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MAR 16 2018

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM Florence County
Thomas A. Russo, Circuit Court Judge

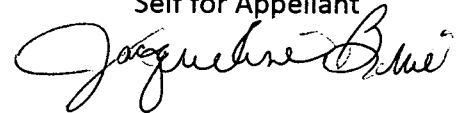
Jacqueline Buie, Appellant (or Respondent),

v.

Walmart Stores East, Respondent (or Appellant).

Jacqueline Buie
504 Keene Road
Marion, SC 29571
(843) 433-2580

Self for Appellant



Regina Hollins Lewis, Esquire
3700 Forest Drive, Suite 400
Columbia, SC 29204
(803) 790-8838
Attorney for Respondent

Statement of Issue on Motion and Petitions

1. Why did Attorney Ralph J. Wilson Jr. not respond on the Unpublished Opinion No. 2018-UP-042 Submitted November 1, 2017 – Filed January 31, 2018. Why did he wait until March 6, 2018 to contact his client Jacqueline Buie about all decision granted and the Remittitur?

STATEMENT OF THE PETITIONS

On January 31, 2018 Appellate court's decision was granted and Attorney Ralph J. Wilson, did not respond, or notify Appellant, Jacqueline Buie. A REMITTITUR was granted on February 20, 2018, Appellant, Jacqueline Buie was not notified. On March 6, Ms. Buie received a call from Attorney Ralph J. Wilson Jr. saying the case was over, and he would send refund. On March 7, 2018 the second and only notice was an email with no explanations or deadlines. I was not informed about a timeline to appeal to the Supreme court. On March 12, 2018, I received email with an attachment posted dated letter. The letter was dated March 9, 2018. Is this legal. The March 9, attachment did not give any detail information. This email sent after I had called Attorney Ralph J. Wilson Jr office 15 times and sent several with no response.

Conclusion

- For the reasons stated, this Court should reverse the judgment of the Circuit Court and reinstate the case in the ~~Supreme Court~~ Supreme Court.

Respectfully Submitted

Jacqueline Bure

Jacqueline Bure

504 Keene Rd

Marrion, SC 29571

803-433-2580

Self for Appellant

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

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

Jacqueline Buie, Appellant,

v.

Walmart Stores East, Respondent.

Appellate Case No. 2016-000982

Appeal From Florence County
Thomas A. Russo, Circuit Court Judge

Unpublished Opinion No. 2018-UP-042
Submitted November 1, 2017 – Filed January 31, 2018

AFFIRMED

Ralph James Wilson, Jr., of Ralph Wilson Law PC, of
Conway, for Appellant.

Regina Hollins Lewis and Lee Ellen Bagley, both of
Gaffney Lewis & Edwards, LLC, of Columbia, for
Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *Bovain v. Canal Ins.*, 383 S.C. 100, 105, 678 S.E.2d 422, 424 (2009)
("An appellate court reviews the granting of summary judgment under the same
standard applied by the trial court under Rule 56(c), SCRCP."); *id.* ("Rule 56(c)[,

SCRCP,] provides that a trial court may grant a motion for summary judgment 'if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.'"); *Hancock v. Mid-South Mgmt. Co.*, 381 S.C. 326, 329-30, 673 S.E.2d 801, 802 (2009) ("In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the nonmoving party."); *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 511, 506 S.E.2d 497, 502 (1998) ("[S]lander is actionable *per se* only if it charges the plaintiff with one of five types of acts or characteristics: (1) commission of a crime of moral turpitude; (2) contraction of a loathsome disease; (3) adultery; (4) unchastity; or (5) unfitness in one's business or profession."); *Swinton Creek Nursery v. Edisto Farm Credit, ACA*, 334 S.C. 469, 484, 514 S.E.2d 126, 134 (1999) ("In a defamation action, the defendant may assert the affirmative defense of conditional or qualified privilege. Under this defense, one who publishes defamatory matter concerning another is not liable for the publication if (1) the matter is published upon an occasion that makes it conditionally privileged, and (2) the privilege is not abused."); *Conwell v. Spur Oil Co. of W. S.C.*, 240 S.C. 170, 178, 125 S.E.2d 270, 274-75 (1962) ("The essential elements of a conditionally privileged communication may accordingly be enumerated as good faith, an interest to be upheld, a statement limited in its scope to this purpose, a proper occasion, and publication in a proper manner and to proper parties only." (quoting 33 Am. Jur. *Libel and Slander* § 126)); *Swinton Creek*, 334 S.C. at 484, 514 S.E.2d at 134 ("Where the occasion gives rise to a qualified privilege, there is a prima facie presumption to rebut the inference of malice, and the burden is on the plaintiff to show actual malice or that the scope of the privilege has been exceeded.").

AFFIRMED.¹

LOCKEMY, C.J., and HUFF and HILL, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.



Ralph Wilson Jr., Esq.
Managing Attorney/CEO

March 7, 2018

Jacqueline Buie
504 Keene Road
Marion, SC 29571

7016 2710 0000 3404 5828

RE: Jacqueline Buie, Appellant v. Walmart Stores East, LP, Respondent,
Appellate Case No. 2016-000982

Dear Ms. Buie:

Enclosed please find the decision of the Court of Appeals who affirmed the lower court's decision to grant Walmart's Motion for Summary Judgment. Also enclosed is the Remittitur in this matter remitting your case back to the lower court.

This decision means the Court of Appeals declined to overturn the Common Pleas Judge's decision and your case remains dismissed.

We appreciate the opportunity to assist you with your Appeal. In accordance with your representation agreement with our office your file will be closed effective seven (7) days from the date of this letter. A complete copy of your file with our office is enclosed on a DVD. Should you wish to obtain any original documents from your file, please contact our office within the next seven (7) days and make arrangements to pick up the materials.

Also enclosed please find our bill for services rendered and our check in the amount of \$1,137.37 representing a refund of your remaining retainer in this matter.

It has been a pleasure working with you on this matter and if we may be of further assistance in the future, please do not hesitate to contact us.

Sincerely,

Ralph J. Wilson, Jr.

RJWJR/jrh
Enclosure

T 843.488.1013

E attorney@ralphwilsonlaw.com

F 843.488.1014

W ralphwilsonlaw.com

1300 2nd Avenue, Suite 212, Conway, SC 29526

MAILING ADDRESS:

P.O. Box 860, Conway, SC 29528



Ralph Wilson, Jr., Esq.
Managing Attorney/CEO

March 9, 2018

Jacqueline Buie
504 Keene Road
Marion, SC 29571

RE: Jacqueline Buie, Appellant v. Walmart Stores East, LP, Respondent,
Appellate Case No. 2016-000982


Dear Ms. Buie:

Our office forwarded the Appellate Court's Order affirming the lower court's decision to grant Walmart's Motion for Summary Judgment and the Remittitur in this matter to you on March 7, 2018. Please be advised the date on which you received this Order from our office may trigger certain deadlines by which you must request reconsideration from the Appellate Court.

On March 7, 2018 you advised our office you hired another attorney and requested your remaining retainer balance be returned to you for that express purpose. Our office mailed a check to you in the amount of your unused retainer balance on the same date you requested it along with a complete copy of your file.

My office no longer represents you in this matter and cannot give you any legal advice. Please direct any questions you have about the process and deadlines for requesting reconsideration to your new attorney.

Sincerely,



Ralph J. Wilson, Jr.

RJWJR/jrh

Subject: **RE: RESPON SHOULD BE RESPONSE I DID NOT PROOF READ**

From: **jmarburger@alphwilsonlaw.com**

To: **bule_jacqueline52@yahoo.com**

Date: **Monday, March 12, 2018, 9:24:27 AM EDT**

Ms. Boule,

Please see attached correspondence. A complete copy of your file was mailed to you on DVD. We mailed a complete copy of your file on DVD. If you would like the original documents from your file, please make arrangements to pick up this material with our office.

Thank you,

Jessica Thomas

Senior Paralegal/ Office Manager



1300 2nd Avenue, Suite 212 Conway, SC 29528

2411 N. Oak St., Suite 105F Myrtle Beach, SC 29577

PO Box 860 Conway, SC 29528

843-488-1013 / F: 843-488-1014

Find messages, documents, photos or people

jacqueline

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Compose

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03.09.18 Ltr.pdf

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- Spam
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- Less
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- Photos
- Documents
- Travel
- Coupons
- Tutorials
- Folders Hide
- New Folder

RE: RESPONSE SHOULD BE RESPONSE I DID NOT PROOF READ Yahoo/Inbox

Jessica M. Thomas <jmarburger@ralp> Mar 12 at 9:24 AM To: 'Jacqueline Bule'

Ms. Bule,

Please see attached correspondence. A complete copy of your file was mailed to you on DVD. We mailed a complete copy of your file on DVD. If you would like the original documents from your file, please make arrangements to pick up this material with our office.

Thank you,

Jessica Thomas Senior Paralegal/ Office Manager



1300 2nd Avenue, Suite 212 Conway, SC 29626
2411 N. Oak St., Suite 105F Myrtle Beach, SC 29577
PO Box 860 Conway, SC 29628
843-488-1013 / F: 843-488-1014

CONFIDENTIAL COMMUNICATION AND CONFIDENTIALITY NOTICE: The information set forth within this e-mail message and any attachment(s) thereto may contain legally privileged and confidential information intended only for the confidential



Ralph Wilson, Jr., Esq. Managing Attorney/CEO

March 9, 2018

Jacqueline Bule 504 Keene Road Marion, SC 29571

RE: Jacqueline Bule, Appellant v. Walmart Stores East, L.P. Respondent, Appellate Case No. 2016-000982

Dear Ms. Bule:

Our office forwarded the Appellate Court's Order affirming the lower court's decision to grant Walmart's Motion for Summary Judgment and the Remittitur in this matter to you on March 7, 2018. Please be advised the date on which you received this Order from our office may trigger certain deadlines by which you must request reconsideration from the Appellate Court.

On March 7, 2018 you advised our office you hired another attorney and requested your remaining retainer balance be returned to you for that express purpose. Our office mailed a check to you in the amount of your unused retainer balance on the same date you requested it along with a complete copy of your file.

My office no longer represents you in this matter and cannot give you any legal advice. Please direct any questions you have about the process and deadlines for requesting reconsideration to your new attorney.

Sincerely,



Opportunity is Everywhere if you know where to look. Get Started at E*TRADE.

03.09.18 Ltr.pdf
90.9kB



image001.png
22.6kB



image002.png
7.6kB

Subject: **EMAIL YOU SENT MARCH 12, 2018 AT 9:24 ADDRESS TO MS. BOUIE WITH A ATTACHMENT LETTER POSTED DATED MARCH 9, 2018 IS A FRAUD**

From: **bule_jacqueline52@yahoo.com**

To: **Jmarburger@ralphwilsonlaw.com**

Date: **Tuesday, March 13, 2018, 8:24:18 AM EDT**

WHAT HAPPEN WAS:

MARCH 6, 2018 I RECEIVED A CALL FROM MR. RALPH WILSON SAYING THE CASE IS OVER. HE SAID THEY THREW THE CASE OUT. HE NEVER CALLED OR EXPLAIN THE APPELLATE COURT DECISION OR REMITTITUR. I DON'T KNOW WHAT TO DO. I NEED TO KNOW HOW TO APPEAL TO THE SUPREME COURT.

I RECEIVED A EMAILFROM MS. JESSICA THOMAS WITH THREE ATTACHMENTS ON MARCH 7, 2018 10:01. I RECEIVED MARCH 7, EMAIL AFTER I HAVE LEFT 16 MESSAGES AND SEVERAL EMAILS ASKING SOMEONE FOR THE MR. WILSON OFFICE TO CALL ME AND EXPLAIN THE REMITTITUR, AS OF MARCH 13, 2018 NO ONE HAS EXPAINED THE REMEITTITUR. I HAVE RECEIVED SEVERAL EMAILS TELLING ME I HAVE A LAWYER, AND I DO NOT, SAID I REQUEST MONEY, AFTER MR. WILSON TOLD THE CASE WAS OVER AND HE WOULD SEND BALANCE.

I RECEIVED ANOTHER EMAIL MARCH 7, AT 10:28 CONFIRMING SHE HAD SENT THE MARCH 7 2018 10:01 EMAIL.

ON MARCH 12, I RECEIVED AN EMAIL ADDRESSED TO MS. BOUIE AND ATTACHMENT LETTER DATED MARCH 9, 2018 IF THIS LETTER WAS WRITTEN MARCH 9, 2018. I SHOULD HAVE RECEIVED IT ON MARCH 9. I RECEIVED THE MARCH 9, LETTER ON MARCH 12, AS A ATTACHMENT.

I AM REQUESTING FOR THE LAST TIME A CALL FROM YOU FIRM TO EXPAIN THE REMITTITUR THAT I RECEIVED FROM THE APPELLATE COURTS, BECAUSE NO ONE FROM YOUR FIRM TOLD ME ANY THING THE CASE WAS OVER.

**THANKS,
JACQUELINE**

Subject: **PLEASE CALL AND EXPLAIN THE REMITTITUR**

From: **bule_jacqueline52@yahoo.com**

To: **jmarburger@ralphwilsonlaw.com**

Date: **Tuesday, March 13, 2018, 8:33:56 AM EDT**

WHAT DO I NEED TO DO? WHAT ACTION I NEED TO TAKE? HOW LONG DO I HAVE TO APPEAL THE SUPREME COURT, THIS IS UNPROFESSIONAL TO LEAVE ME WITH NO UNDERSTANDING OR EXPLANATION OF APPELLATE CASE NO. 2018-000982.

**THANKS,
JACQUELINE**

Sent from Yahoo Mail. [Get the app](#)

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Woodward v. S.C. Farm Bureau Ins. Co., 277 S.C. 29, 32-33, 282 S.E.2d 599, 601 (1981)5

OTHER AUTHORITIES

Rule 56 (c) South Carolina Rules of Civil Procedure.....4

STATEMENT OF ISSUE ON APPEAL

1. DID THE TRIAL COURT ERR BY FINDING THAT NO GENUINE ISSUES OF MATERIAL FACT EXIST IN GRANTING THE DEFENDANTS MOTION FOR SUMMARY JUDGMENT?

STATEMENT OF THE CASE

On September 9, 2014, Appellant, Jacqueline Buie brought this action alleging defamation and assault against Walmart Stores East, LP. from an incident occurring at a Walmart Store. In October of 2014, Respondent, Walmart Stores, East, LP. filed an Answer to Appellant's Complaint. Subsequently, Appellant filed an Amended Summons and Complaint on November 3, 2014 and Respondent filed an Answer to the Amended Complaint on November 13, 2014. Moreover, Respondent filed for a Motion for Summary Judgment on August 27, 2015. The motion was heard by The Honorable Judge Thomas A. Russo on September 28, 2015. After hearing both sides, the Honorable Judge Russo granted Respondent's Motion for Summary Judgment as to the assault claim. As to the claim of defamation, Judge Russo took the matter under advisement. On November 16, 2015, the Court issued a Form 4 Order granting the Defendant's Motion for Summary Judgment as to all of the Appellant's claims. Furthermore, Appellant filed a Motion to Alter, Amend or Reconsider Judgment on December 8, 2015. An Order denying the Motion was filed on April 14, 2016 denying the Appellant's Motion. On May 3, 2016, the Appellant filed the Notice of Appeal.

FACTS OF THE CASE

This case involves the Appellant who was employed by Walmart as a part time overnight stocker in 2012. On November 2, 2012, the Appellant arrived for work and clocked in. Upon clocking in the Appellant was informed by the manager in charge of the store that night, Ms. Kathy Roller, that they were short staffed for the night as several people had called out. Appellant was told to work quickly because other areas of the store would need help because of the people who had called out. The Appellant then started her shift by going to her assigned area for the night and began stocking diapers. During this time another employee who was headed to clock out and go home stopped and talked to the Appellant. While the Appellant was still working and chatting with the other employee simultaneously, Ms. Roller walked by and yelled for them to get back to work. The Appellant and the other employee looked at each other as the Appellant continued to stock. Shortly thereafter, another associate manager, Amber Barnhill, came to where the Appellant was and told her that Ms. Roller wanted to see the Appellant in the office. On the way to the office the Appellant made the declaration that with all of this starting and stopping she would not get any work done and she may as well go home. The Appellant went to the office and while there Mrs. Roller informed her she needed to get back to work because she was not working. During this exchange there was a misunderstanding between the Appellant and Mrs. Roller. Because of this the Appellant leaves the office and requested to speak to the store manager who was off that evening. The Appellant then called a Human Resources telephone number for Walmart's corporate office that was listed on the break room wall. The Appellant left a message informing Human Resources that two managers

were assaulting her and talking to her in a derogatory manner even though she was doing her job.

Moreover, after the phone call the Appellant went back to work, stocking her department. Ms. Roller informed the Appellant that she wanted her to return to the office however, the Appellant continued to work. Ms. Roller indicated to the Appellant that she should clock out and go home if that's what she wanted to do. The Appellant continued to work stocking her area as she never directly indicated she wanted to clock out. A little while later, Ms. Roller returned with two police officers to the Appellant's designated work area. The police officers informed the Appellant that Ms. Roller called them because she wanted the Appellant to clock out and leave and she would not. The Appellant informed the officers that she did not do anything wrong and never indicated that she wanted to clock out only that the stopping and starting with regards to her work was not allowing her to complete her task. The officers finally convinced the Appellant to leave with them even though she believed she had done nothing wrong. The Appellant was escorted out of the store by the police officers in front of other staff and customers.

ARGUMENT

I. SUMMARY JUDGEMENT WAS NOT APPROPRIATE AS GENUINE ISSUES AS TO MATERIAL FACTS EXISTED WITH RESPECT TO THE CLAIM OF DEFAMATION.

Summary judgment is appropriate when it is clear there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Wilson v. Moseley, 327 S.C. 144, 488 S.E.2d 862 (1997). In ruling on a motion for summary judgment, the evidence and all inferences which can be reasonably drawn therefrom must

be viewed in the light most favorable to the non-moving party. *Id.* Moreover, in reaching such a judgment the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, are used. *Rule 56 (c) SCRPC.*

In this case there was a dispute between the Appellant a manger, Amber Barnhill and another manager, Ms. Roller about what was said about clocking out for work. The Appellant contends that she never told the manager she wanted to clock out and go home. (See Page 15 Lines 23-25, Page 16 Lines 1-4 of the Transcript from Hearing). However, the Respondent contends that the Appellant said she wanted to clock out. (See Page 6 Lines 17-20 of the Transcript from Hearing). As a result, the manager, Ms. Roller called the police who came to escort the Appellant out in front of other customers and employees creating the impression that the Appellant stole something or was under arrest.

Moreover, because of this the Appellant filed a claim alleging defamation. "The tort of defamation permits a plaintiff to recover for injury to her reputation as the result of the defendant's communications to others of a false message about the plaintiff." Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 508, 506 S.E.2d 497, 501 (1998). "To prove defamation, the plaintiff must show (1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication." Fleming v. Rose, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002). More specifically the Appellant alleged slander *per se* which is spoken defamation. (See Page 15 Lines 7-11 of the Transcript from Hearing). Slander is actionable *per se* when the defendant's alleged defamatory statements charge the plaintiff with one of five types of acts or characteristics: (1) commission of a

crime of moral turpitude; (2) contraction of a loathsome disease; (3) adultery; (4) unchastity; or (5) unfitness in one's business or profession.” Goodwin v. Kennedy, 347 S.C. 30, 36, 552 S.E.2d 319, 322-23 (Ct.App.2001). Here, the Respondent Walmart defamed the Appellant by calling the police and having the Appellant escorted out of the store with the impression or insinuation that she committed some crime. In this case that would rise to the level of a crime of moral turpitude. Moreover, South Carolina Courts have held that “[a] mere insinuation is actionable as a positive assertion if it is false and malicious and its meaning is plain.” Murray v. Holnam, Inc., 344 S.C. at 139, 542 S.E.2d at 748 (Ct.App.2001).

Lastly, it is well founded that a defendant in a defamation action may assert the affirmative defense of conditional or qualified privilege. Swinton Creek Nursery v. Edisto Farm Credit, ACA, 334 S.C. 469, 484, 514 S.E.2d 126, 134 (1999). More specifically, South Carolina Courts have held “Whether an occasion gives rise to a qualified or conditional privilege is generally a question of law for the court. Murray v. Holnam, Inc., 344 S.C. 129, 140, 542 S.E.2d 743, 749 (Ct. App. 2001).” However, this is not the case when that privilege is abused. “Although abuse of the conditional privilege is generally an issue for the jury to decide, in the absence of a controversy as to the facts, it is for the court to determine”. Woodward v. S.C. Farm Bureau Ins. Co., 277 S.C. 29, 32-33, 282 S.E.2d 599, 601 (1981). Because of the disputed issues of whether the Appellant said she was or was not going to clock out and the Respondent calling the police which gave the impression or insinuation that the Appellant stole something Summary Judgement should have been denied as genuine issues of material facts existed.

12/08/2015
08:32:10

FLORENCE COUNTY E9-1-1
CAD Incident Detail

PAGE 1
USER MITCH

| | | |
|-----------------------------|----------------|-------------|
| CAD Incident: 2012-00133760 | ESN : 0018 | FP F4 FE 43 |
| Phone : 843 669-5400 | Law : FPD | C |
| Name : KATHY - MGR | Fire : FFD ST4 | 4 1 |
| Address : 230 N BELTLINE DR | EMS : FEMS | 3 7 |
| Community: FLORENCE | Rescue: | 43 |
| Jurisdctn: | | |

SubDivisn:
Low Intersection : DAVID H MCLEOD BLVD
Location Info: WALMART BELTLINE

Disp : C
Source: 911

.....
CAD Call Times: LAW CALL

| | | | |
|------------------------------------|-----------------|-----------|--------|
| Incoming Call: 11/03/2012 00:10:01 | <i>12:10 AM</i> | | |
| Call Created : 11/03/2012 00:10:07 | Created By: JSK | Pos:006 | TERM 6 |
| Call Send Time : 00:10:42 | Sent By : JSK | Action: | |
| Call Dispatch Time: 00:11:38 | Event : LAW 1 | Language: | |
| Call Enroute Time : 00:11:38 | Law : | | |
| Call Arrival Time : 00:14:36 | Fire : | | |
| Call Clear Time : 01:11:54 | EMS : | | |
| Call Closed :11/03/2012 01:11:54 | Rescue: | | |

Original Dispatch Remarks:
; Disturbance / Nuisance. Caller Statement: EMPLOYEE S21. -

.....
Narratives

Narrative By: 006\JSK 11/03/2012 00:10
 ProqaEMDP Comment Log and Question Summary
 This is not a referral or informational call.
 ECHO was not selected from Case Entry.
 The caller is on scene and is the victim/suspect (1st party).
 This incident is in progress.
 This incident involves a disturbance. -
 Weapons were not involved or mentioned.
 One person is reportedly involved.
 This incident involves a physical disturbance. -
 The suspect/person responsible is on scene.
 The suspect's description is
 Person Information
 +C3Person #1
 The suspect did not arrive in a vehicle. -
 There is no one in immediate danger. -
 N/A
 N/A
 N/A

Narrative By: 006\JSK 11/03/2012 00:11
 PROQA LAW Person Info
 [Type] Suspect
 [Name] JACQUELINE

Reference # 835747

Individual Statement of Facts

Your Full Name

Arthenia Smith

Your Position

Sales Associate

Facility #

630

Date

11/17/12

General Statement of Facts

(Please use black or blue ink pen)

Please describe in writing, everything you know about the workplace incidents/issues in the space provided below. If possible, describe them in the order they occurred. For each incident/issue you describe, be sure to make clear when the incident happened, where it happened, what happened, who did and said what, and who was present at each. Please write down exactly what each person said or did.

On the night of 11/2/12 I was finishing up my returns near the pumper wall. Jackie night shift associate was working on a pallet. We were talking about a question she ^{had} asked me. She was still opening boxes and putting pumpers on the wall. I heard a voice coming shouting from near shoes saying get back to work. I looked by and I saw Miss Cathy. She said again "get back to work" I thought she was talking to me. I said, "I'm getting ready to go home. Miss Cathy said "bye!" So I finished putting by some of the returns that was left. Then Amber came around the corner in front of the return also. She said come here. I went to see what she wanted, because I thought she was talking to me. I said I told Kathy I was

Individual Statement of Facts

General Statement of Facts, continued

going home and she said bye! Amber said I don't know what's going on + Cathy sent me to get Jackie. I said oh she was ~~talking~~ ^{to me} but she was working the whole time. Amber said "I don't know what's going on. I'm just doing what I was told" then she said come on Jackie. Jackie was still working on the premises. ^{she walked over} so I left and went to clock out.

When I got back to work the next night 11/3/12 Jack came in infant after 10 o'clock. She gave me a hug. I asked her how she was doing? She told me that the police came and walked her out of the store and waited until she left. She said she wouldn't clock out and go home because she felt she didn't do any thing wrong. Then she left to go to work. On that night before I didn't think when Cathy said bye! that it was disrespected. I

Reference #

Individual Statement of Facts Additional Notes Pages

only take it as sarcasm. Amber
was never been disrespected to
me in any way.

C.S.

Attach additional notes pages to the investigation.

Page 3 of 4

Initials C.S.

Reference # 835747



| Your Full Name | Your Position | Facility # | Date |
|------------------------|---------------|------------|---------|
| Rennie Demetrius Green | Maintenance | 0630 | 11-9-12 |

General Statement of Facts

(Please use black or blue ink pen)

Please describe in writing, everything you know about the workplace incidents/issues in the space provided below. If possible, describe them in the order they occurred. For each incident/issue you describe, be sure to make clear when the incident happened, where it happened, what happened, who did and said what, and who was present at each. Please write down exactly what each person said or did.

I walking by the breakroom, I saw Jackie yelling at somebody on the phone. Ms. Cathy was in the breakroom telling her she need to get off the phone. Amber was standing outside the breakroom when I was passing by. The next thing I saw Jackie and the police officers walking out the office.

RG

Note: I was walk to the office and out the store

Reference # 835747

Witnessing Manager Interview Notes

| | | |
|--|--|-------------------------|
| Witnessing Manager Name Rae Ford Carr Jr | Position Store Manager | Date 11/12/12 |
| Interviewee Name Wilbert Blackman | Position Night Maintenance | |
| <input type="checkbox"/> Reporting <input type="checkbox"/> Affected <input checked="" type="checkbox"/> Witness <input type="checkbox"/> Responding | Interview <input checked="" type="checkbox"/> Follow up Interview <input type="checkbox"/> | |
| Interviewed By Kay Liles | Position Store Manager #630 | |
| Investigating Manager Name KAY Liles | Position Store Manager #630 | |

Take detailed notes documenting each question and comment throughout the interview process.
 A Witnessing Manager is required for interviews with the Reporting/Affected and Responding Individual.
 The Investigating Manager will determine if a Witnessing Manager is needed for interviews with a witness to the alleged comments/acts.

Note: Enter the initials of the "Speaker" in the "Speaker" column. Write what the speaker says in the "Question/Comment" column.

| Speaker | Question / Comment |
|---------|--|
| KAY | Friday before last 11/2/12 you was walking back by the restrooms by site to store you was walking with Jackie A thrid shift stocker? |
| Wilbert | I asked her what was wrong, back up a little before then they said the police was here, I was in the breakroom, when I came out I saw them walking her out. So I started back to work and I saw her and asked how are you and she said she was being sent home, that she was disappointed and angry, I could tell she was Angry maybe not to hurt someone. |

Page 1 of **NOTE: I was walk out the store by police officers**

| Speaker | Question / Comment |
|---------|--|
| Kay | How can you tell she was angry? |
| Wilbert | because most of the time she is spiritual and calm, the next night when I saw her I gave her a hug |
| Kay | Did she say anything about a member of Management? |
| Wilbert | Yes, she said Kathy was sending her home but I didn't ask why not my business. |
| Kay | What kind of mood was she after you talk to her. |
| Wilbert | I can't say, I went on to do my job that's neither here nor there. |
| Kay | When you was walking you both was laugh |
| Kay | ing? |
| Wilbert | I can't say we both was laughing, but I was trying to make her laugh. |
| | |
| | |
| | |

Reference # 835747

| Witnessing Manager Interview Summary | | |
|--|---|--|
| Witnessing Manager Name | Raeferd Carr Jr | Position Store Manager Date 11/9/12 |
| Interviewee Name | Curtis Esaw | Position Overnight Maintenance |
| <input type="checkbox"/> Reporting <input type="checkbox"/> Affected <input checked="" type="checkbox"/> Witness <input type="checkbox"/> Responding | | Interview <input checked="" type="checkbox"/> Follow up Interview <input type="checkbox"/> |
| Interviewed By | Kay Liles | Position Store Manager # 630 |
| Investigating Manager Name | Kay Liles | Position Store Manager # 630 |
| <p>On the date and time shown on this report, I interviewed the witness(es) named above. I obtained the following information from the witness(es) and I am reporting it to you. I have reviewed the witness(es) statements and I believe they are true and correct. I have also reviewed the witness(es) statements and I believe they are true and correct. I have also reviewed the witness(es) statements and I believe they are true and correct.</p> <p>Witnessing Manager Name: Raeferd Carr Jr, Position: Store Manager # 630, Date: 11/9/12</p> <p>Interviewee Name: Curtis Esaw, Position: Overnight Maintenance</p> <p>Interviewed By: Kay Liles, Position: Store Manager # 630</p> <p>Investigating Manager Name: Kay Liles, Position: Store Manager # 630</p> | | |
| Speaker | Question | Response |
| Kay | Friday night around 12 or 1 you was walking by the lounge, did you hear Kathy and Jackie talking? | |
| Curtis | No, I saw them in the lounge. | |
| Kay | You didn't hear Kathy and Jackie? | |
| Curtis | No I just heard Clock out. | |
| Kay | You didn't hear any yelling? | |
| Curtis | No, not really. | |
| | <u>Note</u> Talking loud. Not yelling | |

12/08/2015
08:32:10

FLORENCE COUNTY E9-1-1
CAD Incident Detail

PAGE 1
USER MITCH

CAD Incident: 2012-00133760
Phone : 843 669-5400
Name : KATHY - MGR
Address : 230 N BELTLINE DR
Community: FLORENCE
Jurisdctn:

ESN : 0018
Law : FPD
Fire : FFD ST4
EMS : FEMS
Rescue:

FP F4 FE 43
C
4 1
3 7
43

SubDivisn:
Low Intersection : DAVID H MCLEOD BLVD
Location Info: WALMART BELTLINE

Disp : C
Source: 911

.....
CAD Call Times: LAW CALL
.....

.....
Incoming Call: 11/03/2012 00:10:01 *12:10 AM*
Call Created : 11/03/2012 00:10:07 Created By: JSK Pos:006 TERM 6
Call Send Time : 00:10:42 Sent By : JSK Action:
Call Dispatch Time: 00:11:38 Event : LAW 1 Language:
Call Enroute Time : 00:11:38 Law :
Call Arrival Time : 00:14:36 *12:14* Fire :
Call Clear Time : 01:11:54 EMS :
Call Closed :11/03/2012 01:11:54 Rescue:

Original Dispatch Remarks:
; Disturbance / Nuisance. Caller Statement: EMPLOYEE S21. —

.....
Narratives
.....

Narrative By: 006\JSK 11/03/2012 00:10
ProqaEMDP Comment Log and Question Summary
This is not a referral or informational call.
ECHO was not selected from Case Entry.
The caller is on scene and is the victim/suspect (1st party).
This incident is in progress.
This incident involves a disturbance. —
Weapons were not involved or mentioned.
One person is reportedly involved.
This incident involves a physical disturbance. —
The suspect/person responsible is on scene.
The suspect's description is
Person Information
+C3Person #1
The suspect did not arrive in a vehicle. —
There is no one in immediate danger. —
N/A
N/A
N/A

Narrative By: 006\JSK 11/03/2012 00:11
PROQA LAW Person Info
[Type] Suspect
[Name] JACQUELINE

