do with -- let me read it again
5 here. When you look at 42-15-60, it gives
6 y'all the right to pick or unless otherwise
7 ordered by the commission for good cause shown.
8 So, it appears that 42-15-60 clearly gives the
9 commissioner the latitude to decide who the
10 treating physician is going to be, in spite of
11 who you pick, and you were denying the case all
12 along, and in that particular instance, you put
13 the claimant in a position of having to satisfy
14 his burden, which means he doesn't have to pick
15 a doctor and go get it done. So, now you've
16 got an established relationship going with a
17 treating physician, albeit not authorized. I'm
18 not sure how this McKinney Decision affects
19 that.

20 MR. HUFF: He was not an authorized -- this is a
21 denied claim.

22 MR. BECK: So, hence, albeit unauthorized.

23 MR. HUFF: Right. In a denied case, you never
24 provide medical treatment, but once the case is
25 found compensable, it's our position under the

1 McKinney case, then at that time, we have the
2 right to choose the doctor, because we've been
3 not ordered to provide medical treatment. So,
4 you've got to give us an opportunity under
5 42-15-60 to provide the medical treatment. We
6 would never provide it on the denied claim.
7 It's also sending him all the way down to
8 Charleston, back and forth. And I'll be
9 totally candid with you. I've been doing this
10 for 40 years. I can take the reports of that
11 group, and they're good doctors down there.
12 I'm not going to malign, but they're always
13 against me on my side.

14 COMMISSIONER BECK: It appears that this case boils
15 down to whether or not the claimant has a
16 unilateral right to pick his doctor. In this
17 case, the commissioner picked him.

18 MR. HUFF: In the McKinney case.

19 COMMISSIONER BECK: No, in the case we're on right
20 now, the commissioner made the decision.

21 MR. HUFF: What's the basis for it, because we
22 didn't provide medical treatment in a denied
23 claim? That's going to happen 100 percent of
24 the time, commissioner. We're always going to
25 100 percent of the time deny medical treatment

1 in a denied claim, deny the temporary total and
2 anything, but once it's found compensable, and
3 it's now under the Act where I have to provide
4 it -- it's like if I denied it based upon an
5 employer and employee relationship. I'm not
6 going to provide medical, but once it's found
7 to be compensable under the Medlin Decision --
8 is that the one I cited -- no, it's the
9 McKinney Decision. I also did Medlin, too, but
10 under the McKinney Decision, then we get the
11 right to provide the medical treatment.

12 COMMISSIONER BECK: But again, that McKinney Decision
13 has to do with the claimant picking their
14 doctor, and that's not what happened in this
15 case.

16 MR. HUFF: No.

17 COMMISSIONER BECK: The commissioner ordered it,
18 which is a provision of 42-15-60 which says
19 "Unless otherwise ordered by the commission".

20 MR. HUFF: But you've got to show good cause for it.

21 COMMISSIONER BECK: Okay. I understand your legal
22 argument.

23 MR. HUFF: I understand, and thank you,
24 commissioner.

25 COMMISSIONER MCCASKILL: Okay. Mr. Smith.

1 ARGUMENT BY MR. SMITH:

2 MR. SMITH: Tyrone Lawrence is 56 years old. He had
3 been married for 35 years, and he has worked at
4 AGY for 37 years. I will point out to you that
5 Commissioner Wilkerson found him to be
6 extremely credible. On August 14, 2013 he was
7 working, and he was in charge of watching the
8 series of machines. A filament broke. He was
9 walking toward Position 7 to fix it, and as he
10 did, a light fixture in part of the ceiling
11 fell on top of him, striking him on the head
12 and neck. This was an admitted claim. He
13 reported it. They immediately did an Accident
14 Report. They immediately sent him to the
15 doctor at the Emergency Room. From there, they
16 scheduled treatment for him at Doctor's Care.
17 Here's where -- and I don't understand this.
18 This gentleman had planned a vacation prior to
19 his injury. As soon as the injury happened, by
20 the way, he worked light duty. He was working
21 every day working light duty. He had planned
22 a vacation to go see his son who was an
23 outstanding football player at Boise State
24 University, and like all fathers would have
25 done, he was going to see his son play

1 football. So, he went to -- they were playing
2 a game to kick off the season against
3 Washington in Seattle. So, he flies out to
4 Seattle with his wife to see the game. They
5 know he's doing this. They know he's doing
6 this before the injury ever occurred. He's
7 asked for time off. He talks about his son all
8 the time. They spend thousands of dollars on
9 PIs to videotape him going from his house to
10 the Atlanta Airport, waiting on him in Seattle
11 and following him around the hotel and
12 following him around the football game. It's
13 hours and hours of surveillance and about 45
14 seconds of video. That video shows him
15 standing in a lobby out there talking to his
16 son without a cervical collar on. It also
17 shows him getting luggage out of the trunk, and
18 he pulled some luggage on wheels going into the
19 airport. That's what it shows. Everything --
20 this man was doing light duty every day, and it
21 was much higher than that, much more strenuous
22 than that. He comes back, and they denied his
23 claim. From that point forward, they provide
24 no care. Doctor's Care had already sent him to
25 Carolina Musculoskeletal, so he ends up going,

1 and he gets under the care of Dr. Massey and
2 Dr. Carter. I handed up the medical reports
3 for you. There's the Accident Report that
4 shows this thing happened. There's the initial
5 history from Aiken Regional Medical Center.
6 There's the referral to Doctor's Care from AGY.
7 There's the initial history when he goes in and
8 he sees Dr. Massey at Carolina Musculoskeletal.
9 He's also seen by Dr. Lehman, and he's seen by
10 Dr. Poletti. All the history is exactly the
11 same. It is true that the initial MRI scan did
12 not show a herniated disc. However, what
13 happens from that point forward is he's getting
14 treatment. He's getting cervical epidural
15 injections. He's having radiculopathy. He's
16 in physical therapy. You know, there's a
17 year-and-a-half of treatment for these same
18 symptoms. He ultimately has a herniated disc
19 diagnosed on an MRI scan. He goes in, and he
20 has a cervical fusion done. By the way, for
21 that cervical fusion, this man is out of work
22 for almost seven weeks. That's almost unheard
23 of. But after seven weeks after the cervical
24 fusion, he goes back to work. He only missed
25 five weeks the first time he was out of work.

1 So, despite his horrific injury, he's only out
2 of work a total of 12 weeks. Three physicians
3 offer on causality, and I put those in here.
4 There's a statement from Dr. Carter where he
5 says it's causally related. There's
6 Dr. Lehman's report where he says it's causally
7 relate. There's Dr. Poletti's report where he
8 says it's causally related. And they took Dr.
9 Poletti's deposition to cross-examine him on
10 his position. In that deposition -- that's the
11 last page I handed up to you, Page 32 of his
12 deposition. We go through all the treatment
13 and all the symptoms. I asked him, based on
14 all of this, is it still your opinion that this
15 herniation is related, and he says "Yes. As I
16 said in my note, I do believe most likely that
17 the reason for surgery was because of the
18 injuries sustained in his accident in 2013, and
19 the disc increased or sequestered as a
20 consequence of going through physical therapy
21 and non-operative treatment directed toward
22 this disc herniation". That's the evidence.
23 There is no contrary evidence on this disc
24 herniation. There are three doctors that have
25 opined it's related. There's nobody that says

1 it's not related. Now, they attacked his
2 credibility, because of -- in his deposition,
3 he testified that he wore a cervical collar out
4 in Seattle. Again, there is some video of him
5 not wearing his cervical collar. His wife
6 testified, "I made him take it off because the
7 dang thing was dirty". They were traveling
8 people out there. They were with the football
9 parents out there. She says, "I got him to
10 take it off because it was dirty". He also
11 testified that he had not had or didn't recall
12 having any prior neck or low back problems.
13 Well, he did. He didn't remember it, but he
14 did, but if you look at it, it was
15 seven-and-a-half years prior. He was treated
16 for two months, released with no problems and
17 settled the case for \$3,200.00, the car wreck.
18 But he also gave a statement to adjuster that
19 I put into evidence where he had told them
20 about it in his statement. He just forgot
21 about it at the time of his statement, but he
22 had told them about this car wreck and
23 settlement at the time that they took his
24 statement to begin with. Again, this man has
25 been there 37 years. And by the way, there

1 were three witnesses. Nobody actually saw it,
2 but the lady who was working closest to him,
3 heard it and comes running over and sees him
4 there with debris and everything on top of him.
5 She worked there 10 years. Another fellow that
6 had worked 40 years, came up after it, saw him,
7 saw him holding his neck and grimacing, and
8 they denied the claim, which leads me to
9 Dr. Poletti. I didn't ask for Dr. Poletti to
10 be the treating physician here. I didn't send
11 him to Dr. Poletti. Now, as you all know, I do
12 use Dr. Poletti and Dr. Johnson for evaluations
13 from time to time. I didn't send this man
14 there. Dr. Carter recommended surgery, and he
15 wanted a second opinion, and he went there own
16 his own and got a second opinion. I think the
17 single commissioner, looked at this case and
18 said, "This is ridiculous what's happened to
19 this gentleman. All the evidence shows he got
20 hurt. All the evidence says it's related, and
21 they're still denying it. I'm going to change
22 the position." And he did, and he ordered him
23 to be treated by Dr. Poletti. Thank you.

24 COMMISSIONER MCCASKILL: All right. Mr. Huff.

25 ARGUMENT IN REPLY BY MR. HUFF:

1 MR. HUFF: Let's look at this. When this thing
2 first happened, and they were going to do the
3 MRI, he comes back totally clean. Then there's
4 some question about his C5-6 disc, but then it
5 winds up being C6-7. Well, which one is it?
6 Is it 6-7, 5-6, or is it clean like we said?
7 And he talks about going down to Seattle, but
8 my learned opponent here, colleague, doesn't
9 talk about him going to Idaho, Dallas, New
10 Orleans, Europe. He didn't go just one time.
11 He flew to all these places. We took the
12 video, because we thought something was amiss.
13 And he tells it right there -- you can't
14 believe what the man said. "I did not move the
15 luggage", he said. That's totally 100 percent
16 true that he said he didn't move it, and there
17 is getting it out of the truck of the car and
18 taking it over and putting it into the little
19 mini bus thing that they take down to Atlanta
20 to catch the flight out. That is clearly a
21 false statement, and he admits at the hearing
22 that his statements of prior problems with body
23 parts was also untruthful. Not only was he
24 untruthful about moving the luggage, but he was
25 untruthful about prior injuries. I've tried

1 cases in front of all three of you, and I
2 always do that in my hearings, and I'm tipping
3 my hand to Bill. Once they lie, I make them
4 admit they lied, because that's perjury.
5 They're under oath, and they lie about it. So,
6 he admits he was untruthful about moving the
7 luggage from the trunk of the car to the bus.
8 He admits that he was untruthful about wearing
9 the cervical collar. Let me see what else I've
10 got here. I think the most revealing thing,
11 though, that you cannot take is the MRI. The
12 first MRI done within months of this accident
13 comes back -- I've never seen one this clean.
14 It's totally clean. There's nothing there.

15 MR. MCCASKILL: Did you send him for an IME?

16 MR. HUFF: No. It's a denied claim.

17 MR. MCCASKILL: I understand that.

18 MR. HUFF: I know you do, commissioner, but it's at
19 a different level. The level was clean. He
20 claims some low back, but I don't think that
21 went anywhere. And I think I'll spend my last
22 time on the medical. Under 42-15-60, it says
23 that the employer gets to choose the doctor,
24 unless there's some compelling reason not to.
25 On every denied claim, the employer is not

1 going to provide medical treatment, but once
2 found compensable, the statute requires medical
3 treatment by way of order, and when they
4 provide medical treatment or order it under
5 42-15-16, based upon the statute, we get to
6 provide it.

7 COMMISSIONER MCCASKILL: Thank you, sir.

8 (Whereupon, the hearing concluded at 2:00 p.m.)

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE #1310882

TYRONE LAWRENCE	)	
	)	
CLAIMANT,	)	
	)	SC WORKERS' COMPENSATION COMMISSION
VS.	)	
	)	HEARING OF
ADVANCED GLASSFIBER	)	
YARNS	)	TYRONE LAWRENCE
EMPLOYER,	)	
AND	)	VS
	)	
GREAT AMERICAN	)	ADVANCED GLASSFIBER YARNS
ALLIANCE INS. CO.	)	
CARRIER.	)	

This is the Transcript of the South Carolina Workers' Compensation Hearing of Tyrone Lawrence versus Advanced Glassfiber Yarns taken before Gloria Davis, a Court Reporter and Notary Public in and for the State of South Carolina, commencing at the hour of 9:54 A.M., Monday, November 21, 2015, at South Carolina Workers' Compensation Commission, 1333 Main Street Columbia, South Carolina.

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ALSO PRESENT:

Ms. Ann Tyler

*Reporter's Note: -- Indicates incomplete thought or sentence, trailing off or interruption by speakers.

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EXHIBITS

For Defense:

D-1 (DEFENDANT'S EXHIBIT NUMBER ONE WAS MARKED FOR IDENTIFICATION)	
Received	7:13
D-2 (DEFENDANT'S EXHIBIT NUMBER TWO WAS MARKED FOR IDENTIFICATION)	
Received	57:18
D-3 (DEFENDANT'S EXHIBIT NUMBER THREE WAS MARKED FOR IDENTIFICATION)	
Received	59:13
D-4 (DEFENDANT'S EXHIBIT NUMBER FOUR WAS	

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60:8

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130

STIPULATIONS

Commissioner Wilkerson: Today's date is the 23rd day of November, 2015. This case was originally scheduled to be heard on May the 5th, 2015. I granted the Defense's request to take Dr. Poletti's deposition and it took about six (6) months; so, we're back here after taking Dr. Poletti's deposition. And I understand that has been taken and has it been handed in?

Mr. Huff: I'm fixing to hand it in right now --

Commissioner Wilkerson: Okay. That's fine.

Mr. Huff: -- you brought it to my attention, Commissioner --

Commissioner Wilkerson: That's okay.

Mr. Huff: -- I apologize.

Commissioner Wilkerson: The Claimant in today's case is Tyrone Lawrence and he is represented by Bill Smith. Go ahead and mark that; it's D-1, thank you. Do you want me to give you time?

Court Reporter: Yes, sir.

Commissioner Wilkerson: We can. I'll

1 get you to go ahead and mark that D-1; that's
2 Dr. Poletti's deposition.

3 Court Reporter: They've got it sealed
4 like it's from Fort Knox.

5 Commissioner Wilkerson: Yes. Take --
6 when was it taken; on what date? Sometime
7 this month, I think.

8 Mr. Smith: Thursday night. It was the
9 same night --

10 Court Reporter: Wednesday, November the
11 18th.

12 Commissioner Wilkerson: That's fine --
13 2015 -- that's just for the record. We mark
14 these and put them in a different section in
15 the file system. I'm not sure why it comes
16 in -- depositions come in as exhibits or in
17 this case would come in at -- underneath
18 somewhere in the computer system; that's why
19 we mark them.

20 Mr. Smith: When we go back and upload
21 our APAs --

22 Commissioner Wilkerson: No.

23 Mr. Smith: -- we don't need to upload

24 --

25 Commissioner Wilkerson: You do not need

1 to upload this --

2 Mr. Smith: -- okay.

3 Commissioner Wilkerson: -- right.

4 Mr. Smith: Thank you, sir.

5 Commissioner Wilkerson: That's another
6 -- I was going to mention that but thanks for
7 reminding me because I'm -- some of this is
8 trial and error and we're trying to make sure
9 it all sticks; it's worked out pretty well so
10 far.

11 (DEFENDANT'S EXHIBIT NUMBER ONE WAS MARKED FOR
12 IDENTIFICATION)

13 Commissioner Wilkerson: The Employer in
14 today's case is Advanced Glassfiber Yarns;
15 the Carrier is Great American Alliance
16 Insurance Company and they are represented by
17 Ros Huff. The date of accident is 8/14/2013.
18 The average weekly wage is nine sixty-seven,
19 eighty-two (\$967.82); thus the comp rate
20 would be six forty-five, twenty-four
21 (\$645.24). We're here to determine the
22 issues that are set forth on a Form 50 and
23 51. Are there any objections to APAs,
24 jurisdiction, venue or any other items by the
25 moving party?

1 Mr. Smith: I forgot to bring this up in
2 pre-trial, Your Honor.

3 Commissioner Wilkerson: That's okay.

4 Mr. Smith: There -- in the APAs there
5 are -- there is a SLED report from 1983,
6 there is a ten (10) year driving record,
7 that's APA, pages 229 and 230, APA pages 184
8 and 185; I would object to those as any --
9 that's way more than ten (10) years ago and
10 did not involve a crime of moral turpitude or
11 a felony, so I would object to that and the
12 driving record I think would be irrelevant.
13 The only other objection I have is that they
14 offered the Claimant's deposition; while I
15 think it is proper to cross-examine him from
16 the deposition --

17 Mr. Huff: I agree with that, Bill,
18 there is no problem, I just put that down but
19 we will not -- the deposition, I did not hand
20 it up to the Commissioner --

21 Mr. Smith: -- thank you, sir.

22 Mr. Huff: -- because it is only for
23 impeachment purposes; I agree with you on
24 that.

25 Commissioner Wilkerson: Okay. Now, how

1 about the other two (2)?

2 Mr. Huff: All right. Let me go back
3 and I will tell you what that is right now,
4 Commissioner. Give me one second.

5 Commissioner Wilkerson: I think he said
6 184, 185, 229 --

7 Mr. Huff: I'm just trying to find --

8 Commissioner Wilkerson: -- and 230.

9 Mr. Huff: -- what I need to do right
10 here; let's see.

11 Commissioner Wilkerson: Yes. Make sure
12 I don't -- make sure I wrote them down right.

13 Mr. Smith: That's correct.

14 Commissioner Wilkerson: Yes.

15 Mr. Huff: Page 1214. All right. I see
16 what I said; now let me see why I did it and
17 I can give you the answer in just one second.
18 Bill, did I give you a copy of it?

19 Mr. Smith: Yes.

20 Mr. Huff: Could I see it just for a
21 second --

22 Mr. Smith: Sure.

23 Mr. Huff: -- because I'm not seeing my
24 copy right here; if you don't mind? And I
25 may be able to do what you wanted me to do.

1 Mr. Smith: 180.

2 Mr. Huff: Because I didn't bring my
3 whole file with me. Did I put a page number
4 on it all?

5 Mr. Smith: Yes. Here -- here is 184
6 and 185.

7 Mr. Huff: Page 184 and 185? A speeding
8 ticket, I think. I don't see 184 and 185.

9 Mr. Smith: Well, you know what you --
10 let me show you what it is. You submitted
11 these in April --

12 Mr. Huff: Okay.

13 Mr. Smith: -- and then when you did
14 this you --

15 Mr. Huff: Because I --

16 Mr. Smith: -- it looked like you had
17 added on to it.

18 Mr. Huff: -- yes, I added -- let me see
19 that again and then I can tell you if I -- I
20 have no problem. Let me see.

21 Mr. Smith: And then 229 and 230.

22 Mr. Huff: What was the other page, 229
23 and 230?

24 Mr. Smith: Right. Okay. That's it.

25 Mr. Huff: I have no problem with page

1 229 or 230 coming out and the other pages
2 again, Bill?

3 Mr. Smith: 184 and 185. It's just the
4 speeding tickets on there.

5 Mr. Huff: Right. I have no objection.

6 Commissioner Wilkerson: Okay. So, what
7 we'll do, we'll take out, upon agreement,
8 pages 184, 185, 229 and 230, which are
9 actually four (4) total pages --

10 Mr. Smith: Yes, sir.

11 Commissioner Wilkerson: -- to be
12 removed from the record. And let's see, 184,
13 185 -- which was actually A under the
14 Defense, 184 and 185, and the other one is
15 229 through 230, which is D, as in -- as
16 Deputy, D, okay? So, D and A and B are
17 coming out of the record upon agreement,
18 okay? Anything else from your perspective,
19 Mr. Smith?

20 Mr. Smith: No, sir, Your Honor.

21 Commissioner Wilkerson: Please, Mr. --
22 any -- Mr. Huff, any objections to APAs,
23 jurisdiction, venue or any other items?

24 Mr. Huff: None.

25 Commissioner Wilkerson: None? Okay,

1 thank you. Hearing no objections, other than
2 the ones we have taken care of, the
3 Commission's file becomes part of the record
4 with the exception self-serving declarations
5 and unstipulated medical reports. At this
6 point in time, if I could get Mr. Smith to
7 put his client's position on the record then,
8 likewise, I'll have Mr. Huff do the same.
9 Thank you.

10 Mr. Smith: Your Honor, it's our
11 position Mr. Lawrence suffered a compensable
12 injury on August 14, 2013. He had a
13 fluorescent light and part of a ceiling fall
14 at work on top of him, hitting him in the --
15 hitting him in head and neck. He has had
16 problems with both shoulders, his head, his
17 neck and his lower back. The primary focus,
18 frankly, has been with his cervical spine and
19 with radiculopathy into his arms. He has
20 undergone a cervical fusion. We're claiming
21 temporary total compensation for five (5)
22 weeks in the fall of 2013, as well as June 4,
23 2015 through July 27, 2015. We're claiming
24 payment of medical expenses and it is our
25 position he is not at maximum medical

1 improvement and it would be premature to
2 assign any award of disability at this time.

3 Commissioner Wilkerson: Okay. Thank
4 you, sir. Mr. Huff, your client's position,
5 please, sir.

6 Mr. Huff: Our -- our position is the
7 accident could not have occurred the way he
8 said it occurred and, basically, it's going
9 to be his credibility.

10 Commissioner Wilkerson: Okay.

11 Mr. Huff: Thank you.

12 Commissioner Wilkerson: Thank you, sir.

13 Mr. Smith: And, Your Honor, I forgot to
14 tell you. Just for your information, medical
15 causation is established on APA, pages 37,
16 pages 148 and page 32 of the deposition of
17 Dr. Poletti.

18 Mr. Huff: And my response to that is, I
19 don't think -- when you hear the totality of
20 the testimony, did the accident occur the way
21 it occurred and we did take Dr. Poletti's
22 deposition.

23 Commissioner Wilkerson: Sure.

24 Mr. Huff: The situation is that when
25 this accident occurred, within four (4)

1 months -- this happened in August, in
2 December an MRI was done, you will see it in
3 the APAs, that came back clean, that there
4 was -- as a matter of fact, Dr. Ty Carter
5 said in -- on December of 2013, MRI scan of
6 the cervical spine is without evidence of
7 degenerative disk disease, collapse,
8 herniation or encroachment of the nerve root;
9 now, a year and a half later when another MRI
10 was done with Dr. Poletti, you now have a
11 large, severe herniated disk and it's at a
12 different level, even. So, I think we -- I
13 know with -- with you, you'll read the
14 totality of it --

15 Commissioner Wilkerson: Yes.

16 Mr. Huff: -- so, that's the only thing
17 I want to bring to your attention. The
18 evidence doesn't meet --

19 Commissioner Wilkerson: Where is Dr.
20 Carter's -- you said when it was --

21 Mr. Huff: -- Doctor -- I've got the --

22 Commissioner Wilkerson: -- what APAs?
23 I've got the doctor --

24 Mr. Huff: -- I've got page 24 --

25 Commissioner Wilkerson: That's okay.

1 Mr. Huff: -- if that's what --

2 Commissioner Wilkerson: It just helps
3 me when I go --

4 Mr. Smith: His -- his causation
5 statement is on page 37 --

6 Commissioner Wilkerson: -- okay.

7 Mr. Smith: -- of mine.

8 Commissioner Wilkerson: Your -- Ty
9 Carter's causation statement is on --

10 Mr. Smith: Page 37.

11 Commissioner Wilkerson: -- 37, but what
12 he was referencing is on page 24.

13 Mr. Smith: Oh, I'm sorry.

14 Commissioner Wilkerson: No, that's --

15 Mr. Huff: -- yes.

16 Commissioner Wilkerson: -- I'm sorry.

17 Mr. Smith: I'm sorry.

18 Mr. Huff: That's the actual medical
19 report.

20 Commissioner Wilkerson: Medical report,
21 that's fine. Yes, I'm sorry. I just --

22 Mr. Huff: That's the actual --

23 Commissioner Wilkerson: -- okay. No, I
24 was trying to get -- sometimes when I go back
25 to all the pages it helps me to put a page in

1 there.

2 Mr. Huff: -- oh.

3 Commissioner Wilkerson: I've got the
4 date down of December of '13, but I want to
5 make sure, okay? All right. Thank you.
6 Anything --

7 Mr. Huff: Well, it's a different -- it
8 says a different 24 because it could have
9 been from a different APA submission because
10 we did several because this thing has been
11 continued several times.

12 Commissioner Wilkerson: -- I'm looking
13 at what you gave me today.

14 Mr. Huff: Well, I'm going to hand --
15 well, I've also got some other stuff that has
16 already been submitted, too --

17 Commissioner Wilkerson: So, I can't --

18 Mr. Huff: -- I believe.

19 Commissioner Wilkerson: -- yes, I can't
20 help with the --

21 Mr. Huff: I'll try to find that for
22 you. If you'll --

23 Commissioner Wilkerson: -- because all
24 I've got from you is 133 through --

25 Mr. Huff: -- right. I've got --

1 Commissioner Wilkerson: -- 328.

2 Mr. Huff: -- I've got to find it, but
3 there is page 24 of --

4 Mr. Smith: What's that --

5 Commissioner Wilkerson: I don't know.

6 Mr. Huff: -- let me see what's on page
7 10.

8 Mr. Smith: -- page? Let me see what it
9 is.

10 Commissioner Wilkerson: I'm going to
11 hand this to you.

12 Mr. Huff: I'm sorry; I should have
13 given it to you first, Bill; I apologize.
14 Because this has been continued --

15 Commissioner Wilkerson: I was giving
16 that to you because I --

17 Mr. Huff: -- several times. Let me
18 look; I may have it over here in this
19 notebook.

20 Mr. Smith: I know that report is in
21 there --

22 Commissioner Wilkerson: -- yes.

23 Mr. Smith: -- I'm not sure what page it
24 is --

25 Commissioner Wilkerson: I'm not sure

1 where it is.

2 Mr. Smith: -- but I know it's in there.

3 Commissioner Wilkerson: You've got to
4 identify it because if not we'll -- you'll
5 have a mess when whoever loses appeals, you
6 all will be arguing over the wrong pages.
7 Because if I look at 24 that would be --
8 let's see if its --

9 Mr. Huff: I'll just pull the report,
10 itself, then.

11 Commissioner Wilkerson: -- page 24 of
12 what I've got is nothing; basically, it's the
13 end of a report. So, I don't have a clue
14 where that came from. Because when I do the
15 order I'm going to do it on what was handed
16 up today, the APAs that were handed up today.

17 Mr. Huff: Well, I'll try to make it
18 clearer next time. I apologize for that,
19 Commissioner.

20 Commissioner Wilkerson: No. I just
21 didn't know.

22 Court Reporter: Mr. Huff, I'm having a
23 real hard time hearing you.

24 Mr. Huff: I'm sorry.

25 Court Reporter: Thank you.

1 Mr. Huff: I'll talk louder and I am --

2 Court Reporter: I appreciate it.

3 Mr. Huff: -- I am facing the wrong
4 direction.

5 Court Reporter: Yes, you are.

6 Commissioner Wilkerson: Bill, do you
7 have --

8 Court Reporter: I can't see what you're
9 saying that way.

10 Commissioner Wilkerson: -- do you know
11 what page it's on; I mean, do you --

12 Mr. Smith: The report --

13 Commissioner Wilkerson: -- I know you
14 said you've seen it.

15 Mr. Smith: -- he is referring to I'm
16 looking for; I don't know what page it is. I
17 -- I'm familiar with that report, though; I
18 know it's in the record somewhere.

19 Mr. Huff: I'm going to look and see if
20 it's in yours anywhere; let me see. Can you
21 hear me now? I'm going to talk a little bit
22 louder.

23 Court Reporter: I can hear you now.

24 Mr. Huff: I'm sorry.

25 Court Reporter: Thank you.

1 Mr. Huff: You're welcome. Please
2 correct me when I'm not doing right.

3 Ms. Taylor: It's better that she can
4 see your face.

5 Mr. Huff: Bill, what group is he with?

6 Mr. Smith: Carolina Musculoskeletal.

7 Mr. Huff: All right. That could be the
8 page; let me turn to that then.

9 Mr. Smith: It's page 38.

10 Commissioner Wilkerson: Page -- your
11 38?

12 Mr. Smith: My 38.

13 Commissioner Wilkerson: Okay. Hold on.

14 Mr. Huff: I was on 37; there it is on
15 38, right. Thank you.

16 Commissioner Wilkerson: All right.
17 Page 38, okay.

18 Mr. Huff: I'll take that back --

19 Commissioner Wilkerson: I'm going to
20 change your 24 to 38, okay?

21 Mr. Huff: -- thank you, Commissioner.

22 Commissioner Wilkerson: That way I'm
23 going to go ahead and take -- that's what you
24 agreed to take out?

25 Mr. Huff: Yes, sir.

1 Commissioner Wilkerson: Thank you.
2 Okay. That's 12/30 -- okay, I've got you --
3 '13. All right. Anything thing else before
4 we take some testimony?

5 Mr. Smith: Nothing further from the
6 Claimant, Your Honor.

7 Commissioner Wilkerson: Anything from
8 the Defense?

9 Mr. Huff: No, sir.

10 Commissioner Wilkerson: Thank you all
11 both.

12 Mr. Huff: No, thank you.

13 Commissioner Wilkerson: Sir, I'm going
14 to get you to raise your right hand; I'll
15 have the Court Reporter swear you in and
16 we're going to take some testimony from you,
17 okay?

18 Mr. Lawrence: Okay.

19 Whereupon;

20 Tyrone Lawrence, being duly sworn and cautioned to
21 speak the truth, the whole truth and nothing but the truth,
22 testified as follows:

23 Court Reporter: Please state your full
24 name for the record.

25 Witness: Tyrone Lawrence.

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1 Court Reporter: Thank you, sir.

2 Commissioner Wilkerson: Thank you, Mr.

3 Lawrence. Please, Mr. Smith.

4 Mr. Smith: Thank you.

5 DIRECT EXAMINATION

6 By Mr. Smith:

7 Q. Mr. Lawrence, how old are you, sir?

8 A. Fifty-six (56).

9 Q. Are you married?

10 A. Yes.

11 Q. And to whom are you married?

12 A. Ms. Yvonne Lawrence.

13 Q. How long have you all been married?

14 A. Thirty-five (35) years.

15 Q. Do you have children?

16 A. Three (3).

17 Q. And how old -- are your kids all grown now?

18 A. Yes.

19 Q. Okay. How far did you go in school, Mr. Lawrence?

20 A. I graduated from high school.

21 Q. And where are you employed?

22 A. AGY.

23 Q. How long have you been employed at AGY?

24 A. Thirty-seven (37) years.

25 Q. And what is your job there?

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- 1 A. Furnace person operator --
- 2 Q. What's a --
- 3 A. -- FPO.
- 4 Q. -- what's a furnace operator do?
- 5 A. He is -- he brings hot glass to the melt -- to the
- 6 melting process.
- 7 Q. Okay. What kind of physical activity is required
- 8 in that job?
- 9 A. Just reaching, bending and squatting.
- 10 Q. Okay. Not much lifting involved?
- 11 A. No lifting involved.
- 12 Q. Okay. Before August of 2000 -- excuse me --
- 13 before August, 2013, were you having any trouble with
- 14 your neck, your arms or your low back?
- 15 A. No.
- 16 Q. Okay. Tell me what happened on August 14, 2013.
- 17 A. Well, I was handing down a position and my job is
- 18 to maintain twenty (20) positions and once I hand down
- 19 that position, I look around to see if any other
- 20 filaments have been broken on another position. And I
- 21 looked around, I seen position number seven (7)
- 22 filaments was broke out. After I was -- I noticed it I
- 23 was going towards number seven (7) position to close
- 24 the lid so I can repair the filaments and that's when
- 25 the ceiling came down on me.

- 1 Q. Okay. And when you say the ceiling came down on
2 you, what specifically came down?
- 3 A. The lights and the -- like the sheet metal and
4 tile came down.
- 5 Q. What -- do you know what caused that to happen?
- 6 A. The safety person shared with me the age of the
7 building structure.
- 8 Q. Okay. What type light was it that fell on you?
- 9 A. Fluorescent lights.
- 10 Q. Okay. Is this a -- is it a new looking
11 fluorescent light like we have in the building here or
12 something different?
- 13 A. This building? No, it's nothing new like this.
- 14 Q. Okay. How many bulbs were in that thing?
- 15 A. Two (2) long bulbs.
- 16 Q. Okay. And do you have any idea -- well, first of
17 all, where did it hit you?
- 18 A. It hit me on -- on the top of the head, neck and
19 shoulder area.
- 20 Q. Okay. Do you have any idea how much that thing
21 weighed?
- 22 A. I have no idea.
- 23 Q. Okay. What did you feel?
- 24 A. I felt sincere pain kind of hit me and actually I
25 thought the whole ceiling was coming down; I just took

- 1 off and started running.
- 2 Q. Okay. Did the bulbs break?
- 3 A. Yes, sir.
- 4 Q. Okay. And make a loud noise?
- 5 A. Yes.
- 6 Q. Okay. Was anybody right there with you when this
7 happened?
- 8 A. Not near me.
- 9 Q. Okay. All right. So, what -- what happened or
10 what was the next thing that occurred after the thing
11 came down on you?
- 12 A. It -- like, when it -- when it came down it kind
13 of like staggered me and I just, you know, just took
14 off and -- and started running, you know. And I didn't
15 know that the lady next to -- almost next -- she was
16 like a station down -- actually saw it; she had done
17 took off and started running too but I didn't know the
18 reason.
- 19 Q. Okay. Did you report the injury?
- 20 A. Yes, I did.
- 21 Q. Well, who is the first person that came up to you
22 after this happened?
- 23 A. Mr. Gladden.
- 24 Q. Okay. And what is Mr. Gladden's position?
- 25 A. He is a -- like, a process engineer; it's -- it's

1 not a engineer but it's -- he's like a process guy that
2 process -- helps process the product.

3 Q. And did -- did you tell Mr. Gladden what happened?

4 A. Yes, I did.

5 Q. Okay. Who was the first supervisory type person
6 you reported it to?

7 A. First of all, can I --

8 Q. Sure.

9 A. -- Ricky Raiford is the first guy that I shared
10 with because I thought the whole ceiling was coming
11 down. I told -- he -- he stopped me on the way out and
12 said, what's going on? I said, the ceiling is coming
13 down. And then, that's when I seen Mr. Richard Gladden
14 out in the hallway.

15 Q. Okay. Who was the -- the supervisor that you
16 reported it to?

17 A. David Kelly.

18 Q. Okay. Is he your supervisor?

19 A. At the time he was.

20 Q. Okay. When you reported it to Mr. Kelly what did
21 he do?

22 A. He -- he told me to sit down and he was trying to
23 get me some medical assistance.

24 Q. Okay. Were you taken to the plant medical
25 department?

- 1 A. No.
- 2 Q. Okay. Where -- where were you taken?
- 3 A. In -- into his office.
- 4 Q. Okay. Did you eventually see Ms. Ann Tyler, the
5 plant nurse?
- 6 A. Yes.
- 7 Q. And when did you --
- 8 A. She came to his office.
- 9 Q. -- she came to his office? Okay.
- 10 A. Uh-huh.
- 11 Q. And was an accident report written up?
- 12 A. Yes.
- 13 Q. Okay. And were you taken for medical attention?
- 14 A. Yes.
- 15 Q. And where were you taken for medical attention?
- 16 A. Aiken Regional --
- 17 Q. Okay.
- 18 A. -- Medical Center.
- 19 Q. Did -- did somebody from the plant take you or did
20 you go on your own?
- 21 A. My department head took me.
- 22 Q. And who was that?
- 23 A. Robert Padgent.
- 24 Q. Okay. So, you were taken to Doctor's Care?
- 25 A. No. I drove myself to Doctor's Care.

- 1 Q. Okay. I'm sorry. You went -- you said Aiken
2 Regional Medical Center?
- 3 A. Yes.
- 4 Q. Okay. And was your follow up care at Doctor's
5 Care to begin with?
- 6 A. Yes, it was.
- 7 Q. Okay. Now, when you were at Doctor's Care, were
8 you placed on light duty?
- 9 A. Yes.
- 10 Q. Okay. And did you work light duty?
- 11 A. Yes.
- 12 Q. Okay. How long do you think you worked light
13 duty?
- 14 A. Maybe two (2) weeks.
- 15 Q. Okay. Before this injury occurred, had you
16 planned a trip?
- 17 A. Yes.
- 18 Q. And where were you going?
- 19 A. To Seattle, Washington.
- 20 Q. And why were you going to Seattle, Washington?
- 21 A. My son played football Boise State; they was
22 playing Washington State.
- 23 Q. Okay. You already had that time blocked off to go
24 before the injury occurred?
- 25 A. Yes.

- 1 Q. Okay. And did you go to the football game?
- 2 A. Yes.
- 3 Q. Now, leading up to you going to that football
4 game, had you been working?
- 5 A. Yes.
- 6 Q. Okay. Was there anything that you did in
7 traveling to Seattle or in watching your son play
8 football that was more strenuous than what you were
9 doing on your job?
- 10 A. No.
- 11 Q. Okay. As a -- as an aside, is your son still
12 playing football?
- 13 A. Yes. He plays professional football.
- 14 Q. Where does he play?
- 15 A. Dallas Cowboys.
- 16 Q. Okay. Now, have you been to see him play in
17 Dallas?
- 18 A. Yes.
- 19 Q. Okay. I'll come back to that later.
- 20 A. Okay.
- 21 Q. All right. When you -- when you were in -- well,
22 let me back up. When you were being treated at
23 Doctor's Care, were -- were you referred to an
24 orthopedist?
- 25 A. Yes.

- 1 Q. Were you allowed to see the orthopedist?
- 2 A. No.
- 3 Q. Okay. When you were out in Seattle, were you
- 4 still trying to make arrangements to be seen?
- 5 A. Yes.
- 6 Q. Tell me about that.
- 7 A. While I was out in Seattle I contacted Ms. Ann
- 8 Tyler, which is the plant nurse, and asked when was I
- 9 going to be able to see the orthopedist doctor and she
- 10 shared with me at this time the Workman's Comp person
- 11 haven't given her authorization yet.
- 12 Q. Okay. Were you willing to come back early if you
- 13 had to?
- 14 A. Yes.
- 15 Q. Okay. Now, after your trip seeing your son play
- 16 football and you got back, did you go back to work?
- 17 A. No.
- 18 Q. Why not?
- 19 A. They shared with me until I was able to work a
- 20 hundred percent (100%) then I wouldn't be allowed to
- 21 come back up under restricted duties.
- 22 Q. Okay. So, early on you were provided light duty
- 23 and they were providing medical care for you --
- 24 A. Yes.
- 25 Q. -- is that correct?

- 1 A. That's correct.
- 2 Q. Okay. Once you went to see your son play and you
3 got back from your vacation, was your claim denied
4 then?
- 5 A. Yes.
- 6 Q. Okay. And at that point in time they did not
7 allow you to work light duty until you could -- the
8 doctor released you to go back full duty --
- 9 A. Correct.
- 10 Q. -- is that right?
- 11 A. (Nodded head in an up-and-down motion).
- 12 Q. Okay. And were you ultimately released to go back
13 to work full duty?
- 14 A. Yes.
- 15 Q. And did you work full duty?
- 16 A. Correct.
- 17 Q. Okay. Now, somewhere along the line, even though
18 it was not approved by Workers' Comp, you -- you got
19 treatment at Carolina Musculoskeletal; is that correct?
- 20 A. Yes.
- 21 Q. I think you started with Dr. Massie?
- 22 A. Correct.
- 23 Q. And he referred you to Dr. Carter?
- 24 A. Yes.
- 25 Q. Okay. During that time, I know you got an MRI

1 scan?

2 A. Yes.

3 Q. Okay. And did you have injections into your neck?

4 A. Yes.

5 Q. Okay. Did you have physical therapy?

6 A. Yes.

7 Q. Okay. Did the injections and the therapy help

8 you?

9 A. For a little bit, yes.

10 Q. Okay. And did you continue to work?

11 A. Yes.

12 Q. Tell me did -- did you ever do anything after

13 August 14, 2013, to re-injure your neck?

14 A. No.

15 Q. Okay. Tell me how your condition did from the

16 time that -- from August of 2013, up until you

17 ultimately had surgery.

18 A. Well, they were progressively getting worse but in

19 2014, we had a labor dispute; then I had no insurance

20 so I wasn't able to go to the doctor. So, I had to use

21 home remedies like heating pads and ice pads to try to

22 ease the pain.

23 Q. Okay. You ultimately -- I mean, I -- I know you

24 treated with Dr. Carter on-and-off during that period

25 of time --

1 A. Uh-huh.

2 Q. -- did there come a time where Dr. Carter
3 recommended surgery for you?

4 A. Yes.

5 Q. Okay. And did you seek a second opinion?

6 A. Yes.

7 Q. And who was that second opinion with?

8 A. Dr. Poletti.

9 Q. Okay. Did he also recommend surgery for you?

10 A. Yes.

11 Q. Okay. Did you have that surgery?

12 A. Yes.

13 Q. Did the surgery help?

14 A. It helped but I'm still having pain.

15 Q. Okay. Where are you having pain?

16 Commissioner Wilkerson: When was the
17 surgery; do you -- what -- what day or year
18 was -- what year was the surgery?

19 Mr. Smith: It was June of 2015.

20 Commissioner Wilkerson: No, that's
21 fine. I just -- and you all probably told
22 me; I just wanted to put it in my notes right
23 here. Thank you.

24 Mr. Smith: June -- I think it was June
25 4, 2015, Your Honor.

1 Commissioner Wilkerson: That's okay.

2 You just mentioned that earlier.

3 Mr. Smith: Okay.

4 Commissioner Wilkerson: I'm sorry.

5 Q. You still -- I'm sorry; you said you still have
6 pain?

7 A. Yes.

8 Q. And where do you have pain?

9 A. I'm having the pain in my left side of my neck
10 now.

11 Q. Okay. You're still working?

12 A. Yes.

13 Q. How long were you out of work after your surgery?

14 A. I know I returned to work on July the 27th of
15 2015.

16 Q. So, you were out of work six (6) or seven (7)
17 weeks after your surgery?

18 A. Yes.

19 Q. Okay. Has there been -- I asked you earlier if
20 you had been to see your son play football.

21 A. Yes.

22 Q. Okay. Did you injure yourself going to see your
23 son play football?

24 A. No, sir.

25 Q. Have you injured yourself at work again?

1 A. No, sir.

2 Q. Have you injured yourself anywhere since August of
3 2013?

4 A. No, sir.

5 Q. Okay. There were -- at varying times after your
6 accident you were also having some low back problems;
7 do you still have low back problems?

8 A. Every now and then I'll have a little back pain.

9 Q. Okay. Is the neck much more serious than the low
10 back?

11 A. It was at the time but it's no longer.

12 Q. Okay. All right, sir. Tell me right now where
13 all you have pain or where all you have problems.

14 A. Right now I'm having problems in my left side of
15 my neck and lower -- lower back pain.

16 Q. Okay. Did the surgery relieve the numbness and
17 tingling in your arms and hands?

18 A. Yes, sir; it did.

19 Q. Okay. You don't have any of that now?

20 A. No, sir.

21 Q. Okay. Thank you, sir.

22 Mr. Smith: No further questions.

23 Commissioner Wilkerson: Mr. Huff, on
24 behalf of the Defense.

25 Mr. Huff: Thank you, Commissioner.

1 CROSS-EXAMINATION

2 By Mr. Huff:

3 Q. The trip that you took out to Seattle, Washington,
4 you took it out there to see your son play football?

5 A. Yes, sir.

6 Q. After this accident that -- that you had, have you
7 had -- have you gone on any other road trips? Because
8 I think -- when was this accident, exactly, again?
9 When did your accident occur?10 A. I'm trying to -- I know it was in 2013, I can't
11 remember the -- recall the month right now; I think it
12 was August, 2013.

13 Q. Would it be August 14th of 2013?

14 A. That sounds correct.

15 Q. Is that correct, sir?

16 A. Yes.

17 Q. All right. Since that time, it's a little bit
18 over two (2) years, have you made any other trips to go
19 to any other football games to see your son play
20 football?

21 A. Yes.

22 Q. Where else have you been?

23 A. I've been to Idaho.

24 Q. When did you go to Idaho?

25 A. A week after the Seattle trip.

- 1 Q. All right. How did you get there?
- 2 A. A plane.
- 3 Q. All right. You flew?
- 4 A. Yes, sir.
- 5 Q. Where did you fly out of?
- 6 A. Seattle, Washington.
- 7 Q. Okay. Any other -- have you flown to any other
- 8 place?
- 9 A. Yes.
- 10 Q. Where else?
- 11 A. I mean --
- 12 Q. Have you gone to -- have you flown anywhere else
- 13 to see him play any games?
- 14 A. In what time span are you speaking about?
- 15 Q. Since the accident of August --
- 16 A. Oh --
- 17 Q. -- of 2013.
- 18 A. -- yes.
- 19 Q. Where else have you flown?
- 20 A. Dallas; Texas, New Orleans.
- 21 Q. Okay. Has there been any other place that you've
- 22 flown to see him play ball games, football; any -- any
- 23 other locations?
- 24 A. None that I can think of right now.
- 25 Q. What would be the furthestest that you've gone to

1 see him play football?

2 A. I think Seattle, Washington is the furtherest.

3 Q. The furtherest?

4 A. Uh-huh.

5 Q. Have you ever flown outside of the United States?

6 A. No.

7 Q. Have you ever flown to England?

8 A. No.

9 Commissioner Wilkerson: Tell me what
10 the relevance of flying all over the world
11 has to do with a ceiling tile falling on his
12 head because your position is, it didn't
13 happen. So, can we get --

14 Mr. Huff: It didn't happen, right, but
15 he is complaining that he can't do certain
16 activities and I'm trying to show that he
17 does go places, goes to football games, you
18 know.

19 Commissioner Wilkerson: -- and I think
20 Bill had --

21 Mr. Huff: Okay.

22 Commissioner Wilkerson: -- Bill had him
23 admitting he went to football games, so.

24 Mr. Huff: Okay.

25 Q. Do you remember when you went out to Seattle,

1 Washington and you were out there for about three (3)
2 days?

3 A. Yes, sir.

4 Q. And you flew out of where?

5 A. Atlanta, Georgia.

6 Q. And how did you get to Atlanta?

7 A. I got to Atlanta on a -- on a van.

8 Q. Did you take luggage?

9 A. Yes, we did.

10 Q. Did you move the luggage or did your wife move the
11 luggage?

12 A. I removed the luggage.

13 Q. Do you remember in your deposition you said
14 something different to that effect; you said that your
15 wife did the luggage?

16 A. Yes --

17 Q. Do you remember?

18 A. -- I did.

19 Q. Pardon?

20 A. Yes, I remember.

21 Q. Yes. So, your testimony today is different, that
22 you moved the luggage, not her?

23 A. We shared the luggage.

24 Q. That's not what you said in your deposition. You
25 said --

- 1 A. I said in my deposition that I -- I -- she removed
2 the luggage.
- 3 Q. -- okay. Which was not totally true, was it?
- 4 A. That's correct.
- 5 Q. Okay. Thank you. And you were under oath to tell
6 the truth, weren't you?
- 7 A. Yes, I was.
- 8 Q. All right. And you also said that while you were
9 out in Seattle that you had a cervical collar that you
10 would wear when you were outside of the room but when
11 you were in the room you would take it off; is that
12 correct?
- 13 A. That's correct.
- 14 Q. But that's not true either, is it?
- 15 A. I --
- 16 Q. You went outside the room on more than one
17 occasion and never wore your cervical collar, did you?
- 18 A. -- that's correct.
- 19 Q. So, that's another false statement you made under
20 oath, isn't it?
- 21 A. That's correct.
- 22 Q. So, I'm just trying to cut to the chase. In other
23 words, even though you were sworn to tell the truth,
24 the whole truth, and nothing but the truth, and at the
25 end of the deposition I even reminded you that. Do you

1 remember me telling you, are all your answers truthful
2 and you told me they were, didn't you?

3 A. Yes, I did.

4 Q. And that was a lie, wasn't it?

5 A. It --

6 Q. That wasn't the truth.

7 A. -- it wasn't a lie. If you recall in your
8 deposition you also asked me and I told you -- shared
9 with -- did I -- did I wear my cervical collar all the
10 time and I shared with you that fifty percent (50%) of
11 the time I did, fifty percent (50%) of the time I did
12 not. So, it wasn't a total lie.

13 Q. Not a total lie; it's a partial lie.

14 A. It wasn't -- it wasn't a lie, period.

15 Q. Sir, I asked you and you said in the room you
16 would not wear the cervical collar but when you were
17 out of the room you wore the cervical collar.

18 A. That's correct, sir.

19 Q. And I've got video the Commission will look at,
20 and clearly you were outside of the room without any
21 cervical collar on your neck.

22 A. That's -- you're -- you are correct, sir.

23 Q. Okay. So, your answer wasn't totally truthful to
24 me, was it?

25 Mr. Smith: Objection.

1 A. You are correct.

2 Mr. Smith: Asked and answered about

3 three (3) times.

4 Commissioner Wilkerson: Yes, we've got

5 it.

6 Mr. Huff: Okay.

7 Q. Have you ever been to England?

8 A. I've never been to England. I would love to go to

9 England but I've never been to no England.

10 Q. Okay.

11 Mr. Huff: Excuse me a minute,

12 Commissioner.

13 Commissioner Wilkerson: Sure.

14 Q. You've had several MRIs done on your neck; is that

15 correct, sir?

16 A. I -- you're correct, sir.

17 Q. All right. You've also had an MRI done to your

18 lumbar spine too, correct?

19 A. Yes, sir.

20 Q. All right. Do you know what -- at what level you

21 had your surgery done, was that at what level; was it

22 C-5, 6?

23 A. I think you're correct, sir.

24 Q. All right.

25 Mr. Huff: I'm going to hand up to you

1 -- I'm going to hand it to your attorney
2 first -- this is an exhibit that has been
3 turned in, the Commissioner has it.

4 Mr. Smith: Yes. Okay.

5 Mr. Huff: Thank you.

6 Commissioner Wilkerson: Which one?

7 Mr. Huff: I think it's page 47.

8 Commissioner Wilkerson: Page 47, all
9 right.

10 Mr. Huff: I think it is, sir. I think
11 I got it right this time and I thank Bill for
12 helping me get it right. Thank you, Bill.

13 Mr. Smith: Okay.

14 Q. And, again, your surgery was at the C-5, 6 level?

15 A. Yes, sir; I think it was.

16 Q. Okay.

17 Commissioner Wilkerson: Is that a
18 medical report dated 12/23/13?

19 Mr. Huff: Yes, sir. It's that --

20 Commissioner Wilkerson: Okay.

21 Mr. Huff: -- it's the MRI.

22 Commissioner Wilkerson: I've got it.

23 Good.

24 Mr. Huff: All right.

25 Commissioner Wilkerson: I just wanted

1 to make sure I've got it here.

2 Q. I'm going to hand it to you and it says findings.
3 I would like for you to read that into the record to
4 the Commissioner, what it says.

5 Mr. Smith: Your Honor, just -- if I may
6 object. I think the medical report speaks
7 for itself and --

8 Commissioner Wilkerson: Yes, it does.

9 Mr. Smith: -- Mr. Lawrence is not
10 really trained to read MRI reports.

11 Mr. Huff: He can -- he's trained to
12 read. I just want to emphasize; I wanted to
13 make sure that we've got this right.

14 A. There is --

15 Commissioner Wilkerson: Wait a minute,
16 time out, time out. Got it right by whose
17 standards?

18 Mr. Huff: His testimony today. He's --
19 we've got the disk at C-5, 6 where surgery
20 was done and I think this report shows the
21 C-6, 7 a minor change but nothing at C-5, 6.

22 Commissioner Wilkerson: Okay. Well,
23 that's fine.

24 Mr. Huff: Okay.

25 Commissioner Wilkerson: I'll note there

1 nothing at C-5, 6 --

2 Mr. Huff: All right. Good enough.

3 Commissioner Wilkerson: -- I'm fine
4 with that.

5 Mr. Huff: All right. Thank you.

6 That's -- that's sufficient; thank you.

7 Commissioner Wilkerson: No. Yes. No,
8 I'm fine. I just wanted to make sure of what
9 we're trying to --

10 Mr. Huff: Yes, sir. I appreciate it,
11 Commissioner.

12 Commissioner Wilkerson: -- no.

13 Mr. Huff: Thank you. Thank you very --

14 Commissioner Wilkerson: And I'll note
15 47 says, left at C-6, 7; is that fair?

16 Mr. Huff: -- yes, that's fine.

17 Commissioner Wilkerson: Okay.

18 Mr. Huff: Thank you.

19 Commissioner Wilkerson: That's fine?

20 Mr. Huff: I -- I appreciate it.

21 Commissioner Wilkerson: Yes. No, no,
22 that's fine.

23 Mr. Huff: It -- it moves it along.

24 Thank you, Commissioner.

25 Commissioner Wilkerson: Oh, yes.

1 Mr. Huff: I -- I really do appreciate
2 that.

3 Commissioner Wilkerson: And I've got it
4 circled in blue, so.

5 Mr. Huff: I think you'll also find
6 that, Commissioner, on page 73 also; it's
7 another -- it's in the record twice.

8 Commissioner Wilkerson: Is it the same
9 report?

10 Mr. Huff: The same report, I just
11 wanted to bring that to the Commission's
12 attention; it is in there two (2) times.

13 Commissioner Wilkerson: And I think
14 what it indicates is joint degenerative
15 changes on the left C-6, 7.

16 Mr. Huff: Right.

17 Commissioner Wilkerson: It's disk --

18 Mr. Huff: And the surgery was C-5, 6.

19 Commissioner Wilkerson: -- okay. But
20 this is joint degenerative changes --

21 Mr. Huff: Right.

22 Commissioner Wilkerson: -- which would
23 not necessarily denote an accident.

24 Mr. Huff: Right.

25 Commissioner Wilkerson: It could but --

1 Mr. Huff: Yes, sir.

2 Commissioner Wilkerson: -- not
3 necessarily, yes.

4 Mr. Huff: Yes, sir.

5 Commissioner Wilkerson: Sure.

6 Mr. Huff: Thank you.

7 Commissioner Wilkerson: Yes, sir.

8 Mr. Huff: Thank you very much. Bill,
9 I'm also going to ask some questions -- so, I
10 can bring it to your attention so you can
11 pull it if you need to -- it is the Carolina
12 Musculoskeletal Institute, page 135 through
13 page 139.

14 Commissioner Wilkerson: Okay. That
15 must be the wrong pages because 135 I've got
16 a -- I've got a claims person's some report
17 written in my file.

18 Mr. Huff: Well, I'm looking at the June
19 16th of 2015 from Bill's.

20 Commissioner Wilkerson: We're not --
21 we're not looking at those.

22 Mr. Smith: I think --

23 Commissioner Wilkerson: We're looking
24 at the new ones.

25 Mr. Smith: -- I think what the -- the

1 difference is this --

2 Commissioner Wilkerson: These are the
3 new ones (indicating).

4 Mr. Smith: -- Your Honor.

5 Commissioner Wilkerson: These are the
6 ones handed up; I've got to go by what's
7 handed up, not what you all did six (6)
8 months ago.

9 Mr. Huff: Yes, sir.

10 Commissioner Wilkerson: Okay?

11 Mr. Huff: Well, I'll move on then.

12 Commissioner Wilkerson: No, just --

13 Mr. Huff: I'll just --

14 Commissioner Wilkerson: -- wait, let me

15 --

16 Mr. Huff: -- that's okay. I can --

17 Commissioner Wilkerson: -- if you find
18 it let me know and I'll --

19 Mr. Huff: -- yes, I will, sir.

20 Commissioner Wilkerson: -- pull it back
21 out.

22 Mr. Huff: Thank you very much.

23 Q. Do you remember me asking you in your deposition
24 if you'd ever had any prior neck pain, shoulder pain,
25 back pain, and you told me no, didn't you?

1 A. (Nodded head in an up-and-down motion).

2 Q. You've never had any prior problems to your back,
3 your neck or your shoulder; remember telling me that?

4 A. If I said it in -- if I said it in the deposition,
5 yes --

6 Q. All right.

7 A. -- you're correct.

8 Q. All right. So, what I'm going to hand up to you
9 --

10 Mr. Huff: -- Bill, and it is page --
11 I'm -- I'm going to show it to the
12 Commissioner; maybe the numbers have been
13 changed.

14 Commissioner Wilkerson: You all have
15 got to get me the right pages. I'm not
16 digging through --

17 Mr. Huff: Yes, sir.

18 Commissioner Wilkerson: -- all you
19 all's reports. You all need to prepare to
20 come in here with what we're going to discuss
21 today. I'm not digging through everybody's
22 file to try to figure out what your pages
23 match up in May and June and what they match
24 up to November; I'm not doing that.

25 Mr. Huff: Yes, sir.

1 Commissioner Wilkerson: It's you all's
2 case to prepare; I just -- I mean --

3 Mr. Huff: Well, I can only go,
4 Commissioner, by what I was given to me and
5 this is what I had given to me and I'll --

6 Commissioner Wilkerson: -- well, was
7 this -- you said this was given to you in
8 June; we're not here on a June hearing, we're
9 here on today's stuff --

10 Mr. Huff: -- well --

11 Commissioner Wilkerson: -- dated
12 November the 9th.

13 Mr. Huff: -- I don't have that in my
14 notebook.

15 Commissioner Wilkerson: Well, I mean,
16 it -- it was sent to you on November the 9th
17 or it says it is; I don't know. You may not
18 have received it; I'm fine with that too.

19 Mr. Huff: Can you tell me what this
20 would be then?

21 Mr. Smith: I don't -- I didn't -- Ros,
22 I think what you're referring to is you
23 submitted stuff.

24 Mr. Huff: All right. That was mine?

25 Mr. Smith: It's yours.

1 Commissioner Wilkerson: Yes, if it
2 yours I'm fine.
3 Mr. Huff: I -- I --
4 Mr. Smith: It's yours from April, Ros.
5 Commissioner Wilkerson: Help me --
6 Mr. Huff: -- all right. Excuse me.
7 It's my April, then? Okay. I can go to my
8 other one then. Thank you, Bill. I
9 appreciate your -- you're so kind.
10 Commissioner Wilkerson: -- sure. And
11 it's one --
12 Mr. Huff: Let me flip over to mine
13 then.
14 Commissioner Wilkerson: -- no, that's
15 fine.
16 Mr. Huff: And I'll tell you what it is.
17 Thank you, Commissioner, I'll tell you --
18 Commissioner Wilkerson: It's Carolina
19 Musculoskeletal Institute; is that fair?
20 Mr. Huff: -- yes, sir.
21 Commissioner Wilkerson: Okay. 133
22 through 151, is that --
23 Mr. Huff: 133.
24 Commissioner Wilkerson: -- okay, 133.
25 I'm fine. I've got you now.

1 Mr. Huff: All right.

2 Commissioner Wilkerson: It's a
3 reference to semi-pro baseball?

4 Mr. Huff: I'm going to make sure I've
5 got the right one, Commissioner.

6 Commissioner Wilkerson: Auto accident,
7 neck, back, in 2006?

8 Mr. Huff: This is what it looks like,
9 Commissioner. If I'm wrong I'll try to find
10 it.

11 Commissioner Wilkerson: Okay. That's
12 130 -- let me see if that's 135; I haven't
13 looked at -- I saw that earlier, hold on.
14 Yes, sir; I've got you, bingo.

15 Mr. Huff: And that's page --

16 Commissioner Wilkerson: 135. Yes, sir.

17 Mr. Huff: -- yes, sir; thank you.

18 Commissioner Wilkerson: I'm fine.

19 Thanks -- help -- thanks.

20 Q. Now, I asked you in your deposition if you ever
21 had any prior problems with your neck, your back, low
22 back, shoulder, anything, and you told me no, remember
23 that?

24 A. If -- if you asked me, sir, and I said no and you
25 have it in the deposition --

- 1 Q. You would agree with that then?
- 2 A. -- yes, sir. Correct.
- 3 Q. All right. I'm going to show you page 139, and
- 4 ask you if that's your signature at the end of the
- 5 document, at the end of the page?
- 6 A. It looks like my signature.
- 7 Q. Right. And what's the date on that; is it
- 8 February the 2nd of 2006?
- 9 A. That's -- date of injury, 1/27/2006.
- 10 Q. Yes, sir. There at the bottom, the date where you
- 11 signed your name was it --
- 12 A. Oh, yes.
- 13 Q. -- dated February?
- 14 A. That's correct.
- 15 Q. All right. Let's -- now, I'm going to hand you
- 16 the first document here. Tell me how you got injured;
- 17 what does it say?
- 18 A. Back, shoulder and neck, a lot of pain, was in a
- 19 car accident -- a car wreck.
- 20 Q. Okay. So, you had a car wreck and injured those
- 21 body parts that you testified in your deposition you'd
- 22 never had an injured body part to but you did, didn't
- 23 you?
- 24 A. By the record it is but I didn't recall it.
- 25 Q. Yes.

- 1 A. I didn't remember.
- 2 Q. You didn't remember having a car wreck?
- 3 A. (Shook head in a side-to-side motion).
- 4 Q. You settled that case and you even got money for
- 5 it, didn't you?
- 6 A. I got money from it --
- 7 Q. Yes.
- 8 A. -- yes.
- 9 Q. Okay.
- 10 A. If that was in 2006?
- 11 Q. Yes, sir. You didn't tell us about that, did you?
- 12 A. I didn't recall it, sir.
- 13 Q. You didn't recall it. Okay. Have you had any
- 14 other type of injuries or accidents after our accident
- 15 on the job?
- 16 A. No.
- 17 Q. No other accidents anywhere?
- 18 A. On the job?
- 19 Q. Anywhere?
- 20 A. No.
- 21 Q. No other accidents?
- 22 A. (Shook head in a side-to-side motion).
- 23 Q. No falls, no slips; nothing like that?
- 24 A. No.
- 25 Mr. Huff: I moved stuff around and I've

1 got to find what page I was on. I can
2 probably do without my magnifying glass. Let
3 me look here. Let's see if you can read it.
4 This is a website. Bill, I'm going to hand
5 it to you first.

6 Commissioner Wilkerson: What page?

7 Mr. Huff: It's not an APA submission.

8 Commissioner Wilkerson: Oh, you're just
9 going to do it as a --

10 Mr. Huff: An impeachment.

11 Commissioner Wilkerson: -- and
12 impeachment for --

13 Mr. Huff: Yes.

14 Commissioner Wilkerson: -- let's see,
15 we did D-1 for the depo; so this would be
16 D-2? Okay. I'm sorry.

17 Mr. Smith: No objection.

18 Mr. Huff: Thank you, Bill.

19 Commissioner Wilkerson: Okay. D-2, no
20 objection. Thank you.

21 Q. This looks like a web page in some type of a -- a
22 thing here where you put -- you posted -- can you
23 please read that for me?

24 A. "I'll be honest I just fell on the -- both knees,
25 just hollering."

- 1 Q. All right. When did this happen? It's got the
2 date when this was done.
- 3 A. I was in my home --
- 4 Q. All right.
- 5 A. -- I didn't --
- 6 Q. Sir, I asked you if you had any falls, any other
7 injuries --
- 8 A. -- but --
- 9 Q. -- you told me, no.
- 10 A. -- that wasn't a fall.
- 11 Q. What was the date?
- 12 A. Somebody took that out of context.
- 13 Q. All right. What's the date on that?
- 14 A. January the 8th, 2015.
- 15 Q. This -- this year?
- 16 A. Yes.
- 17 Mr. Huff: There's the exhibit.
- 18 Commissioner Wilkerson: Thank you.
- 19 Q. Which you -- that you denied and now I've shown it
20 to you; do you remember that fall?
- 21 A. It wasn't a fall, sir.
- 22 Q. What was it?
- 23 A. I got on bended knees. And somebody took that out
24 of context, which is -- was my son's agent.
- 25 Q. Okay.

1 A. And what I was saying, I was actually praying,
2 thank God. Okay.

3 Court Reporter: I have not marked that
4 yet.

5 Commissioner Wilkerson: Oh, you
6 haven't? I'm sorry.

7 Court Reporter: He never gave it to me.

8 Commissioner Wilkerson: No. I'm sorry.

9 Mr. Huff: I'm -- I'm so sorry; excuse
10 me.

11 Commissioner Wilkerson: I didn't think
12 so.

13 Mr. Huff: I'm sorry.

14 Commissioner Wilkerson: I'm taking --
15 I'm making notes.

16 Mr. Huff: I'm sorry.

17 (DEFENDANT'S EXHIBIT NUMBER TWO WAS MARKED FOR
18 IDENTIFICATION)

19 Commissioner Wilkerson: Thanks.

20 Mr. Huff: I would also like to put in
21 this -- it's already in, excuse me, it's an
22 APA; I don't need to put it in.

23 Commissioner Wilkerson: No. If it's in
24 I'm fine. Thank you.

25 Mr. Huff: It's already in; I don't need

1 to put it in.

2 Court Reporter: Okay. Thank you.

3 Mr. Huff: Thank you.

4 Commissioner Wilkerson: Let me keep my
5 notes here because if I don't I'll have them
6 all out of order. There we go.

7 Mr. Huff: All right.

8 Q. All right. In your deposition I asked you, and
9 this is on page 20, I said --

10 Commissioner Wilkerson: I don't have
11 it.

12 Mr. Huff: -- I'm sorry, Commissioner.
13 That should be -- here you go, sir.

14 Commissioner Wilkerson: She -- mark --
15 she needs to mark that as D-3.

16 Mr. Huff: I'm just by-passing her all
17 day today. I haven't tried a case in a
18 while; I'm getting back on my feet again.
19 Thank you.

20 Court Reporter: I need to open it up
21 first.

22 Mr. Huff: I've already given Bill a
23 copy.

24 Court Reporter: I like the old days
25 when you opened them.

1 Commissioner Wilkerson: Yes. We
2 changed all this stuff; it just confuses the
3 world.

4 Mr. Huff: They seal it up, don't they?

5 Commissioner Wilkerson: Yes, they do.
6 Those are better than the ones they put in
7 those vacuum packages. Those vacuum
8 packages, I can't get them open without a
9 knife and I don't want to bring a knife in
10 here, okay? Thank you.

11 (DEFENDANT'S EXHIBIT NUMBER THREE WAS MARKED FOR
12 IDENTIFICATION)

13 Commissioner Wilkerson: Page 20, is
14 that correct?

15 Mr. Huff: Yes, sir.

16 Commissioner Wilkerson: Okay. Thank
17 you. What line, please?

18 Mr. Huff: I'm going to get you to go
19 ahead and mark that.

20 Commissioner Wilkerson: Sure.

21 Court Reporter: We're up to number four
22 (4).

23 Mr. Huff: All right.

24 Q. I'm looking at --

25 Court Reporter: Together or separately?

1 Mr. Huff: -- they can be together.

2 Court Reporter: Okay. I'm going to
3 mark it on the back, okay?

4 Commissioner Wilkerson: I don't have it
5 but that's being marked. Okay.

6 (DEFENDANT'S EXHIBIT NUMBER FOUR WAS MARKED FOR
7 IDENTIFICATION)

8 Mr. Huff: This is page 20.

9 Commissioner Wilkerson: Yes, sir. What
10 line?

11 Mr. Huff: And I'm looking at line 19.

12 Commissioner Wilkerson: Okay. Thank
13 you.

14 Q. And I asked you, "Prior to August 14th of 2013,
15 which is the date of accident" --

16 A. Uh-huh.

17 Q. -- so, before that date, this date of the accident
18 on the job, had you ever had any problems with your
19 neck before and you told me no, didn't you?

20 A. Yes, I did.

21 Q. But we just proved that you did have prior neck
22 problems because we've got it in as an exhibit that you
23 had a few years before this, correct?

24 A. You -- you're correct, sir.

25 Q. That answer is false then?

- 1 A. Yes.
- 2 Q. It's wrong?
- 3 A. You would be correct.
- 4 Q. All right. Then I asked, "All right. Before
- 5 August 14th of 2013, had you ever had any medical
- 6 treatment to your neck, if you had, no problem." And
- 7 you said, no, I never had any medical treatment but you
- 8 did, didn't you?
- 9 A. Yes.
- 10 Q. Okay. Again, another false answer?
- 11 A. Yes.
- 12 Q. I asked you, "Before August 14th of 2013, before
- 13 that date, had you ever had any problems with your
- 14 right arm" and you told me no, didn't you?
- 15 A. Yes.
- 16 Q. And that was also a false answer?
- 17 A. Yes, sir.
- 18 Q. Then I went through the -- then I said, "We can go
- 19 through the same sequence -- before August 14th of
- 20 2013, had you ever had any treatment to your right arm"
- 21 and you told me no, but you did, didn't you?
- 22 A. Yes, sir.
- 23 Q. Another false answer?
- 24 A. Yes, sir.
- 25 Q. I also asked you, "Before August 14th of 2013, had

1 you ever had any problems with your right shoulder or
2 hand" and you told me no and that was a false answer
3 from the medical report, correct?

4 A. Yes, sir.

5 Q. Again, perjury, you lied?

6 Mr. Smith: Objection, argumentative --

7 Commissioner Wilkerson: Tell me --

8 Mr. Smith: -- and asked and answered.

9 Commissioner Wilkerson: -- tell me
10 where you said shoulder; I don't see shoulder
11 in there.

12 Mr. Huff: It's on page 22, line 9.

13 Commissioner Wilkerson: Oh, you've got

14 --

15 Mr. Huff: Line 9.

16 Commissioner Wilkerson: -- you --

17 you've got to help me help you.

18 Mr. Huff: Oh, I'm sorry, Commissioner.

19 Commissioner Wilkerson: I mean, if you
20 think I -- I can figure out what page you're
21 on --

22 Mr. Huff: That's right, Commissioner.

23 I'm so, so --

24 Commissioner Wilkerson: -- you've got
25 to help me help you, okay?

1 Mr. Huff: -- I'm sorry, Commissioner.

2 I didn't think about --

3 Commissioner Wilkerson: Thank you.

4 Right shoulder and hand. Okay. I'm fine
5 with that.

6 Mr. Huff: -- well, I'll just move on
7 then.

8 Commissioner Wilkerson: No, I'm fine.

9 Mr. Huff: Line -- page 23, line 2, I
10 just summed it all up.

11 Commissioner Wilkerson: Okay.

12 Q. "Had you ever had any type of injuries before
13 August 14th, 2013, to your neck, right arm shoulder to
14 the hand, and your left arm shoulder to the hand" and
15 you told me no, didn't you?

16 A. That's correct, sir.

17 Q. But I put in a medical report that showed you did
18 have it, didn't I?

19 A. Yes, you did.

20 Q. So, that was a false answer again. You didn't
21 tell me the truth, did you?

22 A. By your -- by you what you had put in the evidence
23 and what you shared with -- with the Commissioner, you
24 are correct, sir.

25 Q. You said you've never been to England?

1 A. No. And not with ISIS going on, I don't think
2 I'll go either, sir.

3 Mr. Huff: Commissioner, I don't know
4 what page it is but I know you'll read it and
5 I can find it in a minute.

6 Commissioner Wilkerson: Well, find it
7 because if it's --

8 Mr. Huff: All right. It's in the
9 medical records --

10 Commissioner Wilkerson: -- I have had
11 one guy do this in seven and a half (7 ½)
12 years, here is nine hundred (900) pages, it's
13 in there somewhere.

14 Mr. Huff: -- yes, sir. I'll tell you
15 --

16 Commissioner Wilkerson: If I don't find
17 it --

18 Mr. Huff: -- yes, sir.

19 Commissioner Wilkerson: -- I don't know
20 if I'm right or you're right.

21 Mr. Huff: All right. Yes, sir.

22 Commissioner Wilkerson: If you find it
23 then we'll know where it is.

24 Mr. Huff: All right.

25 Commissioner Wilkerson: I might find it

1 but I might read over that section, so.

2 Mr. Huff: I'll find it.

3 Commissioner Wilkerson: And I'm going
4 to give this back to you because we've got
5 this marked --

6 Mr. Huff: Yes, sir.

7 Commissioner Wilkerson: -- as four (4).

8 Mr. Huff: Yes, sir.

9 Commissioner Wilkerson: Okay. All
10 right. This -- okay. Yes, sir. I've got
11 this; thank you.

12 Mr. Huff: Would this one be clearer at
13 all?

14 Commissioner Wilkerson: I'm fine.

15 Mr. Huff: That's the only reason I gave
16 you that one.

17 Commissioner Wilkerson: No, this is
18 fine.

19 Mr. Huff: Thank you.

20 Commissioner Wilkerson: This just shows
21 me --

22 Mr. Huff: Thank you.

23 Commissioner Wilkerson: -- where the
24 system -- yes.

25 Mr. Huff: Thank you, sir.

1 Commissioner Wilkerson: Thank you.
2 Yes, sir. I'm going to put this here; that
3 way I can keep up with everything.
4 Mr. Huff: Give me just one second and I
5 may be able to tell you where it says it.
6 Commissioner Wilkerson: Was it in a
7 deposition or was it in --
8 Mr. Huff: No, it's in a medical record.
9 Commissioner Wilkerson: -- it's in a
10 medical record. Okay.
11 Mr. Huff: It's actually in a medical
12 record.
13 Commissioner Wilkerson: Okay. I'll
14 make a note of that then.
15 Mr. Huff: What I think I'm going to do,
16 Commissioner, I'm finished with this witness,
17 if I find it I'll just bring it to your
18 attention.
19 Commissioner Wilkerson: That would be
20 perfect.
21 Mr. Huff: Okay.
22 Commissioner Wilkerson: I'm going to
23 put something about England --
24 Mr. Huff: Thank you. That way we can
25 move on.

1 Commissioner Wilkerson: -- in a medical
2 report.

3 Mr. Huff: I apologize for not doing
4 that earlier.

5 Commissioner Wilkerson: No, that's
6 fine.

7 Mr. Huff: Yes, sir. I think I've got
8 it now.

9 Commissioner Wilkerson: Yes, sir,
10 please.

11 Mr. Huff: It would be the report of Dr.
12 Ty Carter dated 11/17/14, and that would be
13 APA -- let me turn to that for you.

14 Commissioner Wilkerson: No, thank you.

15 Mr. Huff: 11/17/14.

16 Commissioner Wilkerson: I've got you.

17 Mr. Huff: You found it?

18 Commissioner Wilkerson: Yes, sir.

19 Mr. Huff: What page number was it,
20 please?

21 Commissioner Wilkerson: 150.

22 Mr. Huff: 150.

23 Commissioner Wilkerson: "This is a
24 fifty-five (55) year old gentleman whose son
25 plays" -- it says placed -- "Whose son placed

1 on the Dallas Cowboys. He had been traveling
2 quite a bit and even went to London, England,
3 for a football game. He is doing much better
4 from the injections that he had in his neck
5 and in his low back. He noticed some
6 stiffness in his neck but it is" -- the
7 reason I'm having a hard time reading is
8 there's a lot of -- but it is -- it looks
9 like that says manageable in all the print
10 stuff. "The patient says his nerves symptoms
11 are much better." Page 150 under HP is what
12 it says.

13 Mr. Huff: Thank you very much,
14 Commissioner.

15 Commissioner Wilkerson: Yes, sir.

16 Mr. Huff: I have no further questions.

17 Commissioner Wilkerson: Thank you.

18 Witness: Could I answer that?

19 Mr. Smith: I'll --

20 Commissioner Wilkerson: It wasn't a
21 question, so.

22 Witness: Oh, okay.

23 Mr. Smith: -- I'll --

24 Commissioner Wilkerson: I don't think.

25 Mr. Smith: -- I'll redirect.

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1 Commissioner Wilkerson: Just redirect.

2 Mr. Smith: May I see that --

3 Witness: All right. Here.

4 Mr. Smith: -- exhibit? Excuse me. If
5 I may approach?

6 Commissioner Wilkerson: Some of that
7 stuff every now and then it gets hard to --

8 Mr. Smith: No, I'm sorry. The one that
9 --

10 Commissioner Wilkerson: -- oh, I'm
11 sorry.

12 Mr. Smith: -- the -- this one right
13 here the (indicating) --

14 Commissioner Wilkerson: Oh, yes. I'm
15 sorry.

16 Mr. Smith: -- right here.

17 Commissioner Wilkerson: You did say
18 exhibit. I've got paper everywhere.

19 REDIRECT EXAMINATION

20 By Mr. Smith:

21 Q. Okay, Mr. Lawrence --

22 A. Yes, sir.

23 Q. -- you were asked about your travels.

24 A. Yes, sir.

25 Q. And you said you had been to Seattle --

- 1 A. Yes.
- 2 Q. -- and you had been to Idaho?
- 3 A. Correct.
- 4 Q. Was that the same trip?
- 5 A. Yes.
- 6 Q. Part of the same vacation that you had already
- 7 arranged for prior to your injury; is that correct?
- 8 A. That's correct, sir.
- 9 Q. So, in doing that were you able to see your son
- 10 play two (2) games in a short period of time?
- 11 A. I was able to see one (1) game but not --
- 12 Q. One (1) game?
- 13 A. -- not the second game.
- 14 Q. Okay. But -- but that trip was one (1) trip, not
- 15 --
- 16 A. That's --
- 17 Q. -- not two (2) trips --
- 18 A. -- that's correct.
- 19 Q. -- is that right?
- 20 A. That's correct.
- 21 Q. Okay. All right. You said you'd been to Dallas,
- 22 which is where he plays his home games, correct?
- 23 A. That's correct, sir.
- 24 Q. And you've been to New Orleans?
- 25 A. That's correct, sir.

1 Q. And I'm assuming you saw Dallas play New Orleans
2 at New Orleans; is that correct?

3 A. That's correct, sir.

4 Q. Okay. By the way, what position does your son
5 play?

6 A. Defensive end.

7 Q. Okay. Now, this medical report from Dr. Carter
8 talks about -- it does say that -- something about you
9 going to England; did you go to London to see your son
10 play?

11 A. No, sir.

12 Q. Did they play in London?

13 A. Correct, sir.

14 Q. Okay. Have you ever been to Europe?

15 A. Never in my life, sir.

16 Q. Okay. Stupid question, but do you have a
17 passport?

18 A. No, sir.

19 Q. Okay. Now, you were questioned about several
20 things from your deposition?

21 A. Yes, sir.

22 Q. Okay. And you were questioned about the luggage?

23 A. Correct, sir.

24 Q. Okay. The -- is your luggage on wheels?

25 A. Yes, sir.

- 1 Q. Okay. Both you and your wife pulled the luggage?
2 A. Correct, sir.
3 Q. Okay. The cervical collar, have you seen the
4 video tapes?
5 A. Part of it, sir.
6 Q. Okay. The video tape just lasts a few minutes; is
7 that correct?
8 A. That's correct, sir.
9 Q. How long were you out there?
10 A. Three (3) days in Seattle --
11 Q. Okay.
12 A. -- a week in Idaho.
13 Q. Okay. On the video tape, we don't see you wearing
14 the cervical collar. Did you wear the cervical collar
15 some when you were out there?
16 A. Yes, sir.
17 Q. Now, you were asked if you had had several MRIs of
18 your neck; have you had two (2)?
19 A. Yes.
20 Q. Okay. One (1) in December or -- of 2013, and one
21 (1) in May of 2015; is that correct?
22 A. That's correct, sir.
23 Q. Okay. No other ones?
24 A. I -- I had an MRI of my back.
25 Q. Low back?

1 A. Yes.

2 Q. Okay. Now, you also had epidural steroid
3 injections done at Carolina Musculoskeletal; is that
4 right?

5 A. Yes, sir.

6 Mr. Huff: I'm going to --

7 Q. Do you know how many you had?

8 Mr. Huff: -- I'm going to object to the
9 form of redirect because I never went into
10 any epidural steroid injections; this is
11 improper redirect. Can you -- you can do --
12 address my cross-examination but not new
13 redirect; so, I object.

14 Commissioner Wilkerson: Yes, you can't
15 do new redirect but --

16 Mr. Smith: All right. That's fine.

17 Commissioner Wilkerson: -- yes, not
18 new; I -- I agree with you.

19 Mr. Smith: All right.

20 Commissioner Wilkerson: So, sustained,
21 yes.

22 Q. Now, you were asked also -- oh, about the -- about
23 whether or not you told them about any prior problems
24 and prior accidents, correct?

25 A. Yes, sir.

1 Q. All right. I'm going to --
2 Mr. Smith: -- may I approach, Your
3 Honor?
4 Commissioner Wilkerson: Yes.
5 Q. I'm going to show you page 13 of your deposition.
6 Commissioner Wilkerson: What line,
7 please?
8 Mr. Smith: I'm going to start on page
9 -- on line 13.
10 Commissioner Wilkerson: 13, 13, hold
11 on.
12 Q. I will -- I'm going to read into the record the
13 question and I'm going to get you to read into the
14 record the answer, okay?
15 A. Okay.
16 Q. "All righty. Have you" -- and this is Mr. Huff
17 questioning you -- "All righty. Have you ever been
18 involved in a motor vehicle accident? And let me
19 describe for you what a motor vehicle accident is so we
20 understand each other, okay? A motor vehicle accident
21 means any accident that involves a vehicle that moves
22 on the ground by a motor. I'm not talking about a boat
23 or a jet ski or anything like that; I'm talking about,
24 like, a car or a truck, an SUV, a moped, a
25 four-wheeler, a motorcycle. Do you see what I'm

- 1 talking about?" And what is your answer?
- 2 A. "Yes."
- 3 Q. "Any type of vehicle that's moved on the land and
- 4 when I say involved in it, you could have been the
- 5 diver of that vehicle, you could have been a passenger
- 6 in that vehicle but like some of these things that I'm
- 7 seeing on TV nowadays that's comical, while you're
- 8 sitting at a restaurant and somebody runs through a
- 9 wall and hits you sitting at the table. So, you could
- 10 just be -- or a pedestrian in the park. Have you ever
- 11 been involved in any motor vehicle accident and, if so,
- 12 how many times?" And what was your answer?
- 13 A. "Yes, once."
- 14 Q. Okay. "And when was that?"
- 15 A. "That's been over ten (10) years ago."
- 16 Q. Okay. Now, this deposition was taken on January
- 17 6, 2014. Your accident was in 2006 --
- 18 A. Correct, sir.
- 19 Q. -- now that you've seen those records?
- 20 A. Yes, sir.
- 21 Q. Okay. So, it was eight (8) years prior; is that
- 22 right?
- 23 A. That's correct, sir.
- 24 Q. Okay. Now, I'm -- I'm going to go on and it says
- 25 he --

1 Mr. Smith: -- on line 19 of page 15 --

2 Q. -- "All right. Did you get a settlement?" And
3 what was your answer?

4 A. "Yes."

5 Q. Okay. So, you did disclose your prior car wreck
6 and as well as a settlement; is that correct?

7 A. That's correct, sir.

8 Q. All right. Now, let me get you to refer -- do you
9 remember an Adjustor coming and meeting you at AGY
10 after your accident and taking a statement from you?

11 A. Yes, sir.

12 Q. Okay. Was that Mr. Steve Anthony?

13 A. Correct, sir.

14 Mr. Smith: If I may approach, Your
15 Honor?

16 Commissioner Wilkerson: Yes. What
17 page? I remember seeing something.

18 Mr. Smith: On page 141 of my APA
19 package.

20 Commissioner Wilkerson: I remember
21 seeing something in there.

22 Mr. Huff: I'm going to object as being
23 improper cross again. I didn't go into any
24 -- I talked to my deposition on him; I did
25 not deal with this. So, I object to --

1 Mr. Smith: This deals with him
2 disclosing upper back problems to them; this
3 is the Adjustor.

4 Mr. Huff: -- it was never brought up in
5 cross; its improper redirect. He could have
6 brought it up in his first direct but he
7 didn't.

8 Mr. Smith: It's in the evidence, Your
9 Honor.

10 Commissioner Wilkerson: It's in the
11 evidence --

12 Mr. Huff: It speaks for itself then.

13 Commissioner Wilkerson: -- just note
14 where it is in the evidence and we'll move
15 on.

16 Mr. Smith: If you would -- Your Honor,
17 if you'll -- I'll just ask you to note page
18 141 where he disclosed to the Adjustor prior
19 problems. Your Honor, rather -- again, in
20 the interest of moving this along, rather
21 than going through the medical records with
22 Mr. Lawrence, I would ask that you review
23 page 140 of the APAs where he was released
24 after that accident with no impairment, and
25 that's Dr. Holford on page 140.

1 Q. In the time period between your release from that
2 2006 accident, car wreck, up until you had this injury
3 on the job, did you have any more problems with your
4 neck?

5 A. No, sir.

6 Q. Did you work every day during that time?

7 A. Yes, sir.

8 Q. Now, let me show you Exhibit D-2, which you saw
9 briefly a minute ago and this looks like an article.
10 It says "Redemption is relief for Cowboy's rookie and
11 former Silver Bluff's star DeMarcus Lawrence." Is
12 DeMarcus Lawrence your son?

13 A. Yes, sir.

14 Q. Okay. What -- what is this? What --

15 Mr. Huff: Can I see what that is, Bill?

16 Q. -- what are we looking at?

17 Mr. Huff: Yes. Thank you. Yes, sir.

18 Thank you, Bill.

19 Q. What -- what is this page we're looking at?

20 A. This page occurred when my son was playing in the
21 playoffs against the Detroit Lions, and he made a -- a
22 -- first of all, the ball was fumbled and he tried to
23 pick the ball up and run and he fumbled the ball again.
24 And then, two (2) plays later, he made a -- a
25 spectacular tackle to end the ball game. And I shared

1 with his agent that I went down -- I fell down on my
2 knees and said, this is redemption.

3 Q. Okay. And when you say you fell down on your
4 knees, are you referring to the fact that you were
5 praying?

6 A. Yes.

7 Q. Okay. Not that you had some accident where you
8 injured yourself?

9 A. No, sir.

10 Q. Okay. Mr. Lawrence, would -- you would agree that
11 there were some inaccuracies -- excuse me --
12 inaccuracies in your deposition?

13 A. That's correct, sir.

14 Q. Did you have any intent to mislead or deceive
15 them?

16 A. Not whatsoever.

17 Q. Thank you, sir.

18 Mr. Smith: No further questions.

19 RECROSS-EXAMINATION

20 By Mr. Huff:

21 Q. Your attorney said it was inaccurate information;
22 when I asked you, you were very clear. You lied to me,
23 didn't you? You didn't tell me the truth.

24 A. I shared with you my knowledge best of memory and
25 out of fifty-seven (57) years of living, sir, I don't

1 recall everything that occurred to me.

2 Mr. Huff: Bear with me just a second.

3 I just wanted to make sure that we had got
4 this -- I want to make sure we've got this
5 crystal clear. The Commissioner has got the
6 deposition.

7 Commissioner Wilkerson: And I'll read
8 it all.

9 Mr. Huff: Right. And I just wanted to
10 bring --

11 Commissioner Wilkerson: The whole
12 deposition --

13 Mr. Huff: -- this one thing --

14 Commissioner Wilkerson: -- not just --

15 Mr. Huff: -- to your attention.

16 Commissioner Wilkerson: -- I read them
17 all, I don't just read the pages you all
18 point out because I --

19 Mr. Huff: Right.

20 Commissioner Wilkerson: -- hope you all
21 are pointing out your best pages --

22 Mr. Huff: I'm going to point out the --

23 Commissioner Wilkerson: -- both sides,
24 okay?

25 Mr. Huff: -- yes, sir.

1 Commissioner Wilkerson: But I read it
2 all.

3 Mr. Huff: Page 36, page 37 and page 38
4 of the deposition. I think its page 37.

5 Q. And I asked you --

6 Commissioner Wilkerson: What line?
7 Hold on a minute.

8 Mr. Huff: -- all right. Page 37, line
9 3.

10 Commissioner Wilkerson: 3, okay.

11 Q. "Okay. Good, good. Thank you very much. I
12 appreciate that. Now, here is where we ended and I do
13 this all the time too and you're going to say, gee, I'm
14 glad -- I hope I never have to do another deposition
15 with Mr. Huff. Today you swore to tell the truth, the
16 whole truth, and nothing but the truth, didn't you?"
17 And I'm going to hand this to you and its line 10.
18 Tell me what your answer was; was it, yes, sir?

19 A. Of course it was.

20 Q. Yes, sir. Then I asked you, "You didn't swear to
21 tell half the truth, did you?" And you said, "No, sir"
22 correct?

23 A. And we agreed.

24 Q. Right. "Or part of the truth?" And you said,
25 "No, sir" didn't you?

- 1 A. You're correct, sir.
- 2 Q. You said, "The whole truth" and you said, "Yes,
3 sir" correct?
- 4 A. You are correct, sir.
- 5 Q. "Today I asked you questions, were you clear mind
6 today where you could understand my questions when I
7 asked you the questions?" You said, "Yes, sir" didn't
8 you?
- 9 A. Yes, sir.
- 10 Q. You understood the questions?
- 11 A. Yes, sir.
- 12 Q. "All right. And you answered the questions, you
13 understood?" You said, "Yes, sir" didn't you?
- 14 A. Yes, sir.
- 15 Q. "Did you answer any questions that you didn't
16 understand?" You told me, "No, sir."
- 17 A. You are correct, sir.
- 18 Q. "Have all of your answers been truthful today?"
19 And you said, "Yes, sir."
- 20 A. You are correct again, sir.
- 21 Q. "Did you give me any false answers?" And you
22 said, "No, sir. Did you give me any answers to be
23 deceitful or deceptive to me? No, sir." Question:
24 "And all your answers that you -- you gave today were
25 truthful answers to questions you fully, one hundred

1 percent (100%) understood?" And what was your answer?

2 A. "You are correct, sir."

3 Q. "Correct, sir." Then I gave you a chance, "Do you
4 want to change any answers that you gave me today?"

5 Giving you a chance to say maybe I didn't tell the
6 whole truth and I want to change my answer. Did you
7 change any answer? And you told me, "No, sir" didn't
8 you?

9 A. Yes, sir. At the time --

10 Q. Okay. Thank you.

11 A. -- yes, sir.

12 Mr. Huff: I have nothing further.

13 Mr. Smith: Nothing further of this
14 witness, Your Honor.

15 Commissioner Wilkerson: Thank you.

16 Sir, you may step down.

17 Mr. Lawrence: Thank you, sir.

18 Mr. Smith: I call Mr. Ricky Raiford,
19 Your Honor.

20 Commissioner Wilkerson: All right.

21 (Off The Record)

22 Commissioner Wilkerson: Sir, go ahead
23 and have a seat.

24 Mr. Raiford: Uh-huh.

25 Commissioner Wilkerson: I'll get you to

1 raise your right hand; I'm going to have the
2 Court Reporter swear you in.

3 Mr. Raiford: Okay.

4 Court Reporter: Please raise your right hand.

5 Whereupon;

6 Ricky Raiford, being duly sworn and cautioned to speak
7 the truth, the whole truth and nothing but the truth,
8 testified as follows:

9 Court Reporter: Please state your full
10 name for the record.

11 Witness: Ricky Raiford.

12 Court Reporter: Spell the last name for
13 me, please.

14 Witness: R-A-I-F-O-R-D.

15 Court Reporter: Thank you, sir.

16 Commissioner Wilkerson: Please, sir.

17 DIRECT EXAMINATION

18 By Mr. Smith:

19 Q. Mr. Raiford, where are you employed, sir?

20 A. AGY.

21 Q. And what is your job there?

22 A. I'm a FPO operator.

23 Q. What does that mean?

24 A. It's a -- Furnace Process Operator; you pull the
25 glass out the bushing --

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1 Q. Okay.

2 A. -- and you send it down to the winders.

3 Q. All right. How long have you worked at AGY?

4 A. Oh, thirty-nine (39) years.

5 Q. Okay. Are you here today pursuant to a subpoena
6 that I sent to you?

7 A. Yes, I am.

8 Q. Okay.

9 Mr. Smith: And I want to do this on the
10 record, Your Honor.

11 Q. You -- you're entitled to witness fee for being
12 here, okay?

13 A. Okay.

14 Q. And there is your -- it's a thirty-five dollar
15 (\$35.00) witness fee.

16 A. All right.

17 Commissioner Wilkerson: Did it go up?

18 Mr. Smith: Yes, I think so. It's
19 thirty-five (\$35.00).

20 Commissioner Wilkerson: Okay. Somebody
21 sent me one for twenty-five (\$25.00); I sent
22 it back to them.

23 Mr. Smith: I think it's --

24 Mr. Huff: I think it's thirty-five
25 (\$35.00) too.

- 1 Mr. Smith: -- I think that's true.
- 2 Commissioner Wilkerson: Okay. Good.
- 3 Q. And I need to know your -- how far did you drive
- 4 to get here today?
- 5 A. Well, I rode with a friend of mine --
- 6 Q. Yes, sir.
- 7 A. -- R. J.
- 8 Q. Okay.
- 9 A. We rode together.
- 10 Q. All right. So, you didn't actually drive; you --
- 11 A. I didn't actually --
- 12 Q. -- you rode with somebody?
- 13 A. -- drive.
- 14 Q. Okay. Do you know Tyrone Lawrence?
- 15 A. Yeah, I've been knowing Tyrone for about thirty
- 16 (30) -- about thirty (30) years.
- 17 Q. Okay. Do you all work together?
- 18 A. Yeah. Uh-huh.
- 19 Q. Are you typically on the same shift?
- 20 A. Yes.
- 21 Q. Okay. Do you -- are you aware of something that
- 22 occurred on August 14, 2013, to Mr. Lawrence?
- 23 A. Yes, I do.
- 24 Q. Tell me what happened that day.
- 25 A. Well, I wasn't working next to Mr. Lawrence but

1 working a couple of tanks down from him, and Martha was
2 working next to Tyrone, and something happened in the
3 back and she went to call someone. So, I looked around
4 and seen her dash by me; so, I knowed something was
5 wrong. I seen Tyrone, when I walked back there, he was
6 stooped over holding his neck.

7 Q. Okay.

8 A. And I seen the light fixture on the -- on the
9 floor.

10 Q. Okay. You didn't actually see it happen, correct?

11 A. No. I didn't see it.

12 Q. You saw the after effects?

13 A. After effects.

14 Q. Okay. And what was hanging down from the ceiling?

15 A. The -- the whole light thing but the pipe was
16 still up, I think.

17 Q. Okay. A light fixture fell; is that correct?

18 A. Yes.

19 Q. Okay. Did any of the supports or anything fall
20 with it?

21 A. Yeah, the whole light thing come down.

22 Q. Okay. Can you describe the -- the light for me?

23 A. It was one of those lights with the double bulbs
24 and with the cover, you know, the covers over it.

25 Q. Okay. Is it a -- a new one like we see in the

1 court room here --

2 A. No.

3 Q. -- or is it --

4 A. No.

5 Q. -- one of those older ones?

6 A. The older ones.

7 Q. Okay. How much do you think that thing weighed?

8 Mr. Huff: I'm going to object; calls
9 for speculation.

10 Commissioner Wilkerson: Well, he can
11 tell me what he thinks it weighed.

12 Mr. Huff: Okay.

13 Commissioner Wilkerson: I don't -- I
14 don't know.

15 A. Oh, I would say about thirty (30) pounds, I guess.

16 Q. Okay. How did Mr. Lawrence appear when you saw
17 him?

18 A. He was in shock when I seen him and holding his
19 neck.

20 Q. Okay. Did you -- did you assist him in getting
21 help or anything like that or was somebody else already
22 doing that?

23 A. Martha had already went and called someone.

24 Q. Okay. Before that, was -- was Mr. Lawrence having
25 any difficulty at work or -- doing his job or anything

1 like that?

2 A. No, he wasn't.

3 Mr. Huff: I'm going to object; calls
4 for speculation.

5 Commissioner Wilkerson: Well, he can --
6 he can tell me what he thinks; it doesn't --
7 yes.

8 Mr. Huff: He hasn't laid any foundation
9 of what he saw or anything.

10 Mr. Smith: I'll rephrase.

11 Commissioner Wilkerson: I'm fine with
12 that part.

13 Mr. Huff: Thank you.

14 Mr. Smith: I'll rephrase.

15 Q. Did you work with Mr. Lawrence on a daily basis?

16 A. Yes.

17 Q. Okay. Did -- did he have any difficulty doing his
18 job, that you noticed, prior to this injury?

19 A. No.

20 Q. Okay. Thank you, sir.

21 Mr. Smith: No further questions.

22 Commissioner Wilkerson: Mr. --

23 Mr. Huff: Yes, sir.

24 Commissioner Wilkerson: -- Huff?

25 CROSS-EXAMINATION

1 By Mr. Huff:

2 Q. Did Mr. Lawrence share with you every day what his
3 physical condition was?

4 A. No.

5 Q. Did you see him away from work all the time?

6 A. No, I didn't.

7 Q. All right. Are you aware of any car wrecks that
8 he may have been involved in?

9 A. No.

10 Q. Are you aware of any slip and falls that he may
11 have had?

12 A. No.

13 Q. Are you aware of any medical treatment that he
14 had?

15 A. No.

16 Q. And you didn't see this thing strike him, did you?

17 A. No, I didn't.

18 Q. You didn't physically examine him, did you?

19 A. No, I didn't.

20 Q. So, you don't know if he had any bruises,
21 contusions, cuts, scrapes or scratches on him from this
22 thing hitting him?

23 A. Yeah, a couple of days later I seen him, you know.

24 Q. Was the area -- do you all have in that work area
25 any type of tables that you keep tools on?

1 Mr. Huff: Could I see that exhibit
2 picture, Commissioner, right here
3 (indicating)?

4 Commissioner Wilkerson: Which one?

5 Mr. Huff: This one right here
6 (indicating).

7 Q. I'm going to hand you this exhibit here of
8 pictures; its two (2) pages.

9 Commissioner Wilkerson: All right. Is
10 that D-4?

11 Mr. Huff: It is D-4, yes.

12 Commissioner Wilkerson: Okay.

13 Q. Is this the area where he was working when he said
14 he got hurt? I'm sorry.

15 A. That's okay. Yes.

16 Q. All right. Do you all normally have tables in
17 there that you all keep tools and parts and other
18 instruments that you may need in performing the job?

19 A. Yes, we do.

20 Q. Does that look like an accurate picture of what
21 that work area looked like?

22 A. Yes.

23 Q. All right.

24 A. Uh-huh.

25 Commissioner Wilkerson: Thank you.

1 Q. See if I'm correct. Since you were not in that
2 area, you did not see the light fixture come down, did
3 you?

4 A. No, I didn't.

5 Q. You didn't see it strike him?

6 A. No, I didn't.

7 Q. All right.

8 Mr. Huff: I have nothing further.

9 Mr. Smith: Nothing further from this
10 witness, Your Honor.

11 Commissioner Wilkerson: Sir, you may
12 step down.

13 Mr. Smith: I move this witness be
14 excused?

15 Commissioner Wilkerson: Yes, sir. May
16 he be excused?

17 Mr. Huff: No objection.

18 Commissioner Wilkerson: Yes. No
19 objection.

20 Mr. Raiford: Okay.

21 Commissioner Wilkerson: Who is your
22 next witness?

23 Mr. Smith: Mr. Richard Gladden.

24 Commissioner Wilkerson: Richard
25 Gladden?

1 Mr. Smith: Yes, sir.

2 Commissioner Wilkerson: Okay.

3 (Off The Record)

4 Commissioner Wilkerson: Mr. Gladden, go
5 ahead, if you'll come up here and have a
6 seat, sir. I'll get you to raise your right
7 hand and sit back and relax. That microphone
8 will pick you up greatly.

9 Whereupon;

10 Richard Gladden, Jr., being duly sworn and cautioned to
11 speak the truth, the whole truth and nothing but the truth,
12 testified as follows:

13 Court Reporter: Please state your full
14 name for the record.

15 Witness: Richard Gladden, Jr.

16 Court Reporter: G-L-A-D-D-I-N?

17 Witness: G-L-A-D-D-E-N.

18 Court Reporter: Thank you very much.

19 Commissioner Wilkerson: Thank you, Mr.

20 Gladden. All right, please.

21 DIRECT EXAMINATION

22 By Mr. Smith:

23 Q. Mr. Gladden, let me get you to speak up real loud
24 because she is taking down everything we say, okay?

25 A. All righty.

1 Commissioner Wilkerson: Perfect.

2 Q. All right. Where are you employed, Mr. Gladden?

3 A. AGY in Aiken.

4 Q. How long have you worked there?

5 Mr. Huff: Bill, you can lead him on the
6 preliminary; I have no objection if it makes
7 it faster for you.

8 Mr. Smith: Thank you, sir.

9 Q. How long have you worked there?

10 A. All together it's going on forty-three (43) years.

11 Q. And what is your position there?

12 A. PSU, Process --

13 Q. What does that mean?

14 A. -- set up spec changes in D and E wings, C wing
15 and all the other wings. Its process a -- you know,
16 process the positions and set them up and stuff.

17 Q. Okay. Do you know Tyrone Lawrence?

18 A. Yes, I do.

19 Q. How long have you known Mr. Lawrence?

20 A. It's got to be at least thirty (30) years.

21 Q. You all worked together over that period of time?

22 A. Yes.

23 Q. Do you work on the same shift?

24 A. I work all the shifts; I work straight days.

25 Q. Okay.

- 1 A. I used to work --
- 2 Q. I forgot to do this earlier. You're -- you're
- 3 here under my subpoena today, correct?
- 4 A. -- that's correct.
- 5 Q. Okay. And there is a witness appearance check for
- 6 you to be here today for thirty-five dollars (\$35.00).
- 7 Did you drive here today?
- 8 A. Yes, I did.
- 9 Q. How far of a drive is that?
- 10 A. Fifty-two (52) miles or fifty-three (53) miles;
- 11 somewhere along there.
- 12 Q. Okay. Are you aware of an incident that occurred
- 13 with Mr. Lawrence on August 14, 2013?
- 14 A. Yes, I am.
- 15 Q. Did you see it happen?
- 16 A. No. I was in E wing when it happened but I came
- 17 up afterwards.
- 18 Q. Okay. Tell me what you saw when you came up
- 19 afterwards.
- 20 A. When I came up the stairs and I walked back down
- 21 on 4D and the light fixture and everything was hanging
- 22 down and parts -- partial part of the ceiling.
- 23 Q. Okay. And did you see Mr. Lawrence?
- 24 A. I did.
- 25 Q. Okay. What was your contact with Mr. -- what was

1 your next contact with Mr. Lawrence?

2 A. Well, when he came back to work after that I, you
3 know, didn't have any contact with him.

4 Q. Did you assist him to do anything about getting
5 medical treatment?

6 A. No. If they had -- like I said, I was in E wing;
7 they had took care of that.

8 Q. You didn't -- you weren't there at all right after
9 the accident occurred?

10 A. I came in after the accident occurred and they had
11 carried him up front and -- and that's what everybody
12 was saying that the light fixture and when I went back
13 there all of it was hanging in the ceiling --

14 Q. Okay.

15 A. -- hanging out of the ceiling, rather.

16 Q. All right.

17 A. The only thing holding was the conduit pipe.

18 Q. Okay. Can you describe for me that light fixture?

19 A. It's about the length of that one (indicating) but
20 it's just what you call it's a metal ceiling and
21 they've got conduit pipe that runs in it, and they've
22 got a row of lights and it's about three (3) lights to
23 a section. And the ceiling is metal, its bulging
24 metal, it didn't have a -- and it was just rotten and
25 it all came down.

1 Q. All right. Is that something you all had issues
2 with before?

3 A. Well, we've had issues with it over the years with
4 trying to get them to fix it because they had a -- a
5 thing they called the Green Tag Safety Rule thing and
6 we hung them green tags on a lot of stuff in the wings
7 but nothing never became of it.

8 Q. When you saw Mr. Lawrence did he complain to you
9 of -- of his injuries?

10 Mr. Huff: I'm going to object.

11 A. Well --

12 Commissioner Wilkerson: On what basis?

13 Mr. Huff: The best witness is the
14 Claimant himself and he has already
15 testified.

16 Commissioner Wilkerson: Well, I know
17 but he can tell me if he complained to him.
18 It could be yes; it could be no. He can tell
19 me what he said.

20 Mr. Huff: Yes, sir.

21 Commissioner Wilkerson: Excuse me, you
22 can't tell me what he said but you can tell
23 me what your impression was of what happened.

24 Mr. Huff: Yes, I agree with that.

25 Commissioner Wilkerson: I don't know; I

1 wasn't there.

2 Mr. Huff: Yes --

3 Commissioner Wilkerson: Yes.

4 Mr. Huff: -- the impression.

5 Commissioner Wilkerson: Yes, I'm fine

6 with that.

7 A. -- well. All right. Repeat the question again,
8 please, sir.

9 Q. When you -- when you saw Mr. Lawrence did he
10 complain to you of his injury and accident?

11 Mr. Huff: Subject to the objection and
12 ruling.

13 A. Well, when I seen Mr. Lawrence, after the accident
14 and everything, was we didn't discuss anything about
15 his health or anything because I'm not the type of
16 person that likes to get into people's things or
17 anything. So, when he came back to work I just told
18 him welcome back to work and that was it.

19 Mr. Smith: No further questions.

20 Mr. Huff: No questions.

21 Commissioner Wilkerson: Sir, you may
22 step down. Is it all right -- can this
23 witness be excused?

24 Mr. Huff: No objection.

25 Commissioner Wilkerson: No objection.

1 No objection, I'm sure?

2 Mr. Smith: He can be excused; yes, sir.

3 Commissioner Wilkerson: Okay.

4 Mr. Huff: The next one, Bill?

5 Mr. Smith: I call --

6 Commissioner Wilkerson: I should have
7 asked you first; I apologize.

8 Mr. Smith: -- I call Ms. Martha Cain,
9 Your Honor.

10 Commissioner Wilkerson: Martha Cain?

11 Mr. Smith: Yes, sir.

12 Commissioner Wilkerson: Okay. Sir,
13 thank you.

14 (Off The Record)

15 Court Reporter: If you'd raise your
16 right hand, please.

17 Whereupon;

18 Martha Ann Cain, being duly sworn and cautioned to
19 speak the truth, the whole truth and nothing but the truth,
20 testified as follows:

21 Court Reporter: Please state your full
22 name for the record.

23 Witness: Martha Ann Cain.

24 Court Reporter: Thank you, ma'am. He
25 spelled it; so, I don't have to.

1 Commissioner Wilkerson: Yes, thank you.

2 Yes. No, it doesn't have an E in it.

3 Witness: Yes, no E.

4 Commissioner Wilkerson: Yes, she -- she

5 corrected me; I'm sorry. Thanks.

6 DIRECT EXAMINATION

7 By Mr. Smith:

8 Q. Ms. Cain, where are you employed?

9 A. I'm employed at Glassco, Smith, Klein, LLC.

10 Q. Did you used to work at AGY?

11 A. No.

12 Q. You never worked at --

13 A. Yes.

14 Q. -- excuse me?

15 A. Yes.

16 Q. Okay. All right. You surprised me there. How

17 long did you work at AGY?

18 A. About ten and a half (10 ½) years.

19 Q. And what was your job there?

20 A. A glass fiber operator.

21 Q. Okay. Did you work in close proximity to Tyrone

22 Lawrence?

23 A. Yes.

24 Q. Was that every day or was that just depending on

25 how the shifts lined up?

1 A. It just -- it depended on a lot of things, because
2 we had cutbacks. So, at that particular time he was
3 working -- I was working next to him and he was working
4 next to me.

5 Q. Okay. And when you say at that particular time,
6 are you referring to when Mr. Lawrence suffered his
7 injury?

8 A. Yes.

9 Q. Okay. August 14, 2013, sound about right to you?

10 A. Yes.

11 Q. Okay. Tell me what happened on that day.

12 A. Well, on that day I was doing my job as a glass
13 fiber operator, which I was -- my job was to prepare --
14 repair ends as they break out on the job. So, I was
15 handing down an end on my job and I heard a loud shout
16 -- a -- a loud holler.

17 Q. Okay.

18 A. And I looked up and saw Mr. Lawrence, and I saw
19 debris from the ceiling, the light fixture was hanging
20 from the ceiling with falling debris, and he was
21 standing underneath at the time. And I went -- I went
22 to him and asked him was he okay.

23 Q. And what did he say?

24 A. He kind of paused and said -- and shook his head,
25 yes. So, with him seeing everything I said, well, I'm

- 1 going to -- I'm going to walk out and go down to the
2 resource office and see if I can find someone.
- 3 Q. When you -- when you went over there and you saw
4 Mr. Lawrence and --
- 5 A. Uh-huh.
- 6 Q. -- and you were talking to him, you saw the light
7 pane down?
- 8 A. Yes.
- 9 Q. Okay. Was there debris on the floor as well?
- 10 A. Yes, all over the table. There is a table there
11 for your tools --
- 12 Q. Okay.
- 13 A. -- and etcetera; there was debris all over the
14 table, the floor, the area.
- 15 Q. Okay. Was there debris on Mr. Lawrence?
- 16 A. Yes.
- 17 Q. Okay. You said you asked him how he -- how he was
18 and he paused and he said he thought he was okay?
- 19 A. He shook his head okay but he was like kind of
20 startled like.
- 21 Q. Okay.
- 22 A. And so, I told him, I said, well, I'm going -- I'm
23 going to go out and go down and see if I can find
24 someone.
- 25 Q. Okay. And did you find someone?

- 1 A. No.
- 2 Q. Okay. So, what happened after you looked for
3 somebody?
- 4 A. I came back up -- up the stairs into the tunnel,
5 we worked in a tunnel, it was called a tunnel, and I
6 told him that I didn't see anyone in the resource
7 office.
- 8 Q. Okay. But did eventually somebody come?
- 9 A. Yes, because Mr. Lawrence walked out of the tunnel
10 after that and shortly after that, I can say twenty
11 (20) or thirty (30) minutes later, Mr. Robert Padgent
12 came up into the area.
- 13 Q. Is he a supervisor?
- 14 A. Yes.
- 15 Q. And did you see Mr. Lawrence talking to Mr.
16 Padgent?
- 17 A. No.
- 18 Q. Okay. You didn't see that?
- 19 A. No.
- 20 Q. But you know Mr. Padgent came in?
- 21 A. Yes.
- 22 Q. Did you go back to working on your job?
- 23 A. Yes.
- 24 Q. Okay. Did you work with Mr. Lawrence fairly
25 regularly before this happened?

1 A. Yes.

2 Q. Did you -- did you ever know him to have any
3 physical problems in performing his job before this?

4 Mr. Huff: I'm going to object; calls
5 for an opinion and she is not an expert
6 witness.

7 Commissioner Wilkerson: Yes. She would
8 not --

9 Mr. Huff: She can testify to what she
10 saw but not give an opinion.

11 Commissioner Wilkerson: -- yes.

12 Q. Did you ever see Mr. Lawrence have any trouble
13 performing his job from a physical standpoint before
14 this injury?

15 A. No.

16 Q. Thank you, ma'am.

17 Mr. Smith: No further questions.

18 CROSS-EXAMINATION

19 By Mr. Huff:

20 Q. Did you always work around him the ten (10) years
21 you were there?

22 A. Yes. Somewhat, yes.

23 Q. Always worked around him?

24 A. Yes.

25 Q. All right. Thank you. All right, have you ever

1 had an injury?

2 A. Yes.

3 Mr. Smith: Object to the relevance,
4 Your Honor.

5 Commissioner Wilkerson: Yes. Tell me
6 what relevance of her having an injury would
7 be.

8 Mr. Huff: Well, she is -- I'm going --
9 I'm going to try to establish that she knows
10 the procedure for how to report an injury;
11 she knows where to go --

12 Commissioner Wilkerson: It doesn't
13 matter if --

14 Mr. Huff: -- well --

15 Commissioner Wilkerson: -- it doesn't
16 matter if she knows.

17 Mr. Huff: -- well, yes it does --

18 Commissioner Wilkerson: It doesn't --

19 Mr. Huff: -- because she knows where to
20 go find --

21 Commissioner Wilkerson: -- tell me --
22 it does not matter if she knows how to report
23 an injury.

24 Mr. Huff: -- she knows --

25 Commissioner Wilkerson: If it's on her

1 it matters but --

2 Mr. Huff: -- what I'm trying --

3 Commissioner Wilkerson: -- she is not
4 in HR.

5 Mr. Huff: -- what I'm trying to
6 establish, Commissioner, because of her
7 personal experience she knows where to go
8 find Ann Tyler or the supervisor and what the
9 procedure is and I'm trying to establish if
10 she did that.

11 Commissioner Wilkerson: Tell me why the
12 procedure -- you didn't -- this is not a
13 notice case. What has the procedure got to
14 do with --

15 Mr. Huff: I'll withdraw the question.

16 Commissioner Wilkerson: -- her knowing?
17 Thank you.

18 Mr. Huff: I'm going to withdraw the
19 question. Thank you very much. Let me see
20 here if I've got anything else. Nothing
21 further, thank you.

22 Mr. Smith: Nothing further for this
23 witness, Your Honor, and I would request she
24 be excused.

25 Mr. Huff: I have no --

1 Commissioner Wilkerson: Can she be --

2 Mr. Huff: -- no objection,

3 Commissioner.

4 Commissioner Wilkerson: -- okay. Thank
5 you. You may be excused, ma'am.

6 Ms. Cain: Okay.

7 Commissioner Wilkerson: Anybody else
8 from your side?

9 Mr. Smith: One very, very brief one.

10 Commissioner Wilkerson: Sure.

11 (Off The Record)

12 Commissioner Wilkerson: Ma'am, raise
13 your right hand; I'm going to have the Court
14 Reporter swear you in.

15 Whereupon;

16 Yvonne Cedris Lawrence, being duly sworn and cautioned
17 to speak the truth, the whole truth and nothing but the
18 truth, testified as follows:

19 Court Reporter: Please state your full
20 name for the record.

21 Witness: Yvonne Cedris Lawrence.

22 Court Reporter: Thank you. Oh, wait a
23 minute. That middle name, spell it for me,
24 please, ma'am.

25 Witness: C-E-D-R-I-S.

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1 Court Reporter: Thank you, ma'am.

2 Mr. Huff: Can you do one other thing?

3 She is very quiet spoken --

4 Commissioner Wilkerson: Yes. If I
5 could get you to speak up.

6 Mr. Huff: -- and she may need to speak
7 a little louder --

8 Commissioner Wilkerson: Thank you.

9 Mr. Huff: -- for my distance over here.

10 Commissioner Wilkerson: No, he has got
11 to hear you. So, that -- that thing doesn't
12 --

13 Court Reporter: No, no, no.

14 Commissioner Wilkerson: -- no, no, no.
15 No, that does not portray out here.

16 Court Reporter: See that sign? No.

17 Commissioner Wilkerson: If you'll just
18 speak up --

19 Court Reporter: No, no, no.

20 Commissioner Wilkerson: -- like you're
21 talking to your son when he was a teenager.

22 Witness: I'm a very low speaker.

23 Commissioner Wilkerson: I've had two
24 (2) sons; so, I understand clearly, okay.

25 Mr. Huff: And I'll walk over closer.

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1 Commissioner Wilkerson: Yes. You have
2 to speak up.

3 Witness: Okay, I will.

4 Commissioner Wilkerson: Yes, ma'am;
5 thank you.

6 Court Reporter: I can hear her fine.

7 Commissioner Wilkerson: Okay. All
8 right, go.

9 Mr. Smith: Has she been sworn?

10 Commissioner Wilkerson: Yes.

11 Court Reporter: Yes, sir.

12 DIRECT EXAMINATION

13 By Mr. Smith:

14 Q. Ms. Lawrence, how are you related to Tyrone
15 Lawrence?

16 A. That's my husband.

17 Q. I'm going to ask you that bad question. How long
18 have you all been married?

19 A. Oh, I've got to think on that again; I keep
20 forgetting.

21 Q. A long time?

22 A. Yeah, it's been a long time. It's been --

23 Mr. Huff: I'll stipulate to thirty-five
24 (35).

25 A. -- I want to say twenty-five (25) -- twenty-five

1 (25) years.

2 Commissioner Wilkerson: Well, he said
3 thirty-five (35) earlier.

4 Q. I know you weren't there but do you remember the
5 day --

6 A. Well, we --

7 Q. -- I'm sorry. I -- I know you weren't there but
8 do you remember the day that your husband got hurt at
9 work --

10 A. -- yeah.

11 Q. -- in August of 2013?

12 A. (Nodded head in an up-and-down motion).

13 Q. Is that a yes?

14 A. Yes.

15 Q. Okay. Before that time, was he having any trouble
16 with his neck or back or arms?

17 A. No.

18 Q. Okay. Was he going to work every day?

19 A. Yes.

20 Q. Okay. You guys went on a trip to see your son
21 play football out in Seattle about three (3) weeks
22 after that accident; is that correct?

23 A. Yes.

24 Q. Okay. Did he have -- did he complain of pain and
25 that sort of thing while he was out there?

1 A. Yeah.

2 Q. Okay. Since August of 2013, are you aware of
3 anything he has done to -- to re-injure himself?

4 A. No.

5 Q. Okay. Thank you, ma'am.

6 Mr. Smith: No further questions.

7 Mr. Huff: I just have a few.

8 CROSS-EXAMINATION

9 By Mr. Huff:

10 Q. Before this accident of August of 2013, has your
11 husband ever had any other injuries to his back or
12 neck?

13 A. Before the accident?

14 Q. Yes.

15 A. I think he had a wreck but I don't know -- I can't
16 remember the date, but he did have a -- he was in a car
17 accident.

18 Q. While you were going on the trip you all left from
19 the -- from where did you -- where is your home
20 located?

21 A. It was located at 845 Colbert Bridge Road in
22 Windsor, South Carolina.

23 Q. All right. And you all left out of Augusta to go
24 to Atlanta to catch the flight?

25 A. Uh-huh.

- 1 Q. Is that correct?
- 2 A. Correct.
- 3 Q. All right. And did you all take luggage?
- 4 A. Yes.
- 5 Q. A suit bag?
- 6 A. Yes.
- 7 Q. Okay. Did both you and your husband have a
- 8 suitcase?
- 9 A. Uh-huh.
- 10 Q. You need to say yes or no for me.
- 11 A. Yes, sir.
- 12 Q. Thank you. You're doing well. And is it also
- 13 true that your husband unloaded the suitcases out of
- 14 the trunk of the car and took them over to the bus that
- 15 was going to drive you, or a little shuttle thing, to
- 16 Atlanta?
- 17 A. Yes, sir.
- 18 Q. All right. And what was in those suitcases, was
- 19 it your clothing and toiletries and stuff that you'd
- 20 need out there?
- 21 A. Yeah, just clothing.
- 22 Q. When your husband was out of the room, your hotel
- 23 room, did he wear a cervical collar?
- 24 A. He might have wore it several times but I made him
- 25 take it off because it was filthy --

1 Q. All right.

2 A. -- and I refused to let him wear it because this
3 -- it was causing him more pain wearing it than it was,
4 you know, not to wear it.

5 Q. Thank you very much; I appreciate it.

6 A. Thank you.

7 Mr. Smith: No further questions, Your
8 Honor.

9 Commissioner Wilkerson: All right.
10 Ma'am, you may step down.

11 Mr. Smith: Ms. Lawrence -- the Claimant
12 rests, Your Honor.

13 Commissioner Wilkerson: Yes. Okay.
14 She can stay in here.

15 Mr. Huff: I have one (1) witness,
16 Robert Padgent.

17 Commissioner Wilkerson: Robert Padgent?

18 Mr. Huff: Padgent --

19 Commissioner Wilkerson: Okay.

20 Mr. Huff: -- Robert Padgent.

21 Commissioner Wilkerson: Okay. Thank
22 you.

23 (Off The Record)

24 Commissioner Wilkerson: Sir, how are
25 you doing?

1 Mr. Padgent: I'm fine.

2 Commissioner Wilkerson: Just go ahead
3 and have a seat, sir. We're going to get you
4 to raise your right hand and we're going to
5 swear you in. You can go ahead and sit down.
6 Thank you.

7 Whereupon;

8 John Robert Padgent, being duly sworn and cautioned to
9 speak the truth, the whole truth and nothing but the truth,
10 testified as follows:

11 Court Reporter: Please state your full
12 name for the record.

13 Witness: John Robert Padgent.

14 Court Reporter: Thank you, sir.

15 Commissioner Wilkerson: Thank you, Mr.
16 Padgent.

17 DIRECT EXAMINATION

18 By Mr. Huff:

19 Mr. Huff: Mr. Padgent, in front of you
20 is a microphone; try not to touch it because
21 it makes noise and it's very sensitive.

22 Commissioner Wilkerson: In her ear, not
23 mine; we don't hear it.

24 Mr. Huff: Yes. Right.

25 Court Reporter: Yes. You all don't

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1 hear it; I hear it.

2 Mr. Huff: You hear it --

3 Witness: Okay.

4 Mr. Huff: -- right. And I'm going to
5 ask you a few questions and after I ask you
6 some questions Mr. Smith, the attorney for
7 the other side, will ask some questions; I
8 may have some more, the Commissioner may have
9 some. But you've been told to tell the
10 truth, the whole truth, and nothing but the
11 truth; so tell the truth, okay?

12 Witness: Yes, sir.

13 Mr. Huff: All right.

14 Q. Where are you employed?

15 A. AGY.

16 Q. And how long have you been employed there?

17 A. Forty (40) years.

18 Q. People stay there a long time don't they; is that
19 a true statement?

20 A. Yes, sir.

21 Q. All right. Are you familiar with the accident
22 that we're here about today, August of 2013 --

23 A. Yes.

24 Q. -- where a ceiling light came out in the -- in a
25 work area; is that correct?

1 A. That is correct.

2 Mr. Huff: I'm going to pick these up
3 again, Commissioner.

4 Commissioner Wilkerson: Oh, sure, go
5 ahead.

6 Mr. Huff: Thank you.

7 Commissioner Wilkerson: D-4.

8 Mr. Huff: D-4.

9 Q. I'm going to hand to you some photographs of -- of
10 D-4 and I'm going to ask you to look at them and see if
11 you can identify is that the work area where this
12 gentleman worked?

13 Mr. Smith: If I may approach?

14 Commissioner Wilkerson: Yes.

15 Mr. Smith: I just want to see the
16 photos while he's looking at them.

17 Commissioner Wilkerson: Yes, that's
18 fine. Yes, that's fine.

19 Mr. Smith: No, you can look at them.

20 You don't need to show them to me; I can just
21 look over your shoulder.

22 Q. Is that photographs of the work area?

23 A. Yes, it is.

24 Q. All right. And did a ceiling light come out?

25 A. Yes, it did fall.

1 Q. Did it fall down?

2 A. (Nodded head in an up-and-down motion).

3 Q. Okay. Did you go look at the accident site that
4 day when it happened?

5 A. I did.

6 Q. And the light fixture, when it was down, was it
7 touching the -- that table that we see in the middle of
8 the picture?

9 A. It was -- it was down touching the table, yes.

10 Q. All right. Now, I noticed that there is some
11 other type of machinery there; what is -- what do you
12 call this machinery?

13 Mr. Huff: I -- Bill, you can look; it's
14 just like a row of machines.

15 A. We -- we call them positions in our plant, each --
16 each bushing and winder section is called a position;
17 it's numbered, you know, one (1) through ten (10) and
18 eleven (11) through twenty (20), and it will be given
19 the tank's name, like, 1D, 2D, 3D, 4D.

20 Q. All right.

21 A. Okay.

22 Q. Is there a location called number seven (7)?

23 A. Yes.

24 Q. All right. And I also noticed that there is,
25 like, a work table that tools or items are put on it?

- 1 A. There is a table there kept -- to keep the work
2 items in the work area.
- 3 Q. And was that the work area -- was that table in
4 that work area under where the light fell?
- 5 A. Yes.
- 6 Q. When you went to look at the area where was the
7 light fixture in relation to that table?
- 8 A. It was directly over the table, falling down
9 toward the table.
- 10 Q. All right. About how wide would you say the table
11 would be?
- 12 A. That table is probably about thirty (30) inches
13 wide.
- 14 Q. All right. How long is the table?
- 15 A. It's about four and half (4 ½), five (5) feet
16 long.
- 17 Q. And how close is it to the area where he would be
18 working on his machine or -- or the seven (7) area?
- 19 A. It's six (6) to eight (8) feet from that table
20 over to that -- that position.
- 21 Q. So, if you're working on the machine you would be
22 six (6) or seven (7) feet from the table?
- 23 A. Yes.
- 24 Q. And the light fixture was down over the table?
- 25 A. Over the table.

1 Q. Was it to the left or the right of the table?

2 A. It was directly over the table.

3 Q. The table is about four (4) feet wide?

4 A. The table is about thirty (30) inches wide --

5 Q. Two and a half (2 ½) feet?

6 A. -- yeah, and it's -- it's probably about -- it's
7 probably about five (5) to six (6) feet long.

8 Q. And the light fixture that we're talking about, is
9 -- was it a fluorescent light fixture?

10 A. It was a fluorescent -- fluorescent light fixture,
11 yes.

12 Q. How wide is that fixture?

13 A. Forty-eight (48) inches -- long?

14 Q. Long.

15 A. Forty-eight (48) inches long.

16 Q. How wide?

17 A. It's probably about eight (8) to ten (10) inches
18 long -- wide.

19 Q. Wide. And the table is about three (3) times that
20 size?

21 A. Yes.

22 Mr. Huff: I have nothing further.

23 Commissioner Wilkerson: Let me ask a
24 question. Why were there no photographs
25 taken?

1 Witness: I'm not sure.

2 Commissioner Wilkerson: Is it your job
3 to take the photographs?

4 Witness: No, sir; it was not my job.

5 Commissioner Wilkerson: Okay. That's
6 fair.

7 Witness: But I thought Penny Williams
8 took photographs.

9 Commissioner Wilkerson: I'm talking
10 about photographs of the light laying on the
11 table. It seems logical to me if you've got
12 something that takes place, pictures state a
13 thousand (1,000) words; I'm wondering why
14 they didn't take pictures?

15 Witness: I think they were taken.

16 Commissioner Wilkerson: Okay. So, he
17 believes they were taken. So, we don't know
18 where they are. Okay.

19 Mr. Huff: I think she just told me. It
20 was pulled back up, so they didn't get
21 photographs, so they could keep working.

22 Mr. Smith: I'm going to object --

23 Commissioner Wilkerson: No, he said he
24 thinks --

25 Mr. Smith: -- unless there's going to

1 be a witness testify to that.

2 Commissioner Wilkerson: -- he says he
3 thought they were taken.

4 Mr. Huff: Okay.

5 Commissioner Wilkerson: But I don't
6 care.

7 Mr. Huff: Okay. Okay, I'll move on.

8 Commissioner Wilkerson: It doesn't
9 matter. I just didn't know why. I just --
10 having been an old claims person, I think --
11 I took photographs of everything --

12 Mr. Huff: Yes.

13 Commissioner Wilkerson: -- because two
14 (2) weeks later I couldn't remember what
15 plant I was in last, so. Go ahead. I'm
16 sorry.

17 Mr. Smith: Are you --

18 Commissioner Wilkerson: I thought --
19 are you -- I think he's --

20 Mr. Smith: -- are you done?

21 Mr. Huff: Yes, I'm through.

22 Commissioner Wilkerson: -- yes, okay.

23 Mr. Smith: Okay.

24 Commissioner Wilkerson: Please. Thank
25 you.

1 Mr. Smith: All right.

2 CROSS-EXAMINATION

3 By Mr. Smith:

4 Q. Mr. Padgent, you said you've worked out there
5 forty (40) years?

6 A. Yes, sir.

7 Q. And you're a supervisor?

8 A. I was the department leader at that time.

9 Q. Okay. You -- how soon after the accident did you
10 see Mr. Lawrence?

11 A. Immediately after the accident occurred I was
12 notified that we had an accident on 4D; it was probably
13 within an hour I was at that -- at that particular site
14 looking to see what happened.

15 Q. Okay. And did you arrange for Mr. Lawrence to be
16 seen by the plant nurse?

17 A. I'm not sure if I called the plant nurse or his
18 supervisor called the plant nurse but he was sent to
19 see the plant nurse.

20 Q. Okay. And then after seeing the plant nurse, he
21 was sent for medical attention?

22 A. That I'm not sure of.

23 Q. Okay. I -- you didn't take him?

24 A. I did not take him.

25 Q. But you are not aware of whether he was seen at

1 the emergency room or not that day?

2 A. I am not aware of that.

3 Q. Okay.

4 Mr. Smith: I'm referring to page 115 of
5 the APAs.

6 Mr. Huff: What page is that again?

7 Q. This is an accident report. Is this a -- is this
8 an AGY, Aiken incident report form?

9 A. It is.

10 Q. Did you complete this?

11 Mr. Huff: Bill, may I come see what
12 you're showing just to make sure?

13 Mr. Smith: Yes, sure.

14 Commissioner Wilkerson: 115.

15 Mr. Smith: Page 115.

16 Mr. Huff: Page 115? Okay. I'll go --

17 Mr. Smith: It's your -- it's your
18 accident report.

19 Mr. Huff: -- thank you, Bill. Thank
20 you, Commissioner.

21 A. This -- this part of the accident should have been
22 filled out by his supervisor, Mr. David Kelly.

23 Commissioner Wilkerson: When you say,
24 this part, help me because I just turned to
25 it.

- 1 A. Well, it -- it's -- it is -- it's two (2) parts --
2 Commissioner Wilkerson: Yes, sir.
- 3 A. -- when the incident occurs the supervisor that's
4 over that area during that time and -- and that directs
5 the daily employee's --
- 6 Commissioner Wilkerson: Yes, sir.
- 7 A. -- work, he fills out this part of the incident
8 form (indicating).
- 9 Commissioner Wilkerson: The whole page,
10 okay.
- 11 A. Yes.
- 12 Q. So -- so, his direct supervisor would fill out
13 this report --
- 14 A. Yes.
- 15 Q. -- not you, correct?
- 16 A. This -- this part (indicating), yes.
- 17 Q. Did you fill out any of this report?
- 18 A. I don't believe I filled out any of it. I helped
19 in the investigation on the back page with our safety
20 director, Penny Williams.
- 21 Q. Okay. All right. Now, you testified about the
22 position of things. You're not an accident
23 reconstruction expert, are you?
- 24 A. No, sir.
- 25 Q. And you did not take any photos on that day?

- 1 A. I did not take any photos.
- 2 Q. Okay. Are you aware what -- I think you told me
3 you weren't but let me just make sure -- are you aware
4 of any of the medical attention that he had following
5 that accident?
- 6 A. No, sir.
- 7 Q. Okay. Now, you were also asked about if he was
8 working at his position whether or not he would be
9 under that light fixture --
- 10 A. Yes, sir.
- 11 Q. -- correct? Okay. But if he were, as page 137
12 says, which is the statement given to the Adjustor, if
13 he was going toward position number seven (7) he
14 wouldn't actually be at that position when the incident
15 occurred, would he?
- 16 A. If he was going toward it, no.
- 17 Q. Okay. And you weren't there, right?
- 18 A. I was not there.
- 19 Q. And didn't see what happened?
- 20 A. I did not see the incident.
- 21 Q. Okay. But you did talk to Mr. Lawrence and Mr.
22 Lawrence told you what happened, correct?
- 23 A. We got a statement from Mr. Lawrence.
- 24 Q. And from there he was sent to the medical
25 department?

- 1 A. To my knowledge, that's right.
- 2 Q. Okay. No question that within half an hour or an
3 hour of this incident you were aware something had
4 happened?
- 5 A. Yes.
- 6 Q. And not only were you aware something had
7 happened, but you went to the scene and visualized that
8 a light fixture had fallen from the ceiling?
- 9 A. Yes.
- 10 Q. Okay. And there was not just a light fixture but
11 there was debris as well --
- 12 A. Yes.
- 13 Q. -- correct?
- 14 A. Yes.
- 15 Q. Okay. And the light bulb had broke, correct?
- 16 A. I do not remember if they were broke or not.
- 17 Q. All right. Fair enough. Thank you, sir.
- 18 Mr. Smith: No further questions.
- 19 Commissioner Wilkerson: Okay.
- 20 Mr. Huff: I may have one (1) or two
21 (2).
- 22 Commissioner Wilkerson: Sure.
- 23 REDIRECT EXAMINATION
- 24 By Mr. Huff:
- 25 Q. When you were asked by Mr. Smith who showed you --

1 I think its page 115, the AGY incident report --

2 A. Yes, sir.

3 Q. -- those same reports, it's page 115, and help me
4 look at it. Is that a standard form that is filled out
5 and completed when someone reports an accident?

6 A. This is a standard form that we use.

7 Q. All right. And I do notice at the bottom of it
8 where it has a place for the nurse, I see where Ann
9 Tyler just filled out a part of it at the very bottom,
10 her signature at the bottom right corner; is that
11 correct?

12 A. I see her signature.

13 Q. All right. Also, there is a portion for the
14 injured worker to give his statement, I think it's
15 entitled, Affected Employee Statement, what happened,
16 why, what could have prevented it, it's about
17 two-thirds (2/3) of the way down; do you see that
18 section?

19 A. Yes, sir.

20 Q. Is it also signed by the injured worker?

21 A. It is signed by Tyrone.

22 Q. Can you please read what it says? Read it out
23 loud, please.

24 A. "4D 7 going to hand down 4D 7 when the light fell
25 down on my head."

1 Q. Does it say anything about hitting any other body
2 part or having anything other than the head involved?

3 A. It does not.

4 Mr. Huff: I have nothing further.

5 Thank you.

6 Mr. Smith: Briefly, Your Honor.

7 RECROSS-EXAMINATION

8 By Mr. Smith:

9 Q. The same page, page 115. This part here, where it
10 says, type injury, illness and location on body, is
11 that filled out by the Claimant or by Mr. Kelly?

12 A. This is filled out by Mr. Kelly.

13 Q. Okay. And he says, "Hit by falling light fixture
14 in ceiling, hit back of head and back of neck"; is that
15 correct?

16 A. That's what it says.

17 Q. Okay. And that's the supervisor who it was
18 reported to filling that out, correct?

19 A. That is the supervisor filling it out, yes.

20 Q. Thank you, sir.

21 Mr. Smith: No further questions.

22 Mr. Huff: I have nothing further.

23 Thank you.

24 Commissioner Wilkerson: You may step
25 down. Is he excused?

1 Mr. Smith: He's -- as far as I'm
2 concerned, yes.

3 Commissioner Wilkerson: Ros, are you
4 okay excusing him?

5 Mr. Huff: Yes, I'm definitely okay.

6 Commissioner Wilkerson: Sir, you -- you
7 are totally excused. Thank you.

8 Mr. Padgent: Thank you.

9 Mr. Huff: Nothing further. We will
10 rely on the medicals.

11 Commissioner Wilkerson: Nothing for the
12 Defense? Okay.

13 Mr. Huff: That's our witnesses.

14 Commissioner Wilkerson: Okay. Thank
15 you both. This concludes our hearing here
16 today. If I could meet with the attorneys
17 for a few minutes. Thank you all for being
18 here. Ma'am, thank you for being here. Sir,
19 thank you.

20 (THERE BEING NO FURTHER QUESTIONS, THE HEARING CONCLUDED AT
21 11:40 A.M.)

22

23

24

25

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE # 1310882

TYRONE LAWRENCE,	)	
	)	
CLAIMANT,	)	DEPOSITION
	)	
VS.	)	OF
	)	
AGY,	)	TYRONE LAWRENCE
	)	
EMPLOYER,	)	
	)	
GREAT AMERICAN ALLIANCE	)	
INSURANCE COMPANY,	)	
	)	
CARRIER,	)	
	)	
DEFENDANTS.	)	

Deposition of Tyrone Lawrence, taken pursuant to the South Carolina Rules of Civil Procedure and the Administrative Procedures Act, commencing at the hour of 10:31 a.m., Monday, January 6th, 2014, at Chappell, Smith & Arden, 322 Laurens Street NW, Aiken, South Carolina.

COPY

Reported by
Barbara P. Scott, CVR-M

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Appearances

For the Claimant: William L. Smith, II, Esquire
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Reported By: Barbara P. Scott, CVR-M

Also Present: Ann Tyler

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Exhibits

No exhibits marked.

Court Reporter's Note: This transcript may contain quoted material. Such material is reproduced as read or quoted by the speaker. Double hyphens (--) denote interruption of speech, incomplete sentence/phrase, or trailing off. [ph] denotes phonetically written. [sic] denotes written as spoken. Social Security number, if present, has been redacted or blacked out.

Stipulations

The reading and signing of this deposition is waived by the deponent and counsel for the respective parties.

Whereupon,

Tyrone Lawrence, being duly sworn and cautioned to speak the truth, the whole truth, and nothing but the truth, testified and deposed as follows:

The Court Reporter: State your name for the record.

The Deponent: Tyrone Lawrence.

Examination

By Mr. Huff:

Q Mr. Lawrence, my name is Ros Huff. I'm the attorney that represents your employer, AGY.

Mr. Huff: For the record, Bill, I've talked with the lady. She's going to be here for the deposition. She's not here yet. All right. We discussed, prior to going on the record, the reading and signing of the deposition, and, by stipulation of the parties, the reading and signing has been waived.

Q Mr. Lawrence, outside, some type of leaf blower is

1 being used, and it's making a noise. If at any
2 time you cannot hear me, if I talk too softly, just
3 tell me to repeat the question. I do not want you
4 to answer any question you don't understand. Can
5 you do that for me?

6 A Yes.

7 Q And that's what I want you to do, give me a yes/no
8 answer, because uh-huh and uh-uh sound too much
9 alike. And after you give me a yes/no answer, if
10 you think an explanation is needed, you can give
11 any explanation you want to. I don't control your
12 answers. Okay?

13 A Okay.

14 Q Now, basically what I'm here today to do is take a
15 deposition. Have you ever given a deposition
16 before?

17 A No.

18 Q All the deposition is today -- It's very important
19 because you swore to tell the truth. It's just
20 like if you're sitting in a stand in a courtroom
21 with a judge on the bench. It's that serious. If
22 you give false testimony, that's perjury; it can be
23 insurance fraud. So, it's very serious, but it's
24 very informal because we're going to sit around a
25 table today. Okay?

1 A Okay.

2 Q If I ask you any question you don't understand,
3 turn to me to explain it, not your attorney. I
4 will explain it to you. If he should place an
5 objection, which he has a right to do, don't answer
6 the question until he puts his objection on the
7 record. Okay?

8 A Okay.

9 Q And the reason I'm talking kind of slowly here is
10 because what we have in front of you are two
11 microphones. It's going to record what I say.
12 It's going to record what you say. So, if we're
13 both talking at the same time, it'll record both of
14 us. Okay?

15 A Okay.

16 Q But this lady's got a mask over her mouth. She
17 repeats every word I say, and she will repeat every
18 word you say. So, it's a backup, microphone and
19 her talking, but if we both talk, she can't repeat
20 what we both say at the same time, okay?

21 A Okay.

22 Q All right. We got it -- got it down good today,
23 then. Alrighty. And this deposition is going to
24 take one hour. And what I'm going to do today is
25 I'm going to go into your background. I'm going to

1 find out how you were as a child, where you went to
2 school. I'm going to go into work history, any
3 claim history that you may have, any injuries that
4 you may have had, any medical treatment, and then
5 we'll be finished, okay?

6 A Okay.

7 Q All right. And I see that you are a July baby.

8 A That's correct.

9 Q [REDACTED] [REDACTED]?

10 A Yes.

11 Q I'm July 20th, 1950, so I'm a little bit older.

12 But [REDACTED] [REDACTED] is the day my granddaddy died.

13 I'll never forget that day, July 2nd. How old are
14 you, sir?

15 A Fifty-four.

16 Q All right. And what is your address?

17 A 845 Colbert Bridge Road, Windsor, South Carolina.

18 Q How long have you lived there?

19 A Fifteen years now.

20 Q Are you buying or renting?

21 A Buying.

22 Q All right. Is it a house, mobile home?

23 A Mobile home.

24 Q All right. Who lives at that address?

25 A My wife and myself.

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- 1 Q Anybody else?
- 2 A My son right now.
- 3 Q How old is your son?
- 4 A Thirty-three.
- 5 Q You've been there 15 years, roughly?
- 6 A Yes.
- 7 Q You said it's a mobile home?
- 8 A Yes.
- 9 Q On how many acres?
- 10 A Five.
- 11 Q Do you own the acreage or is it family acreage?
- 12 A I'm buying.
- 13 Q Buying. Okay. Are there any vehicles at that
- 14 address?
- 15 A Yes.
- 16 Q What type of vehicles, make, model and color?
- 17 A '02 Pontiac Grand Prix, black.
- 18 Q Anything else?
- 19 A A blue Chevrolet pickup truck.
- 20 Q What year?
- 21 A Don't know.
- 22 Q Anything else?
- 23 A No.
- 24 Q Any motorcycles?
- 25 A No.

- 1 Q Motor scooters?
- 2 A No.
- 3 Q Do you have any pets?
- 4 A No.
- 5 Q I noticed that one time -- I read in the medical
6 records -- Let's see. I have the medicals right
7 here. -- that a doctor prescribed a cervical
8 collar. Is that correct?
- 9 A Yes.
- 10 Q All right. Do you still wear the cervical collar,
11 because you don't have it today.
- 12 A No.
- 13 Q When did you stop wearing it?
- 14 A I don't remember the date.
- 15 Q Do you know what month it was?
- 16 A No.
- 17 Q Was it before Christmas or after Christmas?
- 18 A It was before Christmas.
- 19 Q Was it before or after Thanksgiving?
- 20 A It was before Thanksgiving.
- 21 Q And why did you stop wearing it now?
- 22 A Dr. Massie removed it.
- 23 Q He's the one that prescribed it?
- 24 A No.
- 25 Q Who prescribed it?

1 A I can't recall the doctor's name.

2 Q All right. What did the doctor tell you about
3 wearing it, how often you're supposed to wear it,
4 how frequently, when were you supposed to take it
5 off? What did he tell you?

6 A He told me that I should wear it at least eight
7 hours a day, don't wear it late in the afternoons.

8 Mr. Huff: Let's take a break.

9 [Off the record at 10:38 a.m.]

10 (While off the record, Ann Tyler entered.)

11 [Back on the record at 10:40
12 a.m.]

13 Mr. Huff: All right. We went off the
14 record for a minute because Ms. Ann Tyler has
15 entered the room, the employer's
16 representative.

17 Examination Continues

18 By Mr. Huff:

19 Q While we were off the record, Mr. Lawrence, for Ms.
20 Tyler to enter the room, did I ask you any
21 questions about your workers' compensation claim?

22 A Yes.

23 Q I asked you some questions while we were off the
24 record?

25 A Oh. No. No. No.

- 1 Q Okay. That's okay.
- 2 A I'm sorry.
- 3 Q That's fine. So, -- Yeah. We're okay. Can you
- 4 give me your height and weight.
- 5 A Five-eleven. 323.
- 6 Q You got me by a few pounds.
- 7 A Most people I do, too.
- 8 Ms. Tyler: There's a lot of people you
- 9 don't.
- 10 Q Alrighty. Do you own any boats?
- 11 A No.
- 12 Q I've got your Social Security number, and it will
- 13 be redacted from the record so nobody can read it,
- 14 but I want to make sure I've got the proper Social
- 15 Security number. You're a native South Carolinian?
- 16 A Yes.
- 17 Q I have [REDACTED]-[REDACTED]-[REDACTED]. Is that correct?
- 18 A Correct.
- 19 Q Okay. And can you tell me when you were hired at
- 20 AGY?
- 21 A Seventh month, third day, 1979.
- 22 Q How long have you been an employee there?
- 23 A How long I've been employed there?
- 24 Q Yes. Can you add it up for me?
- 25 A I think approximately 34 years.

1 Q Okay. What is your job title there?

2 A At this particular time, I am a WIO, which is
3 called a winder.

4 Q Okay.

5 Mr. Huff: Bill, are we going to have any
6 problem with the AWW comp rate? I think it's
7 pretty --

8 Mr. Smith: I don't think I've seen the
9 20.

10 Mr. Huff: If you don't --

11 Mr. Smith: I may be wrong.

12 Mr. Huff: I'll give you one. I'm
13 showing a comp rate of like \$645, which is
14 getting up near the max.

15 Mr. Smith: We probably don't have a
16 problem, but I don't think I've got a 20.

17 Mr. Huff: All right. I'll give you a
18 20, and if we have any problem, will you let
19 me know?

20 Mr. Smith: Yep. Yep.

21 Mr. Huff: Okay. I appreciate that.

22 That makes it so much easier for us.

23 Q Mr. Lawrence, can you tell me how far you went in
24 school?

25 A Twelfth grade.

- 1 Q What high school did you go to?
- 2 A Aiken High School.
- 3 Q Did you graduate?
- 4 A Yes.
- 5 Q What year?
- 6 A 1977.
- 7 Q I was already practicing law by then. Been out a
- 8 long time. Did you get any education after that?
- 9 A No, I did not.
- 10 Q Have you ever been in the military?
- 11 A No.
- 12 Q Please don't be offended by this, but I ask this
- 13 question of everybody, and one time I had a
- 14 volunteer grandmother at a nursing home sitting
- 15 with old, elderly people, and I wasn't going to ask
- 16 the question, -- she was seventy-four years old,
- 17 this claimant was, -- but I did, and she shocked me
- 18 with the answer. So, I'm going to ask you the
- 19 question, too. Have you ever been arrested?
- 20 A Yes.
- 21 Q All right. How many times?
- 22 A Once.
- 23 Q What for?
- 24 A Disorderly conduct.
- 25 Q All right. Were you convicted or non-convicted?

- 1 A I was convicted.
- 2 Q Convicted. Okay. Do you happen to know what year
- 3 it may have been? I don't need to know the month.
- 4 A It's been so long. I know I was about eighteen
- 5 years old.
- 6 Q Eighteen years old. That's young, so don't worry
- 7 about it. We'll move on then. Any other arrests,
- 8 or is that it?
- 9 A That's it.
- 10 Q And I'm showing that this accident occurred on
- 11 August 14th of 2013.
- 12 A Correct.
- 13 Q Alrighty. Have you ever been involved in a motor
- 14 vehicle accident? And let me describe for you what
- 15 a motor vehicle accident is so we understand each
- 16 other, okay? A motor vehicle accident means any
- 17 accident that involves a vehicle that moves on the
- 18 ground by a motor. I'm not talking about a boat or
- 19 jet ski or anything like that. I'm talking about
- 20 like a car, a truck, an SUV, a moped, a four-
- 21 wheeler, a motorcycle. You see what I'm talking
- 22 about?
- 23 A Yes.
- 24 Q Any type of vehicle that is moved on the land. And
- 25 when I say involved in it, you could have been the

1 driver of that vehicle, you could have been a
2 passenger in that vehicle, or like some of these
3 things I'm seeing on TV nowadays that's comical
4 where you're sitting in a restaurant and somebody
5 runs through a wall and hits you sitting at the
6 table. So, you could just be -- or a pedestrian in
7 the park. Have you ever been involved in a motor
8 vehicle accident, and, if so, how many times?

9 A Yes. Once.

10 Q When was that?

11 A That's been over ten years ago.

12 Q All right. Tell me about it. What city were you
13 in?

14 A I was Aiken, South Carolina.

15 Q Okay. Do you remember what street you were on?

16 A Whiskey Road.

17 Q I know where Whiskey Road is. Okay. Tell me what
18 happened.

19 A I was driving down the four-lane, and this young
20 lady just rammed me from the back.

21 Q So, you were rear-ended?

22 A Yes.

23 Q So, would it be a true statement the other driver
24 was at fault?

25 A Yes.

- 1 Q All right. So, you were not at fault?
- 2 A Correct.
- 3 Q As a result of that accident, did you have any
- 4 injuries?
- 5 A Yes.
- 6 Q What type of injuries?
- 7 A I had back spasms.
- 8 Q What part of your back?
- 9 A The lower part of my back.
- 10 Q Anything else?
- 11 A No.
- 12 Q Did you get medical treatment?
- 13 A Yes.
- 14 Q Where?
- 15 A I'm trying to remember the doctor. It's been so
- 16 long.
- 17 Q All right. Can you remember?
- 18 A I can't remember.
- 19 Q All right. Did you get a settlement?
- 20 A Yes.
- 21 Q How much?
- 22 A I think it was like \$2,000.
- 23 Q Did you have an attorney?
- 24 A No.
- 25 Q That's the only car wreck?

- 1 A That I can recall, yes.
- 2 Q But other than that --
- 3 A Excuse me.
- 4 Q Yes.
- 5 A For instance, like hitting a deer?
- 6 Q Yes.
- 7 A I have had a deer hit me before.
- 8 Q How long ago was that?
- 9 A That's been about five years.
- 10 Q Where was that?
- 11 A That was out on Colbert Bridge Road in Windsor.
- 12 Q Did you get any injuries?
- 13 A No.
- 14 Q Any settlement?
- 15 A No.
- 16 Q Any treatment?
- 17 A No.
- 18 Q Have you ever been on a motorcycle?
- 19 A No.
- 20 Q I just went down to the bowl and drove all the way
- 21 down to Orlando, and I made the comment I'm glad I
- 22 don't fly, because I hate flying. Have you been on
- 23 any planes recently, anything like that?
- 24 A Yes.
- 25 Q When have you been on a plane?

- 1 A I think it was like August 17th, 2013.
- 2 Q All right. Where did you go?
- 3 A Seattle, Washington.
- 4 Q What did you go out there for?
- 5 A For a football event.
- 6 Q How long were you out there?
- 7 A Seattle, I was there three days.
- 8 Q And that was about three days after this accident?
- 9 A Yeah, something like that.
- 10 Q The accident occurred on August 14th, correct?
- 11 A I'm trying to remember what day.
- 12 Q Take your time.
- 13 A I might be mistaken, the date. It was during the
- 14 following weekend I went out.
- 15 Q All right. How long were you there, for three
- 16 days?
- 17 A Correct.
- 18 Q All right. Were you, at that time, wearing a
- 19 cervical collar?
- 20 A Yes.
- 21 Q All right. How often were you wearing the cervical
- 22 collar then?
- 23 A Between morning and evening, but I did not wear it
- 24 on the flight.
- 25 Q Didn't wear it on the flight. Okay. Where did you

- 1 fly from?
- 2 A I flew from Atlanta.
- 3 Q How did you get to Atlanta?
- 4 A I drove.
- 5 Q Did anybody go with you?
- 6 A My wife.
- 7 Q Anybody else?
- 8 A No.
- 9 Q Did you attend any football games out there?
- 10 A The one in Seattle, yes.
- 11 Q Do you remember who was playing?
- 12 A Boise State against Washington State.
- 13 Q Have you left South Carolina, other than that time,
- 14 after August 14th of 2013?
- 15 A When I left Seattle, I went to Boise.
- 16 Q All right. How long were you in Boise?
- 17 A For a week.
- 18 Q How did you get there, fly or drive?
- 19 A Fly.
- 20 Q And, so, you've been to Washington, you went to
- 21 Boise, and you went to Atlanta, because you said
- 22 you flew out of Atlanta, correct?
- 23 A Correct.
- 24 Q Have you been to any other states, other than the
- 25 states we just mentioned?

- 1 A No.
- 2 Q All right. Are you currently working?
- 3 A Yes.
- 4 Q After this accident, do you know when you finally
5 returned to work?
- 6 A I can't remember the date.
- 7 Q All right. How many hours a day are you working?
- 8 A Eight..
- 9 Q How many days a week?
- 10 A Seven.
- 11 Q And you're not wearing a cervical collar now,
12 correct?
- 13 A Correct.
- 14 Q Are you having any difficulty doing your job?
- 15 A Yes.
- 16 Q Tell me what difficulty you're having.
- 17 A I'm having numbness in my right arm. I'm still
18 having neck pains.
- 19 Q How often do you have these symptoms?
- 20 A Every day.
- 21 Q If your pain level is zero with no pain and ten is
22 the pain where you're going to go to the doctor,
23 where does your pain level stand?
- 24 A My pain level get up to about a six. The lowest it
25 get is about a three.

- 1 Q What effect does it have on your ability to work?
- 2 A It affect -- The numbness will make me drop things
- 3 from time to time.
- 4 Q That's on the right arm?
- 5 A That's on both arms.
- 6 Q Both arms. And you drop things?
- 7 A Correct.
- 8 Q Do you have this numbness every day?
- 9 A Yes.
- 10 Q How long does it last?
- 11 A About a minute.
- 12 Q All right. Tell me about your neck pain.
- 13 A It's like a burning sensation.
- 14 Q Any other place, other than your right and left arm
- 15 and your neck?
- 16 A No other place.
- 17 Q Pardon?
- 18 A No other place.
- 19 Q Thank you, sir. Have you ever -- Prior to August
- 20 14th of 2013, so before that date, this date of the
- 21 accident on the job, had you ever had any problems
- 22 with your neck before?
- 23 A No.
- 24 Q All right. Before August 14th, 2013, have you ever
- 25 had any medical treatment for your neck if you had

1 no problems?

2 A No.

3 Q Before August 14, 2013, did you ever take any
4 medication for a neck problem you didn't have?

5 A No.

6 Q All right. Let's talk about your -- your arm.

7 Which arm, if either, -- I don't know -- which arm
8 is worse?

9 A The right arm.

10 Q Before August 14th of 2013, before that date, had
11 you ever had any problems with your right arm?

12 A No.

13 Q We're going to go through the same sequence.

14 Before August 14, 2013, have you ever had any
15 treatment to your right arm?

16 A No.

17 Q And before August 14, 2013, had you ever had any
18 medications for a problem with the right arm?

19 A No.

20 Q All right. Tell me about your left arm. What
21 problems, if any?

22 A Well, I have, like, pain that shoots through my
23 shoulder through my hand.

24 Q All right. We talked about the right arm. Are you
25 having the same type of problems from your shoulder

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1 to your hand?

2 A Yes, sir.

3 Q All right. Let me kind of rephrase that. Let's go
4 back up, then, if we could. Before August 14th,
5 2013, had you ever had any problems with your right
6 shoulder or hand?

7 A No.

8 Q Before August 14, 2013, did you ever have any
9 treatment for your -- your right shoulder or hand?

10 A No.

11 Q And before August 14, 2013, had you ever taken any
12 medications for any problems with the right
13 shoulder or hand?

14 A No.

15 Q All right. Now, with your left arm, from your
16 shoulder to your hand, had you ever had any
17 problems with that before August 14?

18 A No.

19 Q All right. Before August 14th, had you ever had
20 any medical treatment for your left arm, shoulder
21 to hand?

22 A No.

23 Q And before August 14th, 2013, did you ever have any
24 medication because of problems with the left arm,
25 shoulder to hand?

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- 1 A No.
- 2 Q Had you ever had any type of injuries before August
3 14th, 2013 to your neck, right arm, shoulder to
4 hand and your left arm, shoulder to hand?
- 5 A No.
- 6 Q I think I beat that horse. I forgot to tell you
7 this, and I should have, and I apologize. If at
8 any time you're having any discomfort or you need
9 to take a break to go to the men's room or
10 anything, all you have to do is ask, okay?
- 11 A Okay.
- 12 Q We can take a five-minute break. Or if you need
13 some water or something. All right. Tell me, on
14 the job, what these injuries you told me about --
15 what they prohibit you from doing on your job.
- 16 A Well, right now it's causing me a lot of pain.
17 because my job title changed from since I had this
18 injury.
- 19 Q Okay.
- 20 A I'm now -- The job that I was previously on didn't
21 contain any lifting, but the job I'm on now, it's a
22 lot of lifting, and it's been causing pains to my
23 shoulders.
- 24 Q Have you told anybody that's a supervisor?
- 25 A No.

- 1 Q Have you asked anybody to change your job?
- 2 A No.
- 3 Q Are you working overtime?
- 4 A No.
- 5 Q Tell me how your schedule works.
- 6 A I work shift work.
- 7 Q All right. Tell me how it works, please, sir.
- 8 A I work eight to four, four to twelve, and twelve at
- 9 night to eight in the morning.
- 10 Q It rotates?
- 11 A Yes, sir.
- 12 Q Have you ever had any other work-related injuries?
- 13 A Yes.
- 14 Q Tell me about them, if you would.
- 15 A In 2010, I had a finger injury.
- 16 Q Which finger?
- 17 A The right middle finger.
- 18 Q All right. Tell me what happened.
- 19 A I was pulling a ring which is called a apron ring,
- 20 and it got stuck, and it cut -- cut my finger.
- 21 Q All right. Any other injuries?
- 22 A I had a back injury in the frame section.
- 23 Q When was that?
- 24 A I can't recall.
- 25 Q Any other ones?

1 A I can't recall any others.

2 Q Okay. Do you participate in any sport activities?

3 A I like to.

4 Q What do you like to play or do?

5 A I like to play softball.

6 Q I used to do that a lot. When's the last time you

7 played softball?

8 A I think it was about -- I tried to play in maybe

9 July.

10 Q Of '13?

11 A Yes.

12 Q Okay. Have you ever had any injuries playing

13 softball?

14 A No.

15 Q I played on three teams in two states.

16 A Really?

17 Q Yeah. I was a rabid softball player back then.

18 That's before I got into my sixties. Tell me how

19 you got hurt on the job at AGY, the one that we're

20 here about today.

21 A On August the 14th about 11:55 a.m. --

22 Q Yes.

23 A -- I was going to hand the ends down on a position

24 number seven. Once I went toward position number

25 seven, I felt something come down on my head and

- 1 shoulder, and that's how the injury occurred.
- 2 Q What came down on your head and shoulder?
- 3 A The ceiling and the light fixture.
- 4 Q What type of light fixture? Was it, like, a
- 5 florescent light like we have in this room here?
- 6 A Yes.
- 7 Q Okay. Did you report that to anybody?
- 8 A Yes.
- 9 Q Who did you report it to?
- 10 A I reported it to my supervisor.
- 11 Q What was his name?
- 12 A David Kelly.
- 13 Q All right. Anybody else that you reported to?
- 14 A My department head, Robert Padget, --
- 15 Q Okay.
- 16 A -- nurse Ann Tyler.
- 17 Q Is she in the room with me today, to my right,
- 18 directly across from you?
- 19 A Yes.
- 20 Q What did you tell Ms. Tyler?
- 21 A I think I told her that the ceiling came down.
- 22 Q Okay. What, if anything, did your employer do for
- 23 you when it -- when you reported it?
- 24 A They made sure I got medical attention.
- 25 Q Did they drive you or send you by ambulance, or how

- 1 did you get to the doctor?
- 2 A They drove me.
- 3 Q Okay. So, when you reported an injury, they took
- 4 care of it?
- 5 A Correct.
- 6 Q All right. Since you have returned to work, have
- 7 you returned to work full duty?
- 8 A Yes.
- 9 Q Have you missed any time from work upon returning
- 10 to full duty because of this injury? Have you
- 11 missed any other time?
- 12 A No, I have not.
- 13 Q Are you making more or less than you were making
- 14 before the accident?
- 15 A Less.
- 16 Q How much less?
- 17 A Two dollars off the hour.
- 18 Q And can you -- Do you know why you got a two-
- 19 dollar an hour decrease?
- 20 A Cutback status.
- 21 Q Did it happen just to you or everybody?
- 22 A Everybody.
- 23 Q Are y'all a union shop?
- 24 A Yes.
- 25 Q Are you a member of the union?

- 1 A Yes.
- 2 Q Do you have a family doctor?
- 3 A Yes.
- 4 Q What is your family doctor's name?
- 5 A Dr. Saavedra.
- 6 Q Oh, my goodness. I shouldn't have asked that. Now
- 7 I've got to ask you this. Can you, please, spell
- 8 it for Madam Court Reporter?
- 9 A Don't start me to lying.
- 10 Q As close as you possibly can get to it. That was a
- 11 mistake, asking that. I think I may have found it.
- 12 Is it S-a-a-v-e-d-r-a?
- 13 A Correct.
- 14 Q All right. Good, then. It's S-a-a-v-e-d-r-a.
- 15 Good. I got it. Do you hold any titles within the
- 16 union?
- 17 A I'm a shop steward.
- 18 Q How long have you been a shop steward?
- 19 A Two years.
- 20 Q Do you have any men under you?
- 21 A No.
- 22 Q What are your job duties as a shop steward?
- 23 A To represent employees.
- 24 Q All right. So, you represent them. So, if they
- 25 have a -- if they have a situation with an employee

1 and they need a union representative, you would be
2 one?
3 A Correct.
4 Q All right. Were you out of work for a period of
5 time due to this injury?
6 A Yes.
7 Q How long were you out of work, approximately?
8 A I'm thinking four to six weeks.
9 Q While you were out of work, did you receive any
10 type of payment by way of long-term, short-term or
11 unemployment?
12 A Short-term.
13 Q Do you know how much you were getting?
14 A I was receiving \$182, --
15 Q All right.
16 A -- but I don't know the actual amount that -- after
17 deductibles. I can't share that with you because I
18 don't know.
19 Q Okay. That's fine. Do you know how much you make
20 an hour?
21 A Right now I think I make 18.63.
22 Q All right. Have you ever had surgery?
23 A Yes.
24 Q How many times?
25 A Once.

- 1 Q When?
- 2 A I think it was '08.
- 3 Q For what?
- 4 A Gallbladder.
- 5 Q Any other surgeries?
- 6 A No.
- 7 Q Do you know what hospital that was done?
- 8 A Aiken Regional.
- 9 Q Okay. What position did you play when you played
- 10 softball?
- 11 A Any one they put me on.
- 12 Q Any one they put you on. Clean-up hitter.
- 13 A That's mo' betta.
- 14 Q Yeah. I don't think I could even get the ball out
- 15 of the infield, but I -- I could hit it. I was a
- 16 pitcher.
- 17 A Okay.
- 18 Q Do you have any problems lifting right now?
- 19 A Yes, I do.
- 20 Q Tell me -- What's the most weight you think you
- 21 can lift?
- 22 A The most weight I'm lifting right now is about 20
- 23 pounds.
- 24 Q When you went out to Seattle, who did your luggage,
- 25 or did you pay someone to do your luggage?

- 1 A My wife done the luggage.
- 2 Q All right.
- 3 A We only had one carry-on.
- 4 Q Does your wife work?
- 5 A Yes.
- 6 Q Where does she work?
- 7 A Savannah River Site.
- 8 Q The bum plant?
- 9 A That's where it's at.
- 10 Q My daddy worked -- was union out there.
- 11 A Yeah.
- 12 Q AFL-CIO; IBEW.
- 13 A Okay.
- 14 Q Yeah. They had to close the town of Ellenton to
- 15 open that up, and then they moved it over and
- 16 called it New Ellenton.
- 17 A Right.
- 18 Q I know all about those -- Have you ever driven
- 19 through the bum plant?
- 20 A No, I haven't.
- 21 Q You'd be surprised how many armadillos you'll see
- 22 out there. It'll shock you. Possum on the half
- 23 shell.
- 24 A Yeah.
- 25 Q Okay. Have you attended any type of concerts after

- 1 the accident?
- 2 A No.
- 3 Q Other than going to that football game between
- 4 Washington State and Boise State, have you attended
- 5 any other sporting events?
- 6 A No.
- 7 Q Do you have any problems sitting, standing or
- 8 walking?
- 9 A No.
- 10 Q Can you drive?
- 11 A Yes.
- 12 Q This is another one of those stupid questions that
- 13 I've learned over the years, of 37 years of
- 14 practicing law. I ask it of everybody, so don't
- 15 feel offended. After the accident of August 14th,
- 16 2013, have you ridden any animals?
- 17 A No.
- 18 Q I had a person who went horseback riding, so I ask.
- 19 So, no animals. Okay. Do you have any hobbies,
- 20 such as hunting or fishing?
- 21 A No.
- 22 Q Have you been to any beaches?
- 23 A No.
- 24 Q Any mountains?
- 25 A No.

- 1 Q Have you been to North Carolina?
- 2 A No.
- 3 Q Tennessee?
- 4 A No.
- 5 Q Florida?
- 6 A No. Have I ever?
- 7 Q Since the accident.
- 8 A No.
- 9 Q Thanks for having me clarify that for you, sir. I
- 10 appreciate it. When you were wearing the cervical
- 11 collar and the doctor told you to wear it from the
- 12 morning to the evening, would you wear it all the
- 13 time and only take it off to go to bed or take
- 14 showers or things like that? Tell me about your
- 15 use of a cervical collar.
- 16 A Sometimes when it itched, I took it off.
- 17 Q How long would you keep it off?
- 18 A I know one day I had to wash it. I kept it off for
- 19 quite some time, till it dried.
- 20 Q You only had one?
- 21 A Yes.
- 22 Q What color was it?
- 23 A White.
- 24 Q When you were out in Seattle for that bowl game or
- 25 that trip out there, what percentage of the time

1 would you wear that cervical collar if you were not
2 in your room? When you were out and about in the
3 hotel or on the streets or at a restaurant, how
4 often would you wear it, what percentage of the
5 time?

6 A About 50 percent.

7 Q The other 50 percent of the time while you were out
8 of the room, you would take it off?

9 A Well, the only time I took it off was when I went
10 in the room.

11 Q Otherwise, you would have it on?

12 A Yes.

13 Q Okay. I was just trying to find out. You're a big
14 man. Was it an extra-large?

15 A Yeah.

16 Q Okay.

17 A I'm not small.

18 Mr. Huff: Bill, I'm going to take about
19 a one-minute, two-minute break, let my voice
20 kind of recover a little bit. Is that okay?

21 Mr. Smith: Mm-hmm.

22 [Off the record at 11:12 a.m.;
23 back on the record at 11:17
24 a.m.]

25 Mr. Huff: We took a very short recess.

Examination Continues

By Mr. Huff:

Q Again, Mr. Lawrence, I ask this question every time I go off the record. While we were off the record, did I ask you any questions about your work comp claim?

A No, sir.

Q All right. So, this is our first conversation regarding your claim?

A Yes, sir.

Q Thank you, sir. If I could now, I'm just going to summarize what I've learned, and then I'm going to stop. You are basically telling me today, because of this injury where the ceiling and the light fixture came down and hit you on the head and shoulder/neck area, that you're having injuries -- or complaints in your neck, your shoulders, down your arms to your fingers on both right and left side. Is that correct?

A Yes, sir.

Q You're not claiming any injury to an internal organ, are you?

A No, sir.

Q You're not claiming any injury below the waist, are you?

- 1 A No, sir.
- 2 Q You're not claiming any injury to your abdomen or
- 3 your low back or anything like that; it's strictly
- 4 the shoulders, neck and down the arms to the
- 5 fingers?
- 6 A Correct, sir.
- 7 Q Any change in your vision?
- 8 A Doesn't have anything to do with --
- 9 Q The injury?
- 10 A -- the injury.
- 11 Q All right. Any injury because of this accident to
- 12 your ability to hear, taste or smell?
- 13 A No, sir.
- 14 Q Are you having any temper tantrums, change in
- 15 personality, anger, fits, anxiety, depression,
- 16 anything like that?
- 17 A No, sir.
- 18 Q All right. Good. Good. Good. Good. Good. Any
- 19 headaches or anything now?
- 20 A I have headaches, sir.
- 21 Q Well, you didn't mention that earlier. Tell me
- 22 about your headaches, then.
- 23 A Well, I had headaches when the injury occurred. I
- 24 don't have them now.
- 25 Q Oh, good, then. So, you've recovered from that

1 part, then?

2 A I trust so.

3 Q Okay. Good. Good. Thank you very much. I

4 appreciate that. Now, here is where we end it, and

5 I do this all the time, too, and you're going to

6 say gee, I'm glad, I hope I never have to do

7 another deposition with Mr. Huff. Today you swore

8 to tell the truth, the whole truth and nothing but

9 the truth, didn't you?

10 A Yes, sir.

11 Q You didn't swear to tell half the truth, did you?

12 A No, sir.

13 Q Or part of the truth?

14 A No, sir.

15 Q You said the whole truth?

16 A Yes, sir.

17 Q Today I asked you questions. Were you of clear

18 mind today where you could understand my questions

19 when I asked you the questions?

20 A Yes, sir.

21 Q All right. And you answered the questions you

22 understood?

23 A Yes, sir.

24 Q Did you answer any question that you did not

25 understand?

1 A No, sir.

2 Q Have all your answers been truthful today?

3 A Yes, sir.

4 Q Did you give me any false answers today?

5 A No, sir.

6 Q Did you give me any answers to be deceitful or
7 deceptive to me?

8 A No, sir.

9 Q And all the answers that you gave me today were
10 truthful answers to questions you fully, 100
11 percent understood?

12 A Correct, sir.

13 Q Do you want to change any answers that you gave me
14 today? Giving you a chance to say maybe I didn't
15 tell the whole truth and I want to change my
16 answers. Do you want to change anything?

17 A No, sir.

18 Mr. Huff: With that, I'm finished. Now,
19 the way it works, your attorney may ask you
20 some questions, and if he does, I get to ask
21 some more. Or he may not. He may talk to you
22 in private. It's up to him. But he has the
23 right to ask you questions now, sir. Thank
24 you very much. I'm finished.

25 Mr. Smith: Mr. Lawrence, a few questions

1 for you.

2 Examination

3 By Mr. Smith:

4 Q When this first happened, did you also have some
5 low back pain?

6 A Yes, sir.

7 Q Has that gone away?

8 A Yes, sir.

9 Q No problems with your low back now?

10 A No, sir.

11 Q Okay. You testified that you went on a trip out to
12 Seattle and Boise.

13 A Yes, sir.

14 Q Okay. Why did you go on that trip?

15 A Because my son plays football for Boise State.

16 Q Okay. Is that a trip that had been planned before
17 this injury?

18 A Yes, sir.

19 Q Okay. You had already arranged to be off and all
20 that before the injury occurred?

21 A Yes, sir.

22 Q Okay. Leading from -- And let me back up for a
23 second. You testified -- I think you testified
24 you thought you went out there on the 17th or
25 something like that. My recollection -- and it can

1 be wrong -- is that South Carolina played their
2 first football game of the season this year on a
3 Thursday night, --
4 A Yes, sir.
5 Q -- and that was on the -- I believe August 30th.
6 A You're correct, sir.
7 Q Okay. Would the Boise State football game that you
8 went out to have been after that South Carolina
9 game that was played at the end of August?
10 A Yes, sir.
11 Q Okay. So, you didn't go out there on the 17th, --
12 A That's correct, sir.
13 Q -- three days after the accident?
14 A That's correct, sir.
15 Q Okay. Also, immediately following this accident
16 when you were going to Doctors Care and that sort
17 of thing, were you continuing to work?
18 A No, sir.
19 Q You weren't working light duty?
20 A Oh. Yes, sir. Yes, sir, I was.
21 Q Okay.
22 A That's correct.
23 Q And were you working light duty up until the time
24 that you went out to the football game?
25 A Yes, sir.

1 Q Okay. Now, at that point in time, was the employer
2 providing light duty for you and providing medical
3 care for you?

4 A Yes, sir.

5 Q Okay. When did you learn that they were all of a
6 sudden denying your claim?

7 A After I returned back off of vacation from that
8 Boise State --

9 Q Okay. And prior to you going out there, had you
10 been -- were you -- had you been referred and were
11 you supposed to see an orthopedist?

12 A Yes, sir.

13 Q Okay. And when you came back and it was time to go
14 to the orthopedist, is that when you learned that
15 your claim was denied?

16 A Yes, sir.

17 Q Okay. Did you suffer any injury to your neck or
18 arms or anything while going out to see your son
19 play football?

20 A No, sir.

21 Q Okay. Have you had any injuries to your neck or
22 arms or anything at any time since this injury
23 occurred on August --

24 Mr. Huff: 14th.

25 Q -- 14th?

1 A No, sir.

2 Q Okay. Are you doing -- Is your neck and arms --
3 is it doing better now than it was shortly after
4 the accident?

5 A It's getting better.

6 Q Okay. You're still seeing the doctor?

7 A Yes, sir.

8 Q Okay. And you are working?

9 A Yes, sir.

10 Q Okay. When you were wearing the cervical collar,
11 were you doing that at the instructions of your
12 doctor?

13 A Yes, sir.

14 Mr. Smith: Thank you, sir. No further
15 questions.

16 Further Examination

17 By Mr. Huff:

18 Q Have all your answers to your attorney's questions
19 been truthful answers to questions you understood?

20 A Yes, sir.

21 Q Did you give him any false answers?

22 A No, sir.

23 Mr. Huff: I have nothing further. Thank
24 you.

25 (Whereupon the deposition was concluded at

1

11:24 a.m.)

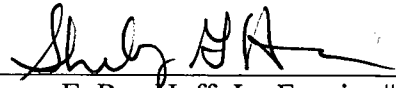
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(Deponent has waived reading and signing.)

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and no other material.

June 15, 2017



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