

BEFORE THE SUPREME COURT OF SOUTH CAROLINA
Appellate Case No. 2016-002541

State of South Carolina, and City of Columbia, SC
v. Marie Assa'ad-Faltas, MD, MPH

On Petition for a writ of certiorari
To the Court of Appeals of South Carolina


SECOND SUPPLEMENT TO MOTION to Appoint Counsel for Rehearing or to Allow Petitioner to Argue Rehearing pro se; and, in either case, to Extend the Time to File for Rehearing.

Attached are complete, extracted, highlit transcripts of the testimony of: (1) Teresa Felicia Ingram-Jackson in *Ingram v. Triffon*, 2008-CP-40-04243, in her: (a) 21 August 2009 deposition and (b) 24-25 August 2009 jury trial; (2) James C. Fields, DC, in the latter trial; and (3) Teresa Felicia Ingram-Jackson in the 9 November 2009 TROrder hearing in 2009CP4007008 before then-Lykesland Magistrate Davis, the transcript of which then-Assistant Solicitor Weiss obtained on the eve of Dr. Assa'ad-Faltats' 22-26 February 2010 GS jury trial BUT concealed her possession of the latter transcript. **These transcripts add to the OBJECTIVE PROOF that false criminal charges were KNOWINGLY brought and maintained against Dr. Faltas to thwart her CIVIL demands to have Steele's and Mason's sewer lines rerouted away from the land which Dr. Faltas and her mother had unsuspectingly bought to build a residence on it.**

Specifically, they prove that Teresa Felicia Ingram-Jackson ("Ingram") had been UNEMPLOYED all the time she falsely accused Dr. Assa'ad-Faltas of "harassing" Ingram by "blocking Ingram from going to work," **and so testified in Dr. Assa'ad-Faltats' 22-26 February 2010 GS jury trial.** False Accuser Ingram's testimony in the latter trial shall, God willing and this Court permitting, be submitted with annotations and cross references soon for a more detailed analysis of the 353 Weiss-suborned perjuries, forgeries and fabrications in that trial. Meanwhile, this Court should again ask itself why is all this misery being inflicted on Dr. Assa'ad-Faltas.

WHEREFORE, this Court should allow Dr. Assa'ad-Faltas to be heard in plenary rehearing because the evil that was done to her should not be allowed to spread but she is well-qualified to expose and stop it.

Submitted on 9 November 2017 and served by personal delivery of a copy to the office of SC's Attorney General.


Marie-Thérèse Assa'ad-Faltas, MD, MPH, Petitioner pro se for this motion
P.O. Box 9115, Columbia, SC 29290
Phone: (803) 783-4536 e-mail: Marie_Faltas@hotmail.com

RECEIVED

NOV 09 2017

S.C. SUPREME COURT

CREEL COURT REPORTING, INC. 1230 Richland Street/Columbia, SC 292201 (803) 252-3445/(800) 822-0896

<p>[page 1] STATHE OF SOUTH CAROLINA) COUNTY OF RICHLAND) Teresa Ingram, Plaintiff,) v.) Marjorie Trifon, Defendant.)</p>	<p>COURT OF COMMON PLEAS C/A #: 08-CP-40-4243 DEPOSITION OF TERESA INGRAM *****</p>
<p>Friday, August 21, 2009 10:10 a.m. - 10:56 a.m.</p>	

The deposition of TERESA INGRAM, taken on behalf of the Defendant at the law offices of Metts Law Firm, 3531 River Drive, Columbia, South Carolina, on the 21st day of August, 2009, before Lyn Allen, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition.

<p>[page 2] APPEARANCES: Willie H. Brunson, Esquire, Weeks Law Office, 35 South Sumter Street Post Office Box 370 Sumter, South Carolina 29151 Attorney for the Plaintiff</p>	<p>M. Rita Metts, LLC, Esquire, Metts Law Firm, LLC 3531 River Drive Columbia, South Carolina 29201 Attorney for the Defendant</p>
--	--

ALSO PRESENT: Ms. Trifon

	INDEX	
MS. INGRAM:		PAGE:
MS. METTS	EXAMINATION	3
Certificate		35
	EXHIBITS	
	(No exhibits were marked)	
STIPULATIONS	It is stipulated and agreed that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure. [7] It is stipulated by and between counsel and the witness that the reading and signing of the following deposition be, and the same are, hereby waived.	

[page 3, lines 1-2] TERESA INGRAM, having been duly sworn, deposes and testifies as follows:

[3 - page 4, line 4] **MS. INGRAM** - **EXAMINATION BY MS. METTS:** Q: Ms. Ingram, my name is Rita Metts. And I'm the attorney for Ms. Trifon. And we are, I don't know if your attorney has explained to you the nature of the deposition. But I'm going to be asking you some questions under oath. Some of them will be background questions just, for instance I might ask you about people that you are related to. And I'm doing that for the purpose of excluding anyone that you might know from a jury pool. So I don't ask any questions here to offend you. It's just that this is just part of the discovery process. If I ask you a question that you don't understand or if you don't hear me, please ask me to repeat it. I'll be more than happy to do that. I'm not trying to confuse you. And the court reporter will be recording everything you say so please try to answer in the affirmative. Do not shake your head or say uh-huh or huh-uh so that she can understand everything that you're saying. If you need to take a break, let me know. The only thing we do ask that you do not confer with your attorney to respond to answers to any questions. Do you have anything that you want to ask me before we start or do you need anything before we get started?

- [5] A: No.
- [6-7] Q: Okay. Could you state your full name for the record please?
- [8] A: Teresa Felicia Ingram.
- [9] Q: I'm sorry. Teresa, middle name?
- [10] A: Felicia.
- [11] Q: Felicia.
- [12] A: Ingram.
- [13] Q: And Ms. Ingram, where do you live?
- [14-16] A: 300 Byron Road, Apartment Four, Columbia, 29209.
- [16] Q: And how long have you lived there?
- [17] A: Two and a half years.
- [18] Q: And are you married?
- [19] A: No .
- [20] Q: Do you have any children?
- [21] A: No.
- [22-23] Q: Does anyone else live in the household with you?
- [24] A: No.
- [25] Q: And where are you employed?
- [page 5, line 1] A: Unemployed.
- [2-3] Q: And where were you employed at the time of the accident?
- [4] A: The Mentor Network.
- [5] Q: And where is that located?
- [6] A: 3600 Devine Street, Columbia.
- [7] Q: And what did you do there?
- [8] A: Direct service employer.
- [9] Q: You said direct service?
- [10] A: Employer.

RECEIVED

NOV 09 2017

S.C. SUPREME COURT

[11-12] Q: Employer. And what type service does this Mentor Network offer?

[13] A: Assist individuals with brain injuries.

[14] Q: And why did you leave Mentor Network?

[15] A: Terminated.

[16] Q: Do you know why?

[17] A: Unauthorized leave of a client.

[18] Q: And what does that mean?

[19-20] A: The client left without having the proper paper work.

[21] Q: And how long were you there?

[22] A: Two and a half years.

[23] Q: And when did you leave?

[24] A: June 25th of this year, 2009.

[25] Q: Okay. Where did you go to high school?

[page 6, lines 1-2] A: Maywood High. That's in Sumter, South Carolina.

[3] Q: And did you graduate?

[4] A: Yes.

[5] Q: When did you graduate?

[6] A: 1994.

[7-8] Q: And did you go to school past Maywood High School?

[9] A: Yes.

[10] Q: Where?

[11] A: Benedict.

[12] Q: What years did you attend Benedict?

[13] A: From 2000 to 2003.

[14] Q: And what degree did you receive from Benedict?

[15] A: I didn't receive a degree.

[16] Q: What were you studying?

[17] A: Sociology.

[18] Q: Why did you leave?

[19] A: Work.

[20] Q: I'm sorry. You found a job?

[21] A: Yeah.

[22-23] Q: And have you received any other formal education? Any other college courses?

[24] A: No.

[25] Q: Certificate programs?

[page 7, line 1] A: (Shakes head negatively)

[6-8] Q: Did you have to take any special training for your job with, and I'm assuming, is Mentor Network the place that you found a job when you left school?

[6] A: No.

[7-8] Q: Where did you, where did you go when you left Benedict?

[9] A: At that time I went to APAC. That was MCI.

[10] Q: And what did you do at APAC?

[11] A: Customer service rep.

[12] Q: And how long did you work there?

[13] A: About two years.

[14] Q: And after you left APAC, where did you go?

[15] A: I sat home for a few, I'm not sure how long.

[16] Q: Okay. And why did you leave APAC?

[17] A: They closed.

[18-19] Q: Okay. And you say you sat at home for a while. You're not sure how long?

[20] A: Yeah.

[21] Q: And what was the next job that you had?

[22] A: Department of Juvenile Justice.

[23-24] Q: What did you do at the Department of Juvenile Justice?

[25] A: Corrections.

[page 8, line 1] Q: And how long did you work there?

[2] A: Three years.

[54] Q: And did you have to go through any training programs for DJJ?

[55] A: Yes.

[56] Q: What type?

[57] A: Physical, CPR training, defense technique courses.

[58] Q: And --

[59] A: Security and head count.

[60] Q: You said security what?

[61] A: Security and head count.

[62-64] Q: All right. I'm sure that had to be a lot different from APAC.

[65] A: Very.

[66] Q: And why did you leave DJJ?

[67] A: Too many hours, working too many hours.

[68] Q: Okay. And where did you go after you left DJJ?

[69] A: That's when I went to the Mentor Network.

[70] Q: What is your driver's license number?

[71] A: xxxxxx 397. [redacted]

[72] Q: And your date of birth?

[73] A: xx/xx/76. [redacted]

[74] Q: And your Social Security number?

[75] A: xx-xx-5080. [redacted]

[page 9, lines 1-31] Q: And other than the last name Ingram, do you have any other relatives in Richland County with a different last name?

[76] A: No relatives.

[77] Q: In Richland County?

[78] A: No.

[79] Q: No cousins --

[80] A: (Shakes head negatively.)

[81] Q: How long have you lived in Richland County?

[82] A: Five years.

[83] Q: Okay. You were not born in Richland County?

[84] A: No.

[85-86] Q: Okay. Have you ever been involved in a lawsuit prior to this?

[87] A: Yes.

[88] Q: Were you a plaintiff or a defendant?

[89] A: Defendant.

[90-91] Q: Do you remember when that was and the nature of the lawsuit?

[92-94] A: I'm unsure of when. But the nature of the lawsuit was a car accident.

[95] Q: Was it more than two or three years ago?

[96] A: Yes.

[97] Q: And what was the outcome?

[98 - page 10, line 1] A: Eventually my insurance company settled with the plaintiff.

[99] Q: What were the circumstances of the accident?

[100] A: I hit her from behind.

[101] Q: Any other lawsuits?

[102] A: No.

[103-104] Q: Ever been involved in any other accidents prior to this one and the one you just mentioned?

[105] A: No.

[106] Q: Ever been arrested or convicted of a crime?

[107] A: Yes.

[108-109] Q: Give me the details as far as the crime and the date.

[110-111] A: The date '99. And the charge was FTC if I'm not mistaken. FTC.

[112] Q: I'm sorry. Explain to me what that means.

[113] A: Federal card transaction so it could be FCT.

[114] Q: Okay. But it involves?

[115] A: A credit card.

[116-117] Q: And what were you accused -- were you convicted or just accused?

[118] A: Convicted.

[119-120] Q: Okay. And what were you convicted of actually doing because I'm not really familiar with FTC?

[121-122] MR. BRUNSON: I'm sorry. I think she means financial card transaction.

[page 11, lines 1-2] MS. METTS: Okay. Thank you. I should have known that.

[123] MR. BRUNSON: No problem.

[124] MS. METTS: I should have known that.

[125] A: What did I say?

[126] MR. BRUNSON: You said federal.

[127] A: Okay. Yeah.

[8-9] Q: And have you ever been arrested or convicted of anything else?

[10] A: No.

[11-12] Q: Okay. Have you ever had your driver's license suspended?

[13] A: No.

[14-16] Q: Regarding the accident in question, would you describe for me in your own words what happened that day?

[17- page 12, line 7] A: On that day if I'm not mistaken, February 29th, I was preparing to go to work. So I needed to go pay a bill first. Tat business is located on Forest Drive. I went to pay the bill. And about to leaving traffic was real heavy that day and it was real sunny outside. In order to for me to come out of the establishment, traffic had to stop -- well, not traffic had to stop. Traffic was already stopped. They had to give me a break to come through in order to get into the median. So upon seeing the break and I was able to come out, looked to my left because I was trying to go left, traffic was coming from the right. I saw the clear way to go in the median. And as I came in the median, that's when I was hit.

[18-9] Q: Okay. Now, when you said, what time of day was it?

[19] A: It was around maybe two, 2:15.

[20] Q: And what store were you going to?

[21-23] A: I went to, at that time it was SunCom but it's now called First Cellular if I'm not mistaken.

[24-25] Q: And when you left the parking lot of SunCom, were you using your cell phone at the time?

[26] A: No. I just paid the bill.

[27] Q: What was your cell phone number at that time?

[28] A: Maybe 803-xxx-0801.

[29-30] Q: And you said that was with SunCom. And who is it with now?

[31] A: Now I have Verizon.

[32-33] Q: So you don't even have that same phone any more?

[34] A: Huh-uh (negative response). No.

[35 - page 13, line 1] Q: But that phone number you believe was with SunCom?

[36] A: Yes.

[37-38] Q: And you indicated that you were waiting for a break in traffic. Did drivers actually stop to let you come through?

[39] A: Yes. Uh-huh (affirmative response). Yes.

[40-41] Q: And how many lanes of traffic did you have to cross to get to the median?

[42] A: Two.

[43-44] Q: Could you see the median from where you were coming from the parking lot?

[45] A: When the traffic broke, yes.

[46-47] Q: At what point did you see the other vehicle that you say hit you?

[48] A: Impact.

[49-50] Q: So would you say you were in the median for any particular length of time?

[51] A: Maybe about five seconds.

[52-53] Q: And what part of your vehicle struck or what part of your vehicle topped Ms. Trifon's vehicle?

[54-55] A: Her vehicle hit my vehicle on the front driver's side.

[56-57] Q: Okay. What part of your vehicle was actually struck?

[58-59] A: The front driver's side.

[60] Q: And what part of her vehicle do you believe hit your front driver's side?

[61] A: It would have been her front right.

[62-63] Q: Are you saying the front passenger? Is that what you mean?

[64] A: Yeah.

[65] Q: Okay.

[66-67] A: The front of her car. Yeah. The front passenger's side.

[68-69] Q: Now you indicated that you could see the median from the parking lot; is that correct?

[70] A: No.

[71-72] Q: Okay. So you couldn't see the median from the parking lot?

[73] A: No. Only if traffic broke.

[74-75] Q: Okay. Now, when traffic broke, how much of the median could you see? I mean, could you only see the median from where the cars separated or did it allow you to see further?

[76-77] A: I could see the median from where the cars broke. Upon coming through the two lanes, I was able to see more of the median at that time.

[78 - page 13, line 1] Q: Now, these vehicles were stopped for you to get through; is that correct?

[79] A: Yes.

[80] Q: So the vehicles in both lanes stopped for you?

[81] A: Yes.

[82-83] Q: As you were coming through, could you see further down the median?

[84] A: Yes.

[85] Q: And you didn't see Ms. Trifon's vehicle?

[86] A: No.

[87-88] Q: Do you recall where you saw her vehicle approach from?

[89] A: I'll say about five cars back.

[90-91] Q: So you think you saw her car about five car lengths away?

[92] A: Yes.

[93-94] Q: Was she already in the median when you pulled into the median?

[95-96] A: When I looked I did not see her. When I came through the two lanes of traffic it was still clear. When I looked to the right again to come out, assuming the left was still clear, then there was the impact.

[97-98] Q: Okay. And I think you just said when you came through the two lanes of traffic it was clear?

[99] A: Yes.

[100-101] Q: You were looking to your --

[102-3] A: Left at that time because traffic on the right was coming.

[104-105] Q: And then you just looked up and you saw the impact, felt the impact?

[106] A: Yes.

[107-8] Q: So you don't believe that Ms. Trifon was in the median before you pulled into it?

[109] A: Upon pulling into it, no.

[110-111] Q: Okay. And did you see her pull off of the oncoming traffic into the median?

[112] A: No.

[113-114] Q: So you don't know where she came from, which direction she came from?

[15] **A:** I know which direction.

[16-22] **Q:** I'm sorry. I'm not trying to confuse you. What I'm asking was did you see her pull of-- okay. You have four lanes of traffic. And you have two lanes going one way and apparently the other car was in the other lane. Did you see her come from the two lanes of traffic that you were trying to --

[23] **A:** No.

[24] **Q:** Do you remember anything else from the impact?

[25] **A:** No.

[page 17, line 1] **Q:** What happened after the impact?

[26-41] **A:** I called 911. I remained in my car until the police arrived. When the police came we both gave our statements.

[5] **Q:** Did you remain in your car to do that?

[6] **A:** No.

[7] **Q:** Okay. So you got out when the police came?

[8] **A:** Yes.

[9] **Q:** And do you know how long that took?

[10] **A:** Within five minutes.

[11-15] **Q:** Now, the statement that you both gave to the police, were those private statements? Meaning you couldn't hear what she was saying and she couldn't hear what you were saying. Or do you think you --

[16] **A:** I don't think it was all that private.

[17-18] **Q:** Do you recall hearing Ms. Trifon's statement to the police?

[19] **A:** Vaguely.

[20] **Q:** Anything you can remember that you can tell us?

[21] **A:** No..

[22-23] **Q:** Okay. Did the officer who came to the scene call an ambulance for you?

[24] **A:** Yes.

[25] **Q:** How long did it take them to get there?

[page 18, line 1] **A:** Maybe about 30 minutes.

[2] **Q:** Did you call anyone else?

[3] **A:** Yes.

[4] **Q:** Who else did you call?

[5] **A:** That actually came to the scene?

[6] **Q:** No. Just in general.

[7] **A:** My parents.

[8] **Q:** Okay. Anyone else?

[9] **A:** And a male friend at that time.

[10] **Q:** What was your male friend's name?

[11] **A:** Gregory Smith.

[12-13] **Q:** I'm assuming by at that time he's no longer a friend of yours?

[14] **A:** Correct.

[15] **Q:** And anyone else?

[16] **A:** That's it.

[17-18] **Q:** Okay. Now, why did you call your parents and your friend?

[19-20] **A:** My parents, one, natural concern. **Gregory Smith for support. I live here alone.**

[21] **Q:** Did you call your employer?

[22-23] **A:** Yes. To notify them that I had just been in an accident and I would not be coming in.

[24] **Q:** What hospital were you taken to?

[25] **A:** Richland.

[page 19, lines 1-2] **Q:** Do you know if anyone else went to the hospital?

[3] **A:** Excuse me?

[4-5] **Q:** Do you know if anyone else went to the hospital?

[6] **A:** No, ma'am.

[7-8] **Q:** And what injuries did you report when you went to the hospital?

[9] **A:** Neck and back .

[10-11] **Q:** Any particular side of your neck or just the neck in general?

[12-13] **A:** Right side of my neck and the lower like left part of my back to middle.

[14-15] **Q:** How fast would you say your car was going when the impact happened?

[16] **A:** Not one.

[17] **Q:** You said not more than a mile?

[18] **A:** Yeah.

[19] **Q:** Okay. Did you have your seat belt on?

[20] **A:** Yes.

[21] **Q:** And did your air bags deploy?

[22] **A:** No.

[23-24] **Q:** Did your body hit anything in the interior of the car?

[25] **A:** No.

[page 20, lines 1-2] **Q:** What kind of treatment did you receive at Richland Memorial?

[3-4] **A:** At that time I was given muscle relaxant and referred to my family physician.

[5] **Q:** And who is your family physician?

[6] **A:** Dr. Reed.

[7-8] **Q:** And could you tell me, do you know Dr. Reed's first name or where the office is?

[9-11] **A:** I don't know his first name. But the office is University Specialty Clinics in Medical Park Two.

[12] Q: And how long has he been your family doctor?

[13] A: A year. Just this year.

[14] Q: And you said University Specialty Clinic Two?

[15] A: Medical Park Two. Yes.

[16-17] Q: I'm sorry. And you said he's been your family doctor for about a year?

[18] A: A year. Uh-huh (affirmative response). Yes.

[19] Q: Who was your family doctor before then?

[20-21] A: I'm not sure of his name. But it's in Florence, South Carolina.

[22] Q: Were you kept overnight at Richland Memorial?

[23] A: No.

[24 - page 21, line 1] Q: And what kind of, do you know the prescription or the medicine that you were actually prescribed as a muscle relaxant?

[25] A: At that time Flexeril.

[26-27] Q: And did you get your prescription filled before you left the hospital?

[28] A: No. I left the hospital.

[29-30] Q: Okay. You got it filled after you left the hospital?

[31] A: Yes.

[32] Q: Did you have x-rays done at the hospital?

[33] A: Yes.

[34] Q: Did you have any broken bones or --

[35] A: No.

[36] Q: Any fractures?

[37] A: No.

[38-39] Q: Was there anything remarkable about your x-rays that you recall the doctors discussing with you?

[40] A: No.

[41-42] Q: What diagnosis did the doctor give you when you left? I'm sorry. Before you left.

[43] A: I forgot what the medical terminology was.

[44-45] Q: Did you follow up with your family doctor after going to the emergency room?

[46] A: Yes.

[47] Q: When?

[page 22, line 1] A: About a week afterwards.

[48-49] Q: And your family doctor treated you in reference to injuries from this accident?

[50] A: Yes.

[51] Q: For --

[52] A: At that time.

[53] Q: Okay. What do you mean by at that time?

[54] A: I've been continuously going back.

[55-56] Q: Okay. How many visits do you think you had with that doctor referencing this accident?

[57] A: With that doctor, two.

[58-59] Q: Okay. You went about a week after the accident. And what happened?

[60] A: At that time for treatment?

[61] Q: Yes.

[62-63] A: Basically he ice packed or over-the-counter rubs. And I was given hydrocodone.

[64] Q: And you were given hydrocortisone?

[65] A: Codone.

[66-67] Q: Codone. I'm sorry. And were you taking the Codone in conjunction with the Flexeril or had you completed the Flexeril prescription?

[68] A: I took them together.

[69-70] Q: And when was the second time you saw your family doctor?

[page 23, line 1] A: Well, a little bit of time passed in between there. And I started having muscle spasms not knowing that that's what it was. I was transported to Florence Medical Hospital.

[71-72] Q: How were you transported to Florence Medical Hospital?

[73] A: A friend, I couldn't drive myself.

[74] Q: So you just went to Florence Medical?

[75] A: Yeah.

[76] Q: But the family doctor didn't --

[77] A: Huh-uh (negative response).

[12-15] Q: -- have you transported? And about how long did it take for you to be taken? Well how long after the accident were you taken to Florence Medical?

[16] A: Florence? Maybe about four months.

[17-19] Q: And do you think the treatment at Florence Medical Center four months later was related to this accident?

[20] A: Yeah. I've never had any back problems before.

[21-22] Q: And what kind of treatment did you receive at Florence Medical Center?

[23- page 24, line 1] A: Again I was given Flexeril. And I received a shot but I'm not sure, maybe the shot was for pain. But I'm not sure. But I was given Flexeril again.

[2] Q: And that was at the emergency room?

[3] A: Yeah.

[4-5] Q: And were you kept overnight at Florence Medical Center?

[6] A: No.

[7-8] Q: And what other treatment did you seek regarding this accident?

[9-12] A: I went back to Dr. Reed. And got, now I'm taking Baclofen. That's just a muscle relaxant only for my back versus Flexeril for entire body relaxant.

[13] Q: So Flexeril is for entire body relaxation?

[14] A: Uh-huh (affirmative response). Yes.

[15] Q: And you're taking, could you spell that for me?

[16] A: It's spelled B-A-C-L-O-F-E-N.

[17] Q: And that's for just your back?

[18] A: Yes.

[19] Q: And you've been taking it for how long?

[20] A: Three months.

[21-22] Q: And do you think the, you're taking the Baclofen for injuries related to this accident?

[23] A: Yes.

[24-25] Q: Have any of your doctors given you any type of impairment rating?

[page 25, line 1] A: Pain?

[2-3] Q: Well, any kind of, have any doctors ever told you about having any permanent--

[4] A: No.

[5] Q: -- disability in your back?

[6] A: No.

[7] Q: Have you ever seen any specialists?

[8] A: No.

[9] Q: Have you ever been referred to any specialist?

[10-11] A: Would a chiropractor be considered a specialist?

[12-13] Q: Well, I'm going to ask you about the chiropractor. But no, that was not what I was thinking about. I was thinking about an orthopedist.

[16] A: No. Then no.

[17-19] Q: I'm sorry. I should have been more specific. Okay. Any other treatment you've received including the chiropractor?

[20] A: Other than myself, no.

[21-22] Q: Okay. Now, tell me about the chiropractor treatment.

[23-24] A: I received some kind of shock treatment with heat.

[25] Q: Are you saying shock or shot S-H-O-T?

[page 26, line 1] A: Shock.

[2-3] Q: Okay. And do you recall the dates of your treatment approximately?

[4] A: From March to May maybe.

[5-6] Q: So you think it was from about March of 2008 to sometime in May of 2008?

[7] A: Yeah. Yes.

[8-9] Q: And how did you end up at Fields Chiropractic Clinic?

[10] A: How did I end up there?

[11] Q: Yes, ma'am.

[12] A: Meaning?

[13-15] Q: I mean, were you referred there by the hospital, your family doctor or had you been there before?

[16] A: I had family members that went before.

[17-18] Q: And how many visits do you think you had with Fields Chiropractic?

[19-20] A: Twice. I'm not really sure but it's two or three times a week during that period.

[21-22] Q: And these were scheduled by the chiropractor's office?

[23- page 27, line 2] A: The initial time and me coming in, yes, were scheduled. After that I had the option of coming any time from morning or afternoon. Whatever was best for my schedule on those days.

[3-6] Q: Did any of the doctor -- I'm sorry. Other than what you've told me, can you think of any other treatment that you sought in relation to this accident?

[7] A: Other than me treating myself, no.

[8-9] Q: And what kind of treatment did you give yourself?

[10] A: Over-the-counter medicine.

[11] Q: Do you know which ones?

[12] A: Aleve.

[13] Q: How long have you been taking Aleve?

[14] A: As needed for pain.

[15] Q: How often would you say that?

[16] A: Three days a week.

[17] Q: And how long has that been going on?

[18] A: Since the accident.

119-20] Q: And are you taking Aleve for any other reason other than the back pain from this accident?

119] A: No.

122-23] Q: How about your neck? Did you, did your treatment resolve the pain in your neck?

122] A: Yes. I don't have any problems with my neck.

125 - page 28, line 21] Q: Okay. And when did you start, when did you I guess get relief from the neck pain? When did it stop? I'm sorry.

131] A: Maybe about three weeks, a month later.

131] Q: Okay.

137-71] A: After the treatments at the chiropractor started because I had the little patches on my neck as well.

138-91] Q: So the chiropractic treatment resolved any neck pain?

138] A: Yeah.

141-41] Q: Now, out of the medical providers that you've told me about, did any of those medical providers restrict you or give you doctor's excuses to keep you out of work?

145] A: Yes.

146] Q: Which ones?

147] A: Initially I got my excuse from the hospital.

148] Q: And that was for how long?

149-201] A: I want to say that first week. I want to say a week.

151-22] Q: Okay. Any other excuses that you got from anyone else?

153] A: I did receive an excuse from Dr. Reed.

154] Q: Do you know about how long?

155 - page 29, line 1] A: I'm not sure. Maybe about six months ago maybe.

156] Q: When you said six months?

157-41] A: Yeah. My last visit. Whenever my last visit, maybe about three, three or four months ago.

157-71] Q: Okay, I'm sorry. I think I'm confusing you. How many days did your doctors tell you to stay out of work because of the accident?

158] A: A week I was only allowed at that time.

159-10] Q: Okay, Okay. You said you were only allowed at that time by who?

161] A: My job.

162] Q: So you could only take one week?

163] A: Yeah. I could have taken more without pay.

164] Q: Okay.

165] A: Yes.

166-17] Q: Okay. And were you, so you were paid by your employer for that week only?

168] A: Yes. I had sick time.

169] Q: So you had to use your sick time for this?

170] A: Yes.

171-23] Q: Now, prior to this accident, had you ever suffered any injuries, slip and fall at work or accident or anything else?

174] A: No.

175 - page 30, line 1] Q: And did you have any problems with your back or neck before this?

175] A: No.

176-1] Q: And currently as of today, are you still having any problems from injuries sustained in this accident?

176] A: Yes.

177] Q: And describe those to me as best you can.

178-19] A: My back is in a constant dull pain. I'm taking my medicine. I'm trying to self-massage for relief.

179-12] Q: The medicine you are referring to is the over-the-counter?

183] A: No. The Baclofen.

184-16] Q: Okay, I'm sorry. You did tell me you were still taking Baclofen. Who prescribed that for you?

187] A: Dr. Reed.

188] Q: And how many do, what's the --

191] A: Milligrams?

190] Q: Milligrams. Yes.

191] A: Twenty milligrams.

192] Q: And how many times a day do you take them?

193] A: I can take it up to three times a day.

194] Q: And how many do you?

195] A: Depending on the pain, two.

196 - page 31, lines 1-2] Q: Are you taking your over-the-counter medication in conjunction with that?

196] A: Uh-huh (affirmative response). Yes.

197] Q: Okay. Now Aleve and Baclofen, anything else?

198] A: Relating to my back? No.

199-7] Q: Yes, ma'am. Are you taking medicine for anything else?

200] A: Yes.

201] Q: What else are you taking medication for?

201] A: I have anxiety attacks.

201-12] Q: And what kind of medicine are you taking for anxiety attacks?

201] A: Effexor.

201] Q: Could you spell that for me please?

201] A: E-F-F-E-X-O-R.

201] Q: And what are the milligrams?

201] A: Seventy-five.

[18] Q: And how often do you take it?

[19] A: Once a day.

[20-21] Q: And do you normally take it morning? Afternoon? Night?

[22] A: Mornings.

[23] Q: And how long have you been taking it?

[24] A: A year. I've been taking it a year.

[25] Q: And who prescribes it?

[page 32, line 1] A: Dr. Reed.

[2-3] Q: Any other medication Dr. Reed prescribes for you?

[4] A: No.

[5-6] Q: Other than those three medications is there any other medication you take on a regular basis?

[7] A: No.

[8-9] Q: Do you know why Dr. Reed prescribed the anxiety medication for you?

[10] A: Well, that was a different problem.

[11] Q: Okay.

[12] A: A different issue.

[13] Q: What was the problem?

[14] A: Personal issues.

[15] Q: Anything in particular?

[16] A: No.

[17-18] Q: Okay. Did something happen that caused Dr. Reed to prescribe you medication?

[19] A: Which one?

[20] Q: The anxiety medication.

[21-22] A: I was on a different medicine that I did not like so I asked for a different medicine.

[23-24] Q: And what was that different medicine before Effexor?

[25] A: Zoloft.

[page 33, line 1] Q: And what were you taking Zoloft for?

[1] A: The same thing, anxiety.

[3-5] Q: But did some incident happen that caused a doctor to first describe you as having anxiety attacks?

[6] A: What happened to make me go to the doctor?

[7-8] Q: Yeah. I'm asking you was it something you were born with?

[9] A: No.

[10-11] Q: Was it something that happened in your personal life?

[12] A: One day I felt different. I felt weird.

[13] Q: But no incident triggered it?

[14] A: I can't say. It happened.

[15-16] Q: And you're not alleging that this accident caused your anxiety attacks?

[17-18] A: No. I had the anxiety attacks before the accident.

[19-20] Q: And you can't point to any particular event in your life that led to the anxiety medication?

[21] A: No.

[22-24] Q: I think that's all the questions. Oh, one other question. Your vehicle, was your vehicle drivable from the accident scene?

[25] A: No.

[page 34, line 1] Q: It had to be towed?

[2] A: Yes.

[3-4] Q: Was it towed because it wouldn't start or wasn't drivable or because you couldn't drive it?

[5] A: It was not drivable.

[6] Q: Okay. That's all the questions I have.

[7] MR. BRUNSON: No follow-up.

(There being no further questions, the deposition concluded at 10:56 a.m.)

[page 1] STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) 2008-CP-40-4243
Teresa Ingram, Plaintiff,) TRANSCRIPT OF RECORD [pages 45 – 85 and page 150]
VS.) August 24 and 25, 2009
Marjorie Russ Trifon, Defendant.) Columbia, South Carolina

BEFORE: HONORABLE L. CASEY MANNING, JUDGE AND JURY.
APPEARANCES: WILLIE H. BRUNSON, ESQUIRE Attorney for Plaintiff
M. RITA METTS, ESQUIRE Attorney for the Defendant
Crystal Holmes, Official Court Reporter

[page 45, lines 22-23] Mr. Brunson: Your Honor, we'd like to make a motion that Dr. Fields be excused.

[24] The Court: I think that's without objection.

[25] Ms. Metts: No objection, Your Honor.

[page 46, line 1] The Court: Thank you, Doctor.

[2] Ms. Metts: Unless he just wants to see it.

[3] The Court: You may call your next witness.

[4-5] Mr. Brunson: Thank you, Your Honor. The Plaintiff calls to the stand Ms. Ingram.

[6] The Court: Come around, Ms. Ingram.

[7-8] (Teresa Ingram, having first been duly sworn, testified as follows)

[9-10] The Clerk: Have a seat in the witness box and state your name for the record, please.

[11] The Witness: Teresa Ingram.

[12-13] DIRECT EXAMINATION By Mr. Brunson:

[14] Q. Good afternoon, Ms. Ingram.

[15] A. How are you?

[16] Q. Where do you currently reside?

[17-18] A. I currently reside here in Columbia at 300 Byron Road Apartment 4.

[19] Q. Okay. And how long have you lived in Columbia?

[20] A. I've lived in Columbia a total of five years.

[21] Q. Okay. And are you currently employed?

[22] A. No, I'm unemployed at this moment.

[23-24] Q. All right. And where was your last place of employment?

[25 to page 47, line 1] A. I was employed with the Mentor Network of South Carolina.

[26] Q. Okay. Now, Ms. Ingram, you filed a lawsuit in this case, correct?

[27] A. Correct.

[28] Q. And I believe that it stemmed from a motor vehicle collision?

[29] A. Correct.

[30-31] Q. Okay. Before we get into that, let me ask you a couple more questions. Now, are you single or married?

[32] A. I am legally married but we are separated.

[33] Q. Okay.

[34] A. Legally separated.

[35] Q. All right. Now, your husband's last name is what?

[36] A. Jackson.

[37-38] Q. Okay. And when you got married, did you acquire the last name of Jackson or not?

[39] A. I did not.

[40-41] Q. Okay. Now, does all of your mail -- what last name does that come in?

[42-43] A. It comes in both actually. On my license, it has Ingram Jackson. On social security and birth certificate, it's Ingram.

[44] Q. Okay.

[45] A. And marriage certificate is Ingram as well.

[page 48, lines 1-3] Q. All right. Now, you are -- you are legally separated you said?

[46] A. Correct.

[47-48] Q. Okay. And how long have you been separated from your husband?

[49] A. About four years.

[50-51] Q. Okay. So your social security card, the last name is what?

[52] A. Ingram.

[53-54] Q. Okay. So after the marriage you changed -- did you change anything to Jackson?

[55] A. I only changed my driver's license.

[56] Q. Okay. That's the only thing?

[57] A. Yes.

[58-59] Q. Okay. Now, Ms. Jackson, I want -- I'm sorry, Ms. Ingram. I want to take you to February 29th, 2008.

[60] A. Okay.

[61] Q. Okay. Do you recall the date?

[62] A. Yes, I do.

[63-64] Q. Okay. Did anything significant happen on that date?

[65] A. That was the day of the accident.

[66-67] Q. Okay. Around or about what time did the accident occur?

[68] A. I would say between 2 and 2:15.

In page 49, line 11 Q. Okay. And on what street?

12 A. It happened on Forest Drive here in Columbia

13-14 Q. Okay. Can you describe for the Court where you were coming from that day?

15 A. I was coming from paying a bill on Forest Drive.

16 Q. Okay. And specifically where at?

17-18 A. At that time it was SunCom. I think it's First Cellular.

19 Q. Okay, so you were paying a telephone bill?

20 A. Correct.

21-22 Q. Okay. And tell me what happened after you paid the bill.

23-25 A. Well, after I paid the bill I came back out because I was in route to going to work. I just came up to make the payment before I actually went to work. So I went to make the payment and I came -- well, I -- so you want to go ahead on into what happened?

26-27 Q. Yeah, just tell us what happened after you left the store and got into the car?

28 to page 50, line 71 A. As I left the store and I got into my car, it was a sunny day, traffic was real backed up on Forest Drive. I came to the driveway. Again, traffic was crowded so you know how you have a break for people to come out into the median. So I had a break to come out into the median. Traffic was coming from the right coming back down this way (indicating) as I was trying to go to the right. So I looked to my right and to my left, I didn't see anything. So as I proceeded into the median, that's when Ms. Trifon collided with my vehicle.

18-19 Q. Okay. Now, let me make sure I'm understanding your testimony. You were exiting a private drive?

20 A. Correct.

21-22 Q. And you were going to head to the right or to the left on Forest Drive?

23 A. To the left on Forest Drive.

24-25 Q. Okay. So as you approached Forest Drive in the private park getting ready to exit, tell us again what you did?

26 A. Well, I waited because traffic was at a standstill.

27 Q. Okay.

28-29 A. So when traffic let me break, that's when I proceeded.

30-31 Q. All right. Now when you say traffic let you break, I need you to explain that a little bit.

32-35 A. Traffic stopped. It was cars to the right and left and a little spot in the middle for you to come out.

36 to page 51, line 11 Q. Okay.

A. That's what I mean by break:

Q. So did cars behind the drive stop and cars before the drive proceed?

A. No, they were all stopped.

Q. Okay. Tell us about the break though.

A. Okay.

Q. When you described a break, who do you mean?

A. The clear way to come out.

Q. Okay.

A. Okay, this is driveway (indicating).

Q. Okay.

A. So it's cars on both ends. This is a two way lane.

Q. Okay.

A. The light is red on the right side (indicating).

Q. Okay.

A. So traffic is at a standstill. So the cars made enough space so I could drive through.

Q. Okay.

A. So that's what I mean by break.

Q. Okay. So -- and did you in fact drive through?

A. Yes.

Q. And you drove through to where?

34 A. The median.

35 to page 52, line 11 Q. Okay. And tell us what happened after you drove into the median.

A. Well, I cautiously crossed for one because, like I said, traffic was real crowded. So when I saw that I had the clear way to proceed into the median, about almost half of my car was in the median and then the collision happened.

Q. Okay. Now, give us an idea of what this roadway looks like. How many lanes are on the street?

A. There's a total of four lanes including the median.

Q. Okay. So it's two lanes headed one direction and two lanes headed the opposite?

A. Correct.

Q. Okay. And there's a median in the middle of those four lanes?

A. Yes.

Q. Okay. So I believe you testified that as you got into the median the collision occurred?

A. Yes.

Q. All right. Now, at what point did you see the Defendant's vehicle?

A. Maybe a few cars down.

Q. Okay.

A. About five cars down.

Q. And was her vehicle in motion?

35 A. Yes.

36 to page 53, line 11 Q. Where was her vehicle when you first saw it?

A. When I first saw it it was like five cars down. Upon me entering the median, it was impact.

Q. All right. Well, on the roadway, where was her car positioned when you first saw --

A. Oh, in the median. In the median.

Q. So her car was in the median when you first saw it?

A. Yes.

Q. Okay. And it was how many cars down?

A. Maybe about five cars.

Q. So was -- and her car was moving?

A. Yes.

Q. So is it your testimony then that she was driving in the median?

A. Well she -- yes, driving in the median, yes.

Q. Okay. Now, did you at any point apply your brakes?

A. No, sir.

Q. Okay. How much time would you estimate elapsed from the time that you saw the vehicle to the point of the collision?

A. Maybe about 10 or 15 seconds.

Q. Okay. All right. Now, were you already in the median before you saw her car?

34 A. No, I was coming into the median.

35 to page 54, line 11 Q. Okay. Now, if you had to estimate her speed of travel in the median, how fast would you estimate she was traveling?

A. 20. Maybe about 20 miles per hour.

Q. What about your speed?

A. Two -- one, two miles. I was barely moving.

Q. Okay. And describe the impact for us. What part of her vehicle, if any part, struck your vehicle?

A. It was her passenger side struck my driver side.

Q. Okay. Do you mean your doors or ---

A. No.

Q. --- where at on the car?

A. In front -- like the hood-like area of the car up to the door.

Q. Okay.

A. Because the door was jammed, yes.

Q. And you're describing her vehicle?

A. Mine.

Q. Okay. So -- so, which side again, I'm sorry?

A. Her -- her passenger hit my driver side from the front bumper to the door area.

Q. Okay. So is it safe to say the corner of your car and the corner of hers?

A. Yes.

Q. Okay. So this collision wasn't a head-on collision?

A. No, No, sir.

Q. So the damage -- well, was there any damage to your vehicle?

A. Yes.

Q. Okay. Whose vehicle were you driving?

A. My father's. It's my car but it's in my father's name.

Q. Okay. All right. And tell us about the damage to that car.

A. I'm not sure the valued amount but I want to say maybe 3,000 in damages, right at 3,000. The whole front the fire rod, everything was messed up.

Q. Would looking at the estimate refresh your recollection as to the damages?

A. Excuse me?

Q. Would looking at an estimate refresh --

A. Yes, uh-huh.

Q. -- your recollection? What is your father's name by the way?

A. Curtis Ingram.

Q. What type of vehicle was it?

A. a '04 Maxima

Q. I'm going to hand you something. (Witness reviewing the document.)

Q. Do you recall who the -- I'm sorry, how much damage was done to the vehicle?

A. No, this is accurate.

Q. Pardon me?

A. I said, no. This is accurate. I'm not sure the exact amount.

Q. Okay. Tell us who Lauren Bostic (phonetic) is? If you know Lauren Bostic.

A. That would be the worker at Dick Smith.

Q. Okay. So that's where you took the car?

A. Yes.

Q. Okay. And do you recognize what I handed you?

A. Yes, uh-huh.

Q. What is it?

A. This is the breakdown of everything that was repaired or to be repaired -- well, repaired.

Q. Okay. Do you -- do you, recognize that though?

A. Uh-huh, yes.

Q. Okay. How do you recognize that?

A. My dad has a copy.

Q. Okay.

Mr. Brinson: Your Honor, Plaintiff would like to move this into evidence as Plaintiff's 2.

Ms. Metts: I have no objection.

The Court: All right, without objection.

(Whereupon, Plaintiff's Exhibit Number 2, Dick Smith Bill, was moved into evidence.)

Q. Okay. I want to hand you what's marked as Plaintiff's 2. I want you to look at the second page. Does that page indicate how much -- how much damage was done to the vehicle or what your damages were in regard to the repair?

A. Yes.

Q. How much?

A. \$3,632.05.

Q. Now, was that damage done from this collision that we're in court for today?

A. Yes.

Q. Okay. So after the collision, did any medical providers arrive?

A. Yes.

Q. Who?

A. The ambulance from Richland came.

Q. I want to show you what's been marked as proposed Plaintiff's 1. Can you take a look at that for me? Do you recognize that?

A. Yes.

Q. What is it?

A. This the Richland County EMS bill.

Q. Okay. And who's that bill for?

A. This is for myself.

Q. Okay. And did you receive this bill when they came to the scene that day?

A. No, I didn't.

Q. Okay. But is this for service that was rendered on that day?

A. Correct.

Q. How much was that bill for?

A. The total is \$625.00.

Mr. Brunson: Your Honor, this Plaintiff would like to move this into evidence as Plaintiff's 3.

Ms. Metts: Without objection.

The Court: All right, without objection.

(Whereupon, Plaintiff's Exhibit Number 3, EMS Bill, was moved into evidence.)

Q. So EMS actually appeared on the scene that day?

A. Yes.

Q. Okay, Did they treat you?

A. They transported me and -- yes, they transported me.

Q. All right. And were you injured?

A. Yes.

Q. Okay. Where did they transport you to?

A. Richland -- Richland Memorial Hospital.

Q. Is that the same hospital that's now referred to as Palmetto Health Richland?

A. Yes.

Q. I want to let you take a look at what's pre-marked Plaintiff's Exhibit 1.

A. Correct.

Q. So you did, you in fact go to Richland via EMS?

A. Correct.

Q. Okay. Did they provide you any treatment at Palmetto Richland at that time?

A. Not at that time, not on that day.

Q. Okay.

A. Not on the initial date.

Q. Okay, were you triaged that day?

A. Yes.

Q. Okay did you receive a bill for anything that they did that day?

A. Yes, uh-huh.

Q. Do you recognize what's -- what I just handed you?

A. Correct, uh-huh.

Q. And what is that?

A. This is my emergency room charges.

Q. And what date was that?

A. It's dated for February 29th, '08.

Q. Okay. And is that from the visit that you just described?

A. Yes.

Q. Okay.

Mr. Brunson: Plaintiff would like to move this into evidence.

Ms. Metts: No objection.

The Court: All right, without objection.

(Whereupon, Plaintiff's Exhibit Number 1, Palmetto Health Bill for February 29, 2008, was moved into evidence.)

Q. So when you went to the ER that day, tell us what, if anything, they did.

A. At that time on that day, they just asked my comfort level. A bad accident had just happened so I was told at that time that they would not be able to see me for more than the next 24 hours, so I left.

Q. Okay. And were you in pain then?

A. Yes.

Q. Okay. Did you ever return to the hospital?

A. Yes.

Q. Okay. And when did you do that?

A. It had to have been the 2nd of March because I didn't have transportation so it had to have been the 2nd.

If I'm not mistaken, I'm not sure if it was a weekend but a couple of days past because I didn't have transportation.

Q. Well, why didn't you have transportation?

A. Because my car had just been in the accident and it was not drivable.

Q. Your car wasn't drivable from the scene?

A. No.

Q. I'm going to hand you and ask you to look at what's pre-marked Plaintiff's 3. Do you recognize that?

A. Yes.

Q. What is that?

A. This is the actual charges of what occurred on the day that I actually returned back.

Q. And what date was that?

A. That was on the 4th.

Q. All right -- of what?

A. The 4th.

Q. of?

A. March.

Q. March 4th?

A. Uh-huh.

Q. Okay. And ---

Mr. Brunson: Your Honor, Plaintiff would like to move this into evidence, Plaintiff's 5.

Ms. Metts: No objection.

The Court: All right, without objection.

(Whereupon, Plaintiff's Exhibit Number 5, Palmetto Health Bill for March 4, 2008, was admitted into evidence.)

Q. I'm going to ask you to take a look at Plaintiff's 5. Why did you return to the hospital that day?

A. I was still in pain actually and to follow-up from the initial accident.

Q. Okay. And what kind of pain were you experiencing then?

A. Neck and back pain.

Q. Okay. And how had this pain -- well, was there any difference from the first time you visited?

A. The difference was more stiffness.

Q. Okay. And where was the stiffness located?

A. My back.

Q. Okay. And what did they do at the hospital, if anything?

A. They gave me an x-ray, of course. And they gave me prescriptions.

^[20] Q. What did they give you prescriptions for?

^[21] A. Flexeril and Vicodin.

^[22-23] Q. Okay. And did you actually get those prescriptions filled?

^[24] A. Yes.

^[25] ^[page 63, line 2] Q. Okay. At -- okay, well, when you left the hospital, did you receive any other medical treatment?

A. I went to the chiropractor.

Q. Okay. And who did you go to?

A. Dr. Fields, Fields Chiropractor.

Q. Okay. And I believe you were here when Dr. Fields testified, correct?

A. Correct.

Q. Okay. And isn't it in fact true that you saw Dr. Fields when you arrived at his office?

A. Yes.

Q. And did he treat you for the injury -- well, what did he treat you for?

A. He treated me for the back pain and neck pains that I was experiencing that was due from the accident.

Q. Okay. And did his treatment help you in any way?

A. It eased the pain a little, yes.

^[26-27] ^[page 63, line 3] Q. Okay. The pain did not go away. It might not ever go away but it wasn't a pain scale of 10 any more.

Q. All right. And how long did you treat with doctor Fields?

A. About two months.

Q. Okay. Did the treatment help you?

^[28] A. Yes.

^[page 64, lines 1-2] Q. All right. At some point you were released from Dr. Fields, correct?

A. Correct.

Q. And -- well, before I ask you about that, let me back you up a little bit. So after this collision you testified that you have been transported by ambulance?

A. Correct.

Q. To the hospital. You testified that you went to the hospital again?

A. Correct.

Q. Then you testified that you were treated by a chiropractor?

A. Correct.

Q. And you were treated for injuries sustained in this accident, correct?

A. Yes.

^[29] Q. Okay. Have you paid your medical bills?

^[30] A. No, sir, I have not.

Q. Who caused the collision?

A. Ms. Trifon.

Q. How did she cause the collision?

A. By colliding into my vehicle --

The Court: Can you speak up just a little bit.

^[31] The Witness: Oh, yes.

^[page 65, line 1] A. By riding in the median, striking my vehicle.

Q. Okay. Are you asking the court to compensate you for damages to your vehicle?

A. Yes.

Q. Are you asking the court to compensate you for your medical bills?

A. Correct.

Q. Did you experience any pain?

A. Yes.

Q. Okay. And can you describe your pain for us?

^[11-14] A. Sharp pains in my lower back. My neck was real stiff. Certain movements made the pain go to my back. So extreme pain. I've never had back pains before until -- you know.

^[15] Q. Had you ever injured your back before?

^[16] A. No, sir.

Q. Do you have pain now?

A. Yes.

Q. Like right this very minute for instance?

A. Not this very minute.

Q. Okay.

^[21] A. But, yes, I'm still experiencing pain.

^[23] Q. How frequently?

^[24-25] A. I'm taking medication so seven days a week, I'll say at least four to five days.

^[page 66, line 1] Q. What are you taking?

^[3] A. I'm taking Baclofen for muscle spasms in my back.

Q. Okay. And who pre -- who prescribed that?

A. Dr. Reed at the University Specialty Clinics here in Columbia

Q. Okay. And at what point did you see or treat with Dr. Reed?

A. I went to Dr. Reed this year, so maybe about eight months after the accident.

Q. Okay. And -- and Dr. Reed prescribed this medicine for you -- I'm sorry, what was it again?

A. Baclofen.

Q. Okay. And are you taking any other prescriptions?

A. Yes.

Q. What else are you taking?

A. I take Effexor.

Q. Okay. How often do you take that?

A. Once a day.

Q. How often do you take the Baclofen?

A. I can take it up to three times a day as needed for pain.

Q. How often do you --

A. So I take it twice a day, when I take it. I don't take it every single day but I can take it up to three times a day.

Q. Okay. Aside from those medications, are you taking anything else?

A. I take Aleve, like other medicines so I wouldn't use all my prescription.

Q. So sometimes you take Aleve?

A. Yes.

Q. You take that instead of taking one of the other medicines?

A. Yeah or -- a combination. Or if I take one tablet, depending on how many that I have left, I'll take one tablet and I'll do an Aleve so I won't have to take the second tablet to try to lessen the dosage.

Q. Were you given prescriptions from the hospital?

A. Yes, I was, but that was only for one refill for Flexeril.

Q. Okay. Are you asking the court to compensate you for your pain and suffering?

A. Yes.

Q. At this point, Ms. Ingram, do you think that you will get better?

A. I hope. It doesn't seem that way but I hope.

Q. Okay. And you're confident that the injuries and pain that you're -- that you were treated for or that you're experiencing came from this collision?

A. Most definitely.

Q. Prior to this collision, were you taking any muscle relaxers?

A. Never.

Q. Any medicine for pains?

A. Never.

Q. Now, very briefly, I'm going to back you up and ask you about the collision again. When you entered into the median, tell me what the Defendant did, if anything, that you recall.

A. Nothing.

Q. Did she apply brakes?

A. I didn't hear any, no.

Q. No skid marks or anything left on the road?

A. No.

Mr. Brunson: Nothing further, Your Honor.

The Court: May I see y'all a minute?

RECESS A bench conference was held off the record, in the presence of the jury, but out of the hearing of the jury.

CROSS-EXAMINATION BY AL. METTS:

Q. Ms. Ingram, do you recall taking a deposition in my office Friday last week?

A. Correct.

Q. And do you recall that you were placed under oath when you took that deposition?

A. Yes.

Q. And do you recall that we had court reporter who transcribed everything you testified to --

A. Yes.

Q. -- at that deposition? Do you recall me asking you about whether you were married?

A. Yes.

Q. And do you recall telling me that you were not married?

A. Correct.

Q. Okay. Is there some reason why you didn't tell me the truth about that?

A. From -- in my mind, I'm not married, I'm legally separated so that's not married.

Q. However, you presented medical records that are in a different last name than Ingram, correct?

A. Correct.

Q. And is there some reason why you wouldn't just explain that this was your married name?

A. It was never an issue or never a real question because -- because it's only Jackson on my license. My name isn't changed other than on my license. My birth certificate, social security, none of that has Jackson.

Q. But I didn't know that at the deposition when I was trying to determine the reason for the last name?

A. (The witness nodded head.)

Q. Now, you testified that at the time of the collision you were trying to cross -- we're talking about four lanes of traffic, correct, and a median in between?

A. Correct.

Q. And you're trying to leave the driveway, cross two lanes of traffic?

A. (Affirmative response.)

Q. Get into the median to get to the other lane of traffic --

A. Correct.

Q. -- Is that -- and traffic was pretty heavy that day?

A. Correct.

Q. Now, at some point the two lanes -- the first two lanes that you had crossed, for some reason the drivers of those vehicles stopped so that you could pull out of the driveway and enter the median, is that correct?

A. Correct.

^{114 to page 73, line 11} Q. Now, when you were doing that, did any of those drivers warn you or give you any notice that someone was in the median?

A. No.

Q. So you just pulled out because they stopped for you?

A. No, I looked. As I said, I looked before I just pulled out that's...

Q. And you testified that you saw Ms. Trifon traveling about 20 miles an hour about five cars' length away, is that correct?

A. Uh-huh, correct.

¹¹⁷⁻¹³¹ Q. So if you saw Ms. Trifon in the median, couldn't you avoid the accident by just waiting for her to clear?

¹²³ A. Well, she had her signal on to actually turn.

¹¹⁵ Q. But did you see her turn?

¹²⁰ A. No, I did not see her turn. She never turned.

¹¹⁷ Q. But you saw her traveling?

A. Uh-huh, yes.

¹¹⁹⁻²⁰ Q. But couldn't you avoid the accident by waiting for her to clear?

²¹¹⁻²²⁴ A. If I had chose to wait, yes. But she had her signal on so I didn't

¹²³⁻¹²⁹ Q. But if you see her traveling and don't see her turn, how did you expect to get into the median without colliding?

^{123-22, 23-29} A. She was not that close. She wasn't close. If she was -- if she was five car lengths behind with her signal on, she wasn't that close so I'm assuming she's going to go ahead and make her turn.

Q. Did you ever see her turn or did you ever take your eyes off the vehicle?

A. When I looked to my right to have that clear way, that's when I took my eyes off of her vehicle.

Q. And when you took your eyes off her vehicle, is that when the accident occurred?

A. No. Because when I looked to the right, I looked back to my front to proceed.

Q. But I'm hearing you right when you say that Ms. Trifon was already in the median before you entered the median, correct?

A. Correct.

Q. And you saw her traveling to make a turn?

A. Yes.

Q. And when you entered the median, you guys collided?

A. Yes.

¹²¹⁻²² Q. And you don't think that you could have avoided by just waiting for her to clear you?

¹²¹ A. No.

¹²⁴⁻²⁵ Q. Okay. So how did you expect to get into the median and not avoid -- and avoid impact?

^{124-73, 125-11-2} A. Because she had the signal on, I'm assuming she's turning. That's how I was thinking.

Q. But you don't think you have an obligation to make sure that she's turning rather than assuming she's turning?

A. Maybe, yes.

Q. You don't think it's possible for someone to have on a signal light and not even know that it's on?

A. Anything is possible, yes.

Q. And you don't think you have an obligation to make sure, to clear traffic?

¹²¹ A. At that moment I didn't. So, no.

Q. And you testified that you went to the emergency room, correct?

A. Correct.

Q. And you testified that you went to the chiropractor?

A. Correct.

¹¹⁹⁻²³ Q. Now, during the deposition that we took, is there any reason why you didn't tell me before today that -- I'm sorry, before the deposition on Friday, that you had sought other medical treatment other than --

¹²⁴ A. I never knew that I had to spoke with you for one.

^{125 to page 74, line 3} Q. During the deposition, you talked about having some continued back --

The Court: Stop. Can I -- can you approach, please, both of you?

(MICHAEL POK, a bench conference was held off the record, in the presence of the jury, but out of the hearing of the jury.)

Q. Just so there's not confusion with anything, other than the Richland Memorial -- I'm sorry, Pabnetto Health Richland and Dr. Fields, what other medical treatment did you receive in regard to the accident?

¹¹²⁻²⁰ A. Maybe about three months after the accident, three or four months after the accident, I had went on a trip out of town. And during that trip, I stopped walking. So at that time, I was transported -- well, driven to Florence Medical. And at that time I was having muscle spasms. That's when I found out I was having muscle spasms. So I went and sought treatment that particular time. So from the accident, a total of two times.

[21-22] **Q. And before your deposition on Friday, did you ever disclose that you sought that medical treatment?**

[23] **A. No.**

[24-25] **Q. Do you have anything, a document, a medical record or bill or anything to verify it?**

[page 75, lines 1-2] **A. I have all of that but I didn't know that I had to bring that.**

Q. Do you recall having any conversations with your attorney where he requested copies of all your medical records --

Mr. Brunson: Objection, Your Honor.

The Court: Basis.

Mr. Brunson: Privileged information, attorney/client --

The Court: All right. Just ask her the question. Don't involve him in it.

Q. Okay. Have you ever been informed that you needed to disclose any medical records and bills that you received regarding this accident?

A. At -- at -- at that time, yes. But that didn't happen within that period as to me to bring any bills. So when I went to the hospital in Florence, I didn't turn in any paperwork for that.

Q. Now, you said it didn't happen in the time frame. What time frame are you talking about?

A. Three months after the accident. If he's asking for -- or if anyone's asking for medical bills from that, then that's what I consider at that time frame.

[25 to page 76, line 3] **Q. So between February 29th of 2008, up until Friday, August the 21st, 2009, you've never had an opportunity to present medical bills from over a year ago?**

A. I never said that.

Q. I'm asking you did you ever do it?

A. No -- no.

Q. And then I'm going to ask you why?

[26] **A. I don't have a reason why.**

[9-10] **Q. And do you have anything to verify that you went to the doctor?**

[11-12] **A. Today? No, I don't have anything with me today but I do have all of that.**

[13-15] **Q. Now, when you were asked this information on Friday during the deposition, is there a reason why you didn't bring it today?**

[16] **A. I was not asked to bring it today.**

[17-18] **Q. But I questioned you about and I asked you about any bills?**

[19] **A. Questioned, exactly. You questioned and I ---**

[20-22] **The Court: Stop. One at a time. Both can't talk at the same time. She asked the question and you answer it.**

[23] **The Witness: Okay, that's fine.**

[24] **The Court: That's the way we do it.**

[25] **Q. Well, I'll let you finish.**

[page 77, lines 1-2] **A. Well you asked the question about my bills and I answered the question.**

[3-4] **Q. Okay. Other than that medical treatment, anything else?**

[5-6] **A. No, other than over the counters rubs, massages, that type of thing.**

[7-8] **Q. Okay. And you also testified that you're still having problems as of today?**

A. Correct.

[10-12] **Q. And is it safe to say that you've been taking pain medication for the back injury since February of last year?**

A. Correct.

[14-15] **Q. And you heard your Dr. Fields testify that when he released you, your issues were resolved?**

A. Correct.

[17] **Q. Is that not true?**

A. On that day, if he made his finding on how I felt that day, maybe.

[20-23] **Q. Okay. And have you followed up with any doctor, orthopedist or other specialist regarding the pain that you've been suffering since February of last year?**

[24] **A. No, other than Dr. Reed, my family doctor, no.**

[25] **Q. And has he referred you to any specialist?**

[page 78, line 1] **A. No, ma'am.**

[2-4] **Q. Did you ever have any conversation with Dr. Fields about the fact that you didn't feel like you needed to be released?**

[5] **A. No, I didn't.**

[6-7] **Q. Did you feel like you needed to be released by Dr. Fields?**

[8] **A. No.**

Ms. Metts: Beg the Court's indulgence, Your Honor.

The Court: Yes, ma'am. (Pause.)

Q. Ms. Ingram, when you were pulling into the median, were you looking in both directions?

A. Yes.

Q. Okay. Did you ever take your eyes off of the direction that saw Ms. Trifon -- I'm sorry, Ms. Trifon was coming from?

A. Yes, when I looked to my right I did.

Q. So you did take your eyes off of her?

A. Correct.

Q. Now, how long would you say it took from the time you pulled from the driveway into the median?

A. Maybe about 10, 15 seconds. Completely into the median, yeah, about 10, 15 seconds.

Q. And you thought you were completely into the median when the accident occurred?

A. My entire car was not in the median, no.

Q. Okay. So you hadn't even got into the median?

A. No. (Pause.)

Ms. Metts: Beg the Court's indulgence, Your Honor.

The Court: Did you say you had any more questions, Ms. Metts?

Ms. Metts: Your Honor, I just want to check with my client. She was taking some notes during this trial and I just wanted to make sure I didn't miss anything. (Pause.)

Ms. Metts: Your Honor, may Mr. Brunson and I approach.

The Court: Sure.

THE COURT: OK, a bench conference was held off the record, in the presence of the jury, but out of the hearing of the jury.

The Court: Members of the jury, go to the jury room and don't talk about this case. I'll bring you back out shortly.

(The jury retires from the courtroom at approximately 4:10 p.m.)

The Court: You know, there's a reason why I asked the question, is there any matters that need to be taken up before we get started.

That's what we always take up before we get started.

Ms. Metts: I thought we resolved ---

The Court: I'm not yelling at you but in the middle of cross-examination all of a sudden, what was the prior record. This is something I need to know about in advance.

Ms. Metts: Well, I just thought it was something that he had to ask to have limited. I thought I had a right to do it. I just didn't want to say it and then have it out there in court ---

The Court: Look, the reason why I asked is there anything we need to take up is for this reason. You don't want a mistrial, he doesn't want a mistrial. I'm not yelling at you but what is the prior record? Let's put it on the record now. What is it?

Ms. Metts: Credit card transaction fraud.

The Court: What?

Ms. Metts: Credit card ---

The Court: How long ago was it?

Ms. Metts: About eight years.

The Court: And how -- what did it involve? Was it a Magistrate case? Could she have gotten over a year in jail?

Ms. Metts: If it were credit card transaction fraud it would have to be General Sessions ---

The Court: I don't know. Do you have a copy of the record?

Mr. Brunson: I don't have it, Your Honor. However ---

Ms. Metts: She testified to it in her deposition.

The Court: All I'm telling y'all is this. Bring it up before we start the case. Now, what was the sentence? What could she have gotten?

Ms. Metts: Up to five years ---

The Court: You're not telling me anything ---

Ms. Metts: It carries up to five years.

The Court: What?

Ms. Metts: It carries up to five years.

The Court: Okay.

Ms. Metts: And I don't know what the sentence was but she could carry up to five years.

The Court: When was it, eight years ago?

Ms. Metts: According to the deposition ---

The Court: I'm not going to allow it. Thank you all, we'll take a break.

(The witness steps down from the witness stand.) (The Court was in recess.)

The Court: And just for the record, Ms. Metts, you wanted to impeach Ms. Ingram on a prior conviction ---

Ms. Metts: Yes.

The Court: --- that occurred about eight years ago, is that correct?

Ms. Metts: Yes.

The Court: And you said you didn't have the indictment or anything but from the deposition -- why don't you put it on the record.

Ms. Metts: Yes, Your Honor. From the deposition she admitted that she had a conviction for -- let me make sure I'm saying it right. She gave me the initials but I know it was credit card transaction fraud and I'm not sure the exact initials. It's my understanding it's a General Sessions and carries up to five years.

The Court: The problem is this, I'm going to deny it. And I wanted you to make it for the record. But I don't have a specific date and time, that sort of thing. I think the prejudice outweighs the probative.

Ms. Metts: Thank you, Your Honor.

The Court: All right. Anything further?

Ms. Metts: That's it.

The Court: All right. Bring the jury in.

(The witness returns to the witness stand.) (The jury returns to the courtroom at approximately 4:20 p.m.)

The Court: Welcome back, Madam Forelady and members of the jury. Ms. Metts, may continue her cross-examination.

Ms. Metts: Your Honor, I am finished with Ms. Ingram.

The Court: All right. Anything on redirect, Mr. Brunson?

Mr. Brunson: Just a few, Your Honor.

REDIRECT EXAMINATION By Mr. Brunson

Q. Ms. Ingram, on cross-examination you were asked by the attorney for the Defendant about your doctor visit subsequent to being released from Dr. Fields. Do you recall that?

A. Yes.

Q. Okay. Now, I just need a clarification point. Now, you mentioned that you went to this doctor because of a back spasm, correct?

A. I couldn't walk, yes, uh-huh.

[25 to page 84, line 1]

Q. Okay. Now, this back spasm prevented you from walking, is that your testimony?

A. Yes.

Q. Now, this happened before or after Dr. Fields?

A. After Dr. Fields.

Q. Okay. And that's when you said someone took you to the hospital?

A. Correct.

Q. Okay. Prior to the spasms, did you have any treatment since Dr. Fields?

A. No, I didn't go to the doctor anymore, no.

Q. Okay. Are you asking this jury to pay you for that doctor visit then?

A. Yes.

Q. Okay. You didn't submit any medical bills or anything?

A. No, I didn't.

Q. Okay.

Mr. Brunson: Nothing further.

The Court: Anything further?

Ms. Metts: One last question.

RE-CROSS-EXAMINATION BY MS. METTS

Q. Ms. Ingram, did you ever tell your attorney about this doctor's visit?

[26] Mr. Brunson: I object, Your Honor.

[page 85, line 4] The Court: I'll allow the question.

Q. Did you ever tell your attorney about that doctor's visit?

A. After the fact, yes.

Q. When you say after the fact, before Friday of last week did you tell your attorney about it?

A. No.

Ms. Metts: No, further questions, Your Honor.

Mr. Brunson: Nothing further.

The Court: You may step down, Ms. Ingram.

(The witness leaves the witness stand.)

The Court: Anything further on behalf of the Plaintiff? The Plaintiff rests?

Mr. Brunson: Plaintiff rests.

The Court: All right. Now, I'm at a point in this trial where I've got to send you out because I have to hear some legal arguments. And once again, the only way I can do it is in your absence. So you've got to go back to your jury for a few minutes. I'll bring you right back out. Thank you.

(The jury retires from the courtroom at approximately 4:50 p.m.)

[24-25] The Court: All right. Ms. Metts, your motions, ma'am.

[page 86, lines 1-4] Ms. Metts: Other than -- did you want me to -- well, I thought the one that we just talked about was it. Do you want me to remake the motion? I thought --

The Court: No, no. Not that one. It's the close of the Plaintiff's case. Your motion for directed verdict which I'm going to deny but you need to make it now.

Ms. Metts: Okay. Your Honor, that's what I was about to do. I thought you meant the other motion.

The Court: No.

Ms. Metts: Yes, I --

The Court: Go ahead and make your motion.

Ms. Metts: Your Honor, based on the evidence and the testimony that has been submitted, I do think my client is entitled to a directed verdict.

The Court: All right. I think it's a factual issue. I'll let the jury resolve it. Respectfully denied. All right.

Ms. Metts: Thank you, Your Honor.

The Court: I've got to help you protect your record. You needed to do that. If they're still standing up, bring them back out.

[25 to page 86, line 1]

(The jury returned to the courtroom at approximately 4:55 p.m.)

[page 150]

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

I, Crystal Holmes, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and Complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of for Common Pleas for Richland County, South Carolina, on the 24th and 25th days of August, 2009. [17] I do further certify that I am neither of kin, counsel nor interest to any party hereto.

July 22, 2010
S/Crystal Holmes, Court Reporter

[page 1] STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
Teresa Ingram, Plaintiff,)
vs.)
Marjorie Russ Trifon, Defendant.)

IN THE COURT OF COMMON PLEAS
2008-CP-40-4243

TRANSCRIPT OF RECORD [pages 26 – 45 and page 150]
August 24 and 25, 2009
Columbia, South Carolina

BEFORE: HONORABLE L. CASEY MANNING, JUDGE AND JURY.

APPEARANCES: WILLIE H. BRUNSON, ESQUIRE Attorney for Plaintiff
M. RITA METTS, ESQUIRE Attorney for the Defendant

Crystal Holmes, Official Court Reporter

[page 26, lines 18-22] THE COURT: So you may call your first witness, Mr. Brunson. (Pause.) THE COURT: I'm sorry, Mr. Brunson, you may proceed.

MR. BRUNSON: Thank you, Your Honor. The Plaintiff calls Dr. Fields to the stand, please.

THE COURT: Come around, Dr. Fields.

[page 26, lines 21-23]

(DR. JAMES FIELDS, having first been duly sworn, testified as follows.)

THE CLERK: Please have a seat in the witness box and state your name for the record, please.

THE WITNESS: James Fields.

[page 27, lines 1-2]

DIRECT EXAMINATION BY MR. BRUNSON:

Q. Good afternoon, Dr. Fields.

A. Good afternoon.

Q. Can you briefly tell us about your educational background?

A. Yes, I have a bachelors of science in psychology from the College of Charleston. I have a doctorate in chiropractic from Life University. And this coming March I'm finishing a bachelor's of science in nursing and in June going to be starting a master's degree in nursing.

Q. Okay. What is your official title?

A. Doctor of Chiropractic.

Q. Okay. Now, tell me about any licenses that you hold.

A. Currently I hold a Doctor of Chiropractic license in the State of South Carolina. In order to attain licensure, you have to graduate from an accredited chiropractic college, you have to pass a national -- four parts of the National Board and the State Board.

Q. Do you have to take in continuing courses to maintain in good standing of your license?

[25 - page 28, lines 1] A. Yes, you do. We have to maintain 24 hours every two years.

Q. Okay. And do you practice here in Columbia?

A. I do practice here in Columbia.

Q. What is the name of your practice?

A. Our practice is Fields Chiropractic Clinic. It's located, our main office, at 4732-C Devine Street. We also have a satellite office that I practice at Monday, Wednesday and Friday mornings which is at Providence Northeast Hospital in the main office building.

Q. Okay. And do you practice with any other doctors?

A. I do. I practice with my father who is mostly retired, my brother who's my partner. My father actually was a pharmacist for 13 years, became a chiropractor and our office opened in 1983.

Q. Okay. And has your office been running since '83?

A. It has, yes, sir.

Q. Okay. Let me ask you another question in regard to that, what type of patients do you see at your chiropractic office?

[21 - page 28, lines 2] A. Most of the patients that we treat have muscular skeletal problems. By that I mean, they have neck pain, back pain, low back, leg pain, shoulder pain. And we do some extremely work like knees and wrists but mainly focus around the spine and the structures directly attached to the spine. We treat things like sports related injuries. We treat sprain-strain injuries, motor vehicle accident type injuries and we treat just the general muscular skeletal pain.

Q. Okay. So you're not a medical -- a M.D.?

A. No, no. My title is Doctor of Chiropractic, D.C.

Q. Okay. As a Doctor of Chiropractic, do you prescribe any medications?

A. No, prescription medications are not a part of chiropractic. Chiropractic treatments are hands-on manual treatments. We treat the patients with different physiotherapies like electrical stem (phonetic), ultrasound, heat, cold and hands-on modalities. And that's -- that's the treatment for the patients.

Q. Okay. Do you -- does chiropractors practice in hospitals?

[29 - page 30, lines 1] A. Chiropractors traditionally do not practice in in-patient settings. However, the trend is growing for chiropractors to practice at hospitals and on hospital campuses in out-patient facilities. The wonderful thing about chiropractic is that the treatments can be provided outside of the in-patient setting which saves a tremendous cost because in-patient hospital care is very expensive.

Q. Okay. Now, I believe you mentioned early that your office has -- you have an office in a hospital?

A. It is within the main office building of Providence Northeast, yes.

Q. And that's up and operating?

A. It is, it's up and operating. Providence Northeast Hospital has an Orthopedic and Neuro Spine Institute. They wanted to have an encompassing array of services to provide for patients in need of spinal care. And so along with surgical options, they also have services out-patient physical therapy. They now offer chiropractic through our services. We're not direct -- I'm not employed by the hospital but we do have an office there.

Q. Okay. Now, did you have an occasion to meet and/or treat the Plaintiff in this action, Ms. Teresa Ingram?

A. I did.

Q. Okay. Do you recall the first date that you met her?

[33-25] A. Yes, Yes, sir. If its okay, considering the date, that it was a year ago, I'd like to refer to my notes, is that okay?

[page 31, line 1] Q. (Affirmative response.)

[2 - page 32, line 2] A. "Ms. Ingram, this 31 year old female, presented today for an evaluation of the effects of a motor vehicle accident. She indicates the problem location is the left middle back, left lower back, right lower back, the posterior aspect of the neck and the left upper back. The accident occurred on 2-29-2008. She stated she was the driver of a vehicle making a left turn when hit on the driver's side. Her body was jerked upon impact. The patient was wearing a seat belt. An accident report was completed by the police. An ambulance did respond to the scene and she did seek treatment at Palmetto Health Richland ER. At the hospital the patient was examined and x-rayed, medicated and prescribed medication upon release and because of her continued pain and discomfort, the patient decided to seek additional help and came to that office -- came to our office on that -- on that basis. She was experiencing low back stiffness and the condition had existed constantly for two weeks. And she indicated standing worsened the condition and walking working -- worsened the condition. And she described it also as sharp and shooting and on a standard one to 10 pain scale she rated her pain at a seven on that day."

Q. Okay. And what date was that again?

A. Her first visit to our office was March 13th, 2008.

Q. Okay. Did you take the history from Ms. Ingram?

[6-11] A. Yes, along with the history that I -- that I had read there, I took a medication history. **Showed a normal blood pressure, 120 over 80. Her height was 5/5, weighed 157. No real remarkable medical history,** no previous surgeries that she reported. **Denied smoking, alcohol, illicit drug use.**

Q. Okay. And were you able to make a prognosis as to what was wrong with her?

A. Uh-huh. Yes, sir. I did a physical exam on the patient. **She had a normal blood pressure, 120 over 80. Her height was 5/5, weighed 157.** After we do our initial workup on the patient, take a history and do our vital signs, then that's when I would do a physical

exam. And if it's okay, I'll read by physical exam findings. Is that okay?

Q. Well, by all means tell us what you found.

[23-235] A. Okay. The left mid-back, the rear of her neck and the left upper back showed segmental hypomobility and tenderness. So what that means to the chiropractor or the physician treating the patient is as I moved the head, or whatever body part it is we're checking, through normal ranges of motion, I'm feeling with my hands to determine whether or not those segments are freely moving without restriction or muscle guarding. So she did show that there was some hypomobility which is a loss of some movement. Her neck otherwise was supple. The trachea was in the midline. Foraminal (phonetic) compression was performed and local pain was listed on the left and shoulder depression test was performed and local pain was listed on the left. So foraminal compression is I place my hands on top of the patient putting a downward force. A normal finding would be no pain at all. A positive finding would be either pain on one side or both sides or a radicular pain meaning a shooting pain down one or both sides. She just had a localized pain. And shoulder depression is when I push down the shoulder on one side as I'm flexing the head over. And again, the normal findings would be no pain and positive findings would be pain on one or both sides and a shooting pain. Going through the ranges of motion in the neck, let's see, there was normal flexion, normal extension -- that's bringing the head back. However, there was pain with extension. She had normal tilt and -- on both sides so she could tilt her head on her own with both sides but there was some pain noted. Rotating the head was normal but she did have pain. I did not determine, based off my palpatory findings and her range of motion that there was any evidence of a fracture or dislocation however, I went on to the low back. The lumbar range of motion was normal with flexion. So when she bent over it was normal but she did have pain -- she did have a full range and extension but there was pain there as well. The left side bend, right side bend and rotation, she did have pain. So in the lower back she had full range of motion she just had pain as she moved. And I also determined that based on those findings that she didn't seem to have any evidence of a dislocation or a fracture. So I think to get back to your -- oh, I still have her shoulder, I'm sorry.

Q. Okay.

[25-255] A. I tested -- her standing posture was okay. Deep tendon reflexes were normal. And then I went on to do an assessment of her shoulder. The left shoulder range of motion, she was normal in flexion, she was normal in extension. She could abduct her arm normally and she didn't appear to have pain within those -- within internal rotation or external rotation. I checked the shoulder for any kind of instability and there wasn't any dislocation or laxity in the shoulder. I reviewed her x-ray reports after that that we obtained from the hospital. The x-ray report I had on her -- let's see -- was from Palmetto Richland. It was a cervical spine film. Again, there was no evidence of any kind of a fracture. So, to get back to your original question, I think was my assessment?

Q. Well, yes, I was going to ask you about that. But let me ask you now. Did you actually make any recommendations based on what you found?

[29-295] A. Yes. I recommended, based on those findings, that she be treated in the office three times a week for a five week treatment plan. I recommended that she do some self-care home management with some stretching exercises and that we would be treating her in our office with spinal manipulation, hydrocollator pack therapy and electrical therapy.

Q. Okay. Now, did she begin treatment with your office?

A. She did. She began treatment on that first day based on our diagnosis of cervical, thoracic and lumbar strain-sprain and pain in that -- and some pain in that left shoulder.

Q. Okay. Now, when you mentioned cervical, thoracic and lumbar, can you please explain what that means.

[31-315] A. Sure. The spine is broken up into three segments. You have a cervical, thoracic and lumbar. There are 24 vertebrae. There are seven in the cervical, 12 in your thoracic or mid-back and five in the lower back. And the diagnosis of sprain-strain is a dual diagnosis meaning that when you strain something you're actually straining the muscle tissue. Whereas a sprain, you are overstretching the ligament tissue. And there's -- there's a big difference there. Muscle tissue and tendons have a very good blood supply so it's constantly being renourished. So a simple strain can heal fairly quickly, within four weeks let's say. And a sprain takes longer because ligaments have very little blood supply and they can take anywhere from six to eight weeks to heal which is why we set our treatment plans to fall somewhere between four and six to eight weeks determinate on how extensive we feel the injuries are.

Q. Okay. I take it you've seen these types of injuries before?

A. Yes, sir.

Q. Okay. Now, are they consistent with any type of accident or injury?

A. This is a typical type of diagnosis for motor vehicle accidents where you have a very fast -- either it's a hit from behind or a hit from the side, what we call an acceleration/deceleration injury or sprain-strain, really it's kind of interchangeable. But the impact forces your body, whether it's forward and backwards or side to side, to accelerate very quickly and then the stopping of -- once the impact is over, the deceleration can have repercussions for injury as well.

Q. Okay. And was the injuries that you found and the injuries that were reported by Ms. Ingram consistent with a motor vehicle collision?

A. It would be, yes.

[24-25] Q. Okay. Now, you mentioned that you -- you started treating her that day?

[page 28, line 21] A. Yes.

Q. Okay. What type of treatment did you give her?

[3-295] A. On that day, along with our exam and initial assessment, we did electrical muscle stem. Electrical muscle stem is a common treatment used to help relieve pain and relax musculature. As chiropractors we are working with our hands to manually manipulate the spine in order to get more movement. So those segments I talked about being hypomobile, we're trying to increase the mobility there. So in order to do that, for patient comfort, we try and facilitate the patient so that the manipulation is more tolerable and feels better and moves better. So we use heat to help bring in fluid into the area and -- blood mainly, and then we also want to soften the muscles. So the electrical stem helps to do that along with hydrocollator pack therapy which is a silicone heated gel pack, it's heated to 160 degrees. We put into four layers of towelling. It's applied onto the patient with the electrical muscle stem and they're there for approximately 15 minutes. After that treatment, she was to receive the manipulation. That's our hands on chiropractic manipulation where we move those vertebrae and help restore the motion --

Q. Okay --

A. -- to the spine.

Q. All right. Now, what was the duration of her treatment with your office?

A. She treated -- her first visit was March 13th, like we said.

Q. Uh-huh.

[11-121] A. Her last visit to the office was on May 6th -- I'm sorry, was on -- yeah, May 6th. That was a total of 19 visits to the office, 18 actual treatment visits and her last visit, which was an examination and then a release.

Q. Okay. Now, you weren't the only one that saw her every time she came to your office?

A. No, I did her initial visit.

Q. Okay.

[20-24] A. And determining on who was in the office and who was treating patients, my brother may have treated her on a -- you know, on particular days, which I believe some of the notes will show by the signatures.

[25 - page 40, line 1] Q. Okay. And did she incur any charges for the treatment?

A. She did. Her total charges were \$1,667.00.

MR. BRUNSON: Permission to approach, Your Honor?

THE COURT: Yes, sir.

MS. METTS: Without objection.

Q. Let me ask you to take a look at that, Dr. Fields.

A. Okay.

Q. Do you recognize what I just handed you?

A. Yes, sir.

Q. What is that?

A. It is the itemized bill from our office.

Q. Okay. And does that adequately reflect the treatment and costs incurred for such treatments?

A. Yes, sir.

Q. Okay.

MR. BRUNSON: Your Honor, Plaintiff would like to move this into evidence as Plaintiff's 1 (etc).

[10-21] (Whereupon, Plaintiff's Exhibit Number 4, Field's Chiropractic Bill for \$1,667.00, was moved into evidence.)

[11-100] A. I think without objection?

MS. METTS: Without objection, Your Honor.

THE COURT: 1 and 2?

MR. BRUNSON: Yeah, it's 1 -- actually, it's pre-marked as Plaintiff's 4.

Q. So, Dr. Fields, tell me -- tell me about your charges? What are your charges based on? I mean, how do you come up with these figures?

A. Our charges are based on what is reasonable and customary within our geographic area as long as -- as well as a basis on what is considered contractual with the State Blue Cross and Blue Shield plan. It's not -- it's not the Blue Cross/Blue Shield plan however, it is based around it.

Q. Okay.

MR. BRUNSON: Permission to publish to the jury, Your Honor?

THE COURT: Sure.

MS. METTS: Without objection.

Q. Are you being paid to come here and testify in court today?

A. I am not.

Q. Okay. Does the outcome of this trial determine whether you get paid or not?

A. No. The outcome of this trial does not determine whether or not I get paid on this trial.

Q. Okay.

MR. BRUNSON: Court's indulgence, Your Honor.

THE COURT: Yes, sir.

(Pause.)

Q. Dr. Fields, at some point, I believe you said around or about May 6th, you released this patient from your care?

A. I did, yes, sir.

Q. Okay. And in your opinion, did she benefit from your treatment?

A. In my opinion, yes, she did. And if you don't mind, I'll reference my last note?

Q. (Affirmative response.)

A. This was for May 6th of 2008. This 31 year old female presents today for follow-up with spinal pain. She is experiencing low back stiffness, neck stiffness, upper back. However, the condition is resolved. The assessment was that after today's clinical assessment it had been determined that the patient's condition was resolved. She was released from the clinic and told to return if any other concerns arose.

Q. Okay. Can you say to a degree of medical certainty that the services you provided were consistent with the injuries that she discussed with you and that you found?

A. I can. Considering the type of injury, the type of diagnosis and the treatment quantity and time frame, that was reasonable, yes.

MR. BRUNSON: No further questions.

THE WITNESS: Thanks.

[page 43] lines 5-6

CROSS-EXAMINATION BY MS. METTS

Q. Dr. Fields, in your initial examination of Ms. Ingram, is that the visit that you said lasted for about 45 minutes?

A. I don't think I said a time frame on the visit.

Q. Could you tell me approximately how long that initial evaluation is?

A. It would be -- initially it takes about an -- an hour, approximately an hour.

Q. And during that visit, you determined the course of treatment for Ms. Ingram?

A. Yes, ma'am.

Q. Now during the time that you were treating her, did you ever change the five weeks at three times a week that you needed to treat her?

A. No. That was the initial setup treatment plan. So that would have been three times a week for five weeks which would have been 15 visits. And we did go 18 visits and then the 19th was an exit exam.

Q. So as you're treating her, you can decrease or increase that initial assessment time?

A. Yes. And on each initial visit, every time the patient walks through the door, we ask them how they're feeling, are they -- you know, is the pain diminishing, are they feeling like they can move their neck or lower back a little bit better. And then we always assess and palpate the patient on each visit as well.

Q. And you've talked about some notes that you were reading from. Do you have a copy of those notes and the corresponding medical reports?

A. Yes, ma'am.

Q. I'm going to show you three pages and can you tell me if this is what you're referring to?

A. Okay. This page here looks like the first day's note on March 13th. And this one looks like May 6th, the last note that I just read from. Yes, the first and last note.

Q. Now do these three pages accurately represent the medical notes and records that corresponds with the bill that was entered into the record earlier?

A. These -- let's see. Yes.

Q. Well, let me let you look at ---

A. Okay.

Q. --- give you minute to look it over and see if that's the actual reflection.

(Pause.)

A. It looks like it, yes.

MS. METTS: Your Honor, I would like to mark and submit the medical records

MR. BRUNSON: No objection, Your Honor.

(Whereupon, Defendant's Exhibit Numbers 1, Field's Clinic's Clinic Review, was entered into evidence.)

MS. METTS: And, Your Honor, I would just like to publish this along with the bill and I have no further questions.

THE COURT: All right, that's fine.

MS. METTS: I have no further questions.

MR. BRUNSON: No redirect.

THE COURT: All right. You may step down, sir.

(The witness leaves the witness stand.)

THE WITNESS: Thank you. Mr. Brunson: Your Honor, we'd like to make a motion that Dr. Fields be excused.

THE COURT: I think that's without objection.

MS. METTS: No objection, Your Honor.

THE COURT: Thank you, Doctor.

MS. METTS: Unless he just wants to see it.

THE COURT: You may call your next witness.

MR. BRUNSON: Thank you, Your Honor. The Plaintiff calls to the stand Ms. Ingram.***

[page 150]

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

I, Crystal Holmes, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of for Common Pleas for Richland County, South Carolina, on the 24th and 25th days of August, 2009. I do further certify that I am neither of kin, counsel nor interest to any party hereto. July 22, 2010 S/Crystal Holmes, Court Reporter

The State of South Carolina
County of Richland

Richland County Magistrate Court
2009-CV-40106-3459, Lykesland Magistrate

Larry Mason, Dinah Steele, Teresa Ingram, and John Mitchell Jones

vs.

Dr. Marie Assa'ad Faltas

TRANSCRIPT OF RECORD
10 November 2009

BEFORE: Lykesland Magistrate Michael Davis.

[page 146, line 21] [page 146, line 22 to page 150, line 13] Direct Testimony Ms. Ingram:

[22 - page 147, line 1] -- and then no words were ever exchanged, and for that fact, she was not even in, outside at that time. Now, she could have been looking out her window, but I did not see her outside. [2-7] And she constantly calls me a prostitute to me, everybody that's here, to the courts, to the police officers, the fire department. **Any and everybody that comes over to Byron Road 300, be it 304 or 300, everybody comes with the intention of knowing or meeting, "Well, who's the prostitute that's over here?"** [8-15] And, um -- hmm, hmm -- okay, and basically, the harassment, it's not -- **It's to the point where I've even called the police about her constant taking pictures. So the way they explained it to me is it's not a crime for her to take pictures, but to what extent?** It's to the point where I'm just, I'm just outside, and she's snapping pictures. It's not one or two pictures. It's hundreds of pictures. For what? [16 - page 148, line 2] And it's like I, I can't live in my own apartment in peace from her. I can be inside my apartment and look outside, it's always the police. If I have company come, I have family from out of town -- I'm not even from Columbia, for one. I have my family come from out of town, she's snapping pictures of all my family members and then going around saying that my family members, I'm prostituting with my father and my uncles when they, when they came to help me. But then she just see men outside, so she automatically assumes that it's that I'm prostituting with whoever's there. And - oh, what else? [2-12] Okay, and I made about the blocking me in on several, several different occasions. And there was a time when she, she, she asked that if, if, if indeed she was harassing me, why was, why did I never file reports early off in it? Well, in the beginning, when it first started, and you know, like when somebody's just trying to get you involved, you say, "No." She's an elder, and I try to have respect for any elder. So I just kind of ignored her, but you cannot ignore her. After so many times, you -- she has to get some kind of response. [13-22] So then it started with all of the courts. So after court and -- as soon as she leaves from court, like how she's in here now, "Oh, I'm sick, I'm sick, I can't talk, I can't breathe," but then, as soon as we go home, she's out screaming again, cursing, calling me a bitch, flipping up, flipping her middle finger up, taking pictures, walking back and forth, in her car, stopped at the -- stopped in front of the mailboxes just parked there, got her window down with her camera like just constantly taking pictures, constantly taking pictures. [23 - page 149, line 8] And she questions all my company. She questions anybody that comes to that building. And we're in two different buildings. I'm not even in the same building that she is. She can't even see me or my car unless she comes -- well, she can see my car if she stands in the far corner of her window, but she would never see me unless she comes all the way outside. I'm in two different buildings, and when my company is there, that's not important to her as to who's at my house, and why are they there, and if they spend the night at my place, they need to pay rent. [9-19] Um, okay, that's pretty much the extent of it. Every day, it's the same thing. Every day, it's the same harassment, every other day. It's just -- today is Tuesday. The police came Friday. It's, it's every other day, nonstop. And a lot of times, it's frivolous. I can be on my way coming outside, and the cops are already down there like waiting on me, and I'm like, "Well, what's going on now?" She's called and said that I've harassed her. I haven't even seen her all day yet, so how am I harassing her? [20-25] Cops has come several times on several different incidents and had to literally yell at her to make her leave to stop harassing me in their presence. I've had cops to come and she's referred to me as a prostitute in front of officers that they've made -- that, that, that they stopped her. [page 150, lines 1-13] And one officer even asked, well, how did she come up with the theory of that. Her response to that was because she see that I spend my money on clothes. So -- and she compares me to, I think, Marilyn Monroe or Janis Joplin, if I'm not mistaken. Anybody that dresses a certain way is a prostitute. Yeah. So it's a slanderance (sic) of that. I try to have patience with that as well. She, she said it in court three times, and the court didn't -- basically allowed her to say it over and over again. And it's just the, just the harassment. It's just nonstop. Every day, it's harassment.

[13] The Court: Is that it?

[14] Ms. Ingram: Yes.

[15-16] The Court: Okay. Let the record show that Ms. Faltas reappeared after the lunch break at 1:17. Ms. Faltas, do you wish to ask her any questions?

[19-20] Dr. Faltas: Yes, Judge. May I first ask if any exhibits were introduced.

[21] The Court: None whatsoever.

[22-24] Dr. Faltas: Okay. May I ask -- the sheets that she was testifying from, could I look at them, please?

[25] Ms. Ingram: No, they're mine.

[page 151, line 1] The Court: -- personal notes.

[2-3] Dr. Faltas: We don't know that they are her personal notes.

[4] The Court: Then let her see them.

[1] **Mr. Ingram:** Excuse me?

[2-7] **The Court:** You got anything personally written on any of those?

[8-10] **Ms. Ingram:** With each one -- these are my personal reports that I have with my investigator. Yeah, these are my, these are my, these are notes.

[11] **The Court:** Okay.

[12-16] **Ms. Ingram:** And if she asks to see this, she already has that. But everything else is a note. *And there's a letter that she wrote to me that's in here if she wants to see the letter that she wrote me.* But everything else is my personal notes. These are notes.

[17-18] **Dr. Faltas:** Yes, I want to see the letter that I showed you, and I want --

[19-20] **Ms. Ingram:** You want to see the letter that --

[21] **Dr. Faltas:** And Judge --

[22] **Ms. Ingram:** -- that you wrote me?

[23 -- page 152, line 1] **Dr. Faltas:** -- Judge, I want to see the, um, her notes because I would like a handwriting test. I think those notes are not written by her but written for her.

[24] **The Court:** Objection overruled.

[25-4] **Dr. Faltas:** Well, can they be proffered for the record?

[5-6] **The Court:** No. She can use notes to refresh her memory. They don't have to be put on the record.

[7-8] **Dr. Faltas:** Judge, if the -- she just claimed --

[9-10] **The Court:** Your objection's so noted for the record. She was not reading directly from her notes.

[11-12] **Dr. Faltas:** May I ask -- may I just give a further explanation, please?

[13] **The Court:** Sure.

[14-16] **Dr. Faltas:** She claimed that she wrote, wrote them herself. I think they were written for her, and I would like a handwriting test on them.

[17-18] **The Court:** No, we're not doing a handwriting test today.

[19-20] **Dr. Faltas:** Well, maybe on appeal, we might need to.

[21-22] **The Court:** No. No, ma'am. Any specific questions you wish to ask her --

[23] **Dr. Faltas:** Yes.

[24] **The Court:** -- concerning her testimony?

[25 -- page 153, line 1] **Dr. Faltas:** Yes. Could I, could I see the letter that she --

[2-8] **Ms. Ingram:** Yeah, this is the letter that you wrote to me.

[4-7] **Cross-Examination By Dr. Faltas:** Q. Are you claiming that this letter is harassment?

[8] **A:** Yes.

[9-10] **Q:** Okay. Did you come and speak to me on October 2nd?

[11] **A:** I did not come to you.

[12] **Q:** You did not come near my car?

[13-14] **A:** I was outside. We was in the parking lot, yes.

[15] **Q:** Did you come and speak to me?

[16-17] **A:** I did not come to speak to you. We were all outside.

[18] **Q:** All meaning who?

[19-21] **A:** Me, you, and Charlene (phonetic). And Charlene is not here, so therefore, we cannot say anything about Charlene.

[22] **Q:** Did you come near my car and speak to me?

[23-24] **A:** We argued about from where you are to where I am, so we can say, yes, you are your car, and I would be me here. So if you -- yeah.

[page 154, lines 1-6] **Q:** Okay. "Madam, only God knows what is truly in people's hearts. I know that I have spiritual duties towards everyone and legal duties to the courts and to other parties and witnesses in my court case." Did you read that?

[7] **A:** If you wrote it there, it's there.

[8] **Q:** Did you read it?

[9] **A:** Vaguely.

[10] **Q:** Okay.

[11-12] **A:** Anything that was given to you went straight -- I don't want anything from you.

[13] **Q:** At this (indistinct) went straight what?

[14] **A:** Excuse me?

[15] **Q:** You said anything --

[16] **A:** Anything that came from you, I don't want it.

[17-18] **Q:** So it went straight where? You said it went straight, and you didn't finish. What did -- what --

19-20] A. I didn't really read it. I took it to my investigator. That's what I said.

21] Q. Who's your investigator?

22] A. Officer Blanton (phonetic).

23] Q. Officer who?

24] A. Blanton.

25] Q. Okay. And what did he say about it?

[page 155, lines 1-2] Dr. Faltas: I'm sorry. I'm sorry. I apologize. That calls for hearsay, and I'm sorry.

3-10] By Dr. Faltas: Q. (Indistinct) "I'm a forgiving person, but also a truthful one. Although I never reciprocated the insults and threats you heaped on me (indistinct) the past month, I will not pretend that I like you or ever liked you." Isn't it true that when you were standing close enough to my car -- you claim it's this distance -- you kept on insisting that I like you?

11-14] A. What I insisted was you take so many pictures of me, it makes me to believe that you're, maybe you're thinking differently, do you like me in a sense other than I guess a friendly like. **I did say that.**

15] Q. So you accused me of being a lesbian.

16-17] A. I asked the question. I didn't accuse. I asked the question.

18-19] Q. And did I tell you that in fact I don't like you at all and I cannot stand you?

20] A. No, you did not say that.

21] Q. Okay, what did I say?

22--page 156, line 1] A. You didn't say anything. You just sat there and smiled as if everything was a game to you. And what I did say to you was, "You are a very smart lady, and these antics that you're doing, I feel that you should be in Hollywood." That's what I said.

23] Q. Why do, do I need to be in Hollywood if I were smart?

4-10] A. Because it's frivolous. Because you're using your smartness in a negative way. That's why I said that. Everything is funny to you. It's as if coming to court and presenting things is like maybe you feel like you're on television and you're getting experience. That's what I meant. And you, you sat there and smiled like, Yes, I am.

11] Q. Did -- I didn't say that.

12] A. You didn't say that --

13-14] Dr. Faltas: Objection. By Dr. Faltas:

15] A. -- but you gave a smile like yes, you did.

16] Dr. Faltas: Objection.

17] The Court: Objection overruled.

18] Dr. Faltas: Exception.

19] The Court: So noted.

20-21] By Dr. Faltas: Q. So then why did you think I was smart?

22--page 157, line 1] A. Because you have a come-back for everything that any judge or police officer or anybody that has any higher authority than you. It's like you make a point to find any loophole or anything that will give you the higher edge.

2] Q. And how did you know that?

3-4] A. By coming to court myself and sitting in and listening and watching your strategy.

5] Q. You came to the eviction trial, didn't you?

6-7] A. Yes. That's the one that lasted forever. Of course I was there.

8-10] Q. And isn't it true that you claimed that your father was in the hospital, and you were put on as the first witness?

11-12] A. Yes, and, and, and isn't it true that you claimed that your mother --

13] Q. (Indistinct.)

14-15] The Court: (Indistinct) you cannot ask her questions.

16-19] By Dr. Faltas: Q. And in fact you stayed for the entire three days. Did you or didn't you? That's a yes or no question. **[20-21] Dr. Faltas: Judge, please make her answer yes or no.**

22-23] The Court: Did you stay for all the three days?

24] A. I stayed.

[page 158, lines 2] By Dr. Faltas: Q. On the first day, during the lunch break, did you go to Richland Memorial Hospital?

3-4] Ms. Ingram: Sir, I feel like that has nothing to do with it.

5] The Court: How is that material to this case?

6-7] Ms. Ingram: It doesn't have anything to say with nothing I ever stated since I've been up here.

8-9] The Court: Does that have -- what does that have to do with this case?

[10] Dr. Faltas: Impeachment, Judge, impeachment.

[11] The Court: Impeachment.

[12-17] Dr. Faltas: Yes. This witness is not telling the truth from the beginning to end, and I am impeaching her just the same way as I impeached Ms. Steele when she, when she claimed that she never invited me to her salon, and I have her writing me in her own handwriting her name and telephone number to make --

[18-19] The Court: Okay, objection overruled. Next question.

[20] Dr. Faltas: Exception.

[21] The Court: So noted.

[22-24] By Dr. Faltas: Q. And did you understand who had filed that eviction action?

[25- page 157, lines 2] A. I've gotten dragged into this, okay? All -- I don't know nothing about any of the -- no land, no sewer, no eviction, no none of that. It's like --

[3-5] Q. My question, in the three days -- and that's a yes or no question -- did you understand who initiated that eviction trial?

[6-10] A. I understand that this Ms. Dinah Steele tried to evict you, and you would not leave, so they brought you to court. That's what I understand. Now, when we got in court, all this sewer stuff and -- I don't know about all of that.

[11] Q. My question -- all right.

[12-13] A. No, I don't know. No, I don't know who initiated. That's the answer. No, I don't know.

[14-15] Q. So you sat for three days, and you didn't know that she was the one who initiated.

[16] A. I was for three days.

[17-19] Q. And you didn't know --

--- end of Tape 2, Side 2 --- | --- Tape 3, Side 1 ---

[20-21] A. As -- for her witness as part of the eviction. For other things --

[22] (Audio breaks.)

[23-25] Q. -- ever been a witness in any action that I brought? Did you ever sit and testify in any action that I brought?

[page 160, lines 1-6] A. In all honesty, I've gotten so many summons, and I'm not sure who they're originally coming from. My very first one, I was under the impression it came from you. Then you started turning around harassing me. So I'm just lost in all this summons and who's doing what. I don't --

[7] Q. And you claim that you work, right?

[8] A. Yes, mm-hmm.

[9-10] Q. And you stayed three days off work to attend the eviction trial.

[11] A. Non-paid. Correct.

[12-13] Q. Okay. And you said you would have stayed five days.

[14-15] A. If I had -- yes. To be a witness to this, yes.

[16-18] Q. And you claim, you claim that you don't have much money, and yet you stayed away from the work that you supposedly do for three days.

[19] A. Yes, ma'am.

[20-21] Q. Okay. That's how much you hate me, or someone is paying you.

[22-24] A. If that's how you feel. You can't, you can't attest to how I feel. Isn't that how you say it? You can't attest to how I feel.

[25] Q. But I'm asking you, do you hate me?

[page 161, lines 1-2] A. Hate is a strong word. I've been brought up not to hate. I dislike you.

[3-4] Q. Mm-hmm. And then has someone paid you to testify against me?

[5-6] A. And I don't know where you're coming up with that from.

[7] Q. Ma'am, that's a yes --

[8] A. No.

[9] Q. -- or no answer.

[10-12] A. I've answered that "no" in this court, at home, a million times at home, in the street -- you already know. No.

[13-14] Q. Ma'am, you can't testify what I know. Did you ever call me the "B" word?

[15] A. No.

[16] Q. Uh-huh.

[17-18] Dr. Faltas: Judge, I know that you're not -- you don't have much patience, but I have tapes.

[19-20] The Court: You're saying I don't have much patience.

[21] Dr. Faltas: I mean -- I'm sorry.

[22] The Court: Is that what you just said?

[22-23] Dr. Faltas: It came out wrong. You said that you don't -- that your patience, you have this much patience left. I meant to --

[page 152, line 1] The Court: No, that's not what I said.

[2] Dr. Faltas: Okay.

[3] The Court: You're mistaken.

[4] Dr. Faltas: I, I, then --

[5-8] The Court: I said from the evidence that you have presented on cross-examination was about that much. That's what I said. I never said anything about my patience.

[9-10] Dr. Faltas: All right, Judge, I have the four tapes --

[11-12] The Court: Now is not the time for you to present your evidence in just a few moments.

[13-16] Dr. Faltas: But what I'm saying is I need the tape to impeach her, and I was just, I was trying to, to say that I understand your time constraints. I was just trying to --

[17-20] The Court: You're the one who brought up the time constraints, now. Remember that. You remember you coming to my office and saying that you wanted to limit what everybody was presenting?

[21] Dr. Faltas: I just -- I'm sorry.

[22] The Court: Do you remember that?

[23 - page 163, line 2] Dr. Faltas: Judge, for the third time, what I said is the first -- in the eviction trial, I didn't get to present my case at all. So I wanted -- if they take four hours to present their case, I need four hours to present my defense.

[3-4] The Court: All right, well they only presented about 20 minutes, but you've pres --

[5-7] Dr. Faltas: I'm sorry. What I'm trying to tell you is that the cross-examination is part of their case --

[8-9] The Court: Well, can it go on and on and on? Should I limit it in any way, shape, or form?

[10-11] Dr. Faltas: You can ask them not to, not to put more witnesses.

[12-13] The Court: All right, how, how long do you feel as if you need to cross-examine a witness?

[14-20] Dr. Faltas: I need to play the tape, and I don't -- and the tape is about 20 minutes long for, for her. Well, she says that -- she, she keeps on -- she says -- and these are her words, not mine -- "Die, bitch, die." "Go to your house, bitch." "You're jealous because you're, because you're old and wrinkled." "I'll be sending you some of my men."

[21] The Court: All right, well let me --

[22] Ms. Ingram: What?

[23-24] The Court: Did you ever say anything like that?

[25] Ms. Ingram: No.

[page 164, line 1] The Court: All right --

[2] Ms. Ingram: That doesn't sound familiar.

[3] The Court: -- well, let's hear the tape.

[4] Ms. Ingram: Yeah.

[5-6] Dr. Faltas: Absolutely. May I go to my car and get it, please?

[7] The Court: Oh, my God.

[8-10] Mr. Mason: Your Honor, these tapes are instigated by her. She only tapes what part she wants to put on the tape. She doesn't tape all of the stuff.

[11] Dr. Faltas: It doesn't matter.

[12] The Court: Hold on. That's fine. Sh.

[13] Dr. Faltas: It doesn't matter.

[14] The Court: This is not your case now.

[15] Mr. Mason: Okay.

[16] The Court: This is her case.

[17-18] Dr. Faltas: It doesn't matter, matter whether I instigated it --

[19] The Court: Would you please go get the tapes.

[20-21] Dr. Faltas: Absolutely. Absolutely. May I -- unless -- may I ask that this be --

[22] Ms. Ingram: No, because that's mine.

[23-24] Dr. Faltas: -- as an exhibit? Well, it's up to the judge.

[25] The Court: Yeah, you can -- sure.

[page 165, lines 1-2] Dr. Faltas: May I ask that it be an exhibit, please?

[3] The Court: Yeah, she identified it.

[4] Dr. Faltas: Thank you. So, so now it's --

[5] The Court: Now --

[6] Dr. Faltas: Okay, I'll, I'll go get the --

[7-8] The Court: Listen, I don't know why you took your tapes to, to the car. Now you --

[9] Dr. Faltas: I didn't --

[10] The Court: Please. Hurry. Get the tape.

[11-12] Dr. Faltas: Absolutely. May I ask if the, the sheriff's people can help me bring the things?

[13] The Court: The sheriff help you?

[14] Dr. Faltas: The, the, the deputies --

[15-16] The Court: No, ma'am. I'm not getting involved with the deputies helping you with your case.

[17-18] Dr. Faltas: All right. All right. I'll bring them. I'll bring them.

[19-20] The Court: We'll stand in recess for five minutes.

[21] (Audio breaks)

[22-23] **Dr. Faltas:** She brought it in. The letter is Defendant's Exhibit 20 because the last one was, was --

[24-25] **The Court:** That's fine. That's -- whatever you -- whatever number you'd like to give it.

[page 166, lines 1-2] **Dr. Faltas:** Me? I'm giving it the number next in sequence --

[3] **The Court:** Okay.

[4-7] **Dr. Faltas:** -- and I wasn't -- I was asking the question. I wasn't specifically -- I was asking, "That will be Exhibit 20?" Could I put it here?

[8-10] **The Court:** That's fine. Can you lay a foundation for this particular tape, when and what it is?

[11-14] **Dr. Faltas:** She claimed that I called her the "B" word. She's the one doing it, and you asked her if she ever called me the "B" word. She said no. And I have --

[15] **Ms. Ingram:** (Inaudible.)

[16-17] **The Court:** All right, then, explain to me how you -- where'd the tape come from?

[18-23] **Dr. Faltas:** Where did it come from? She was standing in her balcony. And I heard noise. I went to see what's going on. And she started at me. In fact, she was almost naked. I went to -- I did bring my camera out, and she's, she went in and changed. And she started calling me that.

[24] (Indistinct, inaudible voices on tape.)

[25 - page 167, line 1] **The Court:** And what was the reason you were taping it?

[2-7] **Dr. Faltas:** Because she's been always calling me this word all the time. And she's always been flipping me a finger, and I was trying to catch her in the act. And in fact, she would -- when I tried to focus, she would act as if she were leaving. But her other man, he did it several times, and I have him on pictures.

[8] **Ms. Ingram:** He's not here.

[9] **Dr. Faltas:** I, I will be showing pictures.

[10] **The Court:** Okay.

[11] **Ms. Ingram:** He's not here.

[12] **The Court:** Let's listen to the tape.

[13] (Indistinct, inaudible voices on tape.)

[14-15] **The Court:** So you're going to introduce the tape as evidence in the case.

[16] **Dr. Faltas:** Yes, if it pleases the Court.

[17] **The Court:** (Inaudible.)

[18] **Dr. Faltas:** Or if you want it --

[19-20] **The Court:** Do you have any objections to her admitting this particular tape into evidence?

[21-22] **Ms. Ingram:** Well, I don't even know what's on it. I don't even know what's on it, so I can't say that.

[23] (Indistinct, inaudible sounds on tape.)

[24-25] **Dr. Faltas:** Judge could I put the microphone (inaudible) amplifiers?

[page 168, line 1] **The Court:** We can hear it.

[2] (Indistinct, inaudible sounds on tape.)

[3] **The Court:** That's cars going by or something.

[4-5] **Dr. Faltas:** That's the fish pond of Mr. Jones, the motor that runs his water.

[6-7] **Ms. Ingram:** Fish pond? There is no fish pond back there. It's getting worse.

[8] **The Court:** There's a fish pond.

[9-10] **Dr. Faltas:** You see, I have pictures of it if you'd like to see it.

[11-12] **The Court:** You took pictures of his fish pond.

[13-14] **Dr. Faltas:** It's not his. It's in the common, it's in the common areas. And he w --

[15] (Indistinct, inaudible sounds on tape.)

[16] **The Court:** How many tapes do you have?

[17] **Dr. Faltas:** Several. Maybe four or five.

[18] **The Court:** Four or five tapes.

[19] (Indistinct, inaudible voices on tape.)

[20-21] **MALE SPEAKER ON TAPE:** I never said that. I said (inaudible) --

[22] **FEMALE SPEAKER ON TAPE:** (Inaudible.)

[23] **MALE SPEAKER ON TAPE:** I did not say that.

[24] **FEMALE SPEAKER ON TAPE:** (Inaudible.)

[25 - page 169, line 2] **MALE SPEAKER ON TAPE:** You (inaudible) say that, and I did not say (inaudible). Just stop harassing me, okay?

[3-4] **The Court:** How long do we have to listen to this?

[5] (Indistinct, inaudible voices on tape.)

[6] **Ms. Ingram:** (Inaudible.)

[7] The Court: How long does it last?

[8] (Indistinct, inaudible voices on tape.)

[9] Dr. Faltas: Judge --

[10] The Court: How long does this last?

[11-14] Dr. Faltas: *I haven't timed the actual point where she says I was -- he says, "I called you the 'B' word, but I didn't say, Die." And she says, "Then I will say it."*

[15-16] The Court: *I understand that, but how long is -- I hear a man's voice on there.*

[17] Mr. Jones: That's me, Your Honor.

[18 - page 170, line 7] Ms. Ingram: I know that day she's talking about because she came out and started harassing us when we was outside talking -- I was talking to the man that lives under me on my balcony. He had company, and it was nice outside that day, so I just went outside, and I looked outside, and I saw the little man sitting downstairs, and I said, "It's a nice day, isn't it?" So me and him just started a casual conversation, and she comes outside with all the cursing and harassing people. And Mitch, I don't know if Mitch was already outside or whatever, but he, he comes outside, and then all of a sudden, she just starts talking about everybody outside, telling Mitch that he killed somebody. It's a every day where we can't even go outside. I'm on, I'm in my apartment --

[8-9] The Court: All right, hold on a second. Let me see where this (inaudible).

[10-12] Dr. Faltas: Judge, may -- *we might have missed the point where she says, "Die, bitch, die." And then she keeps on saying, "Go in your house, bitch," --*

[13] Ms. Ingram: I don't say stuff like that.

[14] Dr. Faltas: -- *"Go in your house bitch."*

[15] Ms. Ingram: (Inaudible.)

[16] Dr. Faltas: (inaudible.)

[17] The Court: Okay.

[18] (Indistinct, inaudible voices on tape.)

[19] Dr. Faltas: *That's her voice, Judge.*

[20] Ms. Ingram: That's what I say.

[21] (Indistinct, inaudible voices on tape.)

[22-23] The Court: Okay, do you have anything else for us to listen to on the tape?

[24 - page 171, line 1] Dr. Faltas: Yes, Judge, it's going on, and I think she was talking over the point where she called, she said, "Die, bitch, die."

[2] The Court: Okay.

[3] Ms. Ingram: (Inaudible.)

[4-5] The Court: All right. Well, stop your tape, and I will listen to it.

[6] Dr. Faltas: Thank you.

[7] (Indistinct, inaudible voices on tape.)

[8] The Court: I just need your tape.

[9] Dr. Faltas: *The whole thing?*

[10] The Court: Yeah.

[11-12] Dr. Faltas: *I mean, you probably need to rewind --*

[13] The Court: Well, I understand that part.

[14-15] Dr. Faltas: -- *because there are other parts on it, and there is also --*

[16-17] The Court: How many times have you tape-recorded these people?

[18] Dr. Faltas: *Three or four times, maybe.*

[19-20] The Court: I just noticed you had a whole bunch of tape. I just didn't know how many times you u--

[21-22] Dr. Faltas: *Some, some of them are tape recordings of the police officers.*

[23-24] The Court: Okay. Have you ever taped me in my office when you and I were chatting?

[25] Dr. Faltas: No, sir.

[page 172, lines 1-2] The Court: Any other questions you wish to ask this witness?

[3] Dr. Faltas: Yes, yes, Judge.

[4-6] By Dr. Faltas: Q. *And you claim your friend didn't, didn't flip a finger at me.*

[7] A. He's not here. I'm not answering for him.

[8-9] Q. *All right, then I'll show you some pictures and ask you if you were there with him.*

[10] Dr. Faltas: *I'm sorry, I didn't (inaudible).*

[11-13] The Court: How does this gentleman here giving you the finger involve this restraining order that this lady here is getting, or trying to get?

[14-19] **Dr. Faltas:** Judge, I was minding my business. She's the one who throws rocks at me and calls the police claiming that I did it. She did it twice. And that day, he was standing there flipping more and more fingers at me, and she was on the phone with the police, claiming that I threw rocks at her.

[20] **The Court:** Okay. All right.

[21] **Dr. Faltas:** May I show you the pictures?

[22 - page 173, line 3] **Ms. Ingram:** On that incident that she's talking about, too, it was seven people outside, **and the only reason why they won't come as witness, they are afraid if she gets their name, they're going to be coming to court.** Nobody has time for this. You know, I have seven people that I can call. They're not going to come here with that.

[4-7] **The Court:** Okay, well, they're not here today, so -- How many photographs have you taken of the tenants and the landlord and all?

[8-10] **Dr. Faltas:** First of all, I haven't photographed any tenants other than she and, and he. I didn't photograph any other tenants. Second --

[11-12] **The Court:** About how many photographs have you taken?

[13-14] **Dr. Faltas:** Judge, many. It doesn't matter. I needed to, to prove that they are --

[15] **Ms. Ingram:** Judge, it's been --

[16] **The Court:** Do you wish --

[17-21] **Ms. Ingram:** It's been times when officers came, and she has provided pictures to the officers. The officers have told her; "How can you say that this lady is harassing you when the, when the pictures I'm looking at --

[22] **The Court:** I don't care about that.

[23] **Ms. Ingram:** -- are clearly saying.

[24-25] **The Court:** I don't care about what the officers say.

[page 174 line 1] **Ms. Ingram:** Okay.

[2-7] **Dr. Faltas:** This is the man that she claims I harassed standing, grabbing his crotch and saying that he'll, he'll, he'll make me suck it, take a picture of me sucking it. He's standing (indistinct) he was almost getting through to my car, and she's standing calling the police.

[8] **Ms. Ingram:** Okay, so what am I doing wrong?

[9] **The Court:** Sh, quiet.

[10] **Ms. Ingram:** Okay.

[11-17] **Dr. Faltas:** She's standing with a coat hanger and (indistinct) blocking my access to the mailbox. And I didn't know if they were stealing (indistinct) or something. And she constantly calls me bitch; stupid bitch; stupid, old bitch; "They will put your ass in jail, bitch;" "Go to your country, bitch;" "They will deport you, bitch."

[18-20] **Ms. Ingram:** And the same pictures she's showing you are the with my father and my uncles that she says I prostitute with, so thank you for the pictures.

[21-22] **Dr. Faltas:** Judge, unless her father and uncle are in here --

[23] **Ms. Ingram:** You know my dad --

[24] **The Court:** Quiet.

[25 - page 175, line 1] **Dr. Faltas:** Unless, unless they're the one who was supposed to be dying. And this is --

[26] **Ms. Ingram:** Just like your mom.

[3-14] **Dr. Faltas:** This is Dinah. She -- you see the exit. She has parked there, on the other. And instead of going to the close exit, she wanted to broadside me. And this is he, Larry, taking the signs off my door and claiming I shouldn't have any -- nothing should be in the, in the common areas. Well, guess what? His son, who used to lived there, put this eyesore of a thing, and he didn't take it out. So it's not a question. And that's he with something in his hand that I thought was a knife coming in and then running out with my signs from my own door.

[15-16] **Ms. Ingram:** I have a question. If this now --

[17-18] **The Court:** Hold on a second. Mm-hmm.

[19-22] **Dr. Faltas:** He comes to my own door, takes my signs from my own door, and I'm not allowed to (inaudible). And this (inaudible) they pull under my window, and they honk.

[23-24] **Ms. Ingram:** That's not under your

[25] (inaudible).

[25 - page 176, line 1] **Dr. Faltas:** And, and they, they also shine mirrors --

[26] (Indistinct conversation.)

[2-4] **Dr. Faltas:** Judge, would you please ask her not to interrupt.

[5-6] **The Court:** I don't -- I wasn't even paying attention to her.

[7-21] **Dr. Faltas:** Okay. And this is the bill that (inaudible). She's standing there. There is a third party who is not involved, and she consistently is calling me. And this is a picture of the common areas, and it has some eyesore (inaudible) things that they put, and it also has this (indistinct) that his son, Larry Mason's son left there, and they (inaudible). But I (inaudible) something on my door that was -- that's in the common areas. These are

high magnifications of those pictures. So if you would (inaudible) those (inaudible) those pictures. Now, these are higher magnifications. And then she claimed on that that her brother turns around. He's -- **if that's her brother, he's facing me and making rude**

[22] Ms. Ingram: You know that's not my brother.

[23--page 177, line 6] **Dr. Faltas:** (Inaudible) but I had -- the man who claims to be her brother, he pretended to be a police officer and was threatening me. And judge, you can see this exit. This exit is closer to where they are and closer to Garners Ferry Road. So instead of -- I wonder if this makes it clear because this is, he stands here grabbing his crotch and says, "I'll make you suck this." And I am the one harassing her. May I ask the --

[7] Ms. Ingram: Can I see it?

[8-9] **Dr. Faltas:** -- these are, these are repetitious, some of the bigger ones.

[10] The Court: That's fine.

[11] **Dr. Faltas:** I mean --

[12] The Court: That's okay. It's no problem.

[13] **Dr. Faltas:** And I --

[14] The Court: Repetitious.

[15] **Dr. Faltas:** I'm, I'm --

[16] The Court: Let's talk about repetitious.

[17-18] **Dr. Faltas:** I meant to say that they are duplicates. You can --

[19] The Court: I understand that part.

[20-21] **Dr. Faltas:** Okay, because some are, are, are smaller that --

[22-23] The Court: I understand that. All right, do you have any other further questions --

[24] **Dr. Faltas:** Absolutely.

[25] The Court: -- you wish to ask her?

[page 178, line 1] **Dr. Faltas:** Absolutely.

[2] The Clerk: (Inaudible.)

[3] The Court: No.

[4] **Dr. Faltas:** I'm sorry?

[5] The Court: My clerk was asking me a question.

[6-7] **Dr. Faltas:** Does it have to do with the exhibits?

[8-9] The Court: Just as to how she was going to number them.

[10-12] **Dr. Faltas:** And my question is may I ask, may I know how so that in case there is an appeal, I'll know what to refer to.

[13] The Court: It will be Group, what number.

[14] **Dr. Faltas:** It will be what?

[15-16] The Clerk: (Inaudible) because I need to make --

[17] The Court: Okay.

[18] **Dr. Faltas:** It will be what?

[19] The Court: Next question that you have now.

[20] Ms. Ingram: Five hours.

[21] The Court: You got ten more minutes --

[22] **Dr. Faltas:** Judge --

[23-24] The Court: -- to ask questions of this witness.

[25--page 179, line 1] **Dr. Faltas:** Yes, yes, Your Honor. I really need to take my breath.

[2-4] **By Dr. Faltas: Q.** Are you saying that you never threw a rock at -- or a stone or a piece of --

[5] **A.** That's exactly what I'm saying, yes.

[6-10] **Q.** All right. And are you saying that I never called you once -- I mean hollered at you and asked you to come to my car and, and commented on something you did to someone else and asked you to say the Lord's Prayer with me?

[11] **A.** And I ignored you.

[12-13] **Q.** Did you (indistinct) at the neighbor that's across the street that doesn't --

[14] **A.** No.

[15] **Q.** You didn't. Okay.

[16] **The Court:** That it?

[17-18] **Dr. Faltas:** I need to show the pictures of her brother. She testified --

[19-20] **Ms. Ingram:** My brother isn't here. Objection. My brother is not here.

[21] **Dr. Faltas:** Judge, she just --

[22] **The Court:** That really -- what does that have to do with her thinking --

[24-25] **Dr. Faltas:** She claims, she claims that -- Judge, you heard her testify. I heard her testify.

[page 181, line 1] **The Court:** Right.

[2] **Dr. Faltas:** She testified about her brothers.

[3-4] **Ms. Ingram:** And I was there, but, but my brother is not here.

[5] **The Court:** Quiet.

[6] **Dr. Faltas:** I, I am --

[7] **The Court:** Listen --

[8] **Dr. Faltas:** I'm doing --

[9-10] **The Court:** This conversation is going on between --

[11] **Ms. Ingram:** Okay.

[12-13] **The Court:** -- the defendant and myself. This does not include you.

[14] **Ms. Ingram:** Okay.

[15-16] **By Dr. Faltas: Q:** Is that you?

[17] **A:** No.

[18] **Ms. Faltas:** Judge, I want to introduce it.

[19] **The Court:** But she can't identify it.

[20] **Dr. Faltas:** Well, but I can.

[21-22] **The Court:** I know, but you're not on the stand.

[23-24] **Dr. Faltas:** All right, fine. I'll introduce it when I (inaudible).

[25 - page 181, line 1] **By Dr. Faltas: Q:** Is that you in these two pictures?

[26] **A:** I can't tell, no.

[27] **Q:** Is that you in this picture?

[28] **A:** No.

[29-3] **Q:** I'm, I'm just showing you. Is that you in this picture?

[7] **A:** Can't hardly see it. No.

[8] **Q:** Is that your balcony?

[9] **A:** I'm not sure whose building, no.

[10] **Q:** Does that look like your balcony?

[11-12] **A:** They are, are similar, but, you know, it's a balcony.

[13] **Q:** Is it like your balcony?

[14] **A:** All the balconies are the same.

[15] **Q:** No, they aren't --

[16] **A:** It's a balcony --

[17] **The Court:** Don't argue with her answers.

[18] **By Dr. Faltas:**

[19] **A:** -- yes, yes, yes, that's a balcony.

[20] **Dr. Faltas:** Okay.

[21-23] **By Dr. Faltas: Q:** Is yours (inaudible) is the screen door in your balcony broken and lying --

[24-25] **Dr. Faltas:** I'm trying to identify that that's her balcony.

[page 182, line 1] **By Dr. Faltas:**

[26] **A:** I don't know how my balcony window is. That --

[27] **Q:** So you were never in, in, in, out --

[28] **A:** No.

[29-3] **Q:** -- in your balcony. Didn't you just testify that you were in your balcony and talking to the little guy?

[4] **A:** Yes.

[10-11] **Q:** Does that look like the little guy you were talking to, no?

[12-14] **A:** I'm not sure. I've only seen him -- saw him there once for maybe about ten minutes. I, I, I don't know.

[15-16] **Q:** You, you, you, you just saw him once for ten minutes and you, you (indistinct).

[17] **A:** I said that it was a nice day outside, yes.

[18] **Q:** I, I (indistinct) and testify when I --

[19] **The Court:** Five more minutes.

[20-21] **By Dr. Faltas: Q:** Do you know this man?

[22] **A:** No.

[23-24] **Q:** You don't know him. Is that you?

[25] **A:** In the background.

[page 188, line 1] Q. Mm-hmm.

[2] A. It favors me.

[3-4] Dr. Faltas: Judge, these are (indistinct) versions of those ones that (indistinct).

[5-6] By Ms. Faltas: Q. Is that you?

[7] A. Yeah, that's me on that one.

[8] Q. Okay, what is the man doing?

[9-10] A. I'm not concerned about the man. I don't know what he's doing, I see me on the picture.

[11] Q. Is that you?

[12] A. That's me.

[13] Q. Is that you?

[14] A. That's me.

[15] Q. And what are you doing?

[16-19] A. It appears that I have my cell phone, so nine times out of ten, if I'm outside with my cell phone and I'm, it looks like I'm pressing buttons, I'm calling the police on you.

[20-21] Q. Calling the police on me even when this man is telling me --

[22-23] A. I see me on that picture. I don't see -- I see me.

[24] Q. Uh-huh. And you had no idea that there was --

[25 - page 184, line 1] A. I can't speak for him. I don't know his mental state.

[2] Q. Couldn't you see him from here?

[3] A. I, I --

[4-5] Q. You don't know -- no, he's not standing behind you. He --

[6-7] A. I see me on that picture. On that day, I don't know about that day.

[8] Dr. Faltas: Judge --

[9-10] The Court: I understand. I have already seen the photographs.

[11-12] By Dr. Faltas: Q. Do you know this woman?

[13-14] A. A woman. Hm. Show me the woman. Can you point the woman out to me, please.

[15] Q. This woman.

[16-17] A. That doesn't look like a woman, but I don't know that person.

[18-19] Q. You don't know this person. Is that you?

[20] A. That's me.

[21] Q. Do you know this woman?

[22] A. No.

[23] Q. You don't know her.

[24] A. No.

[25 - page 185, line 1] Q. She's not one of the guests to whom you referred.

[1] A. No.

[2] Q. Is this your brother?

[3] A. Nope.

[4] Q. Are you in this picture?

[5] A. Yes, I am.

[6] Q. Do you have a child?

[7] A. A child is in the picture.

[8] Q. Do you know this child?

[9] A. No.

[10] Q. You don't know the child.

[11] A. No.

[13-14] The Court: How is that material as to who the child is? How is that material to the case?

[15] Ms. Ingram: Because she wants to know how --

[16-17] The Court: Sh, sh, sh. How is that material to the case?

[18-23] **Dr. Faltas:** Judge, **she runs illegal babysitting (inaudible) in the apartment. She is totally careless about the child's welfare. She is totally (inaudible) -- I'm sorry. (Inaudible.) She is giving bad example to the child.**

[24] The Court: All right, you have --

[25] **Dr. Faltas:** That's --

[page 186, line 1] The Court: -- two more --

[26] **Dr. Faltas:** I, I, I need, I need --

[27] The Court: -- two more minutes of questions.

[4-9] **Dr. Faltas:** I, I will get -- I'll get to all the questions, Judge. Just a second.

[7-9] The Court: Approximately how many photographs do you think you have taken of your neighbors?

[9-15] **Dr. Faltas:** Judge, I told you, I only took pictures of her and of him and of the landlady and Larry Mason. I, I, I didn't take pictures of the other neighbors. And I only -- I mainly take pictures of them when they are blocking me or when they come under my window. And I said mainly. I didn't say only. I said mainly.

[16] The Court: You have approximately 60 seconds.

[17-20] **Ms. Ingram:** I need a copy of that letter there, a copy of that letter that you --

[19-20] The Court: (inaudible) go make a copy of that letter.

[21-22] **By Dr. Faltas: Q.** Do you know someone who drives this car?

[23] **A.** No, ma'am.

[24] **Q.** Do you know this man?

[25] **A.** No, ma'am.

[page 187, line 1] **Q.** Do you know someone who drives this car?

[26] **A.** No, ma'am.

[27] **Q.** Do you know someone who drives this car?

[28] **A.** No, ma'am.

[29] **Q.** Is that you?

[30] **A.** Talking to the police. Yep. That would be me.

[31] **Q.** Okay. Is that you?

[32] **A.** Talking to the police again, yep.

[33] **Q.** What were you talking to them about?

[34] **A.** About you harassing me. I'm sure of it.

[35] **Q.** Okay.

[36-38] **A.** I don't know the date of that, but I'm sure whenever -- I've never had any problems with the police. I've never even known --

[39] **Q.** Is that you?

[40] **A.** -- my neighbors until --

[18-19] **Dr. Faltas:** Judge, Judge -- **By Dr. Faltas:**

[20] **A.** -- all this started.

[21-22] The Court: Questions have been asked and answered, and your time is up.

[23] **Dr. Faltas:** Judge --

[24] **Ms. Ingram:** Thank you.

[25] The Court: Your time is up.

[page 188, line 1] **Ms. Ingram:** Thank you, sir.

[26] The Court: Your time is up. Anything further you have from your side?

[27] **Ms. Ingram:** (Inaudible.)

[28] The Court: Any other witnesses?

[29] **Ms. Ingram:** No, sir.

[30] The Court: All right. Thank you so much.

[31] **Ms. Ingram:** Thank you.

[32-33] The Court: And the last case that we have is, I guess, John Jones. Mr. Jones, do you swear or affirm the information you're about to give is the truth, the whole truth?

[34] **Mr. Jones:** I do. *****

[page 314]

CERTIFICATE OF TRANSCRIPTIONIST

[2-15] I, Caroll Anne Boutahar, do hereby certify: That the foregoing audiotapes entitled "10 November 2009 TRO Hearing Before Lykesland Magistrate Tape 1, Sides A and B;" "10 November 2009 TRO Hearing Before Lykesland Magistrate Davis Tape 2, Sides A and B;" "Cross of Theresa Ingram, Sides A and B;" and "10 November 2009 TRO Hearing Before Lykesland Magistrate Davis Tape 4, Sides A and B" were transcribed; that the foregoing transcript as typed is a true, accurate and complete record of the audiotapes to the best of my ability under the prevailing circumstances. I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

[18-19] [s/] Caroll Anne Boutahar

[20] February 22, 2010