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ORIGINAL

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKER'S COMPENSATION COMMISSION

RECEIVED

AUG 18 2017

SC Court of Appeals

WCC FILE NUMBER: 1403134  
APPELLATE CASE NO. 2015-002300

Clyde Williams.....

Appellant

v.

Bowman Gin Co., Employer, and American Interstate Ins. Co. d/b/a Amerisafe Risk Services,  
Carrier,

Of whom Bowman Gin Co. is the Respondent.

**SUPPLEMENTAL  
RECORD ON APPEAL**

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BEFORE THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION  
WCC FILE NO. 1403134

CLYDE O. WILLIAMS,  
Employee/Claimant,

VS.

BOWMAN GIN COMPANY,  
Employer,

-and-

AMERICAN INTERSTATE INSURANCE COMPANY,  
Carrier/Defendants.

DEPOSITION OF:

JEFFREY D. RUFF

Wednesday, September 17, 2014

10:00 a.m. to 10:29 a.m.

Augusta, Georgia

Job No. 9109

Jane G. LaPorte, Court Reporter

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APPEARANCES:

FOR THE EMPLOYEE/CLAIMANT:

CLYDE O. WILLIAMS

BY: LEWIS LANIER (via conference call)

Attorney-at-Law

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Orangeburg, SC 29115

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FOR THE DEFENDANT/CARRIER:

BOWMAN GIN COMPANY -and - AMERICAN INTERSTATE

INSURANCE COMPANY

BY: ANNE VEATCH NOONAN (via conference call)

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1

2

COURT REPORTER: Would you raise your  
right hand, please.

4

5

6

7

Do you solemnly swear that the  
testimony you are about to give shall be the truth,  
the whole truth, and nothing but the truth, so help  
you God?

8

9

10

11

12

THE WITNESS: Yes.

JEFFREY D. RUFF,

having been first duly sworn, on his oath, testified  
as follows:

EXAMINATION

13

14

15

16

17

BY MS. NOONAN:

Q. Mr. Ruff, my name is Anne Noonan. I'm  
representing the defendants in a workers'  
compensation claim that is being filed by Mr. Clyde  
Williams.

18

19

20

A. Uh-huh.

Q. First of all, I want to tell you, you  
have been sworn in under oath.

21

22

23

24

25

And I know this is a phone deposition;  
it's going to be a little more difficult than usual.

Your testimony today is actually being  
used for a hearing. So, if there are any objections  
by either party during the deposition, then I just

1 need you to stop your testimony so that we can  
2 discuss those objections, because they will be ruled  
3 on later. Okay?

4 A. Okay.

5 Q. You can also take a break at any time if  
6 you need you to, just need to let us know. Okay?

7 A. Okay.

8 Q. If, at any point, you do not understand  
9 my questions, please tell me that you do not  
10 understand the question so I can rephrase it for  
11 you.

12 A. Okay.

13 Q. All right. The other things are to give  
14 a verbal response, a yes or a no; obviously, you  
15 can't shake your head. Okay?

16 A. Okay.

17 Q. If you would, sir, please state your  
18 full name for the record.

19 A. Jeffrey Ruff.

20 Q. Do you have a middle name?

21 A. Initial D. Ruff.

22 Q. What is the D. for?

23 A. Daniel.

24 Q. How old are you, sir?

25 A. I'm 31.

1 Q. And you are currently in Augusta,  
2 Georgia?

3 A. Correct.

4 Q. Is that where you live now?

5 A. Yes.

6 Q. And before Augusta, Georgia, where did  
7 you live?

8 A. Columbia, South Carolina.

9 Q. When did you move to Georgia?

10 A. Let me see. I think maybe like a month  
11 or two ago. It was, I think, like the end of June.

12 Q. Now, in March of 2014, you were employed  
13 by Love Transport?

14 A. Love's Truck Stop. Yes.

15 Q. Love's Truck Stop.

16 A. Right.

17 Q. What was your position with Love's Truck  
18 Stop?

19 A. General Manager.

20 Q. How long were you General Manager?

21 A. I took over that store in October of  
22 last year.

23 Q. Now, were you present at Love's Truck  
24 Stop and working on March 27th of 2014?

25 A. Yes.

1 Q. And are you familiar with Mr. Clyde  
2 Williams? Do you know him?

3 A. No. I know of the situation.

4 Q. Well, had you ever met him before March  
5 27th of 2014?

6 A. No. Not that I'm aware of. He was just  
7 a regular customer. I mean, I don't know him by  
8 name.

9 Q. And I understand that you weren't  
10 outside of the building when anything happened. So,  
11 you didn't see anything.

12 So, can you tell me what happened on the  
13 morning of March 27th, 2014, that took you outside?

14 Q. Okay. I came in to start my shift as  
15 the manager.

16 And I was told that there was a man  
17 outside laying on the ground.

18 So, I went outside to see what was going  
19 on immediately.

20 So, I saw the guy laying on the ground.  
21 I took pictures, and then I came back inside and had  
22 one of the tire techs to call 911.

23 And after that, I went back to basically  
24 running the store. I didn't go back outside or  
25 anything of that nature.

1 Q. And the pictures you took, were those on  
2 your cell phone?

3 A. Yes.

4 Q. And I believe we have two pictures there  
5 with you today?

6 A. Yes.

7 MS. NOONAN: Lewis, those are the  
8 pictures of the deposition that you and I have.

9 MR. LANIER: Yes. Those are the  
10 pictures we put in evidence in Thad Wendell's  
11 deposition.

12 MS. NOONAN: Okay.

13 Q. (BY MS. NOONAN:) The two pictures -- do  
14 those show Mr. Williams lying on the ground?

15 A. Yes.

16 Q. Are those the pictures that you took?

17 A. Yes.

18 Q. Now, before you came outside, or -- I'm  
19 sorry -- when you came outside?

20 A. Uh-huh.

21 Q. -- and took those pictures, did you  
22 touch anything in that scene?

23 A. No.

24 Q. Did you touch or move Mr. Williams?

25 A. No.

1 Q. Did you touch or move his glasses or his  
2 gloves?

3 A. No.

4 Q. And did you touch or move the brushes  
5 that are normally used to clean the truck?

6 A. No.

7 Q. Is there anything in that -- that is  
8 shown in those pictures -- that was touched before  
9 you took those photographs?

10 A. No. Not to my knowledge, nothing that I  
11 touched.

12 Q. And do the pictures accurately reflect  
13 how you found Mr. Williams?

14 A. Yes.

15 And was there anyone else out there or  
16 around him, that you know of, that would have  
17 witnessed what happened to him?

18 A. Me and my tire tech came out there --  
19 back outside -- when I took the pictures.

20 I think there was a, you know, there  
21 were customers; but there wasn't nobody else from  
22 the job out there.

23 Q. Is there anyone that you know of, or you  
24 are aware of, that saw what happened to  
25 Mr. Williams?

1 A. No.

2 Q. All right.

3 MS. NOONAN: I don't have any more  
4 questions.

5 EXAMINATION

6 BY MR. LANIER:

7 Q. I'm Lewis Lanier, I represent Clyde  
8 Williams.

9 A. Uh-huh.

10 Q. I think maybe -- any of the pictures  
11 that, Mr. Ruff, you are looking at, do they have the  
12 Exhibit 2 and 1 on them? Or they don't have? Or do  
13 they not have the deposition exhibit numbers?

14 MS. NOONAN: I don't think they have the  
15 deposition exhibit.

16 Q. Mr. Ruff, I'm going to ask you to look  
17 at the two pictures.

18 A. Uh-huh.

19 Q. And it's the one where Mr. Williams'  
20 head is behind the bucket; are you looking at that?

21 A. Yes.

22 Q. Did you take any more than that picture  
23 and another picture that would display Mr. Williams  
24 where you can see his head between the bucket and  
25 the protector column there?

1           A.       No. All the pictures I sent to my Risk  
2 Management Department.

3           Q.       Is that part of your standard operating  
4 procedure, when there is an on-premise accident?

5           A.       Yes.

6           Q.       And is there a policy that Love's had at  
7 that time on loss prevention or report of injury?

8           A.       I'm sorry. Repeat that again.

9           Q.       Is there a policy that Love's Truck Stop  
10 had concerning what the General Manager does in case  
11 of an on-the-premises injury?

12          A.       Yes. We report it to our supervisor and  
13 Risk Management immediately.

14          Q.       Was it also part of the policy to take  
15 the photographs?

16          A.       Not to my knowledge. I'm not sure. I  
17 just did it. And I sent -- and I also sent it to  
18 Risk Management.

19          Q.       Did you -- did you look -- these are  
20 pictures that I think you are looking at?

21          A.       Uh-huh.

22          Q.       And I have identified the one with  
23 Mr. Williams' head behind the bucket and where you  
24 can see his head.

25                    Are these pictures taken on the left

1 side of his truck?

2 A. Yes.

3 Q. Did you take any pictures of the right  
4 side of the truck?

5 A. No.

6 Q. Did you go to the right side of the  
7 truck --

8 A. No.

9 Q. -- and look at anything?

10 A. No.

11 Q. Do you recall whether or not the hood of  
12 the truck was up or down?

13 A. No, I don't recall.

14 Q. And did you notice any water or any  
15 fluid or any wetness around the left side of the  
16 truck?

17 A. No, I don't recall. I just basically  
18 took the pictures.

19 I mean, this all happened in like less  
20 than 60 seconds. I took the pictures and walked  
21 back in the store immediately.

22 Q. Have you looked at anything else prior  
23 to your deposition to refresh your memory on this  
24 evening?

25 A. No, sir.

1 Q. Or the morning?

2 A. No, sir. Once I turned it over to Risk  
3 Management, that was pretty much it for me.

4 Q. And do you know how long it was from the  
5 time that you had to report there was a man down on  
6 the gasoline isle or the diesel aisle -- fuel  
7 aisle -- that it was before you got to the scene?

8 A. No. I'm -- no. I'm not. I don't know  
9 that information.

10 Like I say, when I came in, that's when  
11 they told me.

12 So, I don't know how long he was out  
13 there.

14 Q. Can you tell from the photograph -- or  
15 was your memory refreshed by the photograph -- as to  
16 whether or not Mr. Williams driver's side door was  
17 open when you got there?

18 A. No, I don't -- I can't remember or  
19 recall looking at the pictures. It looks like the  
20 door is closed, but I'm not sure.

21 Q. All right. And is that all the  
22 information that you have in that regard?

23 A. Yes.

24 Q. We had sent a subpoena for a videotape;  
25 do you know anything about that?

1           A.       No. Once I turned those pictures over  
2 to Risk Management, nobody else contacted me about  
3 anything.

4           Q.       Do you know who would be in charge of  
5 the video surveillance cameras that would have shown  
6 that pump and the left as well as the right side of  
7 the Mr. Williams' truck?

8           A.       That would be our -- well, that would be  
9 the corporate office, the Loss Prevention and Risk  
10 Management Department.

11          Q.       And is there a contact person there?

12          A.       Wow. I forgot all their names. You can  
13 try Ryan Smith.

14          Q.       Say again.

15          A.       Ryan Smith, I believe, if he's still  
16 there.

17          Q.       All right.

18          A.       He's in Loss Prevention.

19          Q.       And where is Loss Prevention for Love's?

20          A.       Their home office is in Oklahoma City.

21          Q.       Do you know how long the tapes are  
22 preserved?

23          A.       No.

24          Q.       Do you know how many cameras would have  
25 been -- would have shown the left- and the right-

1 hand side of that truck at the time of the injury?

2 A. No.

3 Q. Did you talk to anyone else concerning  
4 the injury, other than your tire tech?

5 A. No, not that I recall. I mean, there  
6 were some employees inside of the store, so they  
7 were aware of the incident, but they did not go  
8 outside.

9 So, as far as anybody besides that and  
10 my supervisor, that's it.

11 Q. Who would your supervisor have been?

12 A. Mr. Tony Cribb.

13 Q. I'm sorry?

14 A. His name is Tony Cribb.

15 Q. Is he still there, to your knowledge?

16 A. To my knowledge, I think he's still  
17 there, yes.

18 Q. Is he housed in Orangeburg? Or is he in  
19 Oklahoma City? Or somewhere else?

20 A. If I'm not mistaken, he's still with  
21 Love's in the area.

22 Q. How many truck stops does Tony Cribb  
23 supervise?

24 A. I think maybe eight. I'm not sure.

25 Q. All in the South Carolina area?



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(EXHIBIT 3 - COLOR PHOTOGRAPH.)

COURT REPORTER: Miss Anne, I see you want this by Friday. Is electronic okay?

MS. NOONAN: Yes.

COURT REPORTER: Mr. Lanier?

MR. LANIER: Electronic is fine.

(The deposition concluded at 10:29 a.m.)

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REPORTER'S CERTIFICATION

I, Jane G. LaPorte, court reporter and notary public, do hereby certify that the foregoing is a true and complete transcription of my stenographic notes, taken and transcribed by me or under my direction;

I further certify that I am not related to any of the parties herein, nor am I personally interested in the outcome of the matter.

Signed by me this 17th day of September, 2014.

---

Jane G. LaPorte

<p style="text-align: center;"><b>A</b></p> <p>a.m 1:18,18 16:7                  accident 10:4                  accurately 8:12                  ago 5:11                  ahead 15:22                  aisle 12:6,7                  AMERICAN                    1:11 2:11                  and- 1:10                  Anne 2:13 3:14                    16:2                  anybody 14:9                  APPEARANC...                    2:1                  area 14:21,25                  Attorney-at-L...                    2:5                  Augusta 1:20                    5:1,6                  AVNoonan@...                    2:20                  aware 6:6 8:24                    14:7</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p>back 6:21,23,24                    8:19 11:21                  basically 6:23                    11:17                  BAXLEY 2:14                  believe 7:4 13:15                  Blvd 2:15                  BOWMAN 1:8                    2:11                  break 4:5                  brushes 8:4                  bucket 9:20,24                    10:23                  building 6:10</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p>call 2:4,13 6:22                  cameras 13:5,24                  Carolina 1:1 5:8                    14:25 15:1                  Carrier/Defen...                    1:12</p>	<p>CARTER 2:14                  case 10:10                  cell 7:2                  CERTIFICA...                    17:1                  certify 17:4,8                  charge 13:4                  City 13:20 14:19                  claim 3:16                  clean 8:5                  clear 15:20                  closed 12:20                  Clyde 1:5 2:3                    3:16 6:1 9:7                  COLOR 15:25                    16:1                  Columbia 5:8                  column 9:25                  COMMISSION                    1:2                  COMPANY 1:8                    1:11 2:11,12                 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                 difficult 3:22                  direction 17:7                  discuss 4:2                  display 9:23                  door 12:16,20                  driver's 12:16                    15:13,15,16,17                    15:23                  duly 3:10</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p>eight 14:24                  either 3:25                  electronic 16:3,6                  employed 5:12                  Employee/Cla...                    1:6 2:2                  employees 14:6                  Employer 1:9                  evening 11:24                  evidence 7:10                  EXAMINATI...                    3:12 9:5 15:10                  exhibit 9:12,13                    9:15 15:23,25                    16:1                  exhibits 15:22</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p>facing 15:15                  familiar 6:1                  far 14:9                  fax 2:19                  FILE 1:3                  filed 3:16                  fine 16:6                  first 3:10,19                  fluid 11:15                  follows 3:11</p>	<p>foregoing 17:4                  forgot 13:12                  found 8:13                  Friday 16:3                  fuel 12:6                  full 4:18                  further 17:8</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p>G 1:25 17:3,25                  gasoline 12:6                  General 5:19,20                    10:10                  Georgia 1:20 5:2                    5:6,9 15:1                  Gibson 2:6                  GIN 1:8 2:11                  give 3:5 4:13                  glasses 8:1                  gloves 8:2                  go 6:24 11:6                    14:7 15:21                  God 3:7                  going 3:22 6:18                    9:16                  gotten 15:4                  ground 6:17,20                    7:14                  guy 6:20</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p>hand 3:3 14:1                  happened 6:10                    6:12 8:17,24                    11:19                  head 4:15 9:20                    9:24 10:23,24                  hearing 3:24                  help 3:6                  home 13:20                  hood 11:11                  housed 14:18</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p>identified 10:22                  immediately                    6:19 10:13                    11:21                  incident 14:7</p>	<p>information                    12:9,22                  Initial 4:21                  injury 10:7,11                    14:1,4                  inside 6:21 14:6                  INSURANCE                    1:11 2:12                  interested 17:10                  INTERSTATE                    1:11 2:11                  isle 12:6</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p>Jane 1:25 17:3                    17:25                  Jeffrey 1:15 3:9                    4:19 15:24                  job 1:24 8:22                  JONES 2:14                  June 5:11</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p>know 3:21 4:6                    6:2,3,7 8:16,20                    8:23 12:4,8,12                    12:25 13:4,21                    13:24 15:3                  knowledge 8:10                    10:16 14:15,16</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p>Lanier 2:4 7:9                    9:6,7 15:8 16:5                    16:6                  LaPorte 1:25                    15:21 17:3,25                  laying 6:17,20                  left 10:25 11:15                    13:6 15:12,17                  left- 13:25                  Lewis 2:4 7:7                    9:7                  Lewis@Land...                    2:9                  LICENSE 15:23                  little 3:22                  live 5:4,7                  long 5:20 12:4</p>
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SUPPLEMENTAL CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

August 18, 2017



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