

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Case No. 2012-CP-38-0845

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SC Court of Appeals

Ralph C. Williams, Sr., and Linda Williams, Appellants,

v.

Patricia A. Johnson, Josette Peppers
and UniHealth Post-Acute Care-Orangeburg, LLC Respondents.

RECORD ON APPEAL - VOLUME 2

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1 A Are you talking as far as reference wise?

2 Q Uh-huh. (Affirmative response.)

3 A Not that I can recall.

4 Q Did you fill out an application?

5 A Yes, I did.

6 Q Who were some of the professors that you may have had
7 at OC Tech?

8 A Ms. Pigott, I think is her name. She was the main
9 instructor until we went to clinicals and then we just had
10 people from Methodist Oaks that came in and, you know, go
11 over things with us to pass the test.

12 Q Now, did you seek out references from people and ask
13 people to write anything on your behalf?

14 A To get a job?

15 Q Yes.

16 A I --

17 Q I'm showing this witness Plaintiff's Exhibit No. 19. Do
18 that look like what you received?

19 A Yes.

20 Q would you read that for us?

21 A Ralph Williams has successfully completed a certified
22 nursing assistant curriculum at Orangeburg Calhoun Technical
23 College in the 2009 Fall term. Mr. Williams was a dedicated
24 student who worked hard to earn his credentials of Certified
25 Nursing Assistant. I feel Mr. Williams will be a valuable

1 asset to the health care field and worthwhile addition to
2 any facility. Feel free to contact me at this number --
3 Sandra Moore, Career Training and Development Director.

4 Q Now, did you also have to fill out an application?

5 A Yes, I did.

6 Q Okay. I'm showing plaintiff Exhibit No. 28. Could you
7 take a look at that; does that look like what you filled
8 out?

9 A Yes, it is.

10 Q Okay. Now, on this application you were asked on Page
11 2, have you ever been convicted of a crime other than a
12 minor traffic infraction. And you put no. Could you talk
13 to us about that?

14 A Well, it was my understanding that UniHealth, they said
15 -- my understanding that for me to get the job they would
16 have to do a SLED background check. I, inadvertently, I
17 checked no, but I mean, I should have -- I didn't really
18 consider the DUOS that important at that time, because I
19 haven't driven in almost 20 years.

20 Q All those charges we talked about were 20 years --

21 A Yeah. I'm just saying I really didn't -- it was my
22 mistake but I really didn't consider that and then after the
23 background came back from SLED that said I was good to go.
24 I didn't -- I didn't think I had lied or tried to be
25 deceitful, I wanted to work.

1 Q And they hired you?

2 A That day. Soon as it came back they hired me that day.
3 Told me to report for training. I mean, this didn't come up
4 until this.

5 Q And the second question is have you been discharged
6 from employment and explain?

7 A Okay. Now, from my recollection the only job I ever
8 lost since I've been in Orangeburg, South Carolina was at
9 Koyo and that was because of the points system. You get 40
10 points. You miss a day and you lose X amount of points.

11 Q Well, first of all, let's look at the time frame. When
12 did you work at Koyo, was that 20-something years ago?

13 A 25.

14 Q 25, 30 years?

15 A Yes. Basically, the first real job outside of cooking
16 that I had in Orangeburg where I made some pretty decent
17 money.

18 Q Okay. So about 25 or 30 years ago?

19 A Yeah. It was on the points system. And then, you know,
20 that was in that era, too, where alcohol, the drug abuse was
21 kind of crazy like. You know, you drink all day long and
22 the next thing you're trying to go to work, you know.
23 You're calling in sick and like that, and eventually the
24 points added up and I lost the job.

25 Q And that was about 30 years ago?

1 (Jury in at 3:51 p.m.)

2 THE COURT: All right, ladies and gentlemen, we're going
3 to continue with the direct examination of Mr. Williams.

4 Mr. Warren. Yes, sir.

5 BY MR. WARREN:

6 Q Mr. Williams, we pick up, I guess you had just getting
7 ready to get started at UniHealth. Talk to me about
8 beginning at UniHealth. When were you hired and this sort
9 of thing?

10 A I'm not exactly sure of the correct date. I think it
11 was February.

12 Q Okay.

13 A I got the job and I had a couple days of training
14 during the day. Towels, diapers and pampers, all the
15 necessary things I needed to put on my cart to complete my
16 shift when I started.

17 Q So how long was training?

18 A Two days, about two days.

19 Q So where did you begin working?

20 A I started working -- during the training they had me on
21 the older wing, not the rehab side. They had a lot more
22 CNAs to help me. After training I went to night shift and I
23 think the first couple of days I think they initially had me
24 on the rehab ward, but I went and spoke to my nursing
25 supervisor and explained to her that I really didn't feel

1 comfortable, you know, dealing with women, because another
2 wing in the older side they had a section for men. I felt
3 more comfortable interacting with them, keeping them clean
4 or whatever. So they switched me.

5 Q If you would, Mr. Williams. You made reference to --
6 Plaintiff's Exhibit No. 4, looking at the facility,
7 Plaintiff's Exhibit No. 4. So talking about where you
8 initially began working at?

9 A Okay. I initially began working on this wing. This is
10 called rehab. A lot more women, you know, a lot less men.

11 Q This is where you began working at?

12 A Right. The first couple of nights. So I asked the
13 nurse supervisor, I really didn't feel comfortable. I
14 wanted to work over here. All these rooms right here were
15 mostly men. And then a couple guys right here. But I had
16 very few female patients to deal with. When we were
17 trained, you knock on the door, you introduce yourself. My
18 name is Ralph Williams, I'm the CNA for the night. I'm here
19 to see if you're wet or dry, do you mind. If they are
20 coherent or awake they have the opportunity to say yes or
21 no. They say no, which when I started there the majority of
22 the ladies they wasn't used to a guy. So I had to go back
23 and tell the nurse on duty I need to switch with a female
24 CNA worker. They would do that and I would maybe take one
25 of the men. So they split the rooms up odd even. So one

1 night you've have all the even numbers, next night you'd
2 have all odd numbers.

3 Q Let me ask you a question right quick, Mr. Williams.

4 A Okay.

5 Q You stated Plaintiff's Exhibit No. 11. Did you
6 identify what that is?

7 A Perineal care.

8 Q Okay. And what is that, perineal care?

9 A Perineal care will provide cleanliness and comfort to
10 patients/residents. Prevent odor, prevent infection.
11 Observe patient/resident skin condition. Equipment, if
12 necessary, water in basin. Incontinent care supplies as
13 provided by health care center, i.e., wash cloth, soap,
14 wipes, peri-wash, towels, disposable gown, if needed,
15 gloves. General -- provides for privacy. Perineal care is
16 given during daily bath or after voiding or bowel movement.

17 Q Now --

18 A Cleanse perineal area from front to back, see
19 procedures for male and female -- (inaudible) -- assemble
20 necessary equipment --

21 Q When are you suppose to do when you approach a room.
22 You were just beginning to mention that. What are you
23 supposed to do?

24 A We were taught at OC Tech that the door is not just a
25 patient room, that's their home. You walk in to somebody's

1 house you knock on the door. Ring the doorbell. You knock
2 on the door. You introduce yourself. My name is Ralph
3 Williams, I am your CNA for this evening. May I have your
4 permission to see if you're wet or dry, soiled or need
5 water. But you've got to ask permission before you do
6 anything. Then you've got to specifically tell them what
7 procedures you're planning to do.

8 Q So when you go to them you have -- you said, listen, I
9 am Ralph Williams, and you're talking to them, I am your CNA
10 and you --

11 A No. You knock on the door. The door comes open and
12 you say, I am Ralph Williams, I'm your CNA for this evening.
13 I'm here to check to see if you're wet or dry. You got to
14 get permission to walk in that room unless they're asleep.
15 You've got to announce yourself. That's they house, that's
16 they home. They said, yeah, come on in. Then once you
17 assess the problem, pull the cover back, lifting the gown or
18 whatever, because they have -- the pants they have on has
19 three lines on it. They're blue. Three lines of blue that
20 means they're dry. Put the covers back on.

21 Q Okay, you can sit down.

22 A If that three lines is green that means that patient
23 has a bowel movement or urinated on themselves. That means
24 you've got to change them. Ma'am or sir, whoever, you're
25 wet. Female, they have the right to say no, I don't want

1 you to do this. I much prefer to have a female CNA. That's
2 when you go back out in the hallway and notify your
3 supervisor. If a female CNA is right there in the same
4 hallway, I can say, Ms. Bruce, Ms. So-and-so, you know, she
5 prefer you do this. So why don't you take this lady right
6 here and I'll take Mr. John Doe down the hall.

7 Q Now, Ralph, Mr. Williams, you indicated when you first
8 started working there, you requested that you not --

9 A I told her I really didn't feel comfortable --

10 Q Who is this?

11 A Ms. Shriver, she was the nursing supervisor. I told
12 her I didn't feel comfortable, so she switched me.

13 Q Okay.

14 A She switched me. But then I guess she got a better job
15 offer and we got another supervisor and I'm back on -- with
16 the women at night time.

17 Q And who was your supervisor when you had to go back to
18 women at night time?

19 A On my hall?

20 Q Yes, sir.

21 A Ms. Patricia Johnson.

22 Q Okay. Now, let's talk about this additional policy,
23 this perineal policy. What do you have to do, you have to
24 provide privacy, what do you have to do?

25 A What you have to establish you have permission. First

1 of all, you shut that door back. If there's two residents
2 in the room initial privacy is when you take the curtain and
3 you don't even want the other patient to see what you're --
4 you got permission from that patient. You put the curtain
5 all the way around. You leaving a space for you to bring in
6 your necessary supplies to do the task that you've got to
7 do. So you've got supplies. Because what you're doing --
8 you might have a visitor come in to see the other lady over
9 here, but you don't want that visitor to see you in the
10 middle of taking care of this other patient. That's where
11 the privacy issue comes from. Once you establish privacy,
12 you go back to your cart, you get the necessary equipment.
13 This the way I would do it. Get the necessary equipment all
14 at one time; pampers, panties, gloves, wash cloth, liquid
15 soap, whatever needed to -- after I assess what the problem
16 is. I bring that and put it either on the chair or at the
17 end of the bed. I put it somewhere close where the soiled
18 paper is taken off and put in a plastic bag, little bag and
19 put in a bigger bag, that's attached to the cart.

20 Q Now, Mr. Williams, you indicated there was a policy for
21 if a female didn't want you to change --

22 A Right.

23 Q -- you would change a male, but what if they couldn't
24 speak, what was UniHealth's policy.

25 A Well, at 11:00 o'clock the majority of the patients

1 were usually asleep.

2 Q Uh-huh. (Affirmative response.)

3 A But you usually out of courtesy you would still go
4 through the introduction.

5 Q Okay.

6 A And if you realize that they're asleep, you gently
7 raise the sheet to see if they wet or dry. If they dry, put
8 it back down, turn the lights off, keep going.

9 Q What was the policy if the couldn't speak?

10 A It wasn't -- I never saw any written policy. Seems
11 like -- basically two days of training, I guess they figured
12 the training I received at OC Tech would suffice enough for
13 me to do whatever was necessary.

14 Q Was it a CNA there to help you and train you on the
15 job?

16 A Well, Ms. Patricia Bruce she helped me a lot. She
17 helped me with the charting process. She helped me do
18 charting. Once you initially get there you get a
19 supervisor, Patricia Johnson. She gives you a list of
20 people that she wants you to take vital signs from. Okay.
21 I got a list from Patricia Bruce. We go take the vital
22 signs, that's the first thing we do. Report back to Ms.
23 Johnson and she takes the vital signs and she logs them,
24 plus we log them also.

25 Q Uh-huh. (Affirmative response.)

1 A Then the next hour that's when we start making the
2 rounds. I heard testimony earlier that every two hours. If
3 you got 30-something people, 30-something people on the wing
4 and it's divided by two people. You got 16 people,
5 whatever. So I mean, a lot of these people are incontinent,
6 so they sit up in their room and drink water, so they're
7 constantly wetting themselves up. Often me and Ms. Bruce, I
8 mean, we -- I mean, we went every hour on the hour. Because
9 you know it's care. You know you don't have to wait until
10 6:30 in the morning and you get off at 7:00 o'clock, 15
11 patients that you've got to change and wash and get ready
12 for breakfast. You had to get three people up every morning
13 on your shift, and bed, bath them and put them in the wheel
14 chair and roll them out to the cafeteria where they're
15 served breakfast.

16 Q And every two hours you fall behind?

17 A That's right.

18 Q Now, was there a policy for changing females? If you
19 don't recall look at Exhibit No. 11. And what was the
20 policy for changing females, could you read that to the
21 jury, what UniHealth required you to do?

22 A Knock before entering the room. Identify yourself and
23 explain to the patient/resident what you're going to do.
24 Provide privacy by closing the door to the room, pulling the
25 cubicle curtain all the way around the bed. Assemble

1 equipment on the over the bed table. Put on gloves, have a
2 patient or resident use the bedpan or go to the bathroom for
3 perineal care. Position patient/resident, then drape so
4 patient/resident is exposed as little as possible. Talk to
5 patient or resident while performing this procedure.

6 Q So you're supposed to talk to them?

7 A For female, yeah.

8 Q And now read what UniHealth requires you to do for
9 females to the jury. This is what UniHealth's policy is.

10 A Okay. For females, separate the Labia and clean down

11 --

12 Q Is that labia.

13 A Excuse me. Labia, and clean downward from back with
14 one stroke -- from front to back with one stroke. Repeat
15 using the clean part of the washcloth for each stroke. More
16 than one washcloth or wipe may be used. Rinse with clean
17 washcloth if applicable. Pat area dry with towel, position
18 patient/resident on side, clean rectal area from vaginal to
19 anus with one stroke. Repeat until it is clean using clean
20 part of the washcloth or wipe with each stroke. More than
21 one washcloth or wipe may be used. Pat dry with towel.

22 Q Now this is what UniHealth requires you as a male to do
23 to females?

24 A Yes.

25 Q Now, let's -- talk to me about had you had any prior

1 run-ins with anybody at UniHealth?

2 A I wouldn't call it a run-in. Mis-communication. I've
3 only been on the job maybe less than a month. Came in at
4 11:00 as usual. Set up my cart, got everything ready, you
5 know, to do my job. I'm doing my vitals and there is one
6 lady from my section, she had a -- she had an oxygen machine
7 or something in the room, but beyond my scope of training to
8 do anything about that. My job was to take --

9 Q How long had you been there, let's get time frames?

10 A Maybe less than a month.

11 Q Okay. So probably March or something?

12 A Yeah. So I'm doing vitals, you know, and I took her
13 vitals, but her blood pressure and respiration it was too
14 low. It didn't look right. I mean, I had the lady a couple
15 of weeks but I mean usually a sudden drop, you know, I'm
16 supposed to alert somebody. So I went to the nurses station
17 and told my immediate supervisor.

18 Q Who was that?

19 A Patricia Johnson.

20 Q So she was your supervisor at that time?

21 A Yeah. She was my supervisor since I been working there
22 at night after leaving day shift for training. So I told
23 her the totals and she said, well, go back and check them
24 again. So I went back to the room and opened the door and
25 this was a Caucasian lady. She was basically turning blue.

1 I came back to the desk and I said, man, I think I need some
2 assistance.

3 Q Who did you say that to?

4 A Patricia Johnson. She was doing some paper work. And
5 I don't know if she didn't hear me or whatever, but it
6 scared the hell out of me. I didn't -- I just got to be a
7 CNA, I don't want to see nobody die on the job, you know.
8 So I ran to the other end of the hallway and got another
9 LPN. She came back, helped me get this lady back stabilized,
10 called the ambulance and took her to the hospital. After
11 this happened, I was shaken. I vocalized -- I cannot say --
12 I mean, that lady right there is incompetent. I said she
13 need to be fired. This lady almost died on me. She was
14 doing some paper work and she wouldn't even get up to assist
15 me with a patient on one of her wings. And that's what
16 happened.

17 Q Was there another incident with Ms. Johnson?

18 A Well, yeah.

19 Q Did you talk to her about that?

20 A After that had passed, you know, we didn't really have
21 any words. I'd say two weeks after that, like I said
22 earlier we're required to get at least three people up in
23 the morning. So I forgot his name, a white gentleman, but
24 he was very large. So I got my two other ladies up, gave
25 them a bed bath and put their clothes on, brushed their

1 hair, put them in the wheelchair and rolled them out. When
2 I got to the man, the last gentleman, we usually have a
3 hydraulic lift that is very heavy. We have to take this
4 hydraulic lift and put him in the wheelchair. But we're
5 also trained if the hydraulic lift is not available we are
6 trained as a CNA, they have this thing called a sliding
7 board. It's like a piece of wood, but it's shellacked.
8 What you do is you position your wheelchair, lock it down.
9 Run the rails up, like this right here, and put the bed to
10 the chair up under the gentleman's behind and you gently --
11 can I get up?

12 THE COURT: I think you can just tell us what you're --

13 A You gently slide him into the chair. That morning,
14 both of us, he was trying to help me but we lost footing.
15 If that man had fell on the floor he would have broke
16 something. So Ms. Patricia Johnson was distributing
17 medications. She was two doors down from where I was at. I
18 said, help. I need some help. Ain't nobody come. I cried
19 out again, and the janitor came and helped me stabilize this
20 man instead of my immediate supervisor. That kind of upset
21 me some more.

22 Q Did you vocalize that to Ms. Johnson?

23 A I -- yeah, I didn't vocalize it the same way I did the
24 last -- I might have said something under my breath walking
25 away, but I -- she probably heard what I said, and I can't

1 recall exactly what I said.

2 Q Now, you have a phone, is that correct?

3 A Say again?

4 Q You have a phone that you use, correct?

5 A Yeah.

6 Q Have you ever had to use that phone and call anybody?

7 A Yeah. Me and my wife had an argument. Yeah, we had an
8 argument. Get up at the last minute and all this. So we --
9 you know, I had some choice words. After I got to work, I
10 got -- I did my -- take my vital signs of people. Took my
11 first readings, you know, checking on the people in the bed.
12 I called back and said, you know, baby, I'm sorry. I
13 figured I need that ride to work so I'd apologize now. So I
14 mean, I said I was sorry and let it go at that. I hung the
15 phone up and went back to work. Then I get home the next
16 morning, she asked me, who in the hell is Patricia Johnson?
17 I said, that's my supervisor, what about it. What's going
18 on with that? Ain't nothing going on. I'm just here doing
19 my job. Why is she calling my house at 3:00 o'clock in the
20 morning? I have no idea. I been thought about it a couple
21 of days. We trying to figure out what is going on.

22 Q Because you're working at nights?

23 A I'm working at night. I'm trying to make some money.
24 I apologize for the argument we had. I feel that is over
25 with, but I'm getting home and being accused of some

1 improprieties on the job with somebody I really just -- hey,
2 how you doing. I ain't really trying to have no
3 conversation with this woman. She's my supervisor, but I'm
4 trying to do my job. I take care of these patients, see
5 what I see. But when I get home, my wife looks at me cross-
6 eyed and asked me who Patricia Johnson is. My supervisor.

7 Q Now, you mentioned when the patient turned blue and you
8 told Patricia Johnson you ought to be fired, when your wife
9 got you evening, you know, what happened, did you explain?

10 A Well --

11 Q When she picked you up that evening --

12 A That morning.

13 Q That morning.

14 MR. BRING: Your Honor, that calls for hearsay it sounds
15 like.

16 MR. WARREN: No, I'm asking his description when she
17 picked him up. What -- you know, what his reaction and
18 emotions towards --

19 A I told my wife --

20 BY MR. WARREN:

21 Q No. Go ahead.

22 A I mean, I explained to her what happened on my shift
23 that night. She just told me --

24 Q Not what she told you.

25 A Okay.

1 Q Describe what --

2 A I just told her how I feel and how it scared me.

3 That's it.

4 Q I guess you felt like the lady almost died?

5 A Yeah. I mean, I've never witnessed -- I mean I've seen
6 people dead as a bat, but I ain't never seen somebody die on
7 me. I mean, I'm supposed to be providing some sort of care.
8 I mean, I just wasn't ready for that.

9 Q And Mr. Williams -- you don't have a driver's license?

10 A I haven't had a driver's license since I got the DUOS.

11 Q In '80 -- so you don't really drive?

12 A No. I mean --

13 Q That's fine. I just wanted to correct why you were
14 being picked up. Now, talk to me about where you ever
15 suspended from working at UniHealth at any point I time?

16 A Yeah. An incident there's a husband and wife in this
17 room. Now, I believe I was scheduled off that day, but they
18 called me in and asked me, you know, to work in someone's
19 place. So I got to work, same routine, got my stuff ready
20 on my cart, said hello to the gentleman. This room, I went
21 in there, I checked him he was dry. But that morning when
22 the two siblings came to visit their parents they thought
23 they saw a bruise on, I think, their father's head. They
24 were questioning -- they wanted to know what happened. They
25 questioned us, me and I think two other CNAs about this.

1 Q Okay.

2 A They told us they would put you on suspension until we
3 get to the bottom of this. I lost a days work, but I was
4 eventually called back to work.

5 Q That was April or something?

6 A Yeah, I really don't recall exactly what month, but I
7 remember the event.

8 Q Now, after that --

9 A But it was no written write-ups.

10 Q That you know of?

11 A That I know of.

12 Q Now, after that, I guess they investigated you came
13 back to work?

14 A Yeah. I came back doing what I usually do.

15 Q Did you hear anything else about it?

16 A No.

17 Q Nobody mentioned anything about it?

18 A No.

19 Q Your supervisor Patricia Johnson talk to you about it?

20 A No.

21 Q Now, let's go to June 20, 2010, and I guess you're --

22 A Yeah.

23 Q -- going to work?

24 A June 20, 2010, it was my 54 birthday.

25 Q Now, let's talk about the 21 --

1 A Okay. I went to work at 11:00 o'clock. As usual I got
2 all my supplies ready on my cart, everything, pampers,
3 different size for different people and I proceeded to go on
4 my route.

5 Q Now, let's stop right here. You can look at Exhibit 4
6 and show where you're at. Exhibit 4, you get to work that
7 night?

8 A Okay. These are my rooms. One, two, three, four, --
9 five, and then these back here and this was empty and this
10 is the nurses station. Nurses station right here, and I had
11 these right here. I had the side that's L shaped like this.

12 So I got -- I made my rounds and then this beauty shop,
13 what we call the beauty shop, that's basically like a lounge
14 for CNA where we did our charting. So every hour -- so
15 starting back over here, parked my cart outside this door,
16 went in assessed the problem, fellow was wet, got the
17 necessary equipment off my cart, brought it back to the
18 room, shut the door, provide privacy and I proceeded to
19 start doing my job.

20 Q Okay. Now, I'm showing you Plaintiff's Exhibit No. 6,
21 does that look like --

22 A Yeah, this is something similar to the room.

23 Q Can you describe that -- so now you stated what
24 happened?

25 A So I went in there, this lady, her pamper needed to be

1 changed, but by her being paralyzed, by her being paralyzed
2 on her left -- she was paralyzed. She really couldn't give
3 me any help.

4 Q Uh-huh. (Affirmative response.)

5 A So she was a big boned woman, you know, she was too
6 heavy. I'm a little light-weight dude. So I had to
7 basically prop myself on the bed to get my job done?

8 Q And was that because of your back and your --

9 A Yeah, I can't just --

10 Q -- arthritis of the knees?

11 A -- Man, I just can't -- it's a procedure about how
12 you're supposed to change a pamper. You ain't supposed to
13 lift people legs up like you do a little baby and snatch it
14 out from under them. You've got to gently turn, bring them
15 this way, pull -- either push it in and get on the other
16 side of the bed and bring them back this way and pull it
17 out.

18 Q Pull what out?

19 A Oh, the pamper. The pamper. And that's what I was in
20 the process of doing, but in the middle of this procedure
21 Ms. Johnson entered the room, back the curtain, asked me,
22 what are you doing? I said, would you please shut the door.
23 I started to say what does it look like I'm doing. I'm
24 changing diapers, man. I just said, please shut the door.
25 I asked her again, please shut the door. All right. She

1 didn't shut the door. She just walked out the door. So I
2 had to stop what I was doing, go around and shut the door
3 back, get back the privacy issue and start with this lady
4 again trying to get this pamper off her which had feces and
5 urine. Next thing I know Ms. Johnson comes back with
6 Josette Peppers, they walk in the room and they said, Ralph,
7 you need to leave the room. I left the room, stood outside,
8 right outside the room in the hallway.

9 Q What about did you fix your pants up or anything like
10 that?

11 A Well, yeah, I fixed my pants because when I was leaning
12 on the bed trying to do what I was doing, I guess the ties
13 or whatever got caught. So just basically was pulling them
14 back up on me so they wouldn't be hanging off my behind. So
15 I went and stood in the hallway.

16 Q Uh-huh. (Affirmative response.)

17 A After that I went from the hallway to the patio, the
18 patio to the paddy wagon, paddy wagon to the jail.

19 Q Now, when did it become known to you what the
20 allegation was, did you know when they came back in the room
21 did they tell you?

22 A When they came back in the room, said, Ralph please
23 step out of the room. By her being supervisor, Ms. Johnson,
24 I did what I was told.

25 Q Could you ever go back in the room at all?

1 A No. I was not allowed to go back in that room.

2 Q Did you finish changing the diaper?

3 A No. I was stopped. I was stopped in the middle of my
4 procedure.

5 Q So that dirty diaper should probably still been in that
6 room?

7 A Yeah. I didn't take it out of there.

8 Q Did you see any red shirt that was on the bed?

9 A No. I don't recall seeing no red shirt.

10 Q What -- is there something you put on the bed when
11 you're changing a person?

12 A See, what they had, they have a sheet, but then they
13 have a pad that's pink.

14 Q What color is it?

15 A It's pink and white. It's pink with white borders on
16 it. It's a mattress -- I guess you'd say a pad. So if they
17 do have an overflow or urine or feces it won't mess the
18 sheet up.

19 Q So you just --

20 A You discard the pamper and the pad.

21 Q So you kind of put that underneath them?

22 A Right. When you make up the bed you put the sheet on
23 there and you put the top -- the bottom fitted sheet, and
24 you put the sheet, but then before they get back in bed you
25 put this pad back in there. That's what they lay on. That

1 keeps -- the CNA, the CNA, they not going to just -- you
2 know, they're like housekeeping, too. They change beds,
3 toilet papers, stuff like that.

4 Q You said who changes beds?

5 A CNAs.

6 Q Okay. Go ahead.

7 A You know, they keep the upkeep of the room and the
8 upkeep of the patients, you know, people dry.

9 Q Okay. Go ahead about the pad?

10 A The pad. You put that on there, that keeps from -- not
11 necessarily from having to change the bed every time the
12 patient uses the bathroom, you know, from being incontinent.

13 Q Talk to me about the procedure of you know someone's
14 got to be changed. How you know they have to be changed?

15 A It's a pamper. They buy these briefs that have these
16 lines on them. They're blue. That means that they're -- if
17 you see the stripes, the three stripes. If you lift up the
18 gown and see the lines are still blue that means that
19 resident is dry.

20 Q Take me exactly through the procedure that night when
21 you went in the room and did you -- you were outside the
22 room with your cart, did you see anybody before you went in
23 the room or --

24 A No, I really wasn't paying attention. I was going to
25 the room.

1 Q Did you go to -- when you got your supplies off the
2 cart did you notice anyone?

3 A No.

4 Q All right. Go ahead.

5 A Well, I knocked on the door, introduced myself. By
6 this time, 3:00 o'clock in the morning, I know everybody is
7 basically asleep. Some of the gentlemen might stay up and
8 watch TV, they can't go to sleep. But the majority of the
9 patients are asleep, but I still, you know, knock, you know.
10 I knock, I'm not talking much -- if they sleep I'm talking
11 to myself, you know, my name is Ralph Williams. I realize
12 they're asleep, I try to go in as quietly as possible, pull
13 the sheet back, lift the gown up. I went in there and lift
14 the gown, the stripes were turned from blue to green. So I
15 knew this patient was wet. So I went back to my cart, got
16 the necessary supplies, brought it back in --

17 Q When you went back to your cart did you see anybody
18 that you can recall?

19 A I didn't recall seeing anybody. And I mean, it's just
20 basically from the hallway, you might be able to see just as
21 much of the person who is sitting behind the desk.

22 Q So the -- could you point out on Exhibit No. 4 where
23 this nurses station is in relationship to Room 39A?

24 A Right here.

25 Q Where is the nurses station?

1 A Nurses station is right here.

2 Q Now where is your cart?

3 A Right here.

4 Q Now can you see your cart from that nurses station?

5 A Yes, you can.

6 Q Can you see the nurse from the nurses station?

7 A If she was there I would be able to see her. She would
8 be able to see me walk into the room. Come back out, bend
9 down to get something on the cart.

10 Q Do you recall if she was there when you came out?

11 A I really don't recall.

12 Q Do you remember?

13 A No.

14 Q All right. So you had two rooms from the nurses
15 station, how many -- how far?

16 A Oh, this -- what -- I don't know.

17 Q Is it from me to here?

18 A From me --

19 MR. BRING: Objection, Your Honor. He said he didn't
20 know.

21 THE COURT: He -- I'm going to let him try --

22 MR. BRING: Well, he's kind of leading in that sense.
23 It would be if the witness has an approximation, not Mr.
24 Warren.

25 BY MR. WARREN:

1 Q Okay. If you're in the room -- you're in this room how
2 far is that?

3 A From where that lady in that white shirt is at, about
4 that far.

5 Q Okay.

6 A From me.

7 Q From where your cart was?

8 A I'm the cart, that's the nurses station.

9 Q So you go out -- what's that, 15 to 20 feet?

10 A Give or take.

11 MR. BRING: Objection, Your Honor. I don't want to get
12 a tape measure out, but it's a lot longer than that.

13 THE COURT: Yeah, well, I agree, it's a lot longer than
14 that. If we -- if you want to bring a tape measure so we
15 can get a specific measure, but I can tell you it's longer
16 than 15 to 20 feet.

17 MR. WARREN: This right here.

18 THE COURT: That lady right there.

19 BY MR. WARREN:

20 Q Right here?

21 A Yeah.

22 Q Where I'm standing at?

23 A Yeah.

24 Q That's the distance from your cart to the room?

25 A I'm the cart.

1 Q Okay. This is the nurses station?

2 A Right.

3 Q Now, so you come out and you get your supplies?

4 A Right.

5 Q What was the supplies you got to go back in the room?

6 A Gloves, wipes, pampers, briefs, the pad -- anything
7 that -- particularly running back and forth to the cart.
8 Okay, the person had feces or urine or whatever, you're
9 going to get your liquid soap, wash clothes, towels, the
10 little basin you can go in the bathroom and put water in,
11 particularly if there's feces, you can use warm water to
12 wash her off. You get that, some pampers, briefs, and --
13 briefs, towels, gloves, soap, basin, pads. That's about it.

14 Q Where do you put that at once you go back into the
15 room?

16 A It's either in the chair, but -- she had a chest of
17 drawers like you have in your house, she had a chest of
18 drawers with a TV on top of it.

19 Q I'll show you Plaintiff's Exhibit No. 6. So if that a
20 fair state of the room?

21 A Yeah, I would say yeah.

22 Q So where would that chest be?

23 A That chest would be on this wall right here.

24 Q Along this wall?

25 A See this was the door, right?

1 Q Yeah.

2 A Soon as you open the door the chair and then the chest
3 would be right there where she had the TV and then a little
4 table at the end back there.

5 Q Okay. Describe the room; was the TV on?

6 A No. TV was off.

7 Q Okay. And what did you do when you walk in the room;
8 did you go in the darkness, what did you do?

9 A No. When I went in the room I didn't turn the top
10 light, that would disturb this patient over here in this
11 other bed.

12 Q Uh-huh. (Affirmative response.)

13 A It's a light over the bed. Once you put -- provide
14 privacy you put this light on that that light is enough
15 illumination for you to proceed and do what you have to do.

16 Q Okay.

17 A I can't change pampers in the dark.

18 Q Would you be, I guess, be all over the -- go ahead,
19 continue.

20 A Yeah. Okay. You would pull this cover down, I guess
21 to the end of the bed. Well, first you pull it down to make
22 sure if the resident is wet or dry. Once you make sure about
23 the lady, her pamper need to be changed, you fold the covers
24 down, all right?

25 Q Uh-huh. (Affirmative response.)

1 A Then you would proceed to come back out this room get
2 your equipment. Come back in this room, put your stuff in
3 this chair right here, and proceed to start getting on this
4 side of this lady --

5 Q Hold, stop right there. Are you saying on this side of
6 the bed?

7 A On this side of the bed, pulling this lady so you can
8 put this pamper up under her and go to this side of the bed
9 and pull her this way and pull it out.

10 Q So you changed Ms. Mayes from this side of the bed; is
11 that correct?

12 A That's where I started.

13 Q Okay, and then, also, you worked your way around and go
14 both side?

15 A Well, see she's laying flat like this. You can't --
16 she can't help, she can't do nothing.

17 Q Can she move her hands or anything?

18 A No. She can't do anything. So you know, gently, you
19 got to turn her. You let the railing down, do that, put the
20 railing back up.

21 Q Where is the railing?

22 A It's on -- you've got two railings, on both sides of
23 the bed --

24 Q Okay.

25 A -- to keep her from falling out.

1 Q Okay.

2 A So you let the railing down, pull --

3 Q Put the pad up under her?

4 A Yeah. Pull her -- tuck it up under her and then put
5 this railing back up. Come around, put this railing down and
6 you pull -- you got to pull her this way. Pad is already up
7 under her back or whatever and you can pull that out.

8 Q So when you were in the middle of changing Ms. Mayes at
9 what point did --

10 A When I was on this side, this when the door, this door
11 came open asking what are you doing?

12 Q You're on this side of the bed right here?

13 A Right.

14 Q Okay. Now, are there -- how -- if someone needs help in
15 a room is there anything that a patient can press or if you
16 need help and assistance or anything you can push?

17 A Okay. If this lady say for instance -- if this lady
18 needs some help beyond the scope of our training, there's a
19 button on this wall they call it a panic button. I'm just a
20 CNA. That alerts the LPN and all the CNAs, all the facility
21 workers at that time to come to this -- (making beeping
22 noises) -- come to assist -- come to assist me.

23 Q Now, is there another alarm for a patient or anything?

24 A They have a call button. This is -- that's what this
25 is right here.

1 Q But that's not a panic button?

2 A When I worked at the facility that panic button was on
3 this wall.

4 Q How long ago was that?

5 A Five years ago.

6 Q Okay. Go ahead.

7 A This right here is a call light so if the patient is
8 asleep, when this railing is up, you can take that and drape
9 it around her so all you've basically got to do is push it
10 and that light comes on and blinks.

11 Q Can Ms. Mayes do that, press the call button?

12 A No. No.

13 Q Okay.

14 A Press the call button?

15 Q I don't know whether she can or not?

16 A I don't believe she can even do that.

17 Q So you're right here changing her?

18 A Right.

19 Q And she walks in and you say what?

20 A First of all, once you're -- privacy issues, I said,
21 would you please shut the door.

22 Q And because I guess once you --

23 A The room door was open and she pulled my curtain aside.

24 Q And so I guess --

25 A This lady, you know, she had her gown up and I'm in the

1 process of trying to change her.

2 Q Okay.

3 A And I had -- I said, would you please shut the door.

4 What are you doing? Would you please shut the door. So she
5 left the room, just left the room.

6 Q What did you do?

7 A I stopped what I was doing over there, shut the door,
8 came back provided privacy, went back on that side and
9 started to continue what I was trying to do.

10 Q And is that UniHealth policy that we've identified when
11 you're changing that they require you to do, I guess -- as
12 you're doing that, what is that policy telling you to do as
13 far as a female?

14 A As far as a female?

15 Q Yeah.

16 A That's what I trying to do. Separate the labia and --

17 Q All right, that's it.

18 A Labia and then clean down back to front with one
19 stroke.

20 Q Okay. That's enough. Now, is this a picture of
21 Exhibit 6 from the hallway; Is this a fair representation in
22 terms of the room in terms of --

23 A That's a room --

24 Q It's a fair -- is this a similar room?

25 A Well, I can't look at that and reply to that because

1 I've never seen the room in the daylight.

2 Q Okay. Is there a window in that room, in Ms. Mayes
3 room that you can recall?

4 A Not that I can recall.

5 Q Okay. So it would have been a lot darker than this?

6 A Yes. See actually I believe that wing of the rehab, I
7 don't think there was too many rooms didn't have no windows,
8 because --

9 Q Now, I'm showing you, I guess, Defendant's 26, and does
10 this look like --

11 A No. I mean that may be a room in the facility but
12 that's not the room on that -- on the wing that I was on.
13 That long hallway in the middle right there, that's -- no,
14 that's not that room.

15 Q Have you ever seen a call button like that?

16 A No. Not when I was there.

17 Q Would the call light look more similar to -- is this
18 more similar to the room?

19 A Yeah. I would say so.

20 THE COURT: Which one is that?

21 MR. WARREN: I'm sorry, Your Honor, this one is No. 6.

22 THE COURT: It's what --

23 A That's more --

24 MR. WARREN: Plaintiff's Exhibit No. 6.

25 A -- that's more what the rooms were set up like in 2010.

1 BY MR. WARREN:

2 Q So -- the Plaintiff's No. 6, -- Defendant's Exhibit No.
3 26, is the curtain on this side or this side?

4 A Well, this --

5 Q The curtains that you wrap around the bed, is it on
6 this side of the room or this side of the room?

7 A Well, I don't understand the question. What are you --

8 Q What side -- let me show you Plaintiff's Exhibit No.,
9 6. Do you see the curtain in that picture?

10 A Yeah, I see the curtain. See the way this -- these
11 curtains were designed were in a U shape on a rail. You
12 could take it from here --

13 Q Uh-huh. (Affirmative response.)

14 A -- and take it all the way back around there. The bed
15 over here had a curtain to go like that. So it didn't go
16 all the way --

17 MR. FOSTER: Your Honor, I don't think that all the
18 jurors can see.

19 MR. WARREN: Sorry.

20 A See, when I worked at the facility this railing system
21 was slightly tried to bend like a U shape, like you would
22 take the end of the curtain and you would bend it all the
23 way around the bed. That's a privacy issue.

24 BY MR. WARREN:

25 Q Well, point to the side of the bed that is opposite

1 that is -- I guess the side that is not closest to the
2 doorway.

3 A There.

4 Q Now, talk to me about -- you go out, you're out in the
5 hallway, they told you not to go back in the room. What
6 happened next?

7 A Okay. I'm out in the hallway. I can't go back in the
8 room. Then this other lady, I don't know what her title was
9 but I believe she was an LPN or somebody in training or
10 somebody that was on that wing that same night. It was me
11 Patricia Bruce and another young man, CNA in training. So
12 all total it was five people just on that side of the
13 building.

14 Q Could you point to Plaintiff's Exhibit No. 4, five
15 people on what side of the building?

16 A From the rehab side. From this hallway, from this
17 hallway right there it was two CANS, regular full-time, CNA
18 in training. A nurse and another lady. I don't know if she
19 was in training. I think they said in testimony that she
20 was an RN, but I know there was another woman down there and
21 she was not a CNA. There were two CANS, three CANS total.

22 Q So you're saying about five people on this hall?

23 A Five people on that side.

24 Q Now, so they get you to go outside?

25 A Okay. I stood outside in the hallway and they just

1 basically -- I think I overheard they say, well, you stay
2 with Mr. Williams while we take care of something, whatever.
3 So we stood there for a minute. I said, I'm going to smoke
4 a cigarette. So I went on the patio and was smoking a
5 cigarette and another guy was asking me what was going on. I
6 said, I really don't know, I don't know what the hell is
7 going on. Excuse me. I'm just trying to, you know, do my
8 job. So I smoked the cigarette, walked back into the
9 facility, and we walked toward the front of the building.
10 Walked towards the front of the building --

11 Q Could you --

12 A -- walked towards the front of the building --

13 Q -- four --

14 A Okay --

15 THE COURT: Okay, wait one second. Wait one second,
16 just so Mr. Bring can see it, too. Since we're getting into
17 -- all right.

18 A Come back toward this right here, this hallway and it
19 comes back to right here. That's where --

20 Q How long were you on the patio.

21 A About two minutes. Long enough to smoke a cigarette.

22 Q Okay. Then where did you go?

23 A I came back inside. They walked me back around. I
24 could see the commotion, you know, people coming in -- the
25 administrator or whatever. They walked me back here and

1 that's where I was put in handcuffs and read my Miranda
2 rights and I asked him what was going on.. He said don't
3 worry about it, we got to get statements from the two
4 nurses.

5 Q So they said don't worry -- Okay, talk to me about not
6 necessarily what people told you, but what did you say to
7 people, I guess, the officer who came and arrested you?

8 A I said, what's the charge were.

9 Q Okay.

10 A And they say was attempted to try to molest this lady.

11 Q All right. What did you say in response?

12 A I just said -- I'm just trying to do my job, man, I
13 change pampers. So you know --

14 Q So did you say --

15 A After he read me my rights I just didn't say anything
16 else. After he said you're being accused of trying to
17 molest this lady in this room. He said, you've got the
18 right to remain silent -- you know, what ever. Okay.

19 Q Did you ever say I'm sorry?

20 A No. Why?

21 Q Now, what happened next?

22 A After that I was transported to the detention center
23 where they took my green top and my green pants and put them
24 in an evidence bag and gave me a uniform from the jailhouse.
25 I wasn't -- I went to sleep. I got up and they took me to a

1 bond hearing down on Middletown Street. And I just walked
2 up to the judge -- area or whatever, the detective came in
3 and whispered something and I was escorted back to jail.

4 Q Okay, and do you know what happened next?

5 A Well, I stayed in jail for a little while, then these
6 two detectives came and took the swabs out of my mouth. I
7 spent another evening in prison, in jail, and then the next
8 morning I had another bond hearing and I was released.

9 Well, I went down to the bond hearing. I think my sister-
10 in-law -- they got the money together, but they took me back
11 to the jail and they told me I was free to go. I walked
12 home from the complex in jailhouse clothes because I -- they
13 took my scrubs. So I just walked home, got in the bed and
14 told her -- turned on the news and there it was.

15 Q What did you see on the news?

16 A Well, basically, WIS TV, Judy Gaskins, saying nursing
17 home employee arrested for -- I can't think what the wording
18 was -- it said rape, attempted rape. That's -- as soon as
19 that came on TV the phone started ringing off the hook. You
20 know, it was dinner time, everybody sitting dinner they see
21 my face splattered all over the television they trying to
22 figure out what's going on. Has Ralph Williams lost his
23 mind. And I'm just so paranoid I know I didn't leave the
24 house for a good week. I mean, I didn't go outside to feed
25 the dogs. Just the stigma of that word, rapist, rapist.

1 That was prison charge for me. That's when -- that's when
2 it -- even though the -- is a jail, once I got home that's
3 when my prison sentence started. Every day. I mean I would
4 stick my hand out the door like this to get the mail. I
5 didn't want my face to be seen. I didn't want to go to the
6 grocery store. I didn't want to go to the gas station. Only
7 place I went was to church because I knew I'd be supported
8 by the church family. Besides that, I didn't go to Reed's
9 the grocery store. I just phobia, you know, people looking
10 at me. And people were. Jesus Christ, Orangeburg is no
11 bigger than a shoe, so I mean everybody know everybody, know
12 what I'm saying?

13 Q Uh-huh. (Affirmative response.)

14 A I mean, it was just -- I was down -- just that stigma
15 of being a rapist, and then what my wife had to go through,
16 to see the expression on her face. We didn't sleep in the
17 same -- we didn't in the same bed for almost 30 days because
18 she was wondering if -- or how or how could you --

19 Q And at the time they said they had found --

20 A Yeah. Oh, they say we got a hit. So it's like --

21 Q Hit on what?

22 MR. BRING: Objection, Your Honor, I think that calls
23 for hearsay.

24 BY MR. WARREN:

25 Q Okay, were the charges upgraded?

1 A My charges were upgraded from -- I don't know the
2 correct word, but the charges were upgraded to sexual
3 misconduct with something to included a vulnerable adult.
4 That's what -- that's what the charges were upgraded.
5 Something else -- something else --

6 Q What was your understanding of what the something else
7 was?

8 A I had no idea. I mean, I didn't read anything, I just
9 knew the charges were upgraded.

10 Q Did you later become knowledgeable about what they
11 said?

12 A Well, later, I mean, after I eventually came home and I
13 saw the two different arrest pieces of paper --

14 Q Uh-huh. (Affirmative response.)

15 A -- I saw the thing.

16 Q Okay. Now, you were talking about -- how was it trying
17 to get work?

18 A Well, at first, you know, it -- you got to realize one
19 thing in Orangeburg, you know, a lot of people in Orangeburg
20 don't have the luxury of television, you know, cable,
21 because you have to get Time Warner cable until they came
22 out with the analog box. Lot of people were just watched
23 movies. So it was just the learned people who knew that,
24 you know, Ralph Williams was charged with this. So I was
25 able to get a job at this place called the Crab Pit.

1 Q I'm sorry?

2 A A place called the Crab Pit. It was a seafood
3 restaurant. A friend of the family. They knew I was a good
4 cook.

5 Q Did you describe to them what happened?

6 A Well, I got the job and I worked there for --

7 THE BAILIFF: Your Honor, excuse me. The foreperson of
8 the jury want to hear the name of the place again.

9 A Oh.

10 THE BAILIFF: She can't hear.

11 A The Crab Pit. It's located on Highway 601 going
12 towards, past the hospital. Whatever, but I mean I worked
13 there for maybe two, three months. Maybe at that much, but
14 I had a problem with the bartender. When the owner's would
15 leave to do whatever she wanted free food. She wanted me to
16 cook her free food. I'm trying to help these people make
17 money, because the more money they make the more money I
18 get. So I said, the policy is you got to pay half-price for
19 the food. So she got upset, so she went to the Internet,
20 pulled up the article and put it on the desk and he saw it.
21 But every time he came to question me about it we were
22 really busy. He said, Ralph, I got to talk to you about
23 something. I said, okay. That's night -- hey, I got to talk
24 you to. I said, what have you got to talk to me about? So
25 he pulled up this -- threw it on the desk. Said, what's

1 this about? I said, yeah, man, I said, this is something I
2 had to deal with. I said, you got a problem with that? He
3 said, yeah, I do, because I can't have --

4 MR. BRING: Your Honor.

5 THE COURT: Okay.

6 BY MR. WARREN:

7 Q Don't talk about what he said.

8 A Okay. He said he had a problem with it. So eventually
9 I lost that job.

10 Q Okay. What about other jobs?

11 A I was fortunate enough to get another job at another
12 restaurant. The restaurant was named the Brown Derby.
13 Business has slowed down but I was able to come in there and
14 give them -- the lady who worked there was kind of elderly.
15 They had been there 30 years. So I was able to come in
16 there and helped them generate more business, and the owner
17 heard about the allegations they came and told they have to
18 go in a different direct.

19 Q Don't say what they said.

20 A Okay. I lost that job --

21 Q How about --

22 A -- because of it. Well, after that, it was just -- I
23 put in applications, but usually people when they're --
24 everything is electronic right now. So you put in an
25 application, most of the application you got to do that on-

1 line. Then they check your references, they usually go
2 through Google. They Google me, they see this article. So
3 I mean it's a no win situation. The catering business was
4 basically nullified because of that. So I had no other
5 recourse but just stay involved in my church and my church
6 family, and do whatever I could do with them.

7 Q Did they support you during this?

8 A Wholeheartedly.

9 Q Now, what happened to your nursing license, your CNA?

10 A Oh, well, it was suspended. Suspended. I've gotten it
11 back. I'm a licensed CNA now.

12 Q I'm showing you Plaintiff's Exhibit No. 25. Did you --
13 hold on a second. Let me see that, Ralph.

14 THE COURT: Show that to him.

15 MR. BRING: Got it.

16 THE COURT: You got it. Okay.

17 BY MR. WARREN:

18 Q I'm showing you Plaintiff's Exhibit No. 25.

19 A Yes.

20 Q Could you identify that?

21 A Yes.

22 Q That's been marked and entered.

23 A I guess it's reinstatement.

24 Q It's a what?

25 A Reinstatement. No, this is not -- has continuous

1 certification from the current expiration date. This
2 nurse's aid has no sustained findings of abuse or neglect or
3 misappropriations of property found in the South Carolina
4 Nurse's Aid Registry.

5 Q What date is that?

6 A This is -- Oh, 9/2/2014.

7 Q That's as of today.

8 A Yeah.

9 Q So are you able to go to work as a CNA now if you could
10 find employment?

11 A Yeah, I would have pursued --

12 Q Is that something you want to pursue now?

13 A No.. Not unless I worked at the VA with veterans, all
14 men. I mean, I couldn't -- I mean, even though there's a
15 need for dedicated care takers out there, but don't get me
16 wrong, this trial of, you know. See, until a publication is
17 produced saying that Mr. Williams is good to go. I mean,
18 there's always going to be a little cloud.

19 Q Let me ask you, you indicated that you were severely
20 depressed right after you were arrested. Do you have any
21 type of -- what was your mental state and did you go receive
22 treatment for that?

23 A Yeah. I started going back and forth to the Dorn VA.
24 I'm a veteran. So I figured I can go talk to a Navy
25 Chaplin, you know, and I was already on medication for pain.

1 relationship with my God. So see what I'm saying. But it's
2 just the fact of not knowing what tomorrow may bring.
3 That's a very, very -- it's a very low place to be.

4 Q You -- this right here talks about a nurses registry
5 that you are now fully -- the charge was substantiated. I
6 guess there was a time it wasn't?

7 A Right. It had been on the nurse's registry. I was on
8 there for -- because of these allegations I was on this
9 registry.

10 Q Could you read us -- what type of scripture, could you
11 pick a scripture?

12 THE COURT: Okay. We're going to take a break, okay.

13 All right, ladies and gentlemen, we're going to take
14 about a five minute break. We're going to be right back out
15 there. Thank you.

16 (Jury out 4:58 p.m.)

17 THE COURT: All right. Now, before we get started in
18 that, Rule 610. Look it up. If you don't have it, I've got
19 it.

20 You can sit down, you can stand if you want to.

21 No, I'm talking about the Rules of Evidence. I'm
22 sorry.

23 MR. WARREN: Okay.

24 THE COURT: You know where I'm going with that?

25 MR. WARREN: Yeah.

1 A That is correct.

2 Q And you started work in February 2010; right?

3 A That's correct.

4 Q Okay. Before that you had filled out your employment
5 application; right?

6 A That is correct.

7 Q Okay, and we'll get to that in a minute. After
8 UniHealth you worked at the Brown Derby Restaurant; right?

9 A That is correct.

10 Q That was about 60 days; correct?

11 A Correct.

12 Q Mr. Sean Orr terminated you from there; right?

13 A Well, I wouldn't call it termination. I would say laid
14 off because he said the restaurant was going in a different
15 direction.

16 Q So he was going in a different direction; right?

17 A Right.

18 Q Then you went to Senior Catering; right?

19 A That is correct.

20 Q And they fired you because you walked off the job
21 there; right?

22 A Allegedly.

23 Q Okay. Now, becoming a CNA you applied to UniHealth and
24 we covered your employment application a little bit
25 yesterday; right?

1 time; right?

2 A Right.

3 Q One of the reasons you didn't have a driver's license
4 is you lost it because of your DUOS; correct?

5 A That's correct.

6 Q That's why you wanted to work at UniHealth because it
7 was close by your house; right?

8 A That's correct.

9 Q About a mile away; correct?

10 A Less than.

11 Q Less than. Most of the time your wife would take you
12 and pick you up?

13 A That's correct.

14 Q But that's one of the reasons it was convenient for you
15 was because you didn't have a driver's license?

16 A I agree, yeah.

17 Q You walked everywhere if your wife wasn't taking you?

18 A Right.

19 Q Okay. And did I hear you say yesterday another reason
20 you chose UniHealth was they wouldn't take child support out
21 of your check?

22 A I said -- say that again?

23 Q You said something about your paycheck coming from
24 Georgia --

25 A I said after I got the job I realized when I got my

1 Q And one of the resources you were and were trained on
2 at OC Tech was this Nursing Assistant's Handbook?

3 A That is correct.

4 Q And that is one of the things Ms. Pigott trained you
5 on; right?

6 A That is correct.

7 Q And then you applied to UniHealth right after school
8 and they gave you your first job; right?

9 A As far as being a CNA.

10 Q Working as a CNA. Now, you only worked at UniHealth
11 for, was it, about four or five months total?

12 A Something like that.

13 Q You mentioned at first you worked on the day shift;
14 right?

15 A Couple, two days. Couple days to train. They brought
16 me in to train, you know, to walk around with other CANS
17 that had already been there.

18 Q Okay. Kind of learn the ropes; right?

19 A Yeah. Find out where supplies were located, where to
20 punch in at, you know, time clock. Just basically walk
21 through, getting adjusted to procedures.

22 Q Right, and then you switched over to the night shift;
23 right?

24 A That's correct.

25 Q And you wanted to work the night shift; right?

1 A Yes, I did.

2 Q Okay. You said yesterday that they threw you over to
3 the night shift, but that's where you wanted to work; right?

4 A I wanted to work with the night shift. Yesterday I
5 stated they threw me back on the rehab ward where there were
6 a lot of ladies. I wanted to work nights and, you know, men
7 are there at night, too. They could have let me stay down
8 there where I felt more comfortable.

9 Q The rehab wing has both men and women, correct?

10 A The most -- the majority of the rehab wing had a lot of
11 female patients.

12 Q And that changes. People come and go; right?

13 A Not necessarily so.

14 Q Rehab is usually quicker than those longer staying
15 folks?

16 A To be honest -- I don't know.

17 Q Okay. Now, likewise the day shift is busier than the
18 night shift?

19 A Right. They have more CANS.

20 Q They just have a lot more activity, because everybody's
21 up.

22 A Sure. Everybody's got to get a bath, everybody got --
23 some people got to be fed. More, you know, more activities
24 going on.

25 Q You've got visitors coming into the facility?

1 A That's correct.

2 Q You've got family coming in?

3 A Same -- yeah.

4 Q You've got doctor's coming in?

5 A I wouldn't know. I was working at night.

6 Q You got people going to therapy?

7 A I assume so.

8 Q Okay, and that stuff isn't going on at night; right?

9 A No.

10 Q The residents are mostly sleeping at night?

11 A Majority of them are.

12 Q Not as many people roaming the hallways, right?

13 A Well, nobody actually roam the hallways in a nursing
14 home.

15 Q Okay. Not as many people walking up and down the
16 hallways, right?

17 A I guess so.

18 Q Okay. Let's talk about changing briefs. There's
19 procedures for changing briefs, right?

20 A That's correct.

21 Q Okay. And you learn those procedures at school;
22 correct?

23 A That's correct.

24 Q Part of what you do is you study this handbook; right?

25 A That's correct.

1 Q Okay. And it's important that you follow the
2 procedures correctly because you could harm a resident;
3 their bones are brittle, right?

4 A That's correct.

5 Q Okay. So you have to do it by the book; right?

6 A That's how we were trained.

7 Q Okay. Now, on the night of June 21, 2010, you went
8 into Ms. Mayes room and you checked her brief; right?

9 A That's correct.

10 Q That was about 3:00 o'clock in the morning; right?

11 A Somewhere about that time.

12 Q It's your testimony that you raised her gown; right?

13 A That's correct.

14 Q Looked at the indicator on their?

15 A That's correct.

16 Q Noticed that there was an indicator line on her brief?

17 A That's correct.

18 Q Her brief was still on her; right?

19 A That's correct.

20 Q And her indicator line to you meant that there was
21 either urine or defecation; right?

22 A Right. It changed colors.

23 Q Right. But you don't know which until you pull the
24 brief off; right?

25 A What do you mean you don't know which what?

1 Q Whether it's urine or --

2 A Oh, no. You don't know whether it's urine or feces or
3 both.

4 Q Okay. Now, you went over to her roommate and checked
5 her brief, right?

6 A I was still with Ms. Mayes.

7 Q Okay. You never checked her roommate?

8 A No. One at a time.

9 Q Okay.

10 A We don't multi-task.

11 Q There's a big dividing curtain between the two rooms?

12 A That's correct.

13 Q There's a separate privacy curtain and then it goes
14 around the bed; right?

15 A That's correct.

16 Q You went back out into the hall and got your supplies?

17 A After I assessed the problem.

18 Q Came back in, pulled the privacy curtain?

19 A That's correct. Shut the door.

20 Q Shut the door. And then you started working on Ms.
21 Mayes brief; right?

22 A That's correct.

23 Q And you're certain that the brief was on Ms. Mayes?

24 A It -- yeah, I'm positive it was on there. I'm going to
25 change this woman, okay. They don't sleep nude. All right.

1 So she had to have her brief on.

2 Q Uh-huh. (Affirmative response.)

3 A So once I note the indicator line had turned green, I
4 knew she was either wet or had defecated on herself. I got
5 my supplies, I came back and I started the process of -- you
6 know, giving her privacy. Start the process of doing my
7 job.

8 Q So the brief was definitely on there?

9 A Yes.

10 Q Okay, and you had to take the tape off both ends of the
11 brief; right?

12 A Right.

13 Q Okay. You went around to one side of the bed and
14 lowered the guardrail on one side?

15 A I was already on that side.

16 Q Okay. That's how you do it, you have the side rails
17 up?

18 A The side rails is up -- when the patient is in the bed,
19 to keep them from falling to the floor most -- whoever the
20 CNA who gets them ready for bed before I get there, you
21 know, get them dressed and ready for bed, they put the
22 railing up and tie the call thing around there so they can
23 call if they need assistance.

24 Q You put the side rails up, you lower one side rail
25 down; right?

1 A Right.

2 Q So you could take the tabs off that side, right?

3 A Well, I lower the guard rails down and took both taps
4 off. This lady was immobile. She had a stroke. So she
5 couldn't assist me in no way.

6 Q Her arms wouldn't move?

7 A Right.

8 Q And that's when you noticed after you took those tabs,
9 off she'd had a bowel movement?

10 A Feces and urine.

11 Q Feces and urine?

12 A Right.

13 Q You said the feces was all over her hips and her back?

14 A That's right.

15 Q You said it was a huge bowel movement; right?

16 A I didn't -- I don't remember saying that. Huge?

17 Q You don't -- you want me to refresh your memory?

18 A Sure. Please.

19 Q Okay. This is 217 of the prior testimony. Okay, and
20 then the person is here, talking about where the bed is,
21 right? See that? So at Line 14, the person is here.

22 Answer: The person is here. When I come in the room I
23 assess. I look at the stripe right below and it's blue, so
24 when I came back out and got all my equipment, they have,
25 you know, don't pull those down. They've got the tape on

1 them, and you open them up. This -- all this goes around
2 the client and the resident, all this. Inside of this. So
3 I'm taking -- the tape is open like this, and I see it's
4 huge.

5 A Okay.

6 Q Okay, and that's referring to the bowel movement;
7 right?

8 A Right.

9 Q And you said it was all up on her hips?

10 A On her back.

11 Q On her back. And that said, indicated you went back
12 out to get supplies when you saw that there was a bowel
13 movement?

14 A Right.

15 Q And you come back in?

16 A Correct.

17 Q And according to you, you shut the door, right?

18 A Correct.

19 Q And then you prop yourself up on the bed to try to
20 change her?

21 A After I shut the door I put the curtain around for
22 privacy issues.

23 Q And then you prop yourself up on the bed trying to
24 change her; right?

25 A I had to because she was about a hundred -- she was a

1 lot heavier than I was, and by -- by me having back problems
2 I had to actually use the knee to pull -- I'd have to
3 demonstrate it. I can't basically describe it.

4 Q You got --

5 A I had to put a knee on the bed to brace myself because
6 of the weight, to pull her so I can start the process of
7 getting this diaper off of her.

8 Q And you know, Mr. Williams, ain't nothing in this book
9 about propping yourself up on this bed, is there?

10 A I'm not sure. It's been a while since I saw that book.

11 Q Do you recall anything?

12 A I don't recall anything, you know.

13 Q You know there's nothing in that book about having your
14 pants down in bed, right, with a resident?

15 A No, there's nothing in the handbook that says that.

16 Q Okay. Your lawyers talked about yesterday, Plaintiff's
17 Exhibit 11, this policy on perineal care; right?

18 A Right.

19 Q On how to change a resident; right?

20 A That's correct.

21 Q You want to look at it again? There's nothing in that
22 policy about propping yourself up on the bed with the
23 resident, is there?

24 A Nope.

25 Q There's nothing in that policy about having your pants

1 off in bed with a resident is there?

2 A No.

3 Q So you're propping yourself up on the bed with this
4 resident with a huge feces filled diaper?

5 A Right.

6 Q And then Ms. Johnson walks in the room?

7 A Back up for a minute, sir.

8 Q Answer my question..

9 A What?

10 Q Ms. Johnson walked in the room at that point; right?

11 A Go back. I didn't understand what the question was?

12 Q Okay. You've got a resident with a feces filled
13 diaper; right?

14 A Okay.

15 Q You know it's huge; right?

16 A Right.

17 Q It's on her hips and it's on her back; is that correct?

18 A That's right.

19 Q And you're propping yourself up on the bed; right?

20 A I've got a knee on the bed.

21 Q And then Ms. Johnson walks in the room?

22 A Right.

23 Q And she asks what are you doing?

24 A Right.

25 Q And your response is please shut the door.

1 A Please shut the door.

2 Q Right?

3 A Right.

4 Q You didn't ask her for help?

5 A No, I didn't ask her for help.

6 Q You didn't ask her to help you roll over this heavy
7 woman; right?

8 A No, I did not.

9 Q You didn't say give me a hand?

10 A No, I did not.

11 Q You didn't say I'm changing Ms. Mayes?

12 A No, I didn't -- I just told her to please shut the
13 door.

14 Q And then she left the room; right?

15 A Yeah, she left the room.

16 Q She left the door open?

17 A Left the door open.

18 Q You had that curtain there around, right?

19 A No, that curtain wasn't -- no. After she left the room
20 I had to stop what I was doing, go back and create the
21 privacy issue by shutting the door, putting the curtain back
22 that she moved when she came and asked me what are you
23 doing. Then I continued trying to remove this pamper out
24 from under Ms. Mayes.

25 Q So you close the door after she leaves?

1 A Right.

2 Q And then you go back to working on trying to get the
3 pamper --

4 A After securing, you know, giving the privacy issue.

5 Q You said it was about three to four minutes before Ms.
6 Johnson and Ms. Peppers returned?

7 A I really don't know what the time frame was.

8 MR. BRING: We're on Page 247.

9 MR. FOSTER: I think I've got the wrong -- What page?

10 MR. BRING: 247, previous testimony.

11 BY MR. BRING:

12 Q And then you said three or four minutes --

13 MR. FOSTER: Line?

14 MR. BRING: Line 1.

15 MR. FOSTER: Okay.

16 BY MR. BRING:

17 Q In about three to four minutes later her and Peppers
18 come back in the room and ask me to leave the room; right?

19 A (No response.)

20 Q Now, do you think it was three or four minutes?

21 A If it's on that record right there it has to be, but I
22 don't agree with that.

23 Q You don't know if there was anyone at the nurses
24 station?

25 A I didn't observe anything -- only thing I knew when I

1 came to work that evening there was on that wing of the
2 facility there was five people on that wing.

3 Q When Ms. Johnson left the room to go get help --

4 A Right.

5 Q -- you don't know if there was anyone at the nurses
6 station at that time?

7 A No, because I proceeded to go back and finish the task
8 I was trying to do.

9 Q Okay, and you were wearing draw-string pants that
10 night; right?

11 A That's correct, that's what we were issued.

12 Q And then at that time while Ms. Johnson was gone you
13 still had not put a clean diaper on Ms. Mayes; correct?

14 A I didn't have a chance. By the time I got back to
15 trying to continue my task that I was in the room for Ms.
16 Johnson and Ms. Peppers came back and ask me to leave the
17 room.

18 Q And you still had not gotten that dirty brief off of
19 the resident, have you?

20 A No because the weight, I had to try to get it off her,
21 that's why I had my knee on the bed, because I had to pull
22 her toward me, push the pamper up under her, up under her
23 back. After that was done, raise the bar back up, go around
24 the opposite side where my back would be facing the door,
25 let that down, pull her back again towards me and pull that

1 out, but I didn't have a chance to finish that task.

2 Q So the diaper was still on her when you --

3 A Yeah, the diaper was still on her when they told me to
4 leave the room.

5 Q Okay, and according to you there was still feces in
6 this diaper?

7 A Yes, urine and feces on there.

8 Q And the diaper would have still been on her body at
9 that time; right?

10 A She would have still been on top of the diaper.

11 Q Okay.

12 A Body on top of the diaper.

13 Q Now, before Ms. Johnson entered the room you had
14 already been working with the resident for several minutes;
15 right?

16 A I went out and -- like I said before, after entering
17 the room, I assessed the problem, I realized the lady had
18 urine, had defecated on herself. I went back to my cart by
19 the door in the hallway, got the necessary equipment, came
20 back in there, provided privacy and start -- began -- was
21 trying to do what I do every night which is get this pamper
22 on off this lady, get her cleaned up and move on to the next
23 room.

24 Q And the three to four minutes that you say that they
25 were gone --

1 A Right.

2 Q -- you still hadn't gotten the diaper off; right?

3 A She was a heavy lady.

4 Q Now, on the night shift you had to change about 15
5 diapers an hour; right?

6 A An hour? We just -- well, I don't -- I can't really
7 say. Yeah, maybe 15. It might be more. I don't really
8 recall. It's been about four years ago. How many residents
9 on any given night were on that hallway.

10 Q Does 15 diapers an hour sound about right?

11 A Yes, that sounds about right.

12 Q So in an hour that's about 60 minutes; right?

13 A (No response.)

14 Q 60 minutes in an hour?

15 A Yeah.

16 Q And you divide 60 by 15, you know, that's four minutes
17 per resident; right?

18 A Right.

19 Q Okay. Now, when Ms. Johnson and Ms. Davis returned
20 they came in and asked you to leave; right?

21 A That is correct.

22 Q You didn't argue with them; right?

23 A No, that's supervisor.

24 Q They told you to leave the room and you stood outside?

25 A Right outside the door.

1 Q And someone came to stand with you; right?

2 A Right. I think she was an LPN in training.

3 Q No one told you they were calling the police; right?

4 A No, they did not.

5 Q But you knew you were in trouble; right?

6 A I didn't know what was going on.

7 Q You were nervous and went out back for a cigarette;
8 right?

9 A Well, I went outside to smoke a cigarette. I wasn't
10 nervous. I went outside to smoke a cigarette to figure out
11 what all this commotion was about as far as me doing my job.

12 Q And you don't recall how much time passed when you left
13 Ms. Mayes room and when the police arrived; right?

14 A No, I don't recall. How much time was it?

15 Q You recall -- I want to be clear. You were definitely
16 the one who started taking Ms. Mayes brief off; right?

17 A She was one of my assignments.

18 Q And the brief was on her when you went in the room?

19 A That's correct.

20 Q You're certain about that?

21 A I'm certain.

22 Q Now, you remember after all this went down, because of
23 your two years in the Navy you had access to VA care; right?

24 A Say that -- because of my -- what now?

25 Q Because you were in the Navy for two years --

1 A Yeah.

2 Q And you sued her in this case; correct, Ms. Davis?

3 A Yes.

4 Q Let's look or talk about this alleged telephone call
5 with your wife and Ms. Johnson?

6 A Right.

7 Q Your dealings with Ms. Johnson at the nursing home were
8 strictly business; right?

9 A That's it. Sometimes not even a hello.

10 Q You came into work, clocked in, got an assignment sheet
11 from Ms. Johnson and that was about it; right?

12 A You know, just following the instruction of what my job
13 duties were. I come in, she would give me the list of
14 patients she wants vital signs from. I went and did that
15 and came back gave her the list and she charted it. After
16 that it was just basically checking on patients for the rest
17 of the evening.

18 Q Now, about this alleged call. You said you'd had a
19 fight with your wife that night?

20 A Not a fight, an argument.

21 Q So you waited until break; right?

22 A I waited until about -- it wasn't a scheduled break. I
23 waited until I got some of my vitals done. I did my charting
24 done and then I decided -- I asked permission to use the
25 phone.

1 Q Fight was about the fact that she had to wake you up to
2 go to work and you didn't want to go; right?

3 A I -- yeah, probably something similar to that. Not
4 didn't want to go to work, you know, I just -- I mean I'm a
5 hard person to wake up once I get into a good sleep. I'm
6 not an easy person to wake up. All my wife it's been like
7 that.

8 Q You got in an argument with her about that; right?

9 A Exchange of words.

10 Q She still had to take you up to work; right?

11 A Yeah.

12 Q And then you waited until about 2:00 o'clock in the
13 morning while she was sleeping; right, because she worked
14 days.

15 A I didn't know if she was sleeping or not. I don't
16 really know exactly what time it was. I just felt I had to
17 call and apologize to my wife.

18 Q You called her from the nurses station?

19 A Yes, sir.

20 Q And you say when your wife called back to the nurses
21 station the person who answered the phone said, this is
22 Patricia Johnson?

23 A I couldn't say hearsay, but from my understanding when
24 I got home she asked me who is Patricia Johnson. Then she
25 explained what had happened.

1 A I mean, that's a work area.

2 Q After that you never confronted Ms. Johnson and said
3 your wife was made about being prank called in the middle of
4 the night?

5 A I don't recall.

6 Q When your wife came to pick you up the next morning
7 because she had to pick you up the next morning; right?

8 A Right.

9 Q She didn't come inside the facility and try to talk to
10 Ms. Johnson; right?

11 A No.

12 Q She never demanded to speak to a supervisor; right?

13 A I don't think she would have carried it that far?

14 Q Let's talk about this heavy man you talked about
15 earlier?

16 A Oh, yeah.

17 Q You said he weighed about 300 pounds; right?

18 A Well, you know, three or plus.

19 Q You're in there trying to not just change him but
20 transfer him to a wheelchair by yourself; right?

21 A That's correct.

22 Q With your bad back; right?

23 A That is correct.

24 Q And when you called for help you said a CNA and a
25 janitor came to help you right away; right?

1 A The CNA that was coming on duty, she was in the hallway
2 and a janitor was in the hallway, also. Well, there was
3 three people in the hallway; a janitor, an on-coming CNA and
4 Nurse Johnson.

5 Q Now, you're in the room trying to get a 300 pound man
6 out of his bed into a nursing home wheel chair; correct?

7 A That is correct.

8 Q And you don't know where in the hall these people are;
9 correct, because you're in the room, correct?

10 A I know where they are in the hallway because I'm in the
11 last room at the end of the hallway.

12 Q I see.

13 A I know Ms. Johnson giving out the last of her room
14 medication before she goes home. I had to pass her to go to
15 this man's room. I had to pass her also when I had to go get
16 the sliding board to do this procedure to get this man out
17 the bed, because the hydraulic lift was already being used
18 by another CNA.

19 Q And you didn't ask her for help then?

20 A Who?

21 Q Ms. Johnson.

22 A No, I didn't ask her for help, because I thought I --
23 looking at the training manual, there's a chapter about
24 using the sliding board. I figured I could handle it by
25 myself. But unfortunately his weight shifted and he started

1 to fall. He didn't fall and that's why I was holding him up,
2 holding him up with my bad back asking or hollering for
3 help. Now, if I holler for help and you're my immediate
4 supervisor and you're right there in the hallway, I think
5 you would have to investigate that.

6 Q You'd have to hear it first, right?

7 A Yeah.

8 Q Okay. Now, the CNA you mentioned was April Bowman;
9 right?

10 A I'm not sure of the name.

11 Q And then this janitor; right?

12 A I'm not sure of his name, either.

13 Q Okay, and as you testified yesterday you said you think
14 you mumbled something to Ms. Johnson but you're not sure if
15 she heard you; right?

16 A I'm not -- I testified yesterday that I might have
17 mumbled something under my breath, but being disgusted
18 because if this man would have fell I would have got
19 charted, you know.

20 Q She didn't write you up; right?

21 A Say again?

22 Q She didn't write you up?

23 A No, she didn't have time to do that.

24 Q She never wrote you up, though, did she?

25 A No.

1 Q Ever?

2 A Not to my knowledge.

3 Q Okay, you've got the employment -- your lawyers have
4 your employment file. Did you see any write-ups in there?

5 A Not to my knowledge.

6 Q Okay. She could have written you up for --

7 A She could have written me up the first time I told her
8 she was incompetent.

9 Q -- she could have written you up -- I'll ask you to
10 answer my questions. She could have written you up for not
11 transferring the resident and getting help; right?

12 A I assume so.

13 Q And if she had heard you mumbling she could have
14 written you up for that; right?

15 A I assume so.

16 Q Okay. You talked yesterday about some resident you
17 said had blue lips; right?

18 A Blue lips. Whole face turning blue.

19 Q Somebody was getting blue lips.

20 A I said lips?

21 Q That's the way I heard it.

22 A Should be on record, shouldn't it?

23 Q Okay. You said you go and take the blood pressure of
24 this resident; right?

25 A Blood pressure, respiration and temperature.

1 Q Nothing blue about her at that point?

2 A Not at that point. I just noticed levels were
3 extremely kind of low. So instead of me proceeding to the
4 rest of the other patients I went immediately back to the
5 nurses station. I showed Ms. Johnson the totals I got and
6 she just said, well, Ralph go back and check it again.

7 Q And this was less than two months after your first job
8 as a CNA; right?

9 A Correct.

10 Q Ms. Johnson was a nurse?

11 A Yeah, a licensed LPN. She was my supervisor.

12 Q So she had a lot more medical training than you did;
13 right?

14 A That's true; that is correct.

15 Q She went to school for a couple years to become a
16 nurse; right?

17 A That's correct.

18 Q And at that point you'd been a CNA for less than 60
19 days; right?

20 A That's correct.

21 Q Okay. Now, what typically happens if vitals are
22 abnormal nurses will tell you to go back and recheck them
23 won't they?

24 A That's correct.

25 Q You went back to the room and you noticed the patients

1 lips were blue; right?

2 A Well, blue -- when I went back to the room all I saw of
3 this lady, yeah, she was turning light blue. I mean, not
4 just lips -- she didn't look well, okay.

5 Q And when you saw this you kind of panicked; right?

6 A I did. I did panic.

7 Q And you ran down the hall; right?

8 A After I saw this I went back to Ms. Johnson again and I
9 told her, I don't know the exact words, something is
10 seriously wrong with this lady. I don't know if maybe I
11 didn't say it loud enough or she didn't hear me. I don't
12 know what happened, but she didn't respond as quickly as I
13 thought she should have.

14 Q I want you to listen to my question, real quick?

15 A Okay.

16 Q You kind of panicked; right?

17 A Yes.

18 Q And then you ran down the hall; right?

19 A No. I stopped back by the nurses station to tell Ms.
20 Johnson again.

21 Q Let's look at prior testimony again. This is Page 221
22 through 222. Let's put it this way, you kind of panicked;
23 right?

24 A Yeah, I did panic.

25 Q You didn't hit any alarm buttons; right?

1 A See, I was right by the nurses station.

2 Q You didn't hit any alarm buttons?

3 A No, I didn't hit any alarm buttons.

4 Q Okay.

5 A I didn't do that.

6 Q And another nurse came to help you; right?

7 A I had to go down -- the other end of the building, that
8 nurse -- I think her name was Irons. I'm not -- I'm not
9 sure, but I know -- that nurse had been there a couple of
10 times on the night shift with me, some nights when Ms.
11 Johnson was off she would sometimes work on that rehab wing.
12 I went and got another Licensed Practical Nurse and we ran
13 down there and got her and we ran back and she helped me
14 stabilize Ms. Brown until EMS arrived and took her to the
15 hospital.

16 Q And all these rooms that you say the panic buttons are
17 right by the doors, you ran past all these rooms with these
18 alleged panic buttons right by the door you didn't hit one,
19 did you?

20 A I didn't hit one. I just went and got another nurse.

21 Q Okay. While we're talking about that, your lawyers
22 were showing you some pictures yesterday, one they've been
23 showing in this case a lot. This room.

24 A Okay.

25 Q Now, this has got the lights on and this was taken

1 pictures; right?

2 A No, I didn't see any on those pictures.

3 Q Okay. Now, regarding this incident where you're
4 running down the hall --

5 A Right.

6 Q -- getting another nurse and you're running back.

7 MR. WARREN: Objection.

8 A Right.

9 Q You said Ms. --

10 MR. WARREN: Objection. He didn't say running.

11 THE COURT: He just said running a minute ago.

12 MR. WARREN: He did. Okay. I'm sorry. My apology.

13 THE COURT: Thank you, sir.

14 MR. WARREN: We'll drop it.

15 BY MR. BRING:

16 Q Now, you said you confronted Ms. Johnson about this; is
17 that your testimony, that you got mad at her about this --

18 A Confronted about?

19 Q This blue lip incident?

20 A I didn't confront her. I just made a statement after
21 the EMS people got the lady stabilized. I mean, all the
22 other CANS, it was a big crowd of people. I just made a
23 statement that she was incompetent, she needed to be fired
24 because this lady almost died. I meant that.

25 Q Ms. Johnson didn't write you up, right?

1 A No, she didn't write me up. She ignored it.

2 Q Ms. Johnson was just business with you; right?

3 A Say again?

4 Q Ms. Johnson was just business with you; right?

5 A She was my supervisor.

6 Q She would say, good evening, this is your assignment
7 and not say much after that; right?

8 A That's about it.

9 Q That's about it.

10 A We didn't have no -- we wasn't connected to the nursing
11 home. You know, we didn't really talk.

12 Q I want to make sure I heard that. She would say, good
13 evening this is your assignment?

14 A On occasion.

15 Q Let me finish my question for the court reporter and
16 the jury.

17 A Okay.

18 Q She would say good evening, this is your assignment and
19 not much beyond that; right?

20 A On occasion.

21 Q And your impression is if a woman stops talking to you
22 there's something on her mind; right?

23 A Say that again?

24 Q Your impression is that if a woman just stops talking
25 to you there's something on or other in her mind?

1 Q Now, you testified yesterday that Ms. Henrietta Mayes
2 couldn't even move her hands; is that what you testified to
3 yesterday?

4 A Yeah. She was paralyzed.

5 Q So whoever took this note here wrote that the patient
6 had already ripped her diaper off, which she is known to do.

7 A Right.

8 Q Would that --

9 A I mean, it's an impossibility by her being paralyzed,
10 and the state that I was in when -- I was going to a
11 psychiatric ward, so -- so --

12 Q So is there anyway that, I mean, that statement could
13 be true -- yesterday you said she --

14 A Yeah. She couldn't feed herself. She couldn't -- she
15 could barely move around, much less rip a pamper off. I
16 mean, she had a stroke, that's why we had to -- me and the
17 other CANS, we had to basically do everything for her,
18 specially like in the morning, we had to get her up, get her
19 dressed to go to the front of the cafeteria to go to
20 breakfast.

21 Q Right.

22 A So we had to do everything for her.

23 Q Okay. Now, I know Mr. Bring talked about 1970s and the
24 '80s. Is there anything Mr. Bring stated about what
25 happened in that room that's different from your former

1 testimony?

2 A No.

3 Q Now, let's go back over this -- in this room,
4 resident's Room 39A --

5 A Uh-huh. (Affirmative response.)

6 Q -- to the night in question, June 21, 2010?

7 A Right.

8 Q Talk to me about the description, as you can recall, I
9 know it was about five years ago --

10 A Right.

11 Q -- but as best you can recall can you describe the
12 room?

13 A Okay, you walk in -- Okay, her room. When you walk in
14 the room there is a bed, and she had like a chifferobe, you
15 know, like you've got a home to keep your clothes in. She
16 had that but she had a TV on top of it. Chair, chifferobe
17 and this little night stand over in the corner. Typical
18 room, just -- you know -- the room looked more familiar to
19 the first picture I saw than the other one with the high
20 backboard. That didn't look like her room.

21 MR. WARREN: Could you mark this, please?

22 COURT REPORTER: What number, please?

23 MR. FOSTER: 48 would be our highest number. Just mark
24 it 50. I know we don't have anything --

25 THE COURT: Okay.

1 MR. FOSTER: There may be a 48 or a 49 already, but I
2 know there wasn't a 50.

3 (Plaintiff's Exhibit No. 50, hand-
4 drawn diagram was marked for ID only.)

5 MR. WARREN: Thank you.

6 COURT REPORTER: Plaintiff's 50, Judge.

7 THE COURT: Would you mind?

8 MR. WARREN: I'm sorry.

9 MR. BRING: Oh, I've got one.

10 THE COURT: Okay, I just wanted to make sure.

11 MR. WARREN: Yes, sir.

12 THE COURT: Okay. Thanks.

13 MR. WARREN: Yes, sir, Your Honor.

14 BY MR. WARREN:

15 Q I'm showing you what's been marked for identification
16 as Plaintiff's Exhibit No. 50. Do you recognize that?

17 A That's my handwriting.

18 Q Okay, and what is that a description of?

19 A It's a description of when you walk into the door, all
20 right, the chest, like I said, and the little night stand,
21 the night light over the bed, the panic button on the wall
22 right over this little night stand, and then the call
23 button, which is on sort of like a cord that can wrap around
24 the railing of the bed so they can punch it, you know, if
25 they can.

1 married?

2 A May 5, 1988.

3 Q Uh-huh. (Affirmative response.) Okay. And during the
4 course of your marriage, I guess you know this question, did
5 y'all have some problems?

6 A Yes, we had some problems.

7 Q And when was the last -- You said problems, I guess you
8 mean an affair?

9 A He had an affair about 20 years ago.

10 Q Okay. Let's talk to the jury about that, 20 years ago,
11 what happened?

12 A Ralph, apparently Ralph called Ms. Ann Hardy and she
13 was calling him back and I answered the phone. She was
14 saying did somebody call me and I said, yes, I called you.
15 I asked her who she was. She explained that she was a
16 friend of my husband and explained to me what was going on.
17 So initially I went to her house to ask and confront her
18 about what was going on. When I came home and I got Ralph
19 and I took him over there and the three of us talked about
20 it. She told me what was going on. Ralph denied it. He
21 was saying that he was going over there and he was saying
22 that he was not having sex with her, he was saying he was
23 just going over there drinking beer and doing just some
24 things, but he continued to say he wasn't having sex with
25 her. And we talked about it. I said more than sexual

1 Mr. Williams had some 'splaining to do -- not explaining,
2 but 'splaining to do when he gets home.

3 A Yes, it's been an on-going debate with me and him about
4 whether or not he had sex with her or not. He was saying he
5 would go over there and talk with her. They were just
6 friends. But eventually he did admit they did have sexual
7 relations and we worked through that.

8 Q And he --

9 A I was just thinking today sitting in here, he just
10 didn't want to say it in front of me. But this is something
11 that we had discussed over and over again.

12 Q And I guess last time, I guess, y'all did was 20 years
13 ago?

14 A Right.

15 Q And I guess y'all don't like to discuss what happened
16 20 years ago?

17 A No. No.

18 Q Okay.

19 A We have a very loving relationship now. We have our
20 ups and downs like anybody -- a very good marriage. I love
21 him and I know he loves me. So he just didn't want to go
22 into that again today.

23 Q Did you think that y'all would be talking about the
24 affair that happened in 1991 or something here in 2014?

25 A No.

1 A 2009, 2009.

2 Q Okay.

3 A So they opened a space at Kmart for Ralph to come in
4 there so the customers and employees wouldn't have to go
5 next door to Reed's, for Ralph to be able to provide
6 services, food services for their employees on site, also.
7 So this time Ralph was going to CNA, working at Reed's and
8 trying to go to Kmart too much. Then it got to be too much
9 for him and so he had to let Kmart go.

10 Q And was he still catering as well?

11 A He was still catering.

12 Q And now this -- you know, he's doing all this at the
13 same time?

14 A He's doing this all the time. He's doing all these
15 jobs. Ralph had an excellent reputation in the Orangeburg
16 community as a cook. People would say -- well, can't say
17 hearsay. There was a great command for his talents. He
18 could do all kind of cooking and he was fast. People know
19 if you call Ralph to do a job and he's not going to hang
20 around sitting on the clock. He's going to get the job done
21 and he will do the job well.

22 So when he -- at Reed's -- when he first got the job at
23 UniHealth he was still at Reed's also. Then they started
24 calling him at UniHealth for overtime because he had such a
25 great report with the clients at UniHealth. Ralph said, I

1 A Right. We have -- we have lots of catering supplies.

2 Q So his plan, as I understand it, y'all were going to do
3 the catering business during the day and work at night?

4 A Right.

5 Q So his plan was to work two jobs?

6 A That was his plan. That was his plan.

7 Q Now, how was he when he got the CNA certificate; how
8 did the accomplishment feel to him?

9 A Ralph was on top of the world. So was I, because
10 that's a major accomplishment to take that CNA course and
11 pass that test on the first time. I know many of our
12 clients would go through the course, but they couldn't pass
13 the test. So I was extremely proud of him. He was extremely
14 proud, too. He was on top of the world.

15 Q Uh-huh. (Affirmative response.) Go back to school in
16 his 50s? ~

17 A In his 50s and pass the test on the first time. So I
18 was ecstatic about it and he was also.

19 Q So talk to me about prior to June 21, while he was
20 working at UniHealth were there any phone calls or
21 conversations from anybody that you had?

22 A Well, I don't know the exact date, but one night Ralph
23 and I had an argument. I remember taking him to work. He
24 got out the car and he was mad and I was mad. So he called
25 me that evening probably like 3:00 o'clock in the morning to

1 tell me that he was sorry and that he loved me. Hung the
2 phone up. Couple minutes later the phone rang back. So I
3 thought that was Ralph calling me back. I was on the phone
4 going Ralph, Ralph, Ralph. I could just hear breathing on
5 the phone. So the person hung the phone up. I hit the
6 start 69 or whatever, the redial to call the number back.

7 Q Now, do you know --

8 A -- 534-7036.

9 Q Could you repeat that number?

10 A 534-7036. So I called -- I called the number several
11 times and the person at -- who was at the desk was not
12 answering the phone. So I kept calling until the person
13 answered the phone and said, Patricia Johnson and hung the
14 phone back up.

15 Q You called about three time?

16 A About three times. At least three times until the
17 person answered the phone. Eventually somebody answered the
18 phone, they said Patricia Johnson. I thought it was
19 strange. So that's when I picked Ralph up the next morning I
20 asked him, who was at the nurses desk when you called me
21 last night, and he said Patricia Johnson. I said, why was
22 she calling to check to see who you was calling. He said, I
23 don't even know what you are talking about. He said, I
24 don't even -- I don't know what you're talking about. I
25 said, because called back to our house to find out who you

1 were talking to. He was saying -- first he got indignant
2 with me because he thought I was blowing it out of
3 proportion, because I didn't let it go. I told my sister, I
4 told another co-worker, Madelyn Sally. I said, there's a
5 problem here. There's a problem here as to why the middle
6 of the night somebody would be calling my house to see who
7 my husband was calling. So I did research. All I knew was
8 the name was Patricia Johnson. Went back in my files to see
9 if it was somebody I know or something was going on. Matter
10 of fact, I think I irritated Ralph with it, because I kept
11 asking him was anything going on. No, it's just a co-
12 worker. Nothing going on. He said he had absolutely no
13 explanation as to why this person would be calling back to
14 our house to see who he was calling.

15 Q Now, talk to me about the events on or about June 21,
16 2010.

17 A That night -- well, really that morning, I got a phone
18 call and I was told that Ralph was arrested and the bond
19 hearing would be 9:00 the next morning and for me to be
20 there. And I asked what the charges were and I was told the
21 charges were intent to commit assault. I said assault about
22 what? That's all I was told. That I needed to be a the
23 bond hearing the next morning. So that next morning went to
24 the bond hearing by myself. And they told us that whenever
25 they call your person to go up there and stand beside them

1 when they call you person. So I went up there and stood by
2 Ralph and I looked over on the warrant and I saw something
3 about intent to commit criminal sexual conduct, and
4 something about his pants around his knees or whatever, and
5 I just got -- I was just upset. It was unbelievable to me.
6 So I just left out -- when they got finished with him I just
7 left out the courtroom.

8 Q Uh-huh. (Affirmative response.)

9 A And I went home. By the time I got home the phone was
10 ringing. Ralph was on the phone. I guess he -- he knew
11 that I was irritated and upset. He said that I didn't do
12 anything, Linda. I was doing my job. I was doing my job,
13 that's what he said. He said what are you going to do about
14 it. I said, at this point I don't know what I'm going to do
15 about it, because prior to that week Ralph daughter and his
16 grandchild came for Father's Day and his birthday. And the
17 money we had we had to get a hot water heater, we had to get
18 some -- we got a new couch and we had put some money into
19 the house so we could get things ready for is daughter and
20 grandchild. So I didn't have many resources on hand.

21 So I called my sister, we talked about it. We went to
22 place the bond. I went out to the complex, waited for him
23 to come out. I went about 3:00 o'clock and I stayed until
24 about 6:00 o'clock waiting for him to come out. So I called
25 the bondsman to see what was going on. So he told me to go

1 inside. When I went inside that's when they told me the
2 charge had been upgraded to committing sexual conduct, three
3 and they added on the charge of abuse of a vulnerable adult,
4 and I was -- I was livid. What was going on here.

5 Q What was your understanding of why those charges were
6 upgraded?

7 A At that time I didn't know why the charges were
8 upgraded. I called the bondsman and he told me to meet the
9 detective, Latisha Coakley at the complex or something the
10 next morning so she could tell me.

11 Q What was your understanding of why the charges were
12 upgraded?

13 A Because they found semen. The officer told me they had
14 a hit, they had a DNA hit on Ralph.

15 Q And this was --

16 A That was on Wednesday --

17 Q Two days after the incident?

18 A Right. Tuesday, that was the second bond hearing.

19 Q Now, talk to me about how this has changed -- one more
20 thing about y'all catering. What else did y'all purchase
21 anything?

22 A We have a '92 Toyota Camry station wagon that we bought
23 to be able to transport the food in the back, and that's
24 still parked in our backyard. The tires have rotted by now,
25 because we have no catering business now. So it's just

1 sitting there.

2 Q But y'all had bought that --

3 A Yeah, for the catering business.

4 Q Now, talk to me about the effect that this has had on
5 -- first describe Ralph after this incident, did you notice
6 any significant change in Mr. Williams?

7 A Oh, yes. He was depressed. He stayed in the house.
8 He didn't want to come out the house. He was really
9 concerned about what people would think about him. He was
10 just erratic in his thinking. He was just scared. Only
11 place he would go -- only place he would go would be to go
12 to church. And we would leave church -- before we would go
13 to the grocery store, you know, to pick up something that
14 we're going to cook for dinner. But then he didn't even
15 want to go inside the grocery store with me any more. He
16 was too ashamed. He didn't want anybody to see him any
17 more, especially at Reed's. So when I finally convinced him
18 to go into the grocery store with me at Reed's he came
19 inside with me and we went to the back toward the meat
20 department and this man yelled out -- man --

21 MR. BRING: Your Honor --

22 BY MR. WARREN:

23 Q You can't say, you can't say --

24 A Oh, I can't say what I heard. What I heard. Okay.

25 Q You can describe --

1 A Okay. Well, we went in, in my opinion, when we went
2 inside --

3 THE COURT: One second, Ms. Williams. Just -- when your
4 attorney asks you a questions you need to answer the
5 question.

6 MS. WILLIAMS: Okay.

7 THE COURT: And remember you can't say anything about
8 what somebody else said.

9 MS. WILLIAMS: Thank you, sir.

10 BY MR. WARREN:

11 Q Remember just what we talked about.

12 A Yes, sir.

13 THE COURT: Go ahead.

14 BY MR. WARREN:

15 Q Continue. If you could describe your observations and
16 things of that nature?

17 A My observation was that people were treating him in a
18 negative manner. That's my observation. So he went and got
19 back in the car.

20 Q Talk to me about more type of things, your descriptions
21 and observations of Mr. Williams after June 21, 2010.

22 A He was embarrassed. He was humiliated. He was
23 depressed, which brought back on a problem which I thought
24 was gone, that was the alcohol and drug abuse. He relapsed
25 and went back to doing that. He was ashamed and upset. He

1 thought his life was over. He thought about, you know, if
2 he had to go to prison, what his family, what his children,
3 what everybody thought about him. He was extremely
4 depressed.

5 Q He talked about his grand kids?

6 A Right, his grandchildren. He had two grandchildren that
7 he had never seen. He had another grandchild that had sickle
8 cell, I guess sickle cell anemia, because -- we couldn't
9 leave to go check on his grandchild. He was extremely
10 depressed. He felt like his life was over.

11 Q Now, these are kids from his first marriage?

12 A Right, right.

13 Q Do you know when that first marriage was?

14 A Yeah, 1984.

15 Q So talk to me, have y'all went to St. Louis at any
16 time?

17 A We went -- we went in 1989, first time. I went to St.
18 Louis -- then we went in 2004 when Ralph Jr., and
19 (inaudible) got married. We went again in 2012 to check on
20 Ralph Jr's son. He had --

21 Q Is that his grandson?

22 A Yeah, Ralph Jr's son is Ralph's grandson. He had sickle
23 cell anemia and he had a bone marrow transplant, and he was
24 in the hospital. So we went to check on him.

25 Q So now talk to me about how this has effected you and

1 your marriage to Mr. Williams?

2 A Initially, it effected our marriage very extreme
3 manner. When he first came home we were in different rooms,
4 but then eventually we did get into the same room but we
5 were in different beds. We were in a room with twin beds.
6 We had absolutely no sex life. That is something -- I just
7 could not do that after those charges. To have your husband
8 charged with a serious charge, the charge that Ralph had on
9 him was something really hard to deal with.

10 Q And then afer they told you they found -- what were you
11 told again; what had they found?

12 A Semen.

13 Q Two days after the incident?

14 A Right. They found semen, but he told me over and over
15 again that he didn't do it. That he didn't do it. He kept
16 saying it and saying it.

17 Q Now, one thing we're going to -- that may come out in
18 later examinations, was -- I know it's 20 years ago, but you
19 what's the difference between now and then, so what's your
20 answer? The difference between now and 20 years ago.

21 A 20 years ago he was young, he was drinking and he was a
22 different man than the man he was today. He told me that he
23 realized the value of the wife that he had and that he
24 wouldn't do anything of that nature again. It took him a
25 while to get the wisdom to appreciate the woman that he has.

1 afternoon. That's why we were out longer than we normally
2 would have been.

3 We're going to now continue with Ms. Williams
4 examination.

5 Mr. Warren.

6 MR. WARREN: Yes, sir, thank Your Honor.

7 THE COURT: Thank you.

8 BY MR. WARREN:

9 Q Ms. Williams, during the time when Mr. Williams worked
10 at UniHealth was any time you picked him up from work and
11 you observed that he was upset?

12 A Yes. One morning I picked him up from work and he came
13 -- no, I picked him up he was --

14 Q Let me just caution you don't say anything he told you.

15 A Right. He extremely upset because of an incident when
16 a patient almost died, and he was extremely upset because
17 that's the first time he said -- the first time that he
18 experienced anything of that nature, in my opinion.

19 Q Okay. Now, also, can you talk to me about the effect,
20 in terms this has had, June 21, 2010, on catering jobs and
21 just on his ability to work in the community?

22 A Well, the catering jobs --

23 Q Also don't say what somebody said, but just describe
24 your observations and understandings.

25 A Okay.

1 Q Go ahead.

2 A The catering business is gone. He doesn't do any
3 catering jobs any more unless his aunt try to help him find
4 some jobs. Before people was calling him all the time to do
5 different events. He has a whole box of cards that's just
6 there. He's given them out. He has no catering business
7 now.

8 Q Now, talk to me about your observations, you indicated
9 people avoided him, shunned him, hated him. Talk to me
10 about your observations of his emotional state and any
11 observations you have that you saw and observed of your
12 husband?

13 A He's depressed. He doesn't sleep at night. He takes a
14 depression medication to go to sleep, because he feels that
15 his life is over as far as working.

16 Q Talk to me about his ability to try to obtain work
17 outside of his catering because he did both, he did both at
18 the same time. Tell us about your observations about his
19 ability to get work, your observations and your
20 understanding?

21 A He's not be able to secure employment. One particular
22 job they told him he had the job but due to the SLED
23 background check, and once that came back he didn't get that
24 job.

25 Q And this was -- go ahead.

1 A That job, that was Four Moons. That's a job that he
2 thought -- he thought he had that job. They actually told
3 him he had the job and he was waiting for the SLED
4 background check to come back. Once that came back he didn't
5 get the job. He did get some other jobs after the -- but he
6 wasn't able to sustain those jobs. He lost -- we have
7 already mentioned the Crab Pit that somebody put something
8 on the desk and he lost that job because of the allegations.
9 He had a job at Brown Derby in my opinion was effected by
10 the allegations. He got the job at Senior Catering, in my
11 opinion it was effected by the allegations. He had a job at
12 Waffle House, but he stopped that job because he went back
13 to OC Tech in May of 2013, he went back to try to get
14 another job in the medical field, but he wasn't able -- he
15 started taking the classes, but he wasn't able -- he
16 couldn't focus on the classes. So he left on academic
17 probation and he just didn't go back.

18 Q This was to advance his --

19 A Right. He was trying to -- he was seeing if he could
20 go back and get another job in the medical field other than
21 CNA.

22 Q All right. Talk to me about your pain, I'll ask about
23 your pain and what things you went through?

24 A I was very emotionally upset. A lot of crying and I
25 had a lot of sleepless nights. Just not knowing what was

1 going on and seeing my husband and seeing what he was going
2 through. Ralph has an outstanding personality, a real out-
3 going person. After this he -- he's depressed all the time.
4 Some days he'll stay in the house all day. Some days he'll
5 go in the room and just stay in the room. He don't want to
6 be bothered with anybody and if he does come out he wants to
7 drink. So -- the drinking has had an extreme effect on our
8 marriage. Previous to this it was under control. So it's
9 just a very, very, stressful time in my life. The stress of
10 knowing we're shunned in society because of the allegations,
11 some people think I'm stupid -- in my opinion some people
12 think I'm stupid for still being with him, and you just have
13 to watch the continual depression that he goes through. He
14 takes a depression medication every day.

15 Q Now, you've been with him 25 years; have you ever know
16 him to be like this in 25 years?

17 A No. Ralph was a very out-going person. Life of the
18 party, happy person.

19 Q You said life of the party?

20 A Life of the party. Right.

21 Q Always joking?

22 A Always joking. That's why he looked like -- when he
23 was at the nursing home, in my opinion the patients enjoyed
24 him. Like being around -- he'd joke and he took time with
25 them. This has changed him totally from the person that he

1 was before.

2 MR. WARREN: No further questions.

3 THE COURT: All right. Mr. Bring.

4 MR. BRING: Thank you, Your Honor.

5 LINDA WILLIAMS - CROSS-EXAMINATION

6 BY MR. BRING:

7 Q Good afternoon, Ms. Williams.

8 A Good afternoon, sir.

9 Q I just have a few questions for you. Hopefully we can
10 keep this short.

11 A Yes, sir.

12 Q Since you and Mr. Williams have been married you've
13 been the primary bread-winner; right?

14 A Yes, sir.

15 Q And Mr. Williams does not drive; right?

16 A He does not drive. He does not drive because he
17 drinks. He made a conscious decision which I agreed with
18 and I have encouraged him many times to get his license
19 back. It's hard to transport a person back and forth to
20 work all the time. He says, he still drinks, he still want
21 to drink. He does not want to kill himself or anybody else.
22 He says 'till he gets to that point in his life where he
23 doesn't want to drink, he says he doesn't want to get his
24 driver's license back. So I have to take him where he wants
25 -- where he has to go, back and forth -- when he was working

1 Q But usually in life it's better to tell folks?

2 A Yes, sir. Yes, sir.

3 Q And part of your job is to try to help people get work;
4 right?

5 A Yes, sir.

6 Q That's what you do on a daily basis?

7 A I am a food stamp and a family independence worker at
8 the Department of Social Services. I'm not -- my job is not
9 specifically involved in getting work for our clients.

10 Q Okay, but you don't think anybody should lie on a job
11 application like that, do you?

12 A No, sir.

13 Q Now, regarding the night shift. I guess when he got
14 arrested you went up for the charge hearing; correct?

15 A Yes, sir.

16 Q And you heard the charges against your husband and you
17 just got up and walked out; right?

18 A I got up and walked out when they got finished with
19 him.

20 Q You were made when you heard those allegations right?

21 A Yes, sir.

22 Q And part of that -- the reason for that is you knew he
23 had been unfaithful before; right?

24 A No, sir. I was just shocked of those charges.

25 Q Okay.

1 A He had been unfaithful 20-something years ago.

2 Infidelity did not even cross my mind.

3 Q Okay.

4 A Those charges of themself shocking to me.

5 Q All right. You were here this morning, obviously, you
6 knew before this morning that your husband had been
7 unfaithful before; right?

8 A Yes, sir.

9 Q And it came up at your deposition; right?

10 A Yes, sir.

11 Q And it came up at his deposition, too?

12 A Yes, sir.

13 Q So it wasn't a surprise in that sense; right?

14 A No, sir.

15 Q And so Mr. Williams didn't have any reason to lie to
16 the jury this morning; right?

17 A I think he just didn't want to say it in front of me.

18 Q Okay.

19 A In my opinion.

20 Q Has he admitted in front of you?

21 A Not in front of other people he hadn't.

22 Q Okay. Now, you --

23 A He has admitted it to me but not in front of other
24 people he hasn't admitted it.

25 Q And it took him years to admit it to you; years of

1 badgering; right?

2 A Yes, sir.

3 Q Now, you put the quality of your marriage at issue in
4 this case --

5 A Yes, sir.

6 Q -- as part of your lawsuit; right?

7 A Yes, sir.

8 Q So now first reaction you were angry, obviously?

9 A Yes.

10 Q And you said the charges got upgraded; right?

11 A Yes, sir.

12 Q Okay. And that was based entirely on what the police
13 said; right?

14 A Yes, sir.

15 Q Because the police said; right?

16 A Yes, sir.

17 Q Okay. The police had said there was semen, right?

18 A Yes, sir.

19 Q It was the police that said there was DNA; right?

20 A Yes, sir. Based on what they were told. Right. It
21 was police. Right.

22 Q These nurses weren't investigating this; right?

23 A No, sir.

24 Q Now, you attended the bond hearing; right?

25 A Yes, sir.

1 Q That carried over for a second day. You went to the
2 first hearing so you could pick your husband up and take him
3 home; right?

4 A I went to the bond hearing to find out what the charges
5 were?

6 Q Okay.

7 A And after that hearing I went to the detention center
8 to pick him up and he didn't come out.

9 Q Okay. You were there to take him home; right?

10 A Yes, sir. And I stayed there three hours waiting for
11 him to come out, and he didn't come out.

12 Q And he didn't get out?

13 A Right. So I called the bondsman, and he told me to go
14 inside and that's how I found out the charges had changed.
15 He directed me to go to the bond hearing the next morning
16 and contact the detective Ms. Latisha Coakley to find out
17 what was going on.

18 Q So you went on to work and you waited for Mr. Williams
19 to call you so you could go back and pick him up when he
20 needed to get home; right?

21 A That day; the second day?

22 Q Yes, ma'am.

23 A No, sir. After I left the bond hearing I went to work?

24 Q Yes.

25 A I went to work.

1 Q And you waited for him to call you back?

2 A Right, right, right.

3 Q You were going to go pick him up?

4 A I was going to pick him up. Right.

5 Q You weren't leaving him stranded?

6 A Right, sir. I was going to pick him up.

7 Q Okay. And it was just a 10 minutes walk for Mr.

8 Williams to get home from the bonds place; right?

9 A Yes.

10 Q But if you can called him that next day -- you heard
11 him talk in his testimony about he had to walk home and he
12 was embarrassed, but if he had called you you would have
13 gone and gotten him; right?

14 A Yes, sir.

15 Q But he just didn't call you; right?

16 A He didn't call me. He was -- he was anxious.

17 Q Let's talk about this prank call --

18 A Yes, sir.

19 Q -- or this call in the middle of the night. You and
20 your husband having a fight; right?

21 A Yes, sir.

22 Q So he goes to work -- he doesn't start work at the
23 nursing home until, what, 11:00 o'clock?

24 A Yes, sir.

25 Q So you had to run him up there after you had worked all

1 day; right?

2 A Yes, sir.

3 Q And then you go on to bed; right?

4 A No.

5 Q No?

6 A No. Most nights when he -- most nights I would up or
7 asleep on the -- in the den. I was not sleep. Before he
8 went to work he had to get his clothes out, I got to put his
9 medicine out for his legs, got his food ready and most
10 nights I stayed up. I was not asleep.

11 Q But you dropped him off at work?

12 A Yes, sir.

13 Q And you've got to get up the next morning and get him
14 at 7:00 o'clock; right?

15 A Yes.

16 Q So at some point you're going to bed; right?

17 A During that time I wasn't going to bed, I was sleeping
18 in the den.

19 Q Okay, but you were sleeping?

20 A Yeah. I was going in the den.

21 Q Okay. That's what I meant by bed..

22 A Yes, sir.

23 Q Somebody -- you've got to sleep sometime.

24 A I wasn't sleep when he called me. I was still awake.

25 Q That was like 2:00 or 3:00 in the morning; right?

1 A Yes, sir.

2 Q So you get this call, you say he wanted to call in the
3 middle of the night. And then at some point the phone rings
4 again?

5 A Yes, and I thought that was him calling me back.

6 Q So he didn't have a cell phone, he was just calling
7 from the nursing home.

8 A He was calling from the nurses desk, because part of
9 their rules is he couldn't have his cell phone. So he
10 started leaving his cell phone at home.

11 Q So he called from the nurses desk, if he was going to
12 call?

13 A Yes, sir.

14 Q And then you say somebody called you back and they were
15 breathing heavy into the phone?

16 A I didn't thought it was her breathing. I thought it
17 was Ralph calling me back again. I was going, Ralph, Ralph,
18 Ralph, Ralph. Ralph, Ralph, Ralph. I thought it was Ralph
19 on the phone. So I called back.

20 Q You called back several times; correct?

21 A Yes, sir.

22 Q Several times; right?

23 A Yes, sir.

24 Q It took several times before someone answered the
25 phone?

1 A Yes.

2 Q Okay. And the person who finally answered the phone
3 after all these calls answered and said her name, Patricia
4 Johnson; right?

5 A Yes, sir.

6 Q She didn't try to hide her name did she?

7 A No, no she didn't.

8 Q And it took you several times of calling back before
9 someone answered the phone; right?

10 A Yes, sir.

11 Q And your immediate presumption was that this prank
12 caller, Patricia Johnson, was having something to do with
13 your husband?

14 A No. My -- no. My immediate response was I waited to
15 the next morning to confront Ralph to ask him who was at the
16 nurses desk when he made that phone call. Then he told me
17 Patricia Johnson. Then my immediate response was why was
18 this person calling back to see who you had called on the
19 phone and said that you loved them. I didn't -- I didn't
20 know what the reason was. I didn't immediately think
21 something was going on. I just didn't know what was the
22 reason for the call.

23 Q You said earlier -- Mr. Williams said -- you know, you
24 were confronting him about that?

25 A I did. For a while.

1 Q Okay.

2 A Just asking him why somebody was calling the house. He
3 kept saying he didn't know why. There was no reason. He was
4 just doing his job. As a matter of fact he got irritated
5 with me about asking him about it. He didn't have a problem
6 with the phone call, I did.

7 Q And you weren't up at the nursing home when this phone
8 call was placed, this alleged phone call?

9 A No, sir.

10 Q So you don't know who placed this phone call, do you?

11 A I do not. I asked him who was at the nursing station
12 when you called me. I have absolutely have no idea.

13 Q And you don't have an idea as you sit here today?

14 A No, I don't.

15 Q Because it could have been somebody else and then
16 Patricia happened to be walking by?

17 A That is perfectly -- that is correct.

18 Q Okay.

19 A That's right.

20 Q And you never went up to Ms. Johnson and said why did
21 you call me?

22 A I'm not going to do that and my husband just started
23 this job.

24 Q Okay.

25 A I'm not going to have any kind of a confrontation on a

1 job he just started so he could lose the job.

2 Q She didn't know anything about this, did she?

3 A Now that I cannot say.

4 Q You never went up and said --

5 A No, I did not. I did not.

6 Q -- you didn't talk to her boss?

7 A No, I didn't. I confronted Ralph.

8 Q She doesn't know anything about it, then?

9 A That I cannot answer.

10 Q Okay.

11 A I can't answer whether or not she called my house or
12 not.

13 Q Okay.

14 A I'm just asking -- I asked Ralph who was at the nurses
15 desk when he made that phone call. That's when I confronted
16 him as to why somebody was calling. I can't say 100 percent
17 who made that phone call.

18 Q That's exactly -- that's exactly what I'm getting to.
19 Now, you and Mr. Williams haven't had any marriage
20 counseling; correct?

21 A No, sir.

22 Q Okay. Now, you sister, I guess, she testified one of
23 her first reactions was you need to leave him; right?

24 A Yes, sir.

25 Q Now, I hate to get in this, but one of your claims is

1 for loss of consortium and that has to do with your sex life
2 and stuff; right?

3 A Yes.

4 Q Okay. And you said you had a normal sex life before
5 this happen; right?

6 A Yes, sir.

7 Q And to you that meant having sex at least once a day;
8 right?

9 A Yes, sir.

10 Q Okay. And you say you sex with Mr. Williams almost
11 every day for 20 years unless he was sick or something;
12 right?

13 A Yes, sir.

14 Q Okay. He obviously had a strong libido; right?

15 A Yes, sir. Prior to the incident he had a very strong
16 libido.

17 Q And you heard him say he's not able to perform any
18 more, he thinks it due to old age; right?

19 A That could be part of it.

20 Q Okay. Now, you're not alleging that any of the
21 defendants here went to the newspaper and told them to
22 publish anything; right?

23 A I'm alleging that the statements that they gave to the
24 arresting officers, that the arresting officers and law
25 enforcement, said they give to law enforcement, say they

1 give to law enforcement was given to the papers.

2 Q The paper went and got it. You're not saying anybody
3 here went and ran to the newspaper?

4 A No, sir.

5 Q After all this you said Mr. Williams has had few
6 opportunities to work; right?

7 A Right.

8 Q One of those is Brown Derby; right?

9 A Yes, sir.

10 Q Crab Pit?

11 A Yes, sir.

12 Q Senior Catering?

13 A Yes, sir.

14 Q Senior Catering, he got let go; right. All of those I
15 just mentioned he got let go, right?

16 A Yes, sir.

17 Q And when we deposed you back in 2013 he was working at
18 the Waffle House; right?

19 A Yes, sir.

20 Q Doing the cooking; right?

21 A Yes.

22 Q But he stopped voluntarily in 2013, on his own; right?

23 A To go to school.

24 Q Okay.

25 A He got into a VA program.

1 MR. WARREN: Maybe just one question.

2 THE COURT: Go ahead with your one question.

3 LINDA WILLIAMS - REDIRECT EXAMINATION

4 BY MR. WARREN:

5 Q About Waffle House, were there any observations or
6 understandings that you have why he didn't want to continue
7 working for Waffle House?

8 A Because the same things from the other jobs. He said
9 he felt that --

10 Q Not what he said.

11 A No. My understanding is he felt people was looking at
12 him, identified him as the person who did the crime at the
13 nursing home and he --

14 Q The alleged --

15 A -- the alleged, the alleged, right. The alleged at the
16 nursing home. He felt the same thing was going on as with
17 the other jobs.

18 Q Could you describe that?

19 A No. He just felt that -- he felt that people was
20 staring at him, making him feel uncomfortable. He felt
21 humiliated.

22 MR. WARREN: No further questions.

23 THE COURT: Anything on re-cross?

24 MR. BRING: Nothing further, Your Honor.

25 THE COURT: Ms. Williams, you may step down.

1 evidence to overcome the presumption, legal presumption
2 under the statute of good faith on behalf of these care-
3 givers. If there's not any teeth to enforce it, Your Honor,
4 it's really a statute without meaning. It doesn't send a
5 message, it doesn't protect the care-givers as it was
6 intended. There has to be something more than innuendo and
7 the like. The plaintiffs certainly have not shown that,
8 Your Honor, and we think, therefore, the entire case should
9 be dismissed. If you dismiss the individuals are fulfilling
10 their duties then likewise UniHealth has to be dismissed.

11 Your Honor, to the extent that the whole case isn't
12 thrown out then certainly elements of it should be.
13 Punitive damages, Your Honor, requires clear and convincing
14 evidence of clear and wanton or reckless conduct, as we've
15 concluded in the charges that we sent you, but also I'll
16 give you a couple of citations. The South Carolina Courts
17 have acquainted recklessness as being the equal to
18 wantonness and willfulness. Couple citations on that, Your
19 Honor. *Burbarge verses Jack*, 292 SC 278, a 2011 case.
20 *Fairchild verses South Carolina Department of Transportation*
21 *from 2012*, do not have a citation on that, Your Honor, I
22 apologize. Then, *Marcum, M-a-r-c-u-m, v. Bowden* at 372 SC
23 452, a 2007 case, Your Honor.

24 THE COURT: The Fairchild case is Fairchild verses what?

25 MR. BRING: SCDOT. South Carolina DOT.

1 They said reckless indifference to the rights of Mr.
2 Williams. That is not the standard of punitive damages
3 claims in South Carolina. It's recklessness, willfulness,
4 wantonness. It's a higher standard than mere negligence
5 itself and that's what those cases that I talked about said,
6 and it has to be proven by clear and convincing evidence.
7 There is no evidence. There's no evidence here of willful,
8 wanton or the equivalent, as the South Carolina courts have
9 said, reckless behavior by these nurses in reporting their
10 suspicions. That's all they're required to do under the law
11 is report their suspicions of sexual abuse.

12 As I told the jury in the opening, if there's no other
13 suspicion than walking in on him in the middle of the night
14 with his pants down they should have and enjoy that immunity
15 so that other folks are able to do similar reporting.

16 THE COURT: All right.

17 MR. BRING: Thank you.

18 THE COURT: And the way -- and you know directed
19 verdict, the only thing I look at is whether somebody
20 testified to something not whether I believe it will carry
21 the day or not. It's, you know, whether there is some kind
22 of evidence, not weighted evidence.

23 I think -- you know, the question of fact as to what
24 they saw, that's a question of fact for the jury. I think
25 it's a question of fact whether they were operating in good

1 faith, and so I'm going to deny your motion for directed
2 verdict with the exception as to what I was going to grant
3 as to lost wages. I know you'll bring this up at the close
4 of your case, again, but at this time the only thing that
5 we're not going to go into is lost wages at all. That is
6 not going to be an element of damages that I charge.

7 MR. WARREN: Yes, sir.

8 THE COURT: Okay. Now, is there another motion?

9 MR. BRING: No, sir. That was all.

10 THE COURT: Okay. Now, is it ten to four?

11 MR. BRING: Yes, sir.

12 THE COURT: All right. How --

13 MR. BRING: Just to give everyone a preview, I think we
14 have three witnesses. I think we can get them in in an hour
15 and a half. One of whom has traveled down here. I think we
16 can get them done within that time frame. Mr. Arnold being
17 the operative person to do that. I may go retrieve them and
18 --

19 THE COURT: And I'll let everybody stretch their legs,
20 okay?

21 MR. BRING: Thank Your Honor.

22 THE COURT: And we'll go forward.

23 MR. BRING: We will be very -- at least from our
24 standpoint --

25 THE COURT: Yeah. Okay. Sounds good. Thank y'all.

1 them?

2 A And prior to July 14, 2010, have you ever heard about
3 or been in or otherwise know of the UniHealth facility on
4 Whitman Street?

5 A No.

6 Q Did you know anyone that worked there?

7 A No.

8 Q Did you know anything about any of the residents there?

9 A No.

10 Q And so the first time you learned anything about that
11 facility or its residents is from who?

12 A Well, this interview.

13 Q Okay. I'd like you to turn to the third page --

14 A All right.

15 Q -- with is Page 171, at the bottom. Item No. 7?

16 A Uh-huh. (Affirmative response.)

17 Q What is Item No. 7?

18 A That's where I'm asking the person their legal history.

19 Q Okay, and looking at that what did Mr. Ralph Williams
20 explain to you about his legal history?

21 A Well, what I documented that day that I heard from him
22 is that his current charge -- You want me to read the whole
23 thing?

24 Q Sure.

25 A Criminal sexual conduct with his court date being July

1 23, he had roll call. He's willing to talk about the
2 situation that caused the arrest. He states he was trying
3 to change pad under patient and that patient -- I meant to
4 say had already ripped off her diaper -- I was grammatically
5 incorrect, or a pad. Ripped off her diaper, which she is
6 known to do, and vet was positioned on her bed with knee on
7 bed to better be able to roll her body over. Curtains and
8 door were closed for patient's privacy and another staff
9 member walked in and reported that vet had his pants down to
10 his ankles/knees. This other staff member immediately left
11 room and called police. Vet was able to be released from
12 jail after paying a bond and he had hired an attorney. The
13 alleged victim was to be tested for what appeared to be
14 semen on her.

15 Q And when you refer to he and vet, that was to refer --

16 A Mr. Williams.

17 Q Okay. And you noted the grammatical error that you
18 had, but other than that, does this reflect what Ralph
19 Williams said to you?

20 A Yes.

21 Q And if he had mentioned anything about opening a diaper
22 and feces, would you have written that down?

23 A Yes.

24 Q What about feces on the resident?

25 A Yes.

1 Q But based upon what you see here and what you recall
2 about that interview he never mentioned any of that;
3 correct?

4 A No.

5 Q And as far as the resident, did you know anything about
6 the resident?

7 A No.

8 Q Do you know anything today about the resident?

9 A No.

10 Q Do you know anything about her abilities one way or
11 another?

12 A No.

13 Q Because all you know is what Ralph Williams told you;
14 correct?

15 A Correct.

16 MR. ARNOLD: No further questions, Your Honor.

17 If you'll answer any questions from plaintiff's
18 counsel.

19 THE COURT: Mr. Warren, your witness.

20 MR. WARREN: Yes, sir, Your Honor.

21 MARY ROGERS - CROSS-EXAMINATION

22 BY MR. WARREN:

23 Q Good afternoon, ma'am, how are you?

24 A I'm fine.

25 Q Now, you just indicated you made an error on this

1 A Yes.

2 MR. ARNOLD: Your Honor, defendants move to admit in
3 evidence Exhibit No. 25B. Defendant's Exhibit 25B.

4 MR. WARREN: No objection.

5 THE COURT: No objection. In evidence without
6 objection.

7 (Defendant's Exhibit No. 25B,
8 textbook pages 9, 10, 11 and 12, were marked and entered.)

9 BY MR. ARNOLD:

10 Q Now, you also taught about changing diapers --

11 A Yes.

12 Q -- correct? Brief, adult briefs?

13 A Yes.

14 Q And are there proper procedures for that?

15 A Certainly.

16 Q And as part of those procedures is there anything that
17 requires a CNA or health officials to prop themselves up on
18 a bed?

19 A No, sir.

20 Q And why is that?

21 A It would be difficult to do propped on the bed. I
22 always teach them to -- to use the right kind of body
23 mechanics, have the bed at a proper working height, feet
24 shoulder width apart, you know, stance where they're going
25 to save their back and be able to get good leverage if

1 they're pulling or helping the resident come towards them by
2 way of draw sheet or what have you. Not on the bed.

3 Q Okay. If you were having difficult with a resident, a
4 large resident what would you instruct your students to do?

5 A Probably get some help.

6 Q Okay. Is there a proper way to manoeuver a resident in
7 a bed?

8 A Yes, there's positioning and how you can roll them
9 over. You can do that by yourself and then sometimes if you
10 need help you get help.

11 Q And is there a particular section in the book where you
12 teach that particular area, who to manoeuver the resident in
13 the bed?

14 A Chapter 5.

15 Q And what page is that?

16 A Well, the part about positioning is Section 8 of
17 Chapter 5, and it begins on 107, 108, 109 and 10, 11 --
18 there's different parts about positioning there.

19 Q And I'm going to hand you what we've marked as
20 Defendant's Exhibit 25A; what is that?

21 A That's the cover of the textbook again. It's about the
22 same area that I just mentioned, 109 through 111.

23 Q So you said 109 --

24 A Through 111 is what you just handed me.

25 Q Okay. If you'll step down --

1 MR. ARNOLD: Your Honor, may she step down to confirm
2 that these are accurate copies of Pages 109, 110 and 111
3 from that textbook?

4 THE COURT: Yes.

5 A It's the same. This is 110, the same. 111, yes.

6 Q And this is 109?

7 A I'm sorry. Yes. Yes, it's the same thing.

8 MR. ARNOLD: Defendant's would move to introduce into
9 evidence Defendant's Exhibit 25A.

10 THE COURT: Any objection?

11 MR. WARREN: No objection.

12 THE COURT: 25A is in without objection.

13 (Defendant's Exhibit No. 25A,
14 textbook copy pages 109, 110 and 111, was marked and
15 entered.)

16 BY MR. ARNOLD:

17 Q On Pages 109, 110 and 111, which talk about maneuvering
18 a patient, is that what you would expect your students to
19 refer to if they have a large resident and they're trying to
20 remove a diaper?

21 A Yes, and repositioning, and if you're doing personal
22 care this would be the procedure they should do as far as
23 turning.

24 Q And in any of the text or any of the pictures found on
25 Pages 109, 110 or 111, does it involve or otherwise instruct

1 the student or CNA to prop themselves up on the bed?

2 A It does not.

3 MR. ARNOLD: Two quick things. Your Honor, we move to
4 introduce into evidence the entire book, which is
5 Defendant's 25.

6 MR. WARREN: No objection.

7 THE COURT: Plaintiff's 25 (sic) is in evidence without
8 objection.

9 (Defendant's Exhibit No. 25, text
10 book, was marked and entered.)

11 BY MR. ARNOLD:

12 Q One final question. With regard to the beds, do those
13 beds typically go up and down?

14 A In most facilities that I've been in and when I've
15 instructed there is a way of raising the bed up and down.

16 Q And what's the significance of the bed going up and
17 down with regard to changing a resident's briefs?

18 A Well, as I've always taught it, it's good to get it at
19 a good working height for you so that you -- for good body
20 mechanics for yourself. That would be the significance. So
21 that it would be at a good height so you could do your job.

22 MR. ARNOLD: No further questions at this time.

23 If you'll answer any questions that Mr. Warren may
24 have.

25 THE COURT: Mr. Warren, any questions on cross.

1 of them, but for this one, I'm going through it step by
2 step.

3 Now, any objection to the verdict form we've got before
4 us from the plaintiff?

5 MR. FOSTER: We object, based on our discussions in
6 chambers, to the charge -- the verdict form No. 3, because
7 we believe there is no question of fact as to whether or not
8 the nurses were outside the scope of their employment and we
9 intend to make a motion to that effect.

10 THE COURT: Essentially, Okay. I'm jumping ahead a
11 little? You want to make your directed verdict motion on
12 that issue and then --

13 MR. FOSTER: I want to announce that we have no reply,
14 first.

15 THE COURT: -- Right. Okay. All right.

16 MR. FOSTER: The plaintiffs make a motion for a directed
17 verdict on the course and scope of the nurses employment for
18 UniHealth in making the reports at issue. We believe we are
19 entitled to a ruling that the nurses were agents of
20 UniHealth. Taking the facts most favorable to the defendants
21 there was no evidence that was presented from which a
22 finding of no agency -- a no agency relationship could be
23 made. The evidence is controverted and clear that both were
24 working for UniHealth and on the job when the operative
25 facts occurred, that they were following company policy,

1 that they were furthering the interest of the master, and
2 there's been no argument made here or otherwise that they
3 were acting outside the course and scope of their
4 employment.

5 Under South Carolina law they were in the course and
6 scope of their employment and the plaintiffs are entitled to
7 a ruling to that effect.

8 THE COURT: Okay. All right. Mr. Bring.

9 MR. BRING: Yes, Your Honor. Thank you.

10 The plaintiffs have alleged, Your Honor, that the
11 defendants were more than acting intentionally and
12 maliciously and with that therefore creates a jury question
13 of whether they were acting within the scope of their
14 employment. Obviously, we maintain there was no intentional
15 or malicious act on behalf of any of the defendants, however
16 if the jury finds that, which is within their prerogative,
17 that they need to go into that issue.

18 So that's the basis of our response.

19 MR. FOSTER: Your Honor, in response to his statements.
20 The plaintiffs are not contending that the nurses acted
21 intentionally, have not so stated to the jury in opening or
22 in any way in this case. We are maintaining that the
23 conduct at issue is reckless and that degree is less than
24 intentional and so we don't believe there's an issue for the
25 jury to resolve as to the scope of the employment.

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Thank you.

THE COURT: All right. I'm going -- it seems to me that the way the case has been tried there is inherently an issue about whether or not they were acting inside or outside the scope of their employment, and that's a question of fact, I think, for the jury to determine. So I'm going to deny your directed verdict motion as to that aspect of it. Okay. I will note your objection to my ruling, so that is preserved on the record, and how that reflects on Questions 3 and 4 on the verdict form, okay?

MR. FOSTER: Okay.

THE COURT: Thank you, sir.

Mr. Bring, you needed to renew your directed verdict motion?

MR. BRING: Yes, sir, Your Honor. First of all, with that ruling we have no objection to the verdict form as now tendered on behalf of the Court. We do renew on behalf of all defendants our motion for directed verdict for the entire case, basically reincorporating my arguments from Friday, under the Adult Protective Act under South Carolina law all the defendants enjoy immunity, as well as, our separate motions for or on the punitive damages issue in the sense that they've not shown intentionality or willful or wanton conduct. And then finally, Your Honor, as we mentioned in chambers and just to clarify for the record, we

1 THE COURT: Oh, okay. I'm sorry.

2 MR. FOSTER: This is with respect to the charges, the
3 defendant's proposed charges. We had, in chambers, noted
4 our objection to the portion of the Omnibus Act that related
5 to the criminal penalties --

6 THE COURT: Okay.

7 MR. FOSTER: -- that should not be read to the jury --

8 THE COURT: -- Okay.

9 MR. FOSTER: -- for the same reason that the Court
10 doesn't read to the jury the criminal penalties on a running
11 a red light case in an auto accident trial.

12 THE COURT: Right.

13 MR. FOSTER: And the second was your failure to charge
14 our No. 4 jury charge on continuing publication. We believe
15 that the South Carolina Court of Appeals in Moosally verses
16 Norton sufficiently embraced the continuing publication rule
17 or concept in South Carolina. I would like to be protected
18 on the record with that objection.

19 THE COURT: Oh, yeah. Thank you, sir. Appreciate it.

20 MR. FOSTER: I think that concludes ours.

21 THE COURT: Mr. Bring, any comments about the charges?

22 MR. BRING: Well, with regard to the final charges as
23 charged we might have some comments, but at this point, no.
24 Just responding to theirs. Moosally is a long arm statute
25 case and therefore does not address that issue and it has

1 not been determined under South Carolina law.

2 THE COURT: Okay. And Mr. Foster, I am going to note
3 your objection to my charges, but with regard to the
4 criminal penalties I did modify that to put in anything
5 about the amount of money. I just fined and rather than
6 leave it open-ended about how much time -- which I thought
7 would be worse, I did put -- I am leaving that in because
8 that is part of the act. I'm just charging the law in South
9 Carolina with that modification.

10 MR. FOSTER: Okay.

11 THE COURT: So with regarding the objection to not
12 charging continuing publication -- I understand, and I had
13 the opportunity to review the case you cited. I'm not
14 convinced that that case actually addresses that issue,
15 because I believe it was a jurisdictional issue case rather
16 than whether there's continuing publication. I will note
17 your objection, again, to my rulings, so we can get a
18 decision on that somewhere else, but I am going to deny that
19 request, as well. And if I didn't put it on the record, I
20 am denying your directed verdict motions again for the same
21 reason. Okay.

22 MR. FOSTER: I have a housekeeping thing or two?

23 THE COURT: Sure.

24 MR. FOSTER: Jova is going to do the closing for the
25 plaintiff.

1 any written form. The defamatory statement can also be
2 spoken words, written defamation liable. Spoken defamation
3 is slander.

4 On this particular occasion on June 21, 2010, as a
5 result of a culmination of events that led up to June 21,
6 2010, Patricia Johnson and Josette Peppers, now Josette
7 Davis, made false defamatory statements regarding Mr.
8 Williams. What is a defamatory statement? A defamatory
9 statement is a statement that subjects you to public hatred,
10 causes you to be shunned, causes you to be avoided.

11 What I want to talk to you about is the falsity of
12 those statements so it will be clear as well as convincing.

13 To begin with let's go over -- one more thing. The
14 statements made is not privileged. You'll hear something
15 about Omnibus Act, saying that they are immune from
16 liability if it was not made in good faith. Okay.
17 Recklessness is not good faith. We established that these
18 statements were recklessly made. It's is not good faith.
19 Just briefly go over reckless -- this is not wrecking a car.
20 Recklessness equals actual malice. Destruction of critical
21 material is what we'll show. Deliberate alterations.
22 stating opinions as facts and internal inconsistencies.
23 These are evidence of recklessness. That what led to this.
24 If they're reckless they are not protected by a privilege.
25 There is no protection. The statute that was made

1 requires good faith when you're stating the facts. Just
2 stating the facts.

3 If you are the police or anyone, the management or
4 anyone, you're looking at this and saying, he's hiding out.
5 And she's a supervisor. This is a supervisor. They are
6 required to accurately document things. She continued on.
7 She says, I observed Ralph Williams with his pants down
8 climbing on top of the resident. Now, she states his pants
9 were down to his ankles. I'll demonstrate that. His pants
10 to his ankles climbing on top of the resident. Not only
11 that, he's in the bed with the resident. That's what her
12 testimony was, with his pants around his ankles. He's in
13 the bed. I can see his butt. In the bed with his pants to
14 his ankles. And I said, Ms. Johnson -- I didn't want to
15 confront him with his pants to his ankles. He's climbing up
16 -- I mean, this is climbing on the bed with his pants to his
17 ankles or her testimony is in the bed. That's deliberate
18 alterations.

19 Now, she states, I stated, what are you doing? She
20 stated CNA Ralph Williams stated, please shut the door. You
21 heard her testimony and her lawyer's testimony, it was
22 choreographed. Shut the door, shut the door. Not one of
23 them said, please -- that is deliberate alteration, omission
24 of the facts. If you're following the law why do you have
25 to omit anything? He was in the room right outside of where

1 sounds like it's good faith. She's moving her story.
2 Moving her story. All she had to do was say that's what
3 happened. She doesn't want -- she knows the deliberate
4 intention for which she wrote this. She can't stand on her
5 own words. I didn't write everything down. Why didn't she
6 say, I saw him naked. That would be a pretty big fact to
7 see a naked man in the bed of a resident. that would be a
8 major fact. She doesn't say it. She doesn't state I see
9 his buttocks or his butt. That would be a major fact. I
10 don't write everything down. You don't see his butt and you
11 specifically leave this out? When I walked into Ms. Mayes
12 room I observed CNA Ralph Williams with his pants down
13 climbing up on the resident and I stated what are you doing?
14 First of all, it doesn't talk about Mr. Williams in the case
15 he was on the opposite side of the bed. Looked at her and
16 said, from this point of view, please shut the door. Please
17 shut the door. Because their policy states they are
18 required to have this door closed and the curtain all the
19 way around the bed when they are doing the perineal policy,
20 which you all are familiar with.

21 Mr. Williams recollection of the room was, you walk in
22 the door, there was a chest and he believes the call button
23 was on this wall. They believe the call button is on this
24 wall. It doesn't matter. You've got a person on top of a
25 person -- a patient that's helpless naked and if you hit

1 residents room by another nurse, Patricia Johnson. She
2 stated that an employee, Ralph, was in a room with his pants
3 down. This nurse observed Ralph fixing up his clothes, then
4 he sat in a chair in the room and started talking to her.
5 The curtain was pulled around the bed, which is required
6 pursuant to the policy. The covers was messed up, thrown
7 sloppily on the bed and the room was dark. Ralph was going
8 to have sex with the resident if he didn't got caught. There
9 is no doubt in my mind if I had not walked in the room he
10 would have had sex with resident. Problem is, Ms. Peppers
11 didn't see anything. How do you make the exact same
12 statement -- that is a deliberate alteration. You're
13 stating things deliberately. She didn't even see them.
14 Just like when we're talking about Ms. Johnson, how she's
15 saying I'm looking for him on that back hallway, I'm trying
16 to find him. And I can't find him no where. And, you know,
17 not the fact that I went in the room that I assigned to Mr.
18 Williams, Room 39. His cart was outside the room. The door
19 was unlocked. Those are facts. You can't dispute that and
20 when I walked in he was having sex. And I don't -- you
21 don't press the panic button and he's in the bed naked with
22 his pants to his ankles? And you leave and go all the way
23 -- Josette Peppers testimony, to the snack machine on the
24 other end of the building and you've got five people. You
25 notice UniHealth didn't bring those witnesses in from that

1 So the policy -- and I'm not going to read the policy what
2 he's required to do to females. He's doing his job. He's
3 four hours into the shift. And he's working to change these
4 rooms, to change these diapers. Mr. Williams said he
5 believed -- the patients was all of them, in all these
6 rooms. Ms. Johnson, no, no, no. Patients weren't in all
7 these rooms. Well, you see how the truth works. Patients
8 were in all these rooms why you checking all the rooms. Why
9 didn't you just go to the room two doors down from your
10 desk? She left her station because she heard a buzzer to go
11 to a room. The first thing you're going to do is -- where
12 is that cart at. I'm looking for his cart. I'm not going
13 through checking for all the rooms. That statement was made
14 with a deliberate purpose.

15 Let's get into these three altercations between Ms.
16 Johnson and Mr. Williams. First there's the lady is turning
17 blue. She's at her desk. He goes there and asks her to
18 help. She looks at him, no, you must be wrong go check
19 again. He goes back to her desk and says this lady needs
20 help. I'm not sure he was here, but we know he was at her
21 desk. He was outside of the room. Outside of the room
22 asking for her help. Then he goes to get help, okay. He's
23 outside of the room. So they want to say, well, Mr.
24 Williams ran down the hallway, he didn't go back into the
25 room and press the panic button, so it's legitimate for Ms.

1 How do you value being accused and I know she said sex, but
2 that's rape. It takes a sick and demented person to even
3 call that sex. That's rape. Prior run-ins with a lady
4 turning blue, calling breathing on the phone to his wife.
5 Hanging up. Ms. Patricia Johnson. Wickedness. That's the
6 only way you have these allegations made. Just wickedness.
7 How do you value that? Well, if you have 40,000 in
8 households and you have another 100,000 individuals, and
9 this is population of person. You've got about 500,000
10 persons. 500,000. That doesn't even include that
11 publication where Ralph Jr. came to testify about he's in
12 St. Louis, Missouri and a school bus driver, typed in Ralph
13 Williams and that comes up. Mr. Williams had no reputation
14 for being a rapist. Did he commit adultery 20 plus years
15 ago. Sex with consensual adults is not rape with an
16 incompetent person. It's a sick and demented person who
17 wants to equate the two. That is not the same thing.

18 So if you take -- and then you take about average of
19 two people per household -- and we said this number was
20 about 40,000 WIS coverage and said 100,000 coverage in terms
21 of Orangeburg County in terms of circulation of newspapers,
22 and we also have Internet publication and you add about two
23 people average per household. Let's say it was published to
24 approximately one million individuals, one of the most
25 horrific, disgusting -- when I think of feces and urine and

1 people. If I think of something that's just so valuable to
2 me and it's just taken from me. Not only taken from me,
3 implicate my wife. She's on the sidelines. This is her
4 husband on the news and the newspapers. It's her husband on
5 the 5:00 o'clock news at dinner time. Then when I think of
6 feces, the smell -- this case don't just have words, it has
7 a smell to it. This smells of feces and urine. There's a
8 smell to it. It's not ugly, but think about the smell.
9 That's why he's fighting. Changing diapers for a living to
10 try to do a catering business in the day. That's why he's
11 fighting. There was a dirty diaper in there. I didn't
12 finish changing her. I know that's going to be in there.

13 Destruction of evidence. It's not good faith. It's
14 not good -- it's worthlessness. It's malice, it's actual
15 malice. Mr. Williams is a fighter. He is a fighter. Mr.
16 Williams is a fighter. He's been working the same job for 30
17 years. Came out of South Carolina State, been working two
18 jobs and been here ever since. Mr. Williams is a fighter,
19 like many members of this community, fighters. Fighters.
20 Fighters. You hit me with some allegations and I'm going to
21 fight back. I'm going to fight back. You insult my wife.
22 I'm going to fight back. She was the youngest resident of
23 the facility. Well, what is Ms. Williams. What is she?

24 You think of the smell at dinner time, you may think
25 that \$10 a household ain't enough, but the jury have the

1 power. They have the power to set a precedent that us
2 lawyers look to. The power. Mr. Williams, the lowest man
3 on the totem pole speaking to power. He's speaking to power
4 right here in this courtroom. He didn't lay down. He
5 fought. He didn't lay down her fought. He's fighting right
6 now. Accused me of this feces and urine. I'm smelling
7 this. Thou shall not bear false witness, thou shall not
8 bear false witness against thy neighbor. The truth -- and
9 this is a police officer's report. Not a twisting of facts,
10 these are their statements. Their statements, Johnson's
11 statements, nurses statements. What did Patricia Johnson
12 say, we changed her. I was talking about that wet gown,
13 that stuff was wet gown, not feces and urine. She knew no
14 one would believe that.

15 I'm married for 15 years, married my high school
16 sweetheart and two daughters and myself. And I got a son.
17 And I can tell you, women and girls they think a little bit
18 on another level than us guys. They can be a lot more
19 calculating, a lot more calculating. When he told Ms.
20 Johnson, you're incompetent. Well, she could write him up.
21 What's she going to write him up for when she almost let a
22 patient die. She going to write him up for that, really?
23 How you know she didn't write him up? How does he know she
24 didn't write him up? How does he know she didn't write him
25 up? No, she wasn't going to write him up when the patient

1 She ran for help. Josette Davis -- informs her of what she
2 sees, Josette Davis runs to the room so quickly that Ralph
3 doesn't even have time to turn on the lights. Barely gets
4 off the bed to pull up his pants. He's there adjusting his
5 pants, sits down and says, what? Suspicion. Suspected
6 abuse. As the Judge will instruct you in this case the law
7 requires persons required to report, a nurse. Johnson and
8 Peppers are nurses. They believed or suspect abuse or
9 neglect is going to happen with a vulnerable adult. There
10 is no question that Ms. Mayes was a vulnerable adult.
11 Especially cases of suspected sexual assault they must
12 contact the authorities immediately.

13 This is very important, so very important that the law
14 provides immunity for those acting in good faith, and if
15 they don't report and an abuse has occurred, it's so
16 important that the law says that they could go to jail for
17 up to a year or face a fine of up to \$2500, not to mention
18 lose their license, be terminated from employment.

19 Ms. Johnson and Ms. Peppers, now Ms. Davis, reported in
20 good faith. At that time, Ms. Davis was the mother of a two-
21 year-old. She was married, just working hard. Ms. Johnson,
22 48-year-old mother of three, grandmother of two. Complying
23 with the law. It's further supported in Exhibit 25B, the
24 nurses assisting handbook that was used to teach Mr.
25 Williams at OC Tech, on Page 12. If you see or suspect

1 and convincing, find punitive damages to punish. Punitive
2 damages.

3 Thank you ladies and gentlemen, for your time and your
4 service.

5 THE COURT: Thank you, Mr. Warren.

6 All right, ladies and gentlemen, y'all have heard all
7 the evidence in this case. You've heard closing arguments of
8 the attorneys representing both parties. It is now my duty
9 to tell you the law that applies in this case.

10 Ralph C. Williams, Sr and Linda Williams, the
11 plaintiffs claimed that they were injured by the actions of
12 Patricia A. Johnson, Josette Peppers Davis and UniHealth
13 Post-Acute Care, Orangeburg, LLC. Those are the defendants.

14 In bring this lawsuit the plaintiffs claim that the
15 defendants should compensate them for their injuries. The
16 defendants have denied these claims, which is the reason we
17 are in this trial today.

18 During this trial you and I have certain duties to
19 perform. As the trial judge is it my responsibility to
20 preside over the trial of this case and to rule on the
21 admissibility of the evidence offered during this trial.
22 You are to consider only the evidence before you. If there
23 was any testimony ordered stricken from the record of this
24 trial you are to disregard that testimony. You are to
25 consider only the testimony which has been presented from

1 this witness stand and any exhibits which have been made a
2 part of the record. It is my duty to charge you the law
3 applicable to this case and it is your duty as jurors to
4 accept and apply this law as I now state it to you. If you
5 think you have any idea what the law is or what the law
6 ought to be and it does not agree with what I tell the law
7 is you must forget that idea, because you are sworn to
8 accept the law and apply the law exactly as I now state it
9 to you.

10 In every case tried before a jury the jury is the sole
11 and exclusive judge of the facts. A trial judge cannot
12 comment on or make any statement about the facts. Since you
13 are the sole -- make sure he's all right. Are you okay?
14 (Juror coughing/choking. Given water by the bailiff.)

15 THE COURT: Okay. You get comfortable. All right.

16 THE JUROR: Thank you.

17 THE COURT: All right, sir.

18 COURT'S CHARGE

19 A trial judge cannot comment on or make any statement
20 about the facts in a case. Since you are the sole judges of
21 the facts, do not think by anything I have said during this
22 trial that I have any opinion about the facts. The law does
23 not allow me to have an opinion about the facts. The burden
24 of proof in this case is by a preponderance of the evidence.
25 A preponderance of the evidence simply means a greater

1 weight of the evidence. It is evidence, which as a whole,
2 shows the facts sought to be proved is more likely true than
3 not true. As I mentioned at the very beginning, this can be
4 illustrated by imaging an old fashioned set of scales. Y'all
5 see that and you've see that every time you've seen the
6 scales of justice. When the case begins these scales are
7 even. After all of the testimony has been presented, if the
8 scales remain even or if they tip even slightly in favor of
9 the defendants, then the plaintiffs have failed to meet
10 their burden of proof and would not be entitled to recover
11 in this case. On the other hand, if the scales tip even
12 slightly in favor of the plaintiffs, the plaintiff's will
13 have met their burden of proof and you should return a
14 verdict for the plaintiffs.

15 The preponderance of the evidence of the evidence is
16 not determined by the number of witnesses. Instead it must
17 be determined by the greater weight of all the evidence.

18 There are two types of evidence generally presented
19 during a trial, direct evidence and circumstantial evidence.
20 Direct evidence is the testimony of a person who claims to
21 have actual knowledge of a fact, such as an eyewitness. It
22 is evidence which immediately establishes the main fact to
23 be proved. Circumstantial evidence is proof of a chain of
24 facts and circumstances indicating the existence of a fact.
25 It is evidence which immediately establishes collateral

1 facts from which the main fact may be inferred.

2 Circumstantial evidence is based on inference and not on
3 personal knowledge or observation. It is proof that does
4 not actually establish the fact in question, but that
5 asserts or describes something else from which you may
6 either reasonably infer the truth of the fact or at least
7 reasonably infer an increase in the probability that the
8 fact is true. For circumstantial evidence to be sufficient
9 to warrant the finding of a fact the circumstances must lead
10 to that fact with reasonable certainty. The facts and
11 circumstances should be considered in light of ordinary
12 experience and common sense. The existence of a fact cannot
13 be based on speculation, surmise or conjecture. The law
14 makes absolutely no distinction in the weight or value to be
15 given to either direct or circumstantial evidence, nor is a
16 greater degree of certainty required of circumstantial
17 evidence than of direct evidence.

18 Necessarily, you must determine the credibility of the
19 witnesses who have testified in this case. Credibility
20 simply means believability. It is your duty as jurors to
21 evaluate the evidence and determine which evidence convinces
22 you it is true. In determining the believability of
23 witnesses who have testified in this case you may believe
24 one witness over several witnesses or several witnesses over
25 one witness. You may believe a part of the testimony of a

1 witness and reject the remaining part of the testimony of
2 that same witness. You may believe the testimony of a
3 witness in its entirety or reject the testimony of a witness
4 in its entirety. You may consider whether the witness has
5 an interest in the result of the trial, whether the witness
6 is prejudice toward either the plaintiff or the defendant,
7 the opportunity for the witness to have seen the matters and
8 things about which the witness may testify and the way the
9 witness acts on the witness stand.

10 The rules of evidence ordinarily do not permit
11 witnesses to testify to opinions or conclusions. An
12 exception to this rule exists for witnesses we call expert
13 witnesses. A witness who by education and experience has
14 become expert in some art, science or profession may give an
15 opinion as to the subject the witness claims to be an expert
16 in and may also give the reasons for the opinion. You
17 should consider any expert opinion given by a witness and
18 like other witnesses give it the weight that you believe it
19 deserves. If you decide that an expert witnesses's opinion
20 is not based on sufficient education and experience or if
21 you decide that the reasons given in support of the opinion
22 are not sound or that the opinion is outweighed by other
23 evidence you may disregard the opinion entirely. Any expert
24 witnesses testimony is to be given no greater weight than
25 that of other witnesses simply because the witness is an

1 expert. You do not have to accept an expert's opinion even
2 though it is uncontradicted.

3 In our court no distinction is made between
4 corporations and individuals. A corporation is a person in
5 the eyes of the law. A corporation is entitled to the same
6 fair and impartial consideration and to justice by the same
7 legal standards as an individual.

8 The plaintiff claims that the defendants communicated a
9 defamatory statement about the plaintiff to another person.
10 Liable is a written defamatory statement or one accomplished
11 by actions or conduct. Slander is a spoken defamatory
12 statement. This action is based on the alleged violation of
13 the plaintiffs right to enjoy a good reputation without
14 false or defamatory attacks. Defamatory language is language
15 that tends to adversely effect the plaintiff's reputation.
16 In order to recover in this case, the plaintiff must first
17 prove that defamatory language was communicated by the
18 defendant about the plaintiff. A defamatory statement is
19 one which tends to attack the honesty, integrity, virtue or
20 reputation of a person and exposes a person to disgrace,
21 public hatred, avoidance, contempt or ridicule. A
22 defamatory statement does not have to be a direct, open or
23 positive attack. It may be merely a suggestion or hint,
24 which is false and malicious as long as the meaning is
25 plain.

1 In deciding whether the statement was defamatory you
2 must interpret the words used in their ordinary and popular
3 meaning. The meaning and intent of the words must be
4 determined from the words themselves and the context in
5 which they were used. All parts of the statement must be
6 considered together to determine the statement's true
7 meaning. Individual words should not be singled out as
8 defamatory.

9 In addition, the statement must be considered in light
10 of the facts known to the person to whom the statement was
11 made and not in light of the facts known to the parties. The
12 defendant must prove that the statement was substantially
13 true. A statement is not defamatory if substantially true
14 even if the defendant made the statement for no good
15 purpose, was inspired ill will toward the plaintiff and made
16 the statement solely for the purpose of harming the
17 plaintiff. If the statement is true the plaintiff cannot
18 recover for defamation. The plaintiff must also prove that
19 the defendant made the statement knowingly or reasonably
20 expecting to reach a third person.

21 The defamatory meaning of a message or statement may be
22 obvious on the face of the statement in which case the
23 statement is defamatory per se. A statement is defamatory
24 per se or on its face if its defamatory meaning is
25 apparent from the language itself, it must be susceptible to

1 only one meaning, that being a defamatory one. If an
2 innocent construction can fairly be made of the statement it
3 cannot be defamatory per se.

4 A principle may be held liable for the defamatory
5 statements made by an agent acting within the scope of his
6 employment or was in the scope of his apparent authority.
7 Under the Doctrine of Respondeat Superior, an employer may
8 be held liable for defamatory statements made by an employee
9 if the employee was acting within the scope of his or her
10 employment. The liability of an employer for defamatory
11 statements made by an employee arises only if the employee
12 is acting about the employer's business within the scope of
13 his employment. The primary test to determine an employer's
14 liability for his employee's acts is whether the employee
15 committed the act within the scope and purpose of the
16 employers business judged by the character of the
17 employment. If an employee upon his or her own interest or
18 purpose and therefore acting outside his or her employment
19 then the employer is not liable for injuries resulting from
20 the servants actions. Thus, if an employee steps aside from
21 the employer's business for some purpose, wholly
22 disconnected with his or her employment, and for the
23 employees independent interest or purpose the relationship
24 of employer and employee is temporarily suspended no matter
25 how short the time. In that case, the employee alone is

1 liable for the injuries resulting from his or her actions.
2 An employees act to effect some independent purpose of his
3 own without reference to the service in which he or she is
4 employed is not within the scope of his employment in the
5 sense of rendering the employer liable for such act. For
6 the employer to be liable it is generally necessary that the
7 injury arise out of activities within the scope of
8 employment.

9 The conduct of a servant is within the scope of
10 employment if it is the kind of employment he or she is
11 employed to perform, it occurs substantially within the
12 authorized time and space limit, it is actuated, at least in
13 part, by a purpose to serve the master and if force is
14 intentionally used against the employee against another and
15 the use of force is not unexpected by the employer.

16 Even if you find the defendant employees made a false
17 and defamatory statement about the plaintiff and published
18 it to a third party while in the course and scope of their
19 employment, the published defamatory statement may not be
20 actionable. The law recognizes that certain types of
21 statements and communications are on certain subjects are
22 privileged and may be made regardless of their truth or
23 falsity.

24 A privilege is an immunity granted to some person or
25 group of person which is not enjoyed by others. As the term

1 is used in this case, a privileged communication is one in
2 which is made on such an occasion that the speaker and or
3 publisher will not be held responsible in an action slander
4 and or liable. A privileged communication under defamation
5 law is a communication which except for the occasion of
6 which or the circumstances under which it is made would be
7 defamatory and actionable. Privileged communications are
8 either absolute or qualified, which is also referred to as a
9 conditional privilege. What is a qualified or conditional
10 privilege? It is a communication made in good faith on any
11 subject matter in which the person communicating has an
12 interest or in reference to which he has a duty. A
13 qualified privilege if made to a person having a
14 corresponding interest or duty even though it contains
15 matter which without this privilege would be actionable and
16 although the duty is not a legal one but only a moral or
17 social duty of imperfect obligation. The essential elements
18 of a qualified privilege communication are good faith and
19 interest to be upheld, a statement limited to its scope to
20 this purpose, a proper occasion and publication in a proper
21 manner and to proper parties only. The privilege arises
22 from the necessity of full and unrestricted communication
23 concerning a matter in which the parties have an interest or
24 a duty.

25 In determining whether the statements made by the

1 defendants were qualified privileged due regard must be hand
2 for the occasion and the relationship of the parties.

3 In this case, the defendant employees assert the
4 affirmative defense of qualified privilege pursuant to the
5 South Carolina Adult Protection Act. The Adult Protection
6 Act was enacted in South Carolina in 1993, and was designed
7 to address the needs of vulnerable adults by defining abuse
8 in a uniform manner, clarifying mandatory reporting
9 requirements, defining the Court's role in adult protection
10 and providing civil and criminal penalties of both
11 perpetrators of the abuse of vulnerable adults and for those
12 who fail to report actual or suspected abuse. The Act
13 imposing a duty on certain individuals to report if they
14 have reason to believe that a vulnerable adult has been or
15 is likely to be abused, neglected or exploited. Individuals
16 designated as mandated reporters under the Act includes
17 physicians, nurses and other medical, mental health or
18 allied health professionals, care givers, staff or
19 volunteers of an adult daycare center or facility and law
20 enforcement officers.

21 The two nurse defendants in this case, Patricia Johnson
22 and Josette Davis are mandated reporters. Mandated
23 reporters are obligated to report suspected abusive conduct
24 within 24 hours or the following working day. If a mandated
25 reporter knowingly and willfully fails to report his or her

1 knowledge or suspicion that abuse, neglect or exploitation
2 to a vulnerable adult has occurred or is likely to occur
3 then he or she is guilty of a misdemeanor and upon
4 conviction may be fined or imprisoned for up to one year. A
5 person is also subject to discipline action by the
6 appropriate licensing board. The Adult Protection Act
7 provides qualified immunity for individuals who report
8 suspected or actual abuse from civil and criminal liability
9 that could otherwise arise from the act of reporting.

10 Specifically, the Act states: A person acting in good
11 faith reports, pursuant to this Chapter, or who participates
12 in an investigation or a judicial proceeding resulting from
13 a report is immune from civil and criminal liability which
14 may otherwise result by reason of this action.

15 In this case there is a rebuttable presumption that
16 Patricia Johnson and Josette Davis acted in good faith with
17 their oral and written statements regarding the plaintiff.
18 A rebuttable presumption is a presumption made by the Court
19 and the jury that a fact or issue is taken to be true unless
20 someone comes forward to contest it and prove otherwise.

21 In this case the rebuttable presumption is that the
22 defendants acted and reported in good faith when they made
23 their oral and written statements and the jury must assume
24 that to be true unless the plaintiffs prove otherwise. The
25 plaintiffs have the burden of proof and must establish by a

1 preponderance of the evidence that the defendants did not
2 act in good faith. If you find that the defendants acted in
3 good faith when they reported a suspected abuse, then they
4 cannot be held liable and your verdict must be in favor of
5 the defendants.

6 In this case the truth of a statement is a complete or
7 absolutely defense to an action for both slander and liable.
8 Accordingly, the defendants may also prove that their
9 statements were substantially true. A statement is not
10 defamatory if it is substantially true. Even if the
11 defendants made statements for no good purpose, were
12 inspired by ill will toward the plaintiff and made
13 statements solely for the purpose of harming the plaintiff,
14 if the statement was substantially true the plaintiff cannot
15 recover for defamation. If you find the defendants have
16 proven their statements were substantially true, then your
17 verdict must be for the defendants.

18 Plaintiff Linda Williams has asserted a loss of
19 consortium claim. South Carolina permits any person to
20 maintain an action for damages arising from an intentional
21 or torturous violation of the right to companionship, aid,
22 society and services of her spouse. Provided that such
23 action shall not include any damages recovered prior thereto
24 by the injured spouse. To prevail in an action for loss of
25 consortium the plaintiff must prove the liability of the

1 defendant for the spouse's injuries and damages to the
2 plaintiff resulting from the spouse's injury. South
3 Carolina law mandates that in order for the plaintiff, Linda
4 Williams, to prevail on her loss of consortium claim the
5 jury must first find in the plaintiff, Ralph Williams. In
6 other words, if you find that Ralph Williams is not entitled
7 to recover then Linda Williams's loss of consortium claim
8 fails as well.

9 The burden of proof is on the plaintiffs to prove by a
10 preponderance of the evidence or greater weight of the
11 evidence that action of the defendants caused their damages.
12 If the real cause of the damages is left in doubt by the
13 testimony the plaintiffs have not met this burden. If the
14 cause of the plaintiff's damages may just as reasonably be
15 attributed to an act for which the defendants are not liable
16 the verdict must be for the defendants. Therefore, in this
17 particular case, if you find there are several possible
18 causes for plaintiffs damages and there have been no showing
19 that the damages most probably resulted from a cause from
20 which the defendants are responsible the plaintiff have
21 failed to carry their burden and the verdict must be for the
22 defendants.

23 I charge you that damages must be susceptible or
24 ascertained with a reasonable degree of certainty and that
25 uncertain, contingent or speculative damages cannot be

1 recovered in an action such as this one.

2 I charge you that actual damages are those intended to
3 make the plaintiffs whole or put them in the same position
4 that they were prior to the alleged injury or damage. Such
5 actual damages are not intended to put the plaintiffs in a
6 better position than they were prior to alleged injury or
7 damage.

8 In essence causation or the amount of damages cannot be
9 left to conjecture, guess work or speculation. However,
10 proof of the amount of loss with absolute or mathematical
11 certainty is not required. Damages must be proved with a
12 reasonable degree of certainty. The evidence presented by
13 the plaintiffs must enable you, the jury, to determine what
14 amount is fair and just and reasonable. The plaintiff bears
15 the burden of proving by preponderance of the evidence that
16 that are entitled to compensatory damages. The plaintiff
17 must prove that his reputation was damaged by defamatory
18 statements. The plaintiff must prove that the damages
19 naturally and proximally resulted from the defendant's
20 statement. General damages include humiliation, hurt
21 feeling, mental suffering, injury to reputation and other
22 types of injuries on which you cannot place any monetary
23 value. The plaintiff must also prove any special damages
24 resulting from the defamatory statement.

25 Special damages are monetary damages with respect to

1 property, business, profession or occupation of the
2 plaintiff such as loss of customers or loss of a business
3 relationship as a result of an injury to the plaintiff's
4 reputation. The words recklessness and willfulness and
5 wantonness are synonymous. These terms are used to describe
6 a conscious failure to exercise and observe reasonable or
7 due care. Recklessness implies the doing of a negligent act
8 knowingly. When a person acts negligently and he realizes
9 that he is acting negligently the law says he is reckless,
10 willful and or wanton, whichever term you prefer, they all
11 mean the same thing, that is the conscious failure to
12 exercise due care.

13 Reckless is distinguished from negligence. Negligence
14 is the failure to use due care. Negligence is carelessness.
15 Negligence is failure by omission or commission to exercise
16 due care as a person of ordinary reason and prudence would
17 exercise in the same circumstances.

18 Recklessness is a higher degree of culpability and
19 responsibility. Recklessness signifies a conscious failure
20 to exercise due care. Recklessness is a conscious
21 indifference to the rights of the plaintiff or a reckless
22 disregard of the rights of the plaintiff. Recklessness is
23 an awareness of wrongful conduct and a continuation to act
24 regardless of the consequences. In other words, while a
25 negligent person is one who acts carelessly a person who's

1 behavior is reckless, willful or wanton is not only careless
2 in his actions, but is also aware that he is careless. The
3 test for determining whether a tort may be deemed reckless
4 willful or wanton is whether or not it has been committed in
5 such a manner and under such circumstances that a person of
6 ordinary reason or prudence would have been conscious of it
7 as an invasion of the rights of the injured party.

8 If you find the defendant is entitled to actual damages
9 you must consider whether the defendant should be required
10 to pay punitive damages to the plaintiff. In certain cases
11 where the jury finds for the plaintiffs there may be
12 aggravating circumstances that may warrant the awarding of
13 additional damages called punitive damages. Punitive
14 damages are to punish the defendants and to attempt to
15 insure that neither the defendants nor anyone else commits
16 similar conduct in the future. In order to conduct punitive
17 damages the plaintiff must prove by clear and convincing
18 evidence that the defendant acted with actual malice in
19 making the defamatory statement. Clear and convincing
20 evidence is more than a preponderance of the evidence or
21 greater weight of the evidence. Before you impose punitive
22 damages the plaintiff must prove by clear and convincing
23 evidence that his harm was a result of the defendants
24 willful, wanton or reckless conduct. To award punitive
25 damages the plaintiffs must prove that the defendants are

1 liable by a higher standard than that of proof for other
2 damages by clear and convincing evidence. This is a
3 different and higher burden of prove than a mere
4 preponderance of the evidence. Clear and convincing
5 evidence is that degree of proof which will produce in the
6 jury a firm belief as to the allegation sought to be
7 established. Such measure of proof is intermediate, more
8 than a mere preponderance, but less than is required for
9 proof beyond a reasonable doubt. Mere negligence will not
10 authorize an imposition of punitive damages. Punitive
11 damages when authorized are imposed not as compensation but
12 solely to punish, penalize or deter a defendant. In your
13 verdict you should specify whether you do or do not decide
14 to impose punitive damages.

15 Now, I have declared the law to you through these
16 instructions to help guide you to a just and lawful verdict.
17 Whether some of these instructions apply will depend on what
18 you find to be the facts. The fact that I have instructed
19 you on various subjects in this case must not be taken as
20 indicating an opinion of this court as to what you should
21 find to be the facts or as to which party is entitled to
22 your verdict. Your verdict must represent the considered
23 judgment of each juror. In order to return a verdict it is
24 necessary that each one of you agree. Your verdict must be
25 unanimous. All 12 of you must agree on the verdict. Your

1 verdict cannot be based on sympathy, passion, prejudice,
2 emotion or any other consideration not in evidence in this
3 case. Remember at all times you are not favoring one party
4 over another. You are the judges of the facts. Your sole
5 interest is to seek the truth from the evidence in this
6 case, and now -- we're getting down to the wire, ladies and
7 gentlemen.

8 I'm going to go over with you, Madam Forelady, if you
9 don't mind. This is the verdict form that you're going to
10 have to fill out after y'all have discussed what's going on
11 in this case and make your decision. The verdict form has
12 -- this is where we are, Orangeburg. This is the case
13 number. Okay. This is the way the case is styled, the
14 plaintiffs names and the defendants names. And this is
15 important, right here. The very first line says, we the
16 jury by unanimous consent find -- this has to be a unanimous
17 decision. Question number one; Patricia Johnson acted in
18 good faith when she reported her suspicions about Ralph
19 Williams, Sr's actions on June 21, 2010. You either answer
20 yes or no to that. Question number two; Josette Davis acted
21 in good faith when she reported her suspicions about Ralph
22 Williams Sr's actions on June 21, 2010. Again, you've got
23 to decide either yes or not. Now, after that you follow the
24 instructions on this sheet. If your answers to question
25 number one and two are yes, then you go to the final page.

1 You stop. Do not deliberate further. Do not answer any
2 additional questions. Go to the end and sign the verdict
3 form. If your answers to questions one or two were yes, --
4 I mean, questions one or two were no, then proceed to
5 questions three through six, and three through six begin on
6 the second page. Question three; if your answer to question
7 one is no, then answer the following question. Do you find
8 that Patricia Johnson acted outside the scope of her
9 employment when she made her reports regarding Ralph
10 Williams Sr on June 21, 2010. Again, it's a yes or no
11 question. Quest four is just like question three, only it
12 applies to Josette Davis. Again, you've got to decide yes
13 or no. Now, question five; please state the total amount of
14 actual damages sustained by the plaintiff, Ralph Williams,
15 Sr. And there -- you will fill in an amount of actual
16 damages. Question six, is similar to question seven and
17 deals with Linda Williams and it says; please state the
18 total amount of actual damages, if any, sustained by the
19 plaintiff, Linda Williams. Now, question seven; if you
20 entered an amount in response to questions five and or six,
21 do you find by clear and convincing evidence that any harm
22 done to the plaintiff was the result of the willful, wanton
23 and reckless conduct of, and then we list the three
24 defendants, Patricia Johnson, Josette Davis and the nursing
25 home. Again, you will respond yes or no as to each one of

1 those. Okay. Now, question number eight; if you responded
2 yes to any of the questions 7A, 7B or 7C, okay, then enter
3 the amount of punitive damages if any that should be imposed
4 to punish one or more of the defendants and the
5 corresponding, Ms. Johnson, Ms. Davis and the nursing home.
6 Put that amount there. And then once you have done all
7 this, Madam Forelady. You sign this. After you have done
8 that you can let the bailiff know.

9 Now, I'm not giving you this, yet, okay. You're
10 probably thinking what else? Well, right now I just got
11 through reading the law to y'all essentially. That's what
12 I've got to do, I've got to charge you the law. I've got to
13 give it to you and just as it's written. Now, we're going
14 to take a break. I'm going to let y'all go back into the
15 jury room for a minute, okay. While y'all are in the jury
16 room the attorneys are going to tell me if I misread
17 something, if I left something out or if I should correct
18 something. Every now and then, I know you would find it
19 hard to believe that I would make a mistake, and -- but they
20 are listening really well, and if that's the case and I've
21 got to correct something, I will bring you back in here and
22 correct whatever I read inappropriately to you.

23 Now, if everything has been done and is fine and we're
24 ready to do, then the bailiff, Ms. D is going to give you
25 the verdict form and you can begin your deliberations.

1 qualified privilege and the actual malice to overcome it
2 being mentioned in connection with reckless indifference?

3 THE COURT: Okay. I'll look through here. I don't see
4 it right here. What do you need for me to --

5 MR. FOSTER: It was in that shorter version of the
6 charges that we had that talked about actual malice as a way
7 to overcome qualified privilege and defined that to be a
8 reckless indifference.

9 THE COURT: Bear with me. I'm looking.

10 MR. FOSTER: We talked about reckless, but that was in
11 connection with --

12 THE COURT: I don't have the last two pages. I must have
13 left those downstairs.

14 MR. FOSTER: You want me to get mine out?

15 THE COURT: If you've got them handy. She's got it.
16 Hold on, she might be able to pull that up.

17 COURT REPORTER: Actual malice as a way to overcome
18 qualified privilege --

19 MR. FOSTER: Right.

20 COURT REPORTER: -- reckless indifference --

21 MR. FOSTER: Okay.

22 COURT REPORTER: It's here.

23 THE COURT: Oh, it's there?

24 COURT REPORTER: Yes, sir.

25 MR. FOSTER: I couldn't remember as we ended up.

1 THE COURT: That's all right. Okay.

2 MR. FOSTER: And then --

3 THE COURT: Isn't she better than a machine?

4 MR. FOSTER: She's better than anything.

5 THE COURT: All right. Anything else?

6 MR. FOSTER: We have nothing other than what we've
7 already taken exception to before we started.

8 THE COURT: Right. Right. Now, preserving those
9 objections that y'all made before we started on the record,
10 and I'm going to note your objection to those, okay.
11 Anything else, anything else from the plaintiffs?

12 MR. FOSTER: Nothing else.

13 THE COURT: Okay. Anything else from the defendants?

14 MR. BRING: Your Honor, we had two small comments. I
15 guess one's small, one's bigger regarding loss of customers
16 etcetera, the damages portion covered that. I thought our
17 directed verdict on Friday would have prevented any claim to
18 charge for lost damages and wages and the like, and I think
19 the charges we discussed earlier this morning just goes
20 beyond that direct verdict ruling that you were kind enough
21 to give us Friday. So we take exception to that. Just
22 wanted to note that for the record.

23 THE COURT: Well, I -- I didn't charge lost wages in
24 there, which I think went along with that, buy I think there
25 was plenty of testimony about his lost job opportunities and

1 THE COURT: Thank you, ma'am. Y'all can sit down.

2 All right. Ladies and gentlemen, in the case of Ralph
3 C. Williams, Sr., and Linda Williams, Plaintiffs, verses
4 Patricia A. Johnson and Josette Peppers and UniHealth Post-
5 Acute Care, Orangeburg, LLC., Defendants, the jury has
6 reached a verdict.

7 We the jury by unanimous consent find Number One,
8 Patricia Johnson acted in good faith when she reported her
9 suspicions about Ralph Williams Sr's actions on June 21,
10 2010? Jury answered no. Question Number Two, Josette Davis
11 acted in good faith when she reported her suspicions about
12 Ralph Williams, Sr's actions on June 21, 2010. The jury
13 answered no.

14 Following the directions on the verdict form we proceed
15 to question three. If your answer to Number One is no, then
16 answer the following question. Do you find that Patricia
17 Johnson acted outside the scope of employment when she made
18 her reports regarding Ralph Williams, Sr., on June 21, 2010.
19 The jury answered yes.

20 Number Four. If your answer to question two is no,
21 then answer the following question. Do you find that
22 Josette Davis acted outside the scope of employment when she
23 made her reports regarding Ralph C. Williams, Sr., on June
24 21, 2010. The jury answered yes.

25 Question Number Five. Please state the total amount of

1 actual damages, if any, sustained by the Plaintiff, Ralph
2 Williams, Sr. The amount is \$102,500.

3 Question Number Six. Please state the total amount of
4 actual damages, if any, sustained by the Plaintiff, Linda
5 Williams. The jury found zero dollars.

6 Question Number Seven. If you entered an amount in
7 response to Question Five and/or Six, do you find by clear
8 and convincing evidence that any harm done to the Plaintiff
9 was the result of the willful, wanton and/or reckless
10 conduct of A) Patricia Johnson. The jury answered yes. B)
11 Josette Davis. The jury answered yes. C) UniHealth Post-
12 Acute Care, Orangeburg, LLC. The jury found yes.

13 Question Number Eight. If you responded yes to
14 Question 7A, 7B or 7C enter the amount of punitive damages,
15 if any that should be imposed to punish one or more of the
16 defendants. A) Patricia Johnson, the jury found \$200,000 in
17 punitive damages. B) Defendant Josette Davis, the jury
18 found \$97,500. Defendant C, UniHealth Post-Acute Care,
19 Orangeburg, LLC, the jury found \$600,000.

20 Madam Forelady, again, this is the unanimous verdict of
21 the jury?

22 MADAM FORELADY: Yes, sir.

23 THE COURT: Okay. Thank you, ma'am.

24 All right. Any questions from the jury or anything for
25 the jury before I release them, from the plaintiff?

1 MR. WARREN: No, sir, Your Honor.

2 THE COURT: Anything from the defendant before --

3 MR. BRING: We'd ask you to poll the jury.

4 THE COURT: Okay. Ladies and gentlemen of the jury, it
5 has been requested that I poll the jurors concerning this
6 verdict. Now, what that means is I'm going to call your
7 name out. Then when I call your name I'm going to ask you
8 to stand and I will ask you if this is your verdict and if
9 it is still your verdict. And that's -- those are the
10 questions I'm going to ask you and you will need to respond
11 to those questions, okay. So if y'all will please bear with
12 me while I do this.

13 William Keitt.

14 MR. KEITT: That's my verdict.

15 THE COURT: Okay. Well, let me ask the questions first,
16 Mr. Keitt. No, no, please stand up, please sir.

17 Mr. Keitt, this is your verdict?

18 MR. KEITT: Yes, sir.

19 THE COURT: Is it still your verdict?

20 MR. KEITT: Yes, sir.

21 THE COURT: Okay. Thank you, sir.

22 All right. Carl Mitchell. Mr. Mitchell, is this your
23 verdict?

24 MR. MITCHELL: Yes, Your Honor.

25 THE COURT: Is it still your verdict?

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MR. MITCHELL: Yes, Your Honor.

THE COURT: All right. Thank you, sir.

Charles Glover.

MR. GLOVER: Yes, Your Honor.

THE COURT: Mr. Glover, is this your verdict?

MR. GLOVER: Yes, sir.

THE COURT: Is it still your verdict?

MR. GLOVER: Yes, sir.

THE COURT: All right. Thank you, sir.

Miranda Johnson.

MS. JOHNSON: Yes, Your Honor.

THE COURT: Ms. Johnson, is this your verdict?

MS. JOHNSON: Yes, Your Honor.

THE COURT: Is it still your verdict?

MS. JOHNSON: Yes.

THE COURT: Thank you, ma'am.

Jahrell Griffin-Harrison?

MR. GRIFFIN-HARRISON: Yes, sir.

THE COURT: Is this your verdict?

MR. GRIFFIN-HARRISON: Yes, sir.

THE COURT: Is it still your verdict?

MR. GRIFFIN-HARRISON: Yes, sir.

THE COURT: Thank you, sir.

Suwanna Wright or Baxter-Wright? Ms. Wright, is this
your verdict?

1 MS. BAXTER-WRIGHT: Yes, sir.

2 THE COURT: Is it still your verdict?

3 MS. BAXTER-WRIGHT: Yes, sir.

4 THE COURT: Thank you, ma'am.

5 Kenneth Britt. Mr. Britt, is this your verdict?

6 MR. BRITT: Yes.

7 THE COURT: Is it still your verdict?

8 MR. BRITT: Yes, sir.

9 THE COURT: Thank you, sir.

10 Keenan Jones. Mr. Jones, is this your verdict?

11 MR. JONES: Yes, sir.

12 THE COURT: Is it still your verdict?

13 MR. JONES: Yes, sir.

14 THE COURT: Thank you, sir.

15 Ed Loller. Mr. Loller, is this your verdict?

16 MR. LOLLER: Yes, sir.

17 THE COURT: Is it still your verdict?

18 MR. LOLLER: Yes, sir.

19 THE COURT: Thank you, sir.

20 Sammie Battle. Mr. Battle, is this your verdict?

21 MR. BATTLE: Yes, sir, Your Honor.

22 THE COURT: Is it still your verdict?

23 MR. BATTLE: Yes, sir, Your Honor.

24 THE COURT: Thank you, sir.

25 Benjamin Ford. Mr. Ford, is this your verdict?

1 MR. FORD: Yes, Your Honor.

2 THE COURT: Is it still your verdict?

3 MR. FORD: Yes, Your Honor.

4 THE COURT: Thank you, sir.

5 Brian Ouzts. Is this your verdict?

6 MR. OUZTS: Yes, Your Honor.

7 THE COURT: Is it still your verdict?

8 MR. OUZTS: Yes, Your Honor.

9 THE COURT: Thank you, sir.

10 Anything further from the defense?

11 MR. BRING: Not for the jury, Your Honor.

12 THE COURT: All right.

13 Ladies and gentlemen of the jury, I've got to tell you
14 I appreciate y'all patience in working with us through --
15 now going into the -- one day over and coming back over the
16 weekend. Y'all paid attention and I appreciate that, and
17 y'all deliberated, which is another thing which I
18 appreciate. You know, we can't do the court system unless
19 we have people willing to serve as jurors. I want to thank
20 you again for your service, and aside from the wonderful
21 lunch that you were given today, you get a huge check from
22 the county that will be in the mail.

23 So thank y'all, and y'all have a wonderful week. Thank
24 you very much.

25 (Jury excused at 7:54 p.m.)

COPY ORANGEBURG DEPARTMENT OF PUBLIC SAFETY

10-01414

PROPERTY REPORT

1. Status of Evidence <input checked="" type="checkbox"/> Found <input type="checkbox"/> Recovered <input type="checkbox"/> Other _____		2. Case No. 10-01414
3. Date & Time Impounded 6-21-10	4. Laboratory Examination Requested <input type="checkbox"/> Yes - Submit Lab Request Form <input type="checkbox"/> No	5. Case Type ATTEMPTED CSC
6. Found or Recovered From <input checked="" type="checkbox"/> Person <input type="checkbox"/> Place Name: WILLIAMS, RALPH / MAYES, HENRIETTA		7. Where property was found or recovered 755 WHITMAN ST (WJ HEALTH)
8. Owner's Name	9. Owner's Address	10. Owner's Phone #

11. Item #	12. Quantity	13. Description	14. NCIC HK	
			Yes	No
✓ 11	2	1 GREEN SCUR TOP, 1 GREEN SCUR BOTTOM (SUBJECT CLOTHING)	(22)	(22)
✓ 12	1	1 MEDICAL GOWN WORN BY VICTIM (22)		
✓ 13	1	1 RED SHIRT FROM BED UNDER VICTIM Bm 22		
✓ 14	1	1 GREEN BLANKET FROM VICTIM'S BED (10)		
✓ 15	1	1 WHITE SHEET FROM VICTIM'S BED (22)		
✓ 16	1	1 PINK MATTRESS PROTECTOR FROM VICTIM'S BED (22)		
✓ 17	1	1 WHITE FITTED SHEET FROM VICTIM'S BED (22)		
✓ 18	2	2 PAGES OF WRITTEN VOLUNTARY STATEMENTS FROM WITNESSES (D2)		
✓ 19	1	1 CD CONTAINING 1 PHOTO OF VICTIM (PD)		

15. I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.	16. Impounding Officer (Print Full Name) WARRINGTON, ROBERT W.	17. Badge No. 986
Signature X _____	18. Signature Robert Warrington Jr.	

19. Item #	20. Received By	21. Reason	22. Date and Time Received
1-9	Debbie Byrd	placed in evid	6-21-10 4:29 pm
	Received By	Reason	Date and Time Received
	Received By	Reason	Date and Time Received
	Received By	Reason	Date and Time Received
	Received By	Reason	Date and Time Received
	Received By	Reason	Date and Time Received
	Received By	Reason	Date and Time Received
	Received By	Reason	Date and Time Received

AUTHORIZATION FOR DISPOSITION <input type="checkbox"/> CLEARED FOR DISPOSAL: Items _____ <input type="checkbox"/> PHOTO Items _____ <input type="checkbox"/> RELEASE TO: _____ Items _____ ADDRESS: _____ <input type="checkbox"/> OWNER NOTIFIED, RELEASE AUTHORIZED	AUTHORIZING OFFICER: _____ DATE: _____
---	---

WHITE - SUBMIT/DROP WITH EVIDENCE — YELLOW - ATTACH TO ORIGINAL INCIDENT REPORT
 PINK - OWNER OR PERSON PROPERTY RECOVERED FROM — GOLD - IMPOUNDING OFFICER

PLAINTIFF'S EXHIBIT

Z.A.

9/21/14 JWD

PLAINTIFF'S
EXHIBIT
3
9/26/14 209

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



REGINALD I. LLOYD
Director

CSI Carl W. Shultz
Orangeburg Department of Public Safety
P.O. Box 1425
Orangeburg, SC 29116-1425

DNA ANALYSIS
April 12, 2011
SLED LAB: L10-06982
Your Case No: 1001414
Incident Date: 6/21/2010
[V] Henretta Mayes
[S] Ralph Williams

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Reginald I. Lloyd, Director
South Carolina Law Enforcement Division

SEROLOGY ANALYSIS

Items Submitted:

Results of Examinations:

1	Sexual Assault Evidence Collection Kit from Henretta Mayes		
1.1	Buccal swabs from Henretta Mayes	1.1	See DNA analysis.
1.2	Vaginal swabs	1.2	No semen identified. ✓
1.3	Vaginal smear	1.3	No spermatozoa identified. ✓
1.4	Suspected saliva swabs	1.4	Saliva indicated. See DNA analysis.
1.5	Suspected body fluid swabs	1.5	No semen identified. ✓

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

Items Submitted:

Results of Examinations:

1.6	Fingernail scrapings		
1.6.1	Fingernail scrapings-right hand	1.6.1	See DNA analysis.
1.6.2	Fingernail scrapings-left hand	1.6.2	See DNA analysis.
2	Briefs from victim		
2.1	Debris from briefs	2.1	No hair found. ✓
3	Buccal swabs from Ralph Williams	3	See DNA analysis.

DNA ANALYSIS

ITEMS ANALYZED:

1.1 Buccal swabs from Henretta Mayes
3 Buccal swabs from Suspect Ralph Williams
1.4 Suspected saliva swabs
1.6.1 Fingernail scrapings-right hand
1.6.2 Fingernail scrapings-left hand

EXAMINATIONS

DNA analysis was performed on the items above. The results of Short Tandem Repeat (STR) PCR DNA analysis are shown in Table 1.

RESULTS

The DNA obtained from item 1.4 is a mixture of at least two individuals. The DNA profile of the major contributor to this mixture is consistent with the DNA profile of Henretta Mayes. Ralph Williams cannot be excluded as a possible minor contributor to this mixture.

No DNA profile foreign to the victim (Henretta Mayes) was developed from items 1.6.1 and 1.6.2.

Table 1 - Identifier

Items	D8S1179	D21S11	D7S820	CSF1PO	D3S1358	TH01	D13S317	D16S539	D2S1338	D19S433	vWA	TPOX	D18S51	D5S818	FGA	Amelogenin
1.1 Henretta Mayes	14,15	29	9,10	11,13	14,15	8	12	9,12	16,23	13,14	16,17	8,9	15,19	12,13	21,22	X
3 Ralph Williams	14,17	27,31	9	11	15,17	7	12	11,13	18,19	12,13	16,19	8,11	17,20	11,12	19,27	XY
1.4 Salva swabs	14,15 (17)	(27),29 (31)	9,10	11,13	14,15 (17)	7,8	12	9,(11) 12	16,23	12,13 14	16,17 (19)	8,9 (11)	15,19	11,12 13	21,22	X
1.6.1 Right hand	14,15	29	(9),10	(11,13)	14,15	8	12	9,12	16	13,14	16,17	8,9	15,(19)	(12,13)	21,(22)	X
1.6.2 Left hand	14,15	29	9,10	11,13	14,15	(7),8	12	9,12	16,23	13,14	16,17	8,9	15,19	12,13	21,22	X

() = alleles between 75 and 149 rfu Bold = major contributor



653

RWilliams Supplemental 00429

SLED LAB No. L10-06982
April 12, 2011

Page 3 of 4

Note:

- Any remaining evidence and/or packaging will be returned to the requesting agency.

Lilly S. Gallman

Lilly S. Gallman
Forensic Scientist



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody
L10-06982



Item 1: One (1) sealed heat sealed pouch containing CSC kit described as Flenretta Myles

Submissions

Date	Time	Submitted by
6/23/10	15:03	Debbie Byrd of the Orangeburg Department of Public Safety

Debbie Byrd

Item Chain of Custody

Date	Time	Container	Custody Of Forensic Technician	Location / Person Doris Yarbrough
6/23/10	15:04		Evidence Room (150)	DNA evidence intake storage
6/24/10	9:17		Forensic Technician	Patricia H. Crooks
6/24/10	9:19		Forensic Technician	Sheree J. Brown
6/24/10	12:35		DNA Department	DNA Storage Drawer 14 B
10/12/10	10:41		Forensic Scientist	Lilly S. Gallman
3/21/11	14:29		DNA Department	DNA Return
3/22/11	9:08		Forensic Technician	Jennifer L. Stainbrook
3/22/11	9:34		Forensic Technician	Patricia H. Crooks
3/22/11	9:45		Evidence Room (150)	Heat Sealed Pouch Shelf 3

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L10-06982

5/5/11 11:31 Forensic Technician Patricia H. Crooks

5/5/11 11:33 Evidence Disposition Returned to Agency in person

Debbie Byrd

Debbie Byrd - Orangeburg DPS

Item 1: One (1) sealed heat sealed pouch containing CSC kit described as Buccal swabs from Henriette Mayes

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/12/10	11:20		Forensic Scientist	Lilly S. Gallman

3/21/11 14:29 DNA Department DNA Return

3/22/11 9:08 Forensic Technician Jennifer L. Stainbrook

3/22/11 9:34 Forensic Technician Patricia H. Crooks

3/22/11 9:45 Evidence Room (150) Heat Sealed Pouch Shelf 3

5/5/11 11:31 Forensic Technician Patricia H. Crooks

5/5/11 11:33 Evidence Disposition Returned to Agency in person

Debbie Byrd

Debbie Byrd - Orangeburg DPS

Item 2: One (1) sealed heat sealed pouch containing CSC kit described as Vaginal swabs

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L10-06982

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/12/10	11:21		Forensic Scientist	Lilly S. Gallman
3/21/11	14:29		DNA Department	DNA Return
3/22/11	9:08		Forensic Technician	Jennifer L. Stainbrook
3/22/11	9:34		Forensic Technician	Patricia H. Crooks
3/22/11	9:45		Evidence Room (150)	Heat Sealed Pouch Shelf 3
5/5/11	11:31		Forensic Technician	Patricia H. Crooks
5/5/11	11:33		Evidence Disposition	Returned to Agency in person
Debbie Byrd - Orangeburg DPS				

Item L3: One(1) sealed heat sealed pouch containing CSC kit described as Vaginal smear

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/12/10	11:21		Forensic Scientist	Lilly S. Gallman
3/21/11	14:29		DNA Department	DNA Return

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody L10-06982

3/22/11	9:08	Forensic Technician	Jennifer L. Stainbrook
3/22/11	9:34	Forensic Technician	Patricia H. Crooks
3/22/11	9:45	Evidence Room (150)	Heat Sealed Pouch Shelf 3
5/5/11	11:31	Forensic Technician	Patricia H. Crooks
5/5/11	11:33	Evidence Disposition	Returned to Agency in person
			<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <i>Debbie Byrd</i> </div>
Debbie Byrd - Orangeburg DPS			

Item 1.4: One (1) sealed heat sealed pouch containing CSC kit described as Suspected saliva

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/12/10	11:21		Forensic Scientist	Lilly S. Gallman
3/21/11	14:29		DNA Department	DNA Return
3/22/11	9:08		Forensic Technician	Jennifer L. Stainbrook
3/22/11	9:34		Forensic Technician	Patricia H. Crooks
3/22/11	9:45	Evidence Room (150)		Heat Sealed Pouch Shelf 3

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody L10-06982

5/5/11	11:31	Forensic Technician	Patricia H. Crooks
--------	-------	---------------------	--------------------

5/5/11	11:33	Evidence Disposition	Returned to Agency in person
Debbie Byrd - Orangeburg DPS			

Debbie Byrd

Item 1.5: One(1) sealed heat sealed pouch containing CSC kit described as Suspected body fluid.

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/12/10	11:21		Forensic Scientist	Lilly S. Goldman
3/21/11	14:29		DNA Department	DNA Return
3/22/11	9:08		Forensic Technician	Jennifer L. Stainbrook
3/22/11	9:34		Forensic Technician	Patricia H. Crooks
3/22/11	9:45	Evidence Room (150)		Heat Sealed Pouch Shelf 3
5/5/11	11:31		Forensic Technician	Patricia H. Crooks
5/5/11	11:33		Evidence Disposition	Returned to Agency in person
Debbie Byrd - Orangeburg DPS				

Debbie Byrd

1.6: One(1) sealed heat sealed pouch containing CSC kit described as Fingernail scrapings

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody
L10-06982

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/12/10	11:22		Forensic Scientist	Lilly S. Gallman
3/21/11	14:29		DNA Department	DNA Return
3/22/11	9:08		Forensic Technician	Jennifer L. Stainbrook
3/22/11	9:34		Forensic Technician	Patricia H. Crooks
3/22/11	9:45		Evidence Room (150)	Heat Sealed Pouch Shelf 3
5/5/11	11:31		Forensic Technician	Patricia H. Crooks
5/5/11	11:33		Evidence Disposition	Returned to Agency in person
<div style="border: 1px solid black; padding: 5px; display: inline-block; margin-top: 10px;"> <i>Debbie Byrd</i> </div>				
Debbie Byrd - Orangeburg DPS				

Item 1.6.1: One(1) sealed heat sealed pouch containing CSC kit described as Fingernail scrapings-right hand

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/26/10	15:19		Forensic Scientist	Lilly S. Gallman
3/21/11	14:29		DNA Department	DNA Return

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody L10-06982

3/22/11	9:08	Forensic Technician	Jennifer L. Stainbrook
3/22/11	9:34	Forensic Technician	Patricia H. Crooks
3/22/11	9:45	Evidence Room (150)	Heat Sealed Pouch Shelf 3
5/5/11	11:31	Forensic Technician	Patricia H. Crooks
5/5/11	11:33	Evidence Disposition	Returned to Agency in person
			<i>Debbie Byrd</i>
Debbie Byrd - Oranburg DPS			

Item 1.6.2: One(1) sealed heat sealed pouch containing CSC kit described as Fingernail scrapings-left hand

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/26/10	15:19		Forensic Scientist	Lilly S. Gallman
3/21/11	14:29		DNA Department	DNA Return
3/22/11	9:08		Forensic Technician	Jennifer L. Stainbrook
3/22/11	9:34		Forensic Technician	Patricia H. Crooks
3/22/11	9:45	Evidence Room (150)		Heat Sealed Pouch Shelf 3

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody
L10-06982

5/5/11 11:31 Forensic Technician Patricia H. Crooks

5/5/11 11:33 Evidence Disposition Returned to Agency in person

Debbie Byrd

Debbie Byrd - Orangeburg DPS

Item 2: One(1) sealed heat sealed pouch containing Clothing described as Briefs of Victim.

Submissions

Date	Time	Submitted by
6/23/10	15:03	Debbie Byrd of the Orangeburg Department of Public Safety

Debbie Byrd

Chain of Custody

Date	Time	Container	Custody Of	Location / Person
6/23/10	15:03		Forensic Technician	Doris Yarbrough

6/23/10 15:23 Evidence Room (150) EP Intake Shelf 103

2/15/11 13:30 Forensic Technician Patricia H. Crooks

2/15/11 13:30 Forensic Technician Janice S. Bryson

2/17/11 9:55 Forensic Technician Patricia H. Crooks

2/17/11 10:00 Evidence Room (150) Bln 9 Shelf D

5/5/11 11:31 Forensic Technician Patricia H. Crooks

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L10-06982

5/5/11 11:33 Evidence Disposition Returned to Agency in person

Debbie Byrd

Debbie Byrd - Orangeburg DPS

Item 2.1: One (1) sealed heat sealed pouch containing Debris described as from briels of Victim

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
2/15/11	15:03	A	Forensic Technician	Janice S. Bryson
2/15/11	15:03	A	Forensic Technician	Janice S. Bryson
2/16/11	15:40	A	DNA Department	DNA Storage Drawer 6 D
2/25/11	9:58	A	Forensic Scientist	Lilly S. Gallman
3/21/11	16:19	A	DNA Department	DNA Return
3/22/11	9:08	A	Forensic Technician	Jennifer L. Stainbrook
3/22/11	9:34	A	Forensic Technician	Patricia H. Crooks
3/22/11	9:45	A	Evidence Room (150)	Heat Sealed Pouch Shelf 3
5/5/11	11:31	A	Forensic Technician	Patricia H. Crooks

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L10-06982

5/5/11 11:33 A Evidence Disposition Returned to Agency in person

Debbie Byrd

Debbie Byrd - Orangeburg DPS

Item: One (1) sealed heat sealed pouch containing Buccal swab described as Buccal swabs from Suspect Ralph Williams

Submissions

Date	Time	Submitted by
6/23/10	15:03	Debbie Byrd of the Orangeburg Department of Public Safety

Debbie Byrd

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
6/23/10	15:03		Forensic Technician	Dotis Yarbrough
6/23/10	15:04		Evidence Room (150)	DNA evidence intake storage
6/24/10	9:17		Forensic Technician	Patricia H. Crooks
6/24/10	9:19		Forensic Technician	Sheree J. Brown
6/24/10	12:35		DNA Department	DNA Storage Drawer 14 B
10/12/10	10:41		Forensic Scientist	Elly S. Gallman
3/21/11	14:29		DNA Department	DNA Return
3/22/11	9:08		Forensic Technician	Jennifer L. Stalabrook

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



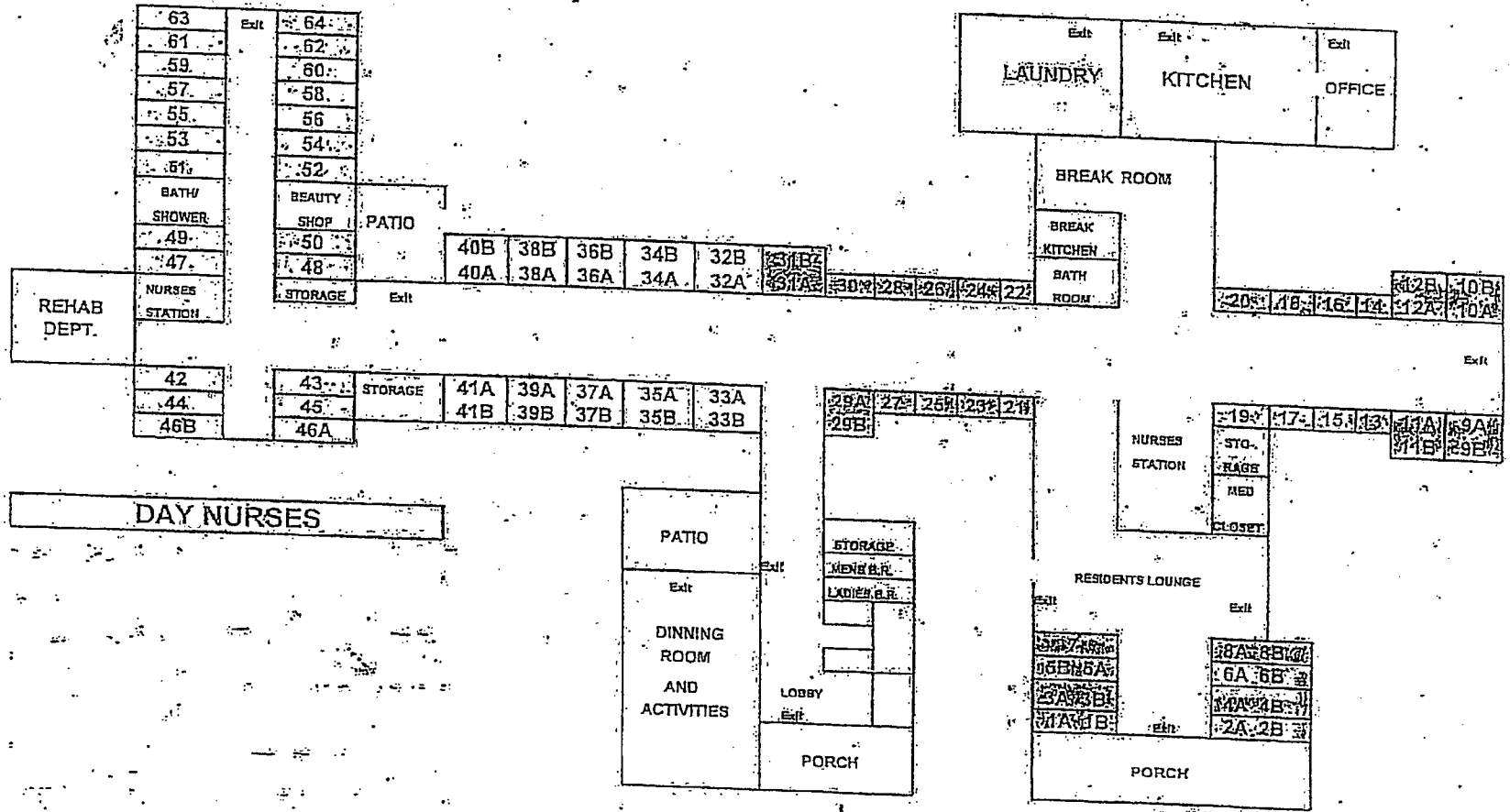
Chain Of Custody

L10-06982

3/22/11	9:34	Forensic Technician	Patricia H. Crooks
3/22/11	9:45	Evidence Room (150)	Heat Sealed Pouch Shelf 3
5/5/11	11:31	Forensic Technician	Patricia H. Crooks
5/5/11	11:33	Evidence Disposition	Returned to Agency in person

Debbie Byrd

Debbie Byrd - Orangeburg DPS



666

UPAC-ORANGEBURG 000199

Reorder From: MED-P



9/2/10

25A This Nurse making rounds and was looking for (CNA) RALPH Williams to check on another Res. I checked all the rooms on the back Hall, and couldn't find him. This Nurse then started checking the rooms on the Middle Hall. When I walked into Henrietta Mays room. I observed CNA Ralph Williams with his pants down climbing on top of Res. I stated "What are you doing?" CNA Ralph Williams stated "Please Shut the Door". At this point I went to get the other Nurse Jasette Pepper to witness. When we walked back in the room, he was fixing up his clothes. The room was dark & door was messed up on bed. a) 3:00 PM management notified. a) 3:25 PM Police Dept notified. a) 4:00 PM Rpt Bertha Tyler (Sister) notified. "stated she will be in facility this AM. a) 4:30 PM Dr Smock notified. "stated send to TRMC for Evaluation.

15. BP. 119/63, P. 80, R. 20, T. 98.3

Patricia Johnson

Resident/Patient Name

Mrs Henrietta

ID #

667

Room #

29 A

Physician

Small

COPY

DEPARTMENT OF PUBLIC SAFETY
ORANGEBURG, SOUTH CAROLINA

10-01414

I 8

VOLUNTARY STATEMENT
(Not Under Arrest)

I, Patricia Johnson, am not under arrest, nor am I being detained for any criminal offences concerning the events I am about to make known to ODPS

Without being accused of or questioned about any criminal offences regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 46 years of age, my address is, 130 Alvarez at Cordova SC 29039
This Nurse making rounds, and was looking for CNA Ralph Williams
to check on another Res. I checked all the rooms on the back Hall
and couldn't find him. This Nurse then started checking the rooms
on the middle Hall. When I walked in Henrietta Mays room, I
observed CNA Ralph Williams = his pants down climbing on top
of Res. I started what are you doing? CNA Ralph Williams
stated, "Please shut the Door." At the point I went to get
the other Nurse Josette Pepper to witness. When we walked
back in the room, he was fixing up his clothes. The room was
dark & covers was messed up on bed. There is no doubt in my
mind if I had not walk in room, he would have had sex with
Res.

Nothing else follows

Patricia Johnson

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at 755 WHEATMAN ST., this 21 day of June 20 10.

WITNESS: BOB COLE

WITNESS: Al Attwell

Patricia Johnson
SIGNATURE OF PERSON GIVING
VOLUNTARY STATEMENT

PLAINTIFF'S
EXHIBIT
368
9/21/14



NURSING: PERINEAL CARE

NURS N.117.02

Issued:
Revised: 5/06; 4/07

Page 1 of 3

NURSING: PERINEAL CARE

POLICY:

Perineal care will be provided to:

- Provide cleanliness and comfort to the patient/resident.
- Prevent odor.
- Prevent infections.
- Observe patient/resident's skin condition.

EQUIPMENT:

- Bedpan, if necessary
- Wash basin
- Incontinent care supplies as provided by the healthcare center (i.e. washcloth, soap, wipes, periwash, towel)
- Towel
- Disposable gown (if needed)
- Gloves

GENERAL INFORMATION:

1. Provide for privacy.
2. Perineal care is given during the daily bath and/or after voiding or bowel movement.
3. Cleanse perineal area from front to back. (See procedures for male/female cleansing)
4. If patient/resident has a Foley catheter, give perineal care before performing daily catheter care.

PROCEDURE:

1. Wash hands.
2. Assemble necessary equipment and take to patient/resident's room.

Issued:
Revised: 5/06; 4/07

Page 2 of 3

3. ~~Knock before entering the room. Identify yourself and explain to the patient/resident what you are going to do.~~
4. ~~Provide privacy by closing the door to the room then pulling the cubicle curtain all the way around the bed.~~
5. Assemble equipment on overbed table.
6. Put on gloves.
7. Have patient/resident use the bedpan or go to the bathroom before performing perineal care.
8. Position the patient/resident then drape so patient/resident is exposed as little as possible.
9. Talk to the patient/resident while you are performing the procedure.
10. For females:
 - Separate labia then clean downward from front to back with one stroke.
 - Repeat using a clean part of the washcloth/wipe for each stroke. More than one washcloth/wipe may need to be used.
 - Rinse with clean washcloth, if applicable.
 - Pat area dry with towel.
 - Position patient/resident on side.
 - Clean rectal area from vagina to the anus with one stroke.
 - Repeat until area is clean using a clean part of the washcloth/wipe with each stroke. More than once washcloth/wipe may need to be used.
 - Pat dry with towel.
11. For males:
 - If uncircumcised, retract foreskin.
 - Grasp penis.
 - Clean the tip using a circular motion. Start at the urethra and work outward. Repeat as needed, using a clean part of the washcloth/wipe each time.
 - Rinse the area with another clean washcloth/wipe, if applicable.
 - Return the foreskin to its natural position.
 - Clean the shaft of the penis and top of the scrotal sack. Use firm downward strokes. Rinse the area with a clean washcloth/wipe, if applicable.

Issued:
Revised: 5/06; 4/07

Page 3 of 3

- Turn patient/resident onto side and cleanse rectal area and bottom of scrotal sack. Clean from front to back with one stroke.
 - Repeat until area is clean using a clean part of the washcloth/wipe with each stroke. More than one washcloth/wipe may need to be used.
 - Pat dry with towel.
12. Apply moisture barrier cream, if applicable.
 13. Remove gloves.
 14. Wash hands and apply new gloves.
 15. Check pad or drawsheet and replace if damp/wet or soiled.
 16. Dress patient/resident in briefs or underwear.
 17. Remove gloves and assist patient/resident with dressing and make comfortable.
 18. Place call light within reach.
 19. Wash hands thoroughly.
 20. Report to Charge Nurse signs of skin irritation, rashes, broken areas and any complaints voiced by the patient/resident.
 21. Chart procedure completed.

PLAINTIFF'S EXHIBIT
12
9/2/14 2014

DEPARTMENT OF PUBLIC SAFETY
ORANGEBURG, SOUTH CAROLINA

COPY

10-01474

I8

VOLUNTARY STATEMENT
(Not Under Arrest)

I, Joseette Peppers, am not under arrest, nor am I being detained for any criminal offences concerning the events I am about to make known to ODPS

Without being accused of or questioned about any criminal offences regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 24 years of age, my address is, 3910 Charleston Hwy, Orangeburg SC 29115

I was called to a resident room by another nurse Patricia Johnson, she stated that an employee Ralph was in a room with his pants down. This nurse observed resident fixing up his clothes then he sat in a chair in room + started talking to her. Curtain was pulled around bed, covers, was thrown sloppy on bed, + room was dark. Resident ^{John} Ralph was going to have sex with resident if he didn't get caught

Nothing else follows Joseette Peppers (P)

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at 607 755 WHITMAN ST., this 21 day of June 20 10.

WITNESS: PROT C.O's

WITNESS: Col. [Signature]

Joseette Peppers
SIGNATURE OF PERSON GIVING
VOLUNTARY STATEMENT

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Home / News / Local

Care employee accused of trying to rape woman

By RICHARD WALKER, T&D Staff Writer

(4) Comments

An Orangeburg assisted living employee was charged early Monday with attempting to rape a mentally handicapped woman.

Just hours after the alleged attempt, Orangeburg city judge Barney Houser set bond at \$25,000 surety on Ralph C. Williams, Sr., of 950 Spring St., Orangeburg.

Williams has been charged with assault with intent to commit criminal sexual conduct. He turned 54 on Sunday.

"This individual was discovered by employees of the business, who took immediate action by calling law enforcement," said Capt. Mike Adams of the Orangeburg Department of Public Safety. "They have cooperated fully and continue to cooperate with law enforcement."

Messages left with officials of the former Orangeburg Nursing Home care facility were not returned.

Adams said Williams was working his shift Monday at UniHealth on Whitman Street when police were notified.

Around 3:05 a.m. employees of the post acute care facility called police of a possible incident of inappropriate conduct by a fellow employee.

When officers arrived, they were told the suspect was still on the premises. He was taken into custody and given his rights until officers could sort out what was going on.

One employee told investigators that around 3 a.m. she was looking for the subject. When she could not find the co-worker, she went into the room of a 42-year-old female patient.

When the employee entered the room, she saw a co-worker "on the bed that (the patient) was in," according to the report. "She saw Mr. Williams climbing on top of (the patient) as she lay on her back in her bed."

The employee told police that Williams had his "scrub pants down and appeared to be starting to have sex with (the patient)," the report states.

When she asked him what he was doing, the subject told her to shut the door. She left to find another employee.

The two employees returned to find the subject straightening out his clothes.

Investigators tried communicating with the victim, who they were told is both mentally and physically handicapped. When they asked her age, she replied, "Five."

Adams said Williams had been with the care facility for four or five months.

"Charges may be upgraded based upon further investigation," Adams said.

Contact the writer: rwalker@timesanddemocrat.com or 803-533-5516.

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More Local Stories



Motorcyclist dies following I-26 accident



Sheriff's Office seeks man in shooting



Students dismissed early at CEMS because of water outage



Motorcyclist dies following I-26 accident

TRENDING OFFERS AND ARTICLES



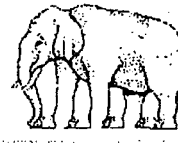
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Home / News / Local

Assault charges against care worker amended

By RICHARD WALKER, T&D Staff Writer

(2) Comments

Charges were amended Tuesday against an Orangeburg care facility worker accused of abusing a mentally handicapped woman.

Ralph C. Williams Sr. of 950 Spring St. now faces charges of third-degree criminal sexual conduct and abuse of a vulnerable adult.

Williams, who turned 54 Sunday, was originally charged on Monday with assault with intent to commit criminal sexual conduct. That charge has been dropped.

The amended charge of criminal sexual conduct came after a rape kit was completed and DNA allegedly retrieved, according to a warrant.

In a second hearing in as many days, Orangeburg city Judge Barney Houser continued Williams' \$25,000 surety bond.

Williams could be facing 10 years in prison if convicted of third-degree criminal sexual conduct. Abuse of a vulnerable adult carries a maximum sentence of five years in prison if he's convicted.

Orangeburg Department of Public Safety Capt. Mike Adams said employees of the UniHealth facility, "have cooperated fully and continue to cooperate with law enforcement."

The nurses on station told investigators they were searching for a co-worker when they went into the 42-year-old victim's room.

Investigators were told by the employees the subject was found, "in the victim's room in or near her bed with his pants down around his ankles," according to the amended warrants. Police said UniHealth employees contacted law enforcement immediately.

The warrants further state the subject had knowledge that the victim is both "mentally incapacitated and physically helpless."

Police asked the victim how old she is. She replied she was 5.

-- Contact the writer: rwalker@timesanddemocrat.com or 803-533-5516.

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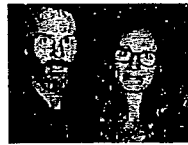


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Sports, B1

PLAINTIFF'S EXHIBIT 15-C
9/2/14 NIG

h, A10

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TUESDAY • JULY 1, 2008

Back to polls today

INSIDE

T&D Staff Report

■ S.C. voters decide Tuesday whether Republicans have their first woman nominee for governor as eight statewide candidates and eight U.S. House candidates head into a primary runoff election. A4

■ Polling places for today's Republican primary. A5

■ Anti-tax group backs

Many local voters return to the polls Tuesday for the Republican Party runoff that will determine candidates for four statewide offices, as well as a local congressional seat.

Voters who cast ballots in the June 8 Republican primary -- and those who didn't vote at all -- are eligible to return to the polls Tuesday for the GOP runoff election.

Only those voters who participated in the Democratic primary will not be eligible to vote. There

well as the GOP nominee to oust the incumbent Democratic incumbent Rep. James Clyburn in the November general election.

Some 8,542 Orangeburg County voters, who voted June 8, will participate in the Republican runoff election. There were 4,721 GOP voters in the primary.

Some 1,687 Calhoun County voters went to the polls on June 8 with about 1,049 Democrats.

In Bamberg County, approximately 1,000 voters participated in the primary. Democrats voted in the primary to about 850 Republicans.

ONLINE

@TheTimes.com

An Orangeburg assisted living employee was charged early Monday with attempting to rape a mentally handicapped woman.

Just hours after the alleged attempt, Orangeburg City Judge Barney Houser set bond at \$25,000 surety on Ralph C. Williams Sr., of 950 Spring St., Orangeburg.

Williams has been charged with assault with intent to commit criminal sexual conduct. He turned 54 on Sunday.

"This individual was discovered by employees of the business, who took immediate action by calling law enforcement," said Capt. Mike Adams of the Orangeburg Department of Public Safety. "They have cooperated fully and continue to cooperate with law enforcement."

Messages left with officials of the former Orangeburg Nursing Home care facility were not returned.

Adams said Williams was working his shift Monday at UniHealth on Whitman Street when police were notified.

Around 3:05 a.m. employees of the post acute care facility called police of a possible incident of inappropriate conduct by a fellow employee.

When officers arrived, they were told the suspect was still on the premises. He was taken into custody and given his rights until officers could sort out what was going on.

One employee told investigators that around 3 a.m. she was looking for the subject. When she could not find the co-worker, she went into the room of a 42-year-old female patient.

When the employee entered the room, she saw a co-worker "on the bed that (the patient) was in," according to the report. "She saw Mr. Wil-



Jay Anthony Carter covers his face before pleading guilty Monday to a Charleston Highway home invasion. Two seniors were robbed at gun-

25-year sentence for seniors 'faith in the system'

By RICHARD WALKER
T&D Staff Writer

Bobby Arant reached over and held his wife's hand as their attacker walked before the bench.

On Monday, 20-year-old Jay Anthony Carter was sentenced to 25 years in prison for the home invasion that ripped the security from the seniors' lives.

"I just want to praise the solicitor and the sheriff's office for everything

they did," said Bobby Arant, failing him a system."

Both Bobby Arant and his wife were sitting in the courtroom with their hands clasped together as they watched the proceedings.

Then it was Carter's turn. They knew the crimes of the day: kidnapping, counts of gun and weapon during a crime.

ONLINE

@TheTandD.com
View raw video footage from the hearing.
TheTandD.com/gallery

2 shot in Edisto Dr. incident

By RICHARD WALKER
T&D Staff Writer

Two men were shot Sunday at the same Edisto Drive pool hall where a confrontation with authorities turned deadly in March, Orangeburg County Sheriff Larry Williams said.

Two Orangeburg men were treated for gunshot wounds after this weekend's altercation.

"I will do everything I can to protect the people and property of Edisto Drive, even if it takes shutting the club down," Williams said. "These people

have the right to be safe. On March 15, after being shot by a deputy.

Deputy Sheriff Williams said he came up with the idea of having a pool hall on Edisto Drive. He said he was being beaten up by a man who was being beaten up by another man.

After a hearing, Williams said he determined that the pool hall was not being char-

PLAINTIFF'S
EXHIBIT
20
9/21/14
2159

Orangeburg-Calhoun Technical College

Career Training and Development

Certificate of Completion

is hereby granted to:

Ralph Williams

who has completed to satisfaction

the SC DHHS approved

Nurse Aide Training Program

96 Contact Hours



Deborah Pigott
Dean, Continuing Education

Deborah Pigott
Instructor

James Smith
President

September 18, 2009
Date

UPAC-ORANGEBURG 000043

679



ORANGEBURG, SC 29115
PHONE E-MAIL

RALPH CLAYTON WILLIAMS SR

OBJECTIVE

To obtain employment with an organization that will allow for advancement while enhancing my career skills and abilities.

SUMMARY OF QUALIFICATIONS

Capable of preparing fine dining, soul food and international meals.
Possess excellent food presentation skills. Have great nursing assistant skills.
Reliable, dependable and capable of multi-tasking

WORK EXPERIENCE

- December 2008-Present Reid's Orangeburg, SC
Deli Cook
 - Developed menus
 - Prepared meals for deli and catering
 - Organized inventory and cleaning
- November 2006-July 2009 Mr. J's Café Orangeburg, SC
Cook/Caterer
 - Employed for special events
- March 2007-February 2008 Sodexo(Claflin University) Orangeburg, SC
Cook/Caterer
 - Prepared meals for The Club 1369 Room
 - Prepared meals for the College President
- September 2004-April 2006 Sodexo(SCSU) Orangeburg, SC
Second Cook
 - Prepared meals and catering
 - Responsible for food safety
 - Special cook for football team and coach
- October 2003-July 2006 Joe Fox's Orangeburg, SC
Souf Chef
 - Prepared meals and catering
 - Specialized in gourmet cooking and fine dining

SPECIAL EXPERIENCE

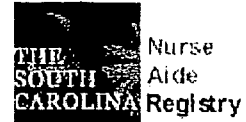
- July 2008-September 2008 Dorn VA Columbia, SC
Aide
 - Assisted with the care of veterans

EDUCATION

- Orangeburg Calhoun Technical College Orangeburg, SC
 - Certified Nursing Assistant License
- Sumner High School St. Louis, MS
 - High School Diploma

REFERENCES WILL BE AVAILABLE UPON REQUEST

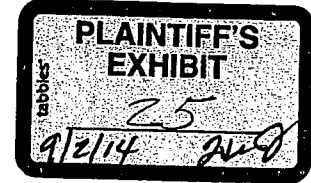
Report Date:9/2/2014



Search Results

South Carolina Nurse Aides

- [Submit a New Search](#)



Search Criteria: WILLIAMS RALPH

Number of records found: 1

Printing Hint: When printing this page, we recommend changing the page setup orientation to print in 'landscape' format.

Click on the Certification number to view details and print a copy.

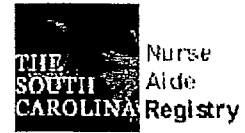
Certification Number	Name	Certification/ Expiration	Origination	Notes
301497	WILLIAMS, RALPH	11/10/2009 03/31/2016	Examination	NOTE: This is not a guarantee that this nurse aide had continuous certification from the certification date to the current expiration date. This nurse aide has no substantiated findings of abuse, neglect or misappropriation of property on file with the South Carolina Nurse Aide Registry.

For further options, return to the [South Carolina Nurse Aide](#) landing page.

This search was generated on 9/2/2014 at 7:56:13 PM.

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South Carolina Nurse Aide Registry Verification



Report Date: 09/02/2014

INQUIRY RESULTS

DEMOGRAPHICS

Name: WILLIAMS, RALPH

CERTIFICATION

Certification #: 301497

Certification Date: 11/10/2009

Expiration Date: 03/31/2016

Basis: Examination

NOTE: This is not a guarantee that this nurse aide had continuous certification from the above certification date to the current expiration date.

SUBSTANTIATED FINDINGS

This nurse aide has no substantiated findings of abuse, neglect or misappropriation of property on file with the South Carolina Nurse Aide Registry.

Return to the list of selected [nurse aides](#).

[Print Page](#)



11-7pm

1/29/2010
may call
12/29/10
will call
at 11:00

725

EMPLOYMENT APPLICATION																																																							
<i>PLEASE NOTE THAT APPLICANTS ARE TO RECEIVE ORIGINAL PRODUCTIONS (NO COPIES) OF THIS FORM FOR COMPLETION.</i>																																																							
Date <u>11/12/09</u>		Location Name																																																					
We are an equal opportunity employer and do not discriminate against otherwise qualified applicants on the basis of age, ancestry, color, creed, disability, gender, handicap, marital status, national origin, race, religion, or veteran status. Please print all information requested except your signature. Applications over 30 days will not be considered. The acronym "NA" represents the words "Not Applicable" and should only be used to signify a question cannot be applied. "NA" is limited as listed and must be accurate for application consideration. INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR ANY PURPOSE.																																																							
Last Name <u>Williams</u>		First Name <u>Ralph</u>	Middle Name <u>Clayton</u>																																																				
Social Security Number [REDACTED]		Telephone Number [REDACTED]	Email Address [REDACTED]																																																				
Street Address (Required) [REDACTED]		Mailing Address [REDACTED]																																																					
City <u>Orangeburg</u>	State <u>SC</u>	Zip Code <u>29115</u>	How long have you resided at your current address? <u>20 yr</u>																																																				
Have you ever been employed by the location or an affiliated company? Yes <input checked="" type="radio"/> No <input type="radio"/>		Do you have family members (including in-laws) currently employed at the location? Yes <input checked="" type="radio"/> No <input type="radio"/>																																																					
If you have been employed by the location or an affiliated company, when and where? <input checked="" type="radio"/> NA		What was the reason for your termination of employment from the location? <input checked="" type="radio"/> NA																																																					
<p>What position are you seeking with the location? <u>Circle only one position.</u> Complete the blank as appropriate. APPLICATIONS NOT SPECIFYING THE POSITION SOUGHT OR APPLICATIONS SPECIFYING MORE THAN ONE POSITION WILL NOT BE CONSIDERED FOR ANY PURPOSE.</p> <table border="0"> <tr> <td>Accountant</td> <td>Assistant Administrator</td> <td>Consultant</td> <td>Manager</td> </tr> <tr> <td>Accounts Payable Clerk</td> <td>Assistant Director of Nursing</td> <td>Cook</td> <td>Nurse Practitioner</td> </tr> <tr> <td>Accounts Receivable Clerk</td> <td>Bookkeeper</td> <td>Dialician</td> <td>Other</td> </tr> <tr> <td>Activity Director</td> <td>Case Manager</td> <td>Director</td> <td>Payroll Clerk</td> </tr> <tr> <td>Administrative Assistant</td> <td>Case Mix Director</td> <td>Education Coordinator</td> <td>Pharmacist</td> </tr> <tr> <td>Administrator</td> <td><u>Certified Nurse Assistant</u></td> <td>Environmental Services Consultant</td> <td>Pharmacy Technician</td> </tr> <tr> <td>Admissions Coordinator</td> <td>Chaplain</td> <td>Financial Analyst</td> <td>Physical Therapist</td> </tr> <tr> <td>Admissions Specialist</td> <td>Collections Specialist</td> <td>Healthcare Services Representative</td> <td>Regional Director</td> </tr> <tr> <td></td> <td></td> <td>Housekeeping Aide</td> <td>Registered Nurse</td> </tr> <tr> <td></td> <td></td> <td>Information Services Technician</td> <td>Rehabilitation Coordinator</td> </tr> <tr> <td></td> <td></td> <td>Laundry Aide</td> <td>Risk Manager</td> </tr> <tr> <td></td> <td></td> <td>Licensed Practical Nurse</td> <td>Staff Development Coordinator</td> </tr> <tr> <td></td> <td></td> <td>Maintenance Assistant</td> <td>Vice-President</td> </tr> </table>				Accountant	Assistant Administrator	Consultant	Manager	Accounts Payable Clerk	Assistant Director of Nursing	Cook	Nurse Practitioner	Accounts Receivable Clerk	Bookkeeper	Dialician	Other	Activity Director	Case Manager	Director	Payroll Clerk	Administrative Assistant	Case Mix Director	Education Coordinator	Pharmacist	Administrator	<u>Certified Nurse Assistant</u>	Environmental Services Consultant	Pharmacy Technician	Admissions Coordinator	Chaplain	Financial Analyst	Physical Therapist	Admissions Specialist	Collections Specialist	Healthcare Services Representative	Regional Director			Housekeeping Aide	Registered Nurse			Information Services Technician	Rehabilitation Coordinator			Laundry Aide	Risk Manager			Licensed Practical Nurse	Staff Development Coordinator			Maintenance Assistant	Vice-President
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		Maintenance Assistant	Vice-President																																																				
Describe your most significant accomplishment? <u>Finishing school</u>																																																							
Are you lawfully employable in the United States either by virtue of citizenship or by having authorization from the Bureau of Citizenship and Immigration Services and the United States Labor Department? <input checked="" type="radio"/> Yes <input type="radio"/> No		Are you able to perform the essential functions of the job for which you are applying with or without reasonable accommodations? <input checked="" type="radio"/> Yes <input type="radio"/> No																																																					
		Are you over the age of eighteen? <input checked="" type="radio"/> Yes <input type="radio"/> No																																																					

Do you require any reasonable accommodation to assist you in completing the application process? Yes No If yes, please describe the reasonable accommodation required.

Have you ever been convicted of a crime other than a minor traffic infraction? Yes No
 Please note a DUI is a criminal offense and a plea bargain or a plea of *no lo contendre* to any crime is considered a guilty disposition. Any "first offender" or "youth" court conviction, plea bargain or a plea of *no lo contendre* to any crime is considered a guilty disposition. If you have been convicted of a crime, please tell what, when, where, and the disposition of the case. Every criminal conviction must be accurately and completely disclosed below. Please request an additional sheet if necessary. Failure to disclose all criminal convictions on this form could determine an employment decision.

What	When (Year)	Where (City, State)	Disposition

Have you ever been discharged from employment or been asked to resign? Yes No
 If yes, please explain.

Have you ever been known by or worked by another name? Yes No
 If yes, please list your other names for employment reference checks.

Do you have personal responsibilities that will interfere with your ability to meet the job requirements, including regular and punctual attendance, if offered a job with the location? Yes No
 If yes, please explain.

Please list your available hours. →	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	/	11 PM 7 AM	11 PM 7 AM	11 PM 7 AM	11 PM 7 AM	/	11 PM 7 AM

Please note work schedules are based upon the needs of the location.

What is the wage or salary you are expecting? *Open*
 What wage or salary are you currently earning or did you most recently earn? *8.00 per hour*

If selected for hire, what date are you available to begin duties with the location? *11-16-09*
 What is the name of your most recent employer? *Reids Food Store*

What is the address of your most recent employer? *Chestnut ave. Deming*
 What is the telephone number of your most recent employer? *531-3163*

What were your job duties with your most recent employer?
Cook, Baker, Dishwasher, Meat Cutter

Please check (✓) the reason for the employment termination from your most recent employer? <input type="checkbox"/> Voluntary Resignation <input type="checkbox"/> Resignation in Lieu of Termination <input type="checkbox"/> Job Performance <input checked="" type="checkbox"/> Still Employed <input type="checkbox"/> Reduction In Workforce	
Who was your supervisor with your most recent employer? <u>Steve Kelly</u>	
Please list the following information for your two most recent employers prior to your last employer.	
Employer: <u>Chlorin College</u> Position: <u>COOK</u> Service: <u>12</u> Years <u>3</u> Months Salary/Wage: <u>8.00</u> Year Employment Began: <u>2001</u> Reason for Termination: _____ Supervisor: <u>Paula Patton</u> Telephone Number: _____	Employer: <u>M.M. J. Cafe</u> Position: <u>COOK</u> Service: <u>3</u> Years <u>8</u> Months Salary/Wage: <u>9.50</u> Year Employment Began: <u>2003</u> Reason for Termination: <u>went out of Buss.</u> Supervisor: <u>Royce Jenkins</u> Telephone Number: <u>707-0546</u>
We contact past employers as part of our reference checking process. Is there anything you want to disclose prior to our contacting any prior employer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain.	
Please list all languages you are able to speak, read and write fluently. <u>English</u>	
Do you have a high school diploma or equivalent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	What was your favorite high school subject? <u>Cooking, History</u>
Do you have a college or university degree? Yes <input checked="" type="checkbox"/> No	What kind of college or university degree did you earn? <u>NA</u>
What college or university major did you study? NA <u>HARRIS STOWE TECHNICAL COLLEGE</u>	What college or university did you attend? <u>NA</u> <u>HARRIS STOWE COLLEGE</u>
Do you have a graduate school degree? Yes <input checked="" type="checkbox"/> No	What kind of graduate degree did you earn? <u>NA</u>
What graduate school did you attend? <u>NA</u>	How many academic years and credit hours was the graduate school degree program? <u>NA</u>
Do you have any professional certifications or licenses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please list. The information will be validated if there is an offer of employment. <u>C.N.A.</u>	
Do you have military education, training or experience? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	In what branch of the Uniformed Services of the United States did you serve? <u>NA</u> <u>U.S. NAVY</u>
Were you honorably discharged from your military service? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	What was your military rank at discharge? <u>NA</u> <u>E-4</u>

UPAC-ORANGEBURG 000090

List four professional references. The location will not consider applicants who list personal friends or family as professional references for job openings. If you are unable to list professional references, place state why.

Name: Liz Zimmera Kette
 Relationship: Friend
 Time Known: 20 years months
 Telephone Number: [REDACTED]

Name: Harvey Dukant
 Relationship: Friend
 Time Known: years months
 Telephone Number: [REDACTED]

Name: Julie Page
 Relationship: Friend
 Time Known: 20 years months
 Telephone Number: [REDACTED]

Name: USCS Jarvis
 Relationship: Friend
 Time Known: 20 years months
 Telephone Number: [REDACTED]

I hereby authorize the location to investigate all information given in this application and specifically to obtain information concerning me from prior employers and from any person listed as a reference. I certify the information given on this application is correct. I understand any misrepresentation or omission of facts called for in this or any other location document completed either prior to or during the employment relationship, will be cause for immediate dismissal without notice. I release the location and all representatives, employees and agents thereof from any and all liability or damages in connection with efforts to verify or investigate such information. I release all third parties and all persons providing information to the location in connection with this application for employment from any and all liability or damage on account of having obtained or furnished the same.

The location may require job applicants to undergo testing for the presence of illegal drugs as a condition of employment. Any applicant with a confirmed positive test will be denied employment. Applicants who refuse to submit to the location's substance abuse testing procedures will not be considered for employment. By signing this application form, the applicant hereby consents to the administration of any drug tests and hereby releases the location from any and all liability and damage related thereto.

I understand and agree if the location extends a conditional offer of employment, I will be required to undergo a physical examination. I understand a job offer can be rescinded if it is determined I cannot perform the essential functions of the job with or without reasonable accommodation, or that I pose a direct threat to the health or safety of others or myself in the workplace. This physical examination will be used only in a manner consistent with job relatedness and business necessity and consistent with all applicable laws. I further understand the location will make reasonable efforts to accommodate a covered disability to the full extent of the law. I also understand all medical or disability related information supplied by or concerning me will be held in strict confidence by the location, subject to certain disclosures permitted by applicable law.

I understand and agree if the location extends a conditional offer of employment, investigative background inquiries will be conducted. The background inquiries may include but are not limited to the following: previous employment verifications, education verifications, professional certification verifications, criminal background checks, Social Security Number trace reports, and OIG/GSA sanctioned searches. I understand a job offer can be rescinded or employment terminated based upon the results of the investigative background inquiries. I understand the location or its authorized agent requests information from various federal, state, and other agencies that maintain records concerning my past activities relating to my driving, criminal, civil, and other experiences.

If employed, I agree to comply with all the rules and regulations of the location in effect now and any others that may be instituted at a later date.

I understand if employed, I will be employed on an at-will basis and my employment may be terminated for any reason or no reason at the option of the location or myself. I understand no management representative or other person has any authority to enter into any agreement for employment for any specific period of time or to make any agreement contrary to the foregoing, or to enter into any oral contracts concerning my wages or any other term or condition of employment. I further understand no written policy statements, handbooks, memoranda or any other materials provided to me by the location are intended to serve as written or implied contracts of employment.

Signature of Applicant [Signature]
 Date of Signature 11-12-09

COMPLETED BY LOCATION'S HIRING MANAGER

I have personally conducted professional certification verifications and required registry checks on this applicant prior to offering conditional employment. All questions on the application form have been completed. Yes No

Signature of Hiring Manager _____ Date of Signature _____



WG. 15 11-7

EMPLOYMENT APPLICATION

PLEASE NOTE THAT APPLICANTS ARE TO RECEIVE ORIGINAL PRODUCTIONS (NO COPIES) OF THIS FORM FOR COMPLETION.

Date 9-17-09 Location Name Un. Health Post Acute Care

We are an equal opportunity employer and do not discriminate against otherwise qualified applicants on the basis of age, ancestry, color, creed, disability, gender, handicap, marital status, national origin, race, religion, or veteran status. Please print all information requested except your signature. Applications over 30 days will not be considered. The acronym "NA" represents the words "Not Applicable" and should only be used to signify a question cannot be applied. "NA" is limited as listed and must be accurate for application consideration. **INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR ANY PURPOSE.**

#1700
slip for #2
19-10-09
@

Last Name: Johnson First Name: Patricia Middle Name: Ann

Social Security Number: [Redacted] Telephone Number: [Redacted] Email Address: [Redacted]
Cell Phone Number: 803 [Redacted]

Street Address (Required): [Redacted] Mailing Address: Same

City: Cordova State: SC Zip Code: 29034 How long have you resided at your current address? 11 yrs.

Have you ever been employed by the location or an affiliated company? Yes No
Do you have family members (including in-laws) currently employed at the location? Yes No

If you have been employed by the location or an affiliated company, when and where? NA
What was the reason for your termination of employment from the location? NA

What position are you seeking with the location? Circle only one position. Complete the blank as appropriate. APPLICATIONS NOT SPECIFYING THE POSITION SOUGHT OR APPLICATIONS SPECIFYING MORE THAN ONE POSITION WILL NOT BE CONSIDERED FOR ANY PURPOSE.

Accountant	Assistant Administrator	Consultant	Manager
Accounts Payable Clerk	Assistant Director of Nursing	Cook	Nurse Practitioner
Accounts Receivable Clerk	Bookkeeper	Dietician	Other
Activity Director	Case Manager	Director	Payroll Clerk
Administrative Assistant	Case Mix Director	Education Coordinator	Pharmacist
Administrator	Certified Nurse Assistant	Environmental Services Consultant	Pharmacy Technician
Admissions Coordinator	Chaplain	Financial Analyst	Physical Therapist
Admissions Specialist	Collections Specialist	Healthcare Services Representative	Regional Director
		Housekeeping Aide	Registered Nurse
		Information Services Technician	Rehabilitation Coordinator
		Laundry Aide	Risk Manager
		<u>Licensed Practical Nurse</u>	Staff Development Coordinator
		Maintenance Assistant	Vice-President

Describe your most significant accomplishment? Completing the Practical Nursing Program at Orangeburg Calhoun Technical College.

Are you lawfully employable in the United States either by virtue of citizenship or by having authorization from the Bureau of Citizenship and Immigration Services and the United States Labor Department? Yes No
Are you able to perform the essential functions of the job for which you are applying with or without reasonable accommodations? Yes No
Are you over the age of eighteen? Yes No

Do you require any reasonable accommodation to assist you in completing the application process?
 Yes No If yes, please describe the reasonable accommodation required.

Have you ever been convicted of a crime other than a minor traffic infraction? Yes No

Please note a DUI is a criminal offense and a plea bargain or a plea of *no lo contendre* to any crime is considered a guilty disposition. Any "first offender" or "youth" court conviction, plea bargain or a plea of *no lo contendre* to any crime is considered a guilty disposition. If you have been convicted of a crime, please tell what, when, where, and the disposition of the case. Every criminal conviction must be accurately and completely disclosed below. Please request an additional sheet if necessary. Failure to disclose all criminal convictions on this form could determine an employment decision.

What	When (Year)	Where (City, State)	Disposition

Have you ever been discharged from employment or been asked to resign? Yes No
 If yes, please explain.

Have you ever been known by or worked by another name? Yes No
 If yes, please list your other names for employment reference checks:

Patrick A. Davis

Do you have personal responsibilities that will interfere with your ability to meet the job requirements, including regular and punctual attendance, if offered a job with the location? Yes No
 If yes, please explain.

Please list your available hours. →	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			<i>Open</i>	<i>Availability</i>			

Please note work schedules are based upon the needs of the location.

What is the wage or salary you are expecting? *Negotiable*
 What wage or salary are you currently earning or did you most recently earn? *As a CNA*

If selected for hire, what date are you available to begin duties with the location?
 What is the name of your most recent employer?
Unihealth Postacute Care Oriburg

What is the address of your most recent employer? *755 Whitman Street Oriburg SC 29116*
 What is the telephone number of your most recent employer?
803-534-7036

What were your job duties with your most recent employer?
Certified Nursing Assistants - Patient Care

Please check (✓) the reason for the employment termination from your most recent employer?
 Voluntary Resignation Resignation In Lieu of Termination
 Job Performance Still Employed Reduction in Workforce

Who was your supervisor with your most recent employer?

Please list the following information for your two most recent employers prior to your last employer.

Employer: <u>Orangeburg Nursing Home</u> Position: <u>CNA</u> Service: <u>4</u> years <u>2</u> Months Salary/Wage: <u>\$10.5 hr</u> Year Employment Began: <u>2005</u> Reason for Termination: <u>Resign to attend college</u> Supervisor: _____ Telephone Number: <u>803-534-7036</u>	Employer: <u>Now beginning</u> Position: <u>CNA</u> Service: <u>2</u> years <u>1</u> Months Salary/Wage: <u>\$10.4 hr</u> Year Employment Began: <u>2008</u> Reason for Termination: <u>Resign to attend college</u> Supervisor: _____ Telephone Number: _____
---	---

We contact past employers as part of our reference checking process. Is there anything you want to disclose prior to our contacting any prior employer? Yes No If yes, please explain.

Please list all languages you are able to speak, read and write fluently.
English

Do you have a high school diploma or equivalent? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	What was your favorite high school subject? <u>Biology</u>
Do you have a college or university degree? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	What kind of college or university degree did you earn? <input checked="" type="checkbox"/> NA
What college or university major did you study? <u>NA</u> <u>Practical Nursing</u>	What college or university did you attend? <u>NA</u> <u>Orangeburg-Cathoun Tech.</u>
Do you have a graduate school degree? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	What kind of graduate degree did you earn? <u>NA</u> <u>Diploma Practical Nursing</u>
What graduate school did you attend? <input checked="" type="checkbox"/> NA	How many academic years and credit hours was the graduate school degree program? <input checked="" type="checkbox"/> NA

Do you have any professional certifications or licenses? Yes No
 If yes, please list. The information will be validated if there is an offer of employment.
Licensed Practical Nursing

Do you have military education, training or experience? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	In what branch of the Uniformed Services of the United States did you serve? <input checked="" type="checkbox"/> NA
Were you honorably discharged from your military service? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	What was your military rank at discharge? <input checked="" type="checkbox"/> NA

List four professional references. The location will not consider applicants who list personal friends or family as professional references for job openings. If you are unable to list professional references, please state why.

Name: Ms. Clara Cuffino
Relationship: Advisor
Time Known: 3 years 0 months
Telephone Number: [REDACTED]

Name: Ms. Connie Johnson Bower
Relationship: Instructor
Time Known: 3 years 0 months
Telephone Number: [REDACTED]

Name: Ms. Carole Timmon
Relationship: Instructor
Time Known: 2 years 0 months
Telephone Number: [REDACTED]

Name: Ms. Eunice Tombs
Relationship: Instructor
Time Known: 2 years 0 months
Telephone Number: [REDACTED]

I hereby authorize the location to investigate all information given in this application and specifically to obtain information concerning me from prior employers and from any person listed as a reference. I certify the information given on this application is correct. I understand any misrepresentation or omission of facts called for in this or any other location document completed either prior to or during the employment relationship, will be cause for immediate dismissal without notice. I release the location and all representatives, employees and agents thereof from any and all liability or damages in connection with efforts to verify or investigate such information. I release all third parties and all persons providing information to the location in connection with this application for employment from any and all liability or damage on account of having obtained or furnished the same.

The location may require job applicants to undergo testing for the presence of illegal drugs as a condition of employment. Any applicant with a confirmed positive test will be denied employment. Applicants who refuse to submit to the location's substance abuse testing procedures will not be considered for employment. By signing this application form, the applicant hereby consents to the administration of any drug tests and hereby releases the location from any and all liability and damage related thereto.

I understand and agree if the location extends a conditional offer of employment, I will be required to undergo a physical examination. I understand a job offer can be rescinded if it is determined I cannot perform the essential functions of the job with or without reasonable accommodation, or that I pose a direct threat to the health or safety of others or myself in the workplace. This physical examination will be used only in a manner consistent with job relatedness and business necessity and consistent with all applicable laws. I further understand the location will make reasonable efforts to accommodate a covered disability to the full extent of the law. I also understand all medical or disability related information supplied by or concerning me will be held in strict confidence by the location, subject to certain disclosures permitted by applicable law.

I understand and agree if the location extends a conditional offer of employment, investigative background inquiries will be conducted. The background inquiries may include but are not limited to the following: previous employment verifications, education verifications, professional certification verifications, criminal background checks, Social Security Number trace reports, and OIG/GSA sanctioned searches. I understand a job offer can be rescinded or employment terminated based upon the results of the investigative background inquiries. I understand the location or its authorized agent requests information from various federal, state, and other agencies that maintain records concerning my past activities relating to my driving, criminal, civil, and other experiences.

If employed, I agree to comply with all the rules and regulations of the location in effect now and any others that may be instituted at a later date.

I understand if employed, I will be employed on an at-will basis and my employment may be terminated for any reason or no reason at the option of the location or myself. I understand no management representative or other person has any authority to enter into any agreement for employment for any specific period of time or to make any agreement contrary to the foregoing, or to enter into any oral contracts concerning my wages or any other term or condition of employment. I further understand no written policy statements, handbooks, memoranda or any other materials provided to me by the location are intended to serve as written or implied contracts of employment.

Signature of Applicant: *Patricia A. Johnson*

Date of Signature: 9-17-09

COMPLETED BY LOCATION'S HIRING MANAGER

I have personally conducted professional certification verifications and required registry checks on this applicant prior to offering conditional employment. All questions on the application form have been completed. Yes No

Signature of Hiring Manager _____

Date of Signature _____

CNA ASSIGNMENT SHEET

NURS A 115.006

Issued:
 Revised: 1/99

CNA ASSIGNMENT SHEET

Supervisor: _____

LPN: Joselyn

LPN: Brianna

Date: 6/20/10

Shift: 11-7

CNA	Rooms	Breaks	Lunches	Bath	MD Appt.	Dining Room Duty	Special Assignment
Alina	1-10		2 ³⁰ am				✓ duty UR
Brady	11-28		3 am				✓ lg BR
Patricia	29-38						✓ duty UR
Rick plus 3-21 am Joselyn 3 ²⁷ am - 7 am	39-64						✓ internet cafe

Vital Signs: _____

Residents/Patients with Special Needs: ADL Assistance

T+R @ 2 / float hands

pass ice + water

691

UPAC-ORANGEBURG 000203

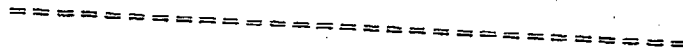


STATE OF SOUTH CAROLINA

City of ORANGEBURG

Search Warrant

DATE 06/21/2010
OFFICER Inv. Latisha G. Cokley



STATE OF SOUTH CAROLINA

SEARCH WARRANT

CITY OF ORANGEBURG

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF: ORANGEBURG :

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-23-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING TO BE SEARCHED)
SEE AFFIDAVIT

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY
SEE AFFIDAVIT

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

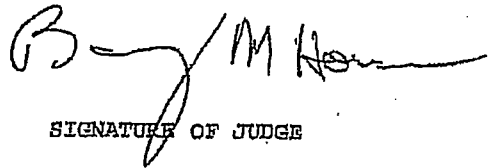
within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such persons as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Orangeburg City S.C

June 21, 2010

(L.S.)


SIGNATURE OF JUDGE

STATE OF SOUTH CAROLINA

CITY OF ORANGEBURG

AFFIDAVIT

Personally appeared before me, one Inv. Latisha G. Cokley who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT
The following but not limited to Blood, Saliva, Hair, Or what ever specific body fluid or article is being sought for DNA analysis

DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING)
TO BE SEARCHED

Ralph C. Williams Sr., Date of Birth (██████████, 1956) Social Security Number (██████████). Present location Orangeburg County Detention Center.

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECTS PREMISES

The affiant has been a law enforcement officer for approximately 12 years and an investigator for 9 years. I am presently investigating: A Criminal Sexual Conduct case that occurred at UniHealth Post-Acute Care facility located at 755 Whitman Street located in the City of Orangeburg. The victim is a mentally and physically incapacitated resident of the facility, and the defendant is a nurse who was seen by co-workers alone in the room with the victim, with his pants and underwear down around his ankles, near the victims bed. I have reason to believe that DNA the DNA evidence sought is pertinent to the case, in that a white milky substance believed to be semen was retrieved from the victims vagina during the sexual assault examination.

Sworn to and Subscribed before me
This 21 day of June, 2010

[Signature]
SIGNATURE OF JUDGE

(L.S)

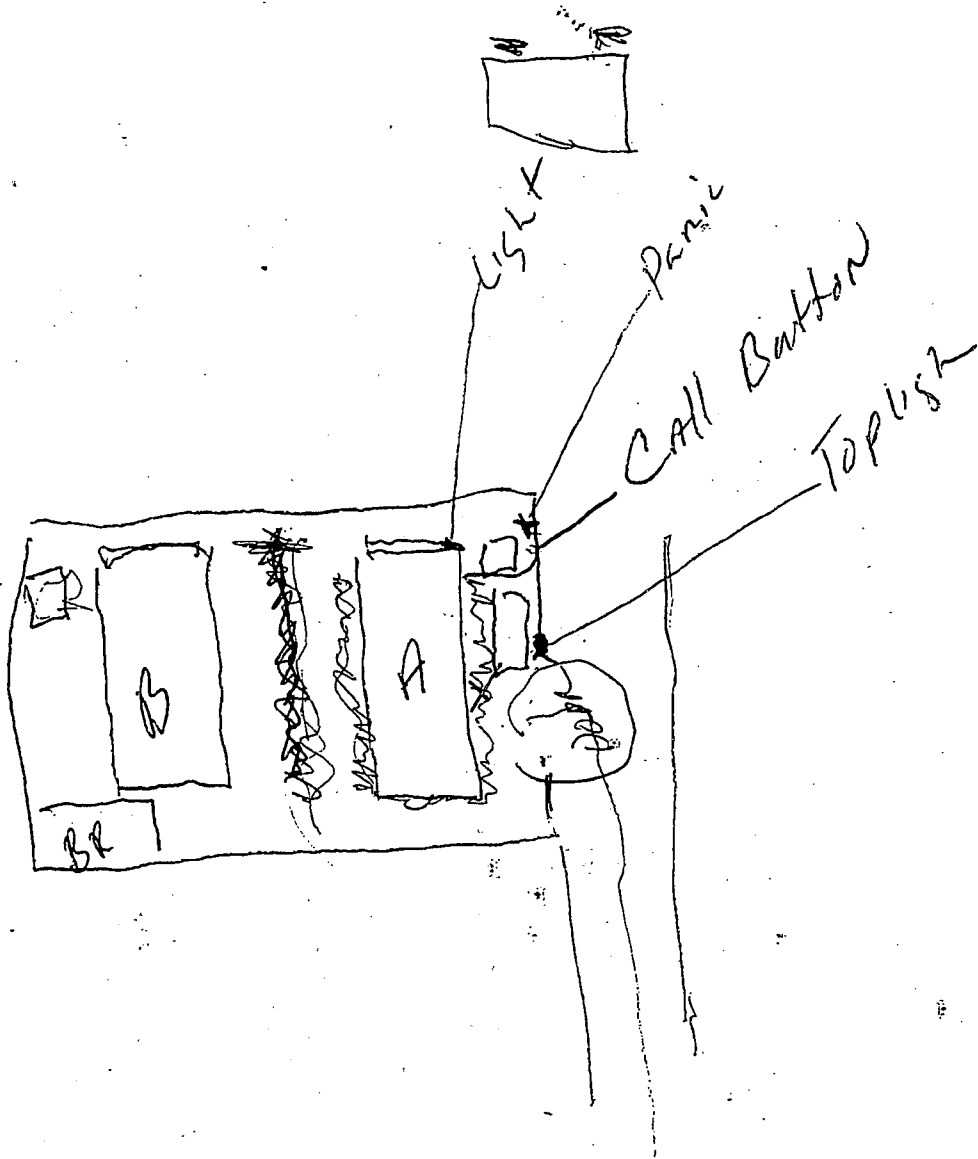
[Signature]
Affiant
Address 1320 Middleton Street
Orangeburg, SC 29115
Phone (803) 533-5940

RETURN

I received the attached Search Warrant June 21, 2010 and have executed it as follows:

on June 21, 2010 at 3:30 o'clock PM, I searched the person described in the warrant and (the premises) of defendant Ralph Williams

I left a copy of the warrant with Ralph Williams of OCDC
Name of person searched or "at the place of search" with.



PENGAD 800-631-6888
 PLAINTIFF'S
 EXHIBIT
 50
 9/2/14 *NO*

PENGAD 800-631-6888
 EXHIBIT
 TD
 /

Progress Notes

Printed On Nov 19, 2012

Problem: Problem of substance abuse-alcohol, cocaine, marijuana
Goal: Long term sobriety .
Objective: Withdrawal process will be safe and tolerable to patient
Intervention: Medications evaluated and adjusted daily
Intervention: Staff observation and monitoring for withdrawal symptoms
Objective: Patient agrees to attend sobriety program aimed at total abstinence
Objective: Patient agrees to attend AA/NA
Intervention: Counseling/education on the negative effects of substance abuse on pt.'s mood/behavior/health
Intervention: SATP consult

/es/ TOM MINOR, PH.D.
CLINICAL PSYCHOLOGIST
Signed: 07/14/2010 14:10

Receipt Acknowledged By:

07/15/2010 14:27 /es/ VERNETTA H JACOBS
ATTENDING PSYCHIATRIST
07/15/2010 07:41 /es/ RAYNIA MCGEE
MD
07/14/2010 14:54 /es/ MARY ROGERS
Social Worker

LOCAL TITLE: MH CLINICAL SOCIAL WORK INPATIENT ASSESSMENT
STANDARD TITLE: SOCIAL WORK HOME HEALTH INITIAL EVALUATION NOTE
DATE OF NOTE: JUL 14, 2010@13:00 ENTRY DATE: JUL 14, 2010@13:00:34
AUTHOR: ROGERS, MARY EXP. COSIGNER:
URGENCY: STATUS: COMPLETED

MH Clinical Social Work Inpatient Assessment:

1. Identifying Information: Ralph Williams is a 54 y.o. AA Male
2. Reason for Referral (High Risk Potential-Suicidal/Homicidal), Presenting Problem, Current Stressors, Signs & Symptoms:

suicidal ideation - vet lost his job in June due to allegations that he was attempting to rape one of the residents of home
3. Patient's Current Strengths and Support System (observed and described, include coping strategies):

PATIENT NAME AND ADDRESS (Mechanical imprinting, if available)

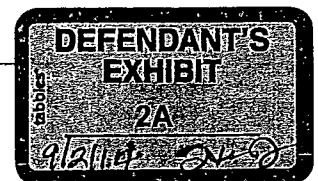
WILLIAMS, RALPH CLAYTON

ORANGEBURG, SOUTH CAROLINA 29115

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Progress Notes

Printed On Nov 19, 2012

wife, brothers, church members are supportive of patient; he has a long history of working in restaurants; wife has good income to support them; strong faith in God

4. Lifestyle Considerations (homeless, abused, neglected, exploited, legal issues, sexual abuse, sexual orientation, estranged from family, living situation, leisure/recreation):

HOUSING: lives in house with wife. Has 5 outdoor pets - cats 'Boo', 'Twin', 'Twin', and 'Calico' and dog 'Bumper' who is a mix of German Shepherd and pit bull. House is within city limits.

EARLY YEARS: Born and raised in St. Louis. Mother and father both worked for postal service. Vet was middle child of 6 boys. Father is described as a 'functional alcoholic' - he died at age 59 of heart attack. Mother died of pancreatic cancer at age 75. Of note, mother remarried a couple of years after father's death, and children got along with stepfather.

Oldest brother has died - he had seizures since childhood (forceps used during birth process allegedly 'messed him up'). Vet reports normal childhood - no sexual abuse, and only physical abuse was corporal punishment for doing things wrong. Parents were from Orangeburg, which is reason vet ended up back in this area.

Vet talks regularly with one of his brothers, Robert; however, he is less friendly with brothers Charles and Carl, whom he felt tried to take mother's possessions after her death.

LEISURE: Active with church, enjoys cooking/being creative with recipes

FAMILY: Patient was first married to his high school girlfriend that became pregnant - they married in '75 and were married for 9 years. They lived in St. Louis after he returned from 2 year Navy stint. They have 3 children - son, age 35, and two dtrs ages 33 and 31. All three kids live in St. Louis area, and all have children. Vet has 4 grandchildren, ages 12, 4, 4, 6. Vet owes \$30,000 in back child support.

Vet met his second wife when he was applying for Food Stamps at Orangeburg County DSS and wife took his application. They have been married for 27 years - no children. Wife loves her job at DSS.

Referral to HCHV: No

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)

WILLIAMS, RALPH CLAYTON

ORANGEBURG, SOUTH CAROLINA 29115

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5. Substance Use/Abuse [include current and prior history of alcohol use - beer, wine, liquor and amount, drug use (marijuana, cocaine, crack, methamphetamine, heroine, opiates, prescription drug abuse, other), tobacco use, caffeine intake]:

Vet recognizes that he has a problem with alcohol and is receptive to help that VA can provide. Has been drinking since age 16. Pint of liquor daily, and has also been using marijuana and crack cocaine in recent past (since losing his job).

Referral to SATP: Yes

Patient willing to attend: Yes

6. History of Past Problems, Past Treatment: no past treatment mentioned

7. Legal History (Past & Present):

Current charge is Criminal Sexual Conduct, with his court date being 7/23 (roll call). He is willing to talk about situation that caused arrest. He states that he was trying to change pad under patient, and that patient have already ripped off her diaper, which she is known to do, and vet. was positioned on her bed with knee on bed to better be able to roll her body over. Curtains and door were closed for patient's privacy, and another staff member walked in and reported that vet had his pants down to his ankles/knees. This other staff member immediately left room and called the police. Vet was able to be released from jail after paying a bond, and he has hired an attorney. The alleged victim was to be tested for what appeared to be semen on her.

Other charges from vet's background include shoplifting charge, loitering, possession of drug paraphernalia. In early 80's he got angry at wife and was arrested then..unsure of legal charge.

8. Cultural/Spiritual Beliefs:

Active with church - State Holy Temple in Orangeburg - non-denominational

9. Family of Origin/Mental Health History (include family psychiatric/substance use history)

father - 'functional alcoholic'

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)

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10. Military Service: (Branch, Combat, POW, SC/NSC, PTSD)

Branch of Service: BRANCH OF SERVICE: NAVY
Period of Service: POST-VIETNAM
Service Dates: SEP 9, 1975 to APR 22, 1977
MOS/Rank: 'I was a glorified janitor' - Boatswain mate
Service Discharge Type: SERVICE DISCHARGE TYPE: HONORABLE
Combat/Operational Trauma: no
Military Sexual Trauma: no

11. Income/Financial issues (source): was making \$8.11/hr as CNA; has interview for unemployment (by phone) with Orangeburg DSS on 7/15/10
VA Benefits (application/eligibility): none
Social Security/SSI (status): none
Legal Guardian/Power of Attorney (Name): na
Representative Payee (Name): na

Wife makes approximately \$31K with State of SC

12. Insurance: (status) unknown - wife works for State of SC

13. Employment History: (status/need for referral to VR)

30 years of restaurant experience as a cook, manager, chef. Longest he was at a job was 5 years at SC State. Primary reason he went back to school to get his CNA was because he was tired of having his paycheck completely taken by child support. He knew that if he worked for a company who's headquarters/payroll were out of state, he would not be forced to have deductions taken out of his check for child support. He considers child support unwarranted at this time b/c his children are grown. Last job was with Unihealth in Orangeburg, and he was there for 6 months before being fired.

14. Educational History and/or Needs:

HS graduate (St. Louis); also took CNA classes at Orangeburg Tech

15. Education Summary & Comments:

Vet is educated on various services that may be able to help him at this time: Voc Rehab (which he went through in order to get CNA job), and Substance Abuse Treatment program, which is at VA

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)

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ORANGEBURG, SOUTH CAROLINA 29115

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16. Summary & Discharge Plan - Summarize Problems for Individual/Family Dynamics, Patient's Functioning Problems, Maladaptive Behaviors; Patient's Motivation for Change & Conditions Necessary for Change Process to Occur:

Patient very outgoing/engaging during interview process. He admits that events of being fired have caused him great stress - feels that others are talking about him, worries that this will affect his ability to be hired, and he also recognizes that legal event has caused him to drink more heavily. Vet is willing to engage in outpatient therapy for his adjustment concerns; he is already linked to a lawyer to help with his legal concerns; and he is willing to be helped by Voc Rehab and SATP. He is less enthused about AA meetings, feeling that Orangeburg is a small town and that he feels that those in AA are very judgmental

17. Patient educated about the following:

- Plan of Care/illness & condition
- Medications
- Pain Management
- Tests/procedures
- Basic health practices (smoking, exercise, alcohol use, diet, immunizations, etc.)
- Other (specify):

Education Summary & Comments: see above

Recipient of education: Patient Family/caregiver Other

Teaching method: Verbal Demonstration/doing Printed material
 Audiovisual

Outcome: Verbalizes understanding Needs reinforcement
 Able to demonstrate

Mental Health Intensive Case Management Screen: (MHICM)

1. Does the veteran have one of the following diagnoses? No

- Schizophrenia or Schizoaffective disorder
- Bipolar Disorder
- Major Depression with psychotic features
- Psychosis NOS

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)

WILLIAMS, RALPH CLAYTON

ORANGEBURG, SOUTH CAROLINA 29115

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Shared Psychotic Disorders
Brief Psychotic Disorder

2. Has the veteran had a psychiatric hospitalization for 30 days or longer during the past year, or has the veteran had three or more psychiatric hospitalizations during the previous year? No
3. Does the veteran live within 50 miles of Dorn VAMC? Yes
4. Does the veteran have severe functional impairment? (He/She is not capable of stable self-maintenance in the community). No

If the answer to ALL FOUR questions above is YES, add Queen Flowers as additional signer.

[] Patient already enrolled in the program.

/es/ MARY ROGERS
Social Worker
Signed: 07/14/2010 13:38

Receipt Acknowledged By:

07/15/2010 14:25 /es/ VERNETTA H JACOBS
ATTENDING PSYCHIATRIST
07/15/2010 07:45 /es/ RAYNIA MCGEE
MD
07/14/2010 13:55 /es/ TOM MINOR, PH.D.
CLINICAL PSYCHOLOGIST

LOCAL TITLE: MH HISTORY & PHYSICAL (FY07) - TL
STANDARD TITLE: MENTAL HEALTH H & P NOTE
DATE OF NOTE: JUL 14, 2010@10:35 ENTRY DATE: JUL 14, 2010@10:35:55
AUTHOR: MCGEE, RAYNIA EXP COSIGNER: JACOBS, VERNETTA H
URGENCY: STATUS: COMPLETED

*** MH HISTORY & PHYSICAL (FY07) - TL Has ADDENDA ***

MENTAL HEALTH ADMISSION HISTORY AND PHYSICAL

Copy from MH Attending note 7/14/10:
II: 54 YO married, unemployed, NSC male that voluntarily admitted due to report of suicidal ideations.

PATIENT NAME AND ADDRESS (Mechanical Imprinting, If available)

WILLIAMS, RALPH CLAYTON

ORANGEBURG, SOUTH CAROLINA 29115

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Exhibit 1
Complaint and
Excerpts from Answers

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
Civil Action No.

12-CP-38-845

Ralph C. Williams, Sr., and)

COMPLAINT

Linda Williams,)

(Jury Trial Demanded)

Plaintiffs,)

vs.)

Patricia A. Johnson,)

Josette Peppers, and)

UniHealth Post-Acute Care-Orangeburg,)
LLC)

Defendants.)

FILED
CLERK OF COURT
ORANGEBURG, S.C.

2012 JUN 21 PM 3:23

Plaintiff Ralph C. Williams, Sr. and Plaintiff Linda Williams, complaining of Defendants Patricia A. Johnson, Josette Peppers, and UniHealth Post-Acute Care-Orangeburg, LLC named above would allege and show unto this Court as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Ralph C. Williams, Sr. (hereinafter referred to as "Plaintiff Ralph Williams") is a citizen and resident of the City and County of Orangeburg, State of South Carolina.

2. Plaintiff Linda Williams (hereinafter referred to as "Plaintiff Linda Williams") is a citizen and resident of the City and County of Orangeburg, State of South Carolina.

ATTEST: TRUE COPY

William B. Clark

168. Defendant Johnson published the defamatory statements in her Nursing Notes to other persons employed by Defendant UniHealth. Upon information and belief, the statements were read by Defendant UniHealth employees, including Defendant Peppers and Defendant Johnson's superiors at Defendant's UniHealth facility in Orangeburg.

169. Defendant Johnson's statements in the Nursing Notes were not subject to conditional or qualified privilege because they were not made in good faith, were not properly limited in scope, were sent to parties other than the proper parties, and were made with actual malice and reckless disregard toward Plaintiff Ralph Williams' rights, thus abusing any conditional or qualified privilege.

170. Defendant Johnson made the statements in the Nursing Notes, individually and/or collectively, intending to charge that Plaintiff Ralph Williams had committed a criminal sexual act upon a resident, and that Plaintiff was a sexually deviant and dishonest person.

171. The defamatory statements made by Defendant Johnson in her Nursing Notes, individually and/or collectively, about Plaintiff Ralph Williams are absolutely false and truth cannot be established as a defense to Defendant Johnson's conduct.

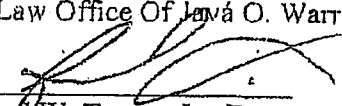
172. Defendant Johnson published the defamatory statements with actual malice.

173. Defendant Johnson's malice in publishing the statements can be implied from Defendant Johnson's previous altercations with Plaintiff Ralph Williams. The statements are actionable per se based on three grounds because the statements allege: (a) a crime of moral turpitude, (b) adultery, and (c) impropriety and inadequacy in Plaintiff Ralph Williams' performance of his trade and profession. Therefore, Defendant Johnson's malice is implied.

174. Defendant Johnson's statements concern Plaintiff Ralph Williams and, indeed, Plaintiff Ralph Williams is identified by first and last name. Those reading Defendant Johnson's

Submitted this 21st day of June, 2012.

The Law Office Of Javá O. Warren



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Attorney for Plaintiff
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STATE OF SOUTH CAROLINA)

COUNTY OF ORANGEBURG)

RALPH C. WILLIAMS, SR., and)
LINDA WILLIAMS,)

Plaintiffs,)

v.)

PATRICIA A. JOHNSON, JOSETTE)
PEPPERS, and UNIHEALTH POST-)
ACUTE CARE – ORANGEBURG,)
LLC,)

Defendants.)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO. 2012-CP-38-845

**DEFENDANT PATRICIA A. JOHNSON'S
ANSWER TO PLAINTIFFS' COMPLAINT**

Defendant Patricia A. Johnson (hereinafter referred to as "Defendant") files this Answer and Defenses to Plaintiffs' Complaint, respectfully showing the Court as follows:

FIRST DEFENSE

1. Defendant denies each and every allegation of the Complaint not specifically admitted herein and demands strict proof of same.

SECOND DEFENSE

Answering the specifically enumerated paragraphs of Plaintiffs' Complaint, Defendant pleads as follows:

2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint and therefore denies the same and demands strict proof thereof.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint and therefore denies the same and demands strict proof thereof.

Resident residing in Bed A in Room 39 on or about June 21, 2010. Defendant denies the remaining allegations contained in Paragraph 166.

168. Defendant denies the allegations contained in Paragraph 167 of the Complaint.
169. Defendant denies the allegations contained in Paragraph 168 of the Complaint.
170. Defendant denies the allegations contained in Paragraph 169 of the Complaint.
171. Defendant denies the allegations contained in Paragraph 170 of the Complaint.
172. Defendant denies the allegations contained in Paragraph 171 of the Complaint.
173. Defendant denies the allegations contained in Paragraph 172 of the Complaint.
174. Defendant denies the allegations contained in Paragraph 173 of the Complaint.
175. Defendant denies the allegations contained in Paragraph 174 of the Complaint.
176. Defendant denies the allegations contained in Paragraph 175 of the Complaint.
177. Defendant denies the allegations contained in Paragraph 176 of the Complaint.
178. Defendant denies the allegations contained in Paragraph 177 of the Complaint.
179. Defendant denies the allegations contained in Paragraph 178 of the Complaint.

FOR A SECOND CAUSE OF ACTION

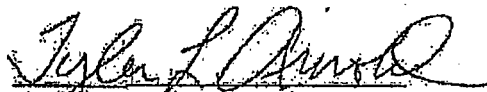
180. Defendant hereby incorporates and reasserts its responses in the above-stated paragraphs one (1) through one-hundred seventy-nine (179) by reference as if specifically restated verbatim herein.

181. Defendant admits the allegations contained in Paragraph 180 of the Complaint.
182. Defendant denies the allegations contained in Paragraph 181 of the Complaint.
183. Defendant denies the allegations contained in Paragraph 182 of the Complaint.
184. Defendant denies the allegations contained in Paragraph 183 of the Complaint.
185. Defendant denies the allegations contained in Paragraph 184 of the Complaint.

FOR A SIXTEENTH DEFENSE

291. Defendant specifically, reserves the right to assert any and all additional defenses as may be determined to be applicable during the course of discovery.

WHEREFORE, having fully answered Plaintiffs' Complaint, Defendant respectfully prays that this Court dismiss this action and grant Defendant such other relief as this Court deems just and proper. WHEREFORE, having fully answered Plaintiffs' Complaint, Defendant respectfully prays that this Court dismiss this action and grant Defendant such other relief as this Court deems just and proper. Defendant requests a twelve-person jury.



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Attorney for Defendant Josette Peppers

Atlanta, Georgia
August 30, 2012

Resident residing in Bed A in Room 39 on or about June 21, 2010. Defendant denies the remaining allegations contained in Paragraph 166.

168. Defendant denies the allegations contained in Paragraph 167 of the Complaint.

169. Defendant denies the allegations contained in Paragraph 168 of the Complaint.

170. Defendant denies the allegations contained in Paragraph 169 of the Complaint.

171. Defendant denies the allegations contained in Paragraph 170 of the Complaint.

172. Defendant denies the allegations contained in Paragraph 171 of the Complaint.

173. Defendant denies the allegations contained in Paragraph 172 of the Complaint.

174. Defendant denies the allegations contained in Paragraph 173 of the Complaint.

175. Defendant denies the allegations contained in Paragraph 174 of the Complaint.

176. Defendant denies the allegations contained in Paragraph 175 of the Complaint.

177. Defendant denies the allegations contained in Paragraph 176 of the Complaint.

178. Defendant denies the allegations contained in Paragraph 177 of the Complaint.

179. Defendant denies the allegations contained in Paragraph 178 of the Complaint.

FOR A SECOND CAUSE OF ACTION

180. Defendant hereby incorporates and reasserts its responses in the above-stated paragraphs one (1) through one-hundred seventy-nine (179) by reference as if specifically restated verbatim herein.

181. Defendant admits the allegations contained in Paragraph 180 of the Complaint.

182. Defendant denies the allegations contained in Paragraph 181 of the Complaint.

183. Defendant denies the allegations contained in Paragraph 182 of the Complaint.

184. Defendant denies the allegations contained in Paragraph 183 of the Complaint.

185. Defendant denies the allegations contained in Paragraph 184 of the Complaint.

Defendant's due process rights under the Fifth and Fourteenth Amendments to the United States Constitution.

FOR A SEVENTEENTH DEFENSE

292. Plaintiffs' claims for punitive damages are barred to the extent that they violate the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.

FOR AN EIGHTEENTH DEFENSE

293. Defendant specifically, reserves the right to assert any and all additional defenses as may be determined to be applicable during the course of discovery.

WHEREFORE, having fully answered Plaintiffs' Complaint, Defendant respectfully prays that this Court dismiss this action and grant Defendant such other relief as this Court deems just and proper. WHEREFORE, having fully answered Plaintiffs' Complaint, Defendant respectfully prays that this Court dismiss this action and grant Defendant such other relief as this Court deems just and proper. Defendant requests a twelve-person jury.



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*Attorney for Defendant Unihealth Post-Acute
Care - Orangeburg, LLC*

Atlanta, Georgia
August 2, 2012

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

RALPH C. WILLIAMS, SR., and
LINDA WILLIAMS,

Plaintiffs,

v.

PATRICIA A. JOHNSON, JOSETTE
PEPPERS, and UNIHEALTH POST-
ACUTE CARE – ORANGEBURG,
LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO. 2012-CP-38-845

**DEFENDANT JOSETTE PEPPERS'
ANSWER TO PLAINTIFFS' COMPLAINT**

Defendant Josette Peppers (hereinafter referred to as "Defendant") files this Answer and Defenses to Plaintiffs' Complaint, respectfully showing the Court as follows:

FIRST DEFENSE

1. Defendant denies each and every allegation of the Complaint not specifically admitted herein and demands strict proof of same.

SECOND DEFENSE

Answering the specifically enumerated paragraphs of Plaintiffs' Complaint, Defendant pleads as follows:

2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint and therefore denies the same and demands strict proof thereof.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint and therefore denies the same and demands strict proof thereof.

Resident residing in Bed A in Room 39 on or about June 21, 2010. Defendant denies the remaining allegations contained in Paragraph 166.

168. Defendant denies the allegations contained in Paragraph 167 of the Complaint.
169. Defendant denies the allegations contained in Paragraph 168 of the Complaint.
170. Defendant denies the allegations contained in Paragraph 169 of the Complaint.
171. Defendant denies the allegations contained in Paragraph 170 of the Complaint.
172. Defendant denies the allegations contained in Paragraph 171 of the Complaint.
173. Defendant denies the allegations contained in Paragraph 172 of the Complaint.
174. Defendant denies the allegations contained in Paragraph 173 of the Complaint.
175. Defendant denies the allegations contained in Paragraph 174 of the Complaint.
176. Defendant denies the allegations contained in Paragraph 175 of the Complaint.
177. Defendant denies the allegations contained in Paragraph 176 of the Complaint.
178. Defendant denies the allegations contained in Paragraph 177 of the Complaint.
179. Defendant denies the allegations contained in Paragraph 178 of the Complaint.

FOR A SECOND CAUSE OF ACTION

180. Defendant hereby incorporates and reasserts its responses in the above-stated paragraphs one (1) through one-hundred seventy-nine (179) by reference as if specifically restated verbatim herein.

181. Defendant admits the allegations contained in Paragraph 180 of the Complaint.
182. Defendant denies the allegations contained in Paragraph 181 of the Complaint.
183. Defendant denies the allegations contained in Paragraph 182 of the Complaint.
184. Defendant denies the allegations contained in Paragraph 183 of the Complaint.
185. Defendant denies the allegations contained in Paragraph 184 of the Complaint.

FOR A SIXTEENTH DEFENSE

291. Defendant specifically, reserves the right to assert any and all additional defenses as may be determined to be applicable during the course of discovery.

WHEREFORE, having fully answered Plaintiffs' Complaint, Defendant respectfully prays that this Court dismiss this action and grant Defendant such other relief as this Court deems just and proper. WHEREFORE, having fully answered Plaintiffs' Complaint, Defendant respectfully prays that this Court dismiss this action and grant Defendant such other relief as this Court deems just and proper. Defendant requests a twelve-person jury.



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Attorney for Defendant Josette Peppers

Atlanta, Georgia
August 30, 2012

Exhibit 2
Excerpt of Defendant
UPAC's Brief in Support
of Summary Judgment

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF ORANGEBURG)

CIVIL ACTION NO. 2012-CP-38-845

RALPH C. WILLIAMS, SR., and)
LINDA WILLIAMS,)

Plaintiffs,)

DEFENDANT UNIHEALTH POST-ACUTE)
CARE – ORANGEBURG, LLC’S)
MEMORADMUM OF LAW IN SUPPORT)
OF ITS MOTION FOR SUMMARY)
JUDGMENT)

v.)

PATRICIA A. JOHNSON, JOSETTE)
PEPPERS, and UNIHEALTH POST-)
ACUTE CARE – ORANGEBURG,)
LLC,)

Defendants.)

Defendant Unihealth Post-Acute Care – Orangeburg, LLC (“UPAC-Orangeburg”) hereby submits its Memorandum of Law in Support of its Motion for Summary Judgment, showing the Court as follows:

I. INTRODUCTION

Plaintiffs’ Complaint alleges that UPAC-Orangeburg is vicariously liable for the acts of two nurse employees, Ms. Patricia Johnson and Ms. Josette Peppers (“Johnson and Peppers”), who Plaintiffs claim intentionally made false written and oral reports that Plaintiff Ralph Williams, Sr. attempted to sexually assault a resident at a nursing home. South Carolina’s Omnibus Adult Protection Act provides immunity for nurses who, in good faith, report sexual abuse, and there is a rebuttable presumption that reporting nurses act in good faith. S.C. Code Ann. § 43-35-75(A). Plaintiffs must therefore overcome the good faith presumption by showing that Johnson and Peppers intentionally and in bad faith made false reports regarding Plaintiff Ralph Williams, Sr. Even if there is sufficient evidence to rebut this statutory presumption, Plaintiffs’ claims still fail because under South Carolina law, employers are not liable for the

and a resident of a facility. It is also undisputed that Johnson and Peppers were "mandated reporters" under the Act and had a duty to report to proper authorities if they had "reason to believe that a vulnerable adult has been or is likely to be abused, neglected, or exploited." S.C. Code Ann. § 43-35-25. Johnson and Peppers are therefore immune from civil liability as long as they were reporting in good faith, which is presumed under the law. S.C. Code Ann. § 43-35-75(A). In order to prevail on their claims, Plaintiffs must overcome the Act's good faith presumption by proving that Johnson and Peppers acted in bad faith and intentionally made false reports regarding Plaintiff Ralph Williams, Sr.

B. Under the Doctrine of *Respondeat Superior*, employers are not liable for an employee's intentional acts that fall outside the scope of employment.

In Jones v. Elbert, 211 S.C. 553 (1945), the South Carolina Supreme Court held:

Under the doctrine of *respondeat superior*, it is generally held that the master is liable for the wrongful acts of his servant while acting as such within the scope of his employment. The principle is adhered to that an act is within the scope of a servant's employment where reasonably necessary to accomplish the purpose of his employment and is in furtherance of the master's business.

Id. at 559. More specifically, the doctrine of *respondeat superior* rests upon the relation of master and servant. Lane v. Modern Music, Inc., 244 S.C. 299 (1964). A plaintiff seeking recovery from the master for injuries must establish that the relationship existed at the time of the injuries, and also that the servant was then about his master's business and acting within the scope of his employment. Id. at 301. An act is within the scope of a servant's employment where reasonably necessary to accomplish the purpose of his employment and in furtherance of the master's business. Id. at 305; Armstrong v. Food Lion, Inc., 371 S.C. 271, 276 (2006). 136 SE 2d 713
637 Se2d 50

The act of a servant done to affect some independent purpose of his own and not with reference to the service in which he is employed is not within the scope of his employment so as to render the master liable therefor. Lane, 244 S.C. at 305; see also Crittenden v. Thompson-

341 S-2d 385

Walker Co., Inc., 288 S.C. 112, 116 (Ct. App. 1986) (holding "if the servant acts for some independent purpose of his own, wholly disconnected with the furtherance of his master's business, his conduct falls outside the scope of his employment.") Under these circumstances the servant alone is liable for the injuries inflicted. Lane, 244 S.C. at 305. If a servant steps aside from the master's business for some purpose wholly disconnected with his employment, the relation of master and servant is temporarily suspended. Id. at 306. Accordingly, actions during even a short detour from the master's business for the purpose of purely individual interests fall outside the scope of employment. Armstrong, 371 S.C. at 276.

South Carolina Appellate Courts have reviewed multiple cases wherein an employee, while on duty, abandons the employer's business for some purpose wholly disconnected with his employment. In Lane, the South Carolina Supreme Court held that an employer was not liable for injuries to a customer arising out of employee's horseplay, which involved use of a cage – approximately two feet long and a foot high, one-half of the top being covered with wire and the other half being solid, and on which was painted the words, "Snake Killer", "Danger", "Mongoose" – to play a practical joke on a customer. Lane, 244 S.C. at 303. Similarly, in Armstrong, the South Carolina Supreme Court upheld a directed verdict in favor of the employer in a case involving an assault with box cutters by two grocery store employees on a customer where "the only reasonable inference . . . was that [the employees] attacked [the customer] for their own personal reasons and not for any reason related to their employment." Id. at 276-77.

^{707 SE 2d 456}
In Kase v. Ebert, 392 S.C. 57, 62 (Ct. App. 2011), the Court of Appeals held that Ebert, an on-duty truck driver, was acting outside the course and scope of his employment when he assaulted Kase, a truck driver for a competitor, after Kase wrecked into Ebert's truck.³ Finally, in

³ Ebert even testified at his deposition that forceful action was necessary at times to protect

Hamilton v. J.D. Davis, 300 S.C. 411 (Ct. App. 1990), the Court of Appeals held that a rental property manager was not acting within the scope of his employment, even though present at the rental property to perform a job, when he engaged in a "dumb stunt" that "smeared" the renter along the side of a car. Id. at 417.

Three older South Carolina cases specifically examined the *respondeat superior* doctrine in the context of claims for defamation. Each of these cases held that the alleged defamation fell outside the scope of employment because the statements at issue were not made with any purpose to serve the employer, even though some were made during the work day while the employee was otherwise performing work. See Johnson v. Life Insurance Co. of Georgia, 227 S.C. 351 (1955) (finding insurance agent's comment to one insured about why another insured's claim was denied was made outside the scope of his employment); Bosdell v. Dixie Stores Co., 168 S.C. 520 (1933) (finding employee was not acting within the scope of his authority in making a defamatory statement); Courtney v. American Ry. Express Co., 120 S.C. 511 (1922) (finding casual comment by one railroad employee to another about why an employee was "let go" fell outside the scope of employment because the employee was not "engaged in the discharge of any duty committed to him" by the employer when the allegedly defamatory comment was made).

- C. **Intentional false reports of sexual assault made in bad faith do not serve a business purpose and are not within the scope of employment for a nurse in a nursing facility.**

Plaintiffs' claims against UPAC-Orangeburg are based entirely upon a *respondeat superior* theory that the employer is liable for the actions of Johnson and Peppers. (See Complaint, ¶¶ 163-165, 180-182, 198-200, 215-217, 232-234, 241-243, 252-254, 265-268.)

company property. Kase, 392 S.C. at 62.

However, as explained above, Johnson and Peppers are presumed to have acted in good faith and have civil immunity from all of Plaintiffs' claims. This immunity is defeated only if Plaintiffs allege and then prove that Johnson and Peppers acted intentionally and in bad faith. Plaintiffs recognize and concede as much in each one of their causes of action in the Complaint.

- In the First Cause of Action (*Defamation (Nursing Notes) against Johnson and UPAC-Orangeburg*), Plaintiffs allege that Johnson's written statements that Ralph Williams was attempting to sexually assault a resident "were not subject to conditional or qualified privilege because they were *not made in good faith*," and were "published . . . with *actual malice*." (Complaint, ¶¶ 169 and 172 (emphasis added).) Further, Plaintiffs allege Johnson made the statements "*intending to charge that Plaintiff Ralph Williams had committed a criminal sexual act* upon a resident, and that Plaintiff was a sexually deviant and dishonest person." (Complaint, ¶ 170 (emphasis added).)
- In the Second Cause of Action (*Defamation (Slander-Verbal Statement) against Johnson and UPAC-Orangeburg*),⁴ Plaintiffs allege that Johnson's oral statements that Ralph Williams was attempting to sexually assault a resident "were not subject to conditional or qualified privilege because they *were not made in good faith*," and were "published . . . with *actual malice*." (Complaint, ¶¶ 187 and 190 (emphasis added).) Further, Plaintiffs allege Johnson made the statements "*intending to charge that Plaintiff Ralph Williams had committed a criminal sexual act* upon a resident and/or abuse upon a resident, and that Plaintiff Ralph Williams was a sexually deviant and dishonest person." (Complaint, ¶ 188 (emphasis added).)

⁴ Plaintiffs incorporated "all allegations of the above-stated paragraphs as if stated verbatim herein." (Complaint, ¶ 179.)

- In the Third Cause of Action (*Defamation (Voluntary Statement) against Johnson and UPAC-Orangeburg*),⁵ Plaintiffs allege Johnson's written statements that Ralph Williams was attempting to sexually assault a resident "were not subject to conditional or qualified privilege because they *were not made in good faith*," and were "published . . . with *actual malice*." (Complaint, ¶¶ 204 and 207 (emphasis added).) Further, Plaintiffs allege Johnson made the statements "*intending to charge that Plaintiff Ralph Williams had committed a criminal sexual act* upon a resident, and that Plaintiff Ralph Williams was a sexually deviant and dishonest person." (Complaint, ¶ 205 (emphasis added).)
- In the Fourth Cause of Action (*Defamation (Voluntary Statement) against Peppers and UPAC-Orangeburg*),⁶ Plaintiffs allege Peppers' written statements that Ralph Williams was attempting to sexually assault a resident "were not subject to conditional or qualified privilege because they *were not made in good faith*," and were "published . . . with *actual malice*." (Complaint, ¶¶ 221 and 224 (emphasis added).) Further, Plaintiffs allege Johnson made the statements "*intending to charge the Plaintiff Ralph Williams had committed a criminal sexual act* upon a resident and/or abuse upon a resident, and that Plaintiff was a sexually deviant and dishonest person." (Complaint, ¶ 222 (emphasis added).)
- In the Fifth Cause of Action (*Defamation (Abuse of Process) against Johnson and UPAC-Orangeburg*),⁷ Plaintiffs allege Johnson's written statements that Ralph

⁵ Plaintiffs incorporated "all allegations of the above-stated paragraphs as if stated verbatim herein." (Complaint, ¶ 197.)

⁶ Plaintiffs incorporated "all allegations of the above-stated paragraphs as if stated verbatim herein." (Complaint, ¶ 214.)

⁷ Plaintiffs incorporated "all allegations of the above-stated paragraphs as if stated verbatim

Williams were actions “primarily *taken for an ulterior purpose to injure Plaintiff Ralph Williams* and to ensure the dismissal of Plaintiff Ralph Williams from his employment with Defendant [UPAC-Orangeburg].” (Complaint, ¶ 236 (emphasis added).) Plaintiffs allege Johnson was “*willful*” in making her statements that “*caused the initiation of criminal proceedings against Plaintiff Ralph Williams on the charges of third degree criminal sexual conduct and abuse of a vulnerable adult.*” (Complaint, ¶ 235 (emphasis added).)

- In the Sixth Cause of Action (*Abuse of Process against Pepper and UPAC-Orangeburg*),⁸ Plaintiffs allege Peppers’ statements that Ralph Williams were “*willful*” actions “with an *ulterior purpose*” and were “*improperly aimed at the primary illegitimate or collateral effort of securing the dismissal of Plaintiff Ralph Williams from his employment with Defendant [UPAC-Orangeburg].*” (Complaint, ¶¶ 245-247 (emphasis added).)

- In the Seventh⁹ Cause of Action (*Loss of Consortium against Johnson and UPAC-Orangeburg*),¹⁰ Plaintiff alleges Johnson “*intentionally and tortuously violated Plaintiff Linda Williams’ right to companionship . . . by falsely accusing Plaintiff Ralph Williams of adultery and criminal sexual conduct.*” (Complaint, ¶ 257 (emphasis added).)

herein.” (Complaint, ¶ 231.)

⁸ Plaintiffs incorporated “all allegations of the above-stated paragraphs as if stated verbatim herein.” (Complaint, ¶ 240.)

⁹ Plaintiffs label this claim as Plaintiff Linda Williams’ First Cause of Action.

¹⁰ Plaintiffs incorporated “all allegations of the above-stated paragraphs as if stated verbatim herein.” (Complaint, ¶ 251.)

- In the Eighth¹¹ Cause of Action (*Loss of Consortium against Peppers and UPAC-Orangeburg*),¹² Plaintiff alleges Peppers “*intentionally and tortuously violated* Plaintiff Linda Williams’ right to companionship . . . by falsely accusing Plaintiff Ralph Williams of adultery and criminal sexual conduct.” (Complaint, ¶ 269 (emphasis added).)

Plaintiffs’ efforts to circumvent the civil immunity provided under the Act necessitate these allegations and will also require proof that Johnson and Peppers were in fact acting intentionally and with malice. Assuming *arguendo* that all of Plaintiffs’ factual allegations are true,¹³ the facts show Johnson and Peppers clearly abandoned UPAC-Orangeburg’s business purpose and interests to pursue strictly individual interests when they made reports that Ralph Williams attempted to sexually assault a resident. (See *Id.*, ¶ 170 (“intending to charge that Plaintiff Ralph Williams had committed a criminal sexual act”), ¶ 188 (same), ¶ 205 (same), ¶ 222 (same), ¶ 235 (“cause[] the initiation of criminal proceedings against Plaintiff Ralph Williams”), ¶ 245 (“ulterior purpose”), ¶ 247 (“aimed at the primary illegitimate or collateral objective”), ¶ 257 (“intentionally and tortiously”), ¶ 269 (same).) Such false reports of sexual abuse and malicious efforts to have criminal charges filed are not in furtherance of UPAC-Orangeburg’s business purpose and interests and are wholly disconnected from employment as a nurse at a nursing facility. Moreover, the alleged defamatory statements which Johnson and Peppers allegedly made fall outside the scope of employment under South Carolina law. See

¹¹ Plaintiffs label this claim as Plaintiff Linda Williams’ Second Cause of Action.

¹² Plaintiffs incorporated “all allegations of the above-stated paragraphs as if stated verbatim herein.” (Complaint, ¶ 264.)

¹³ This assumption obviously excludes Plaintiffs’ legal conclusion that UPAC-Orangeburg is vicariously liable for the acts of Johnson and Peppers. (See Complaint, ¶¶ 163-165, 180-182, 198-200, 215-217, 232-234, 241-243, 252-254, 265-268.)

supra Johnson; Bosdell; Courtney. Accordingly, Johnson and Peppers' intentional acts fall outside the scope of their employment with UPAC-Orangeburg.

V. CONCLUSION

For the reasons set forth above, UPAC-Orangeburg is entitled to judgment as a matter of law because it cannot be held liable for the alleged intentional acts of Johnson and Peppers. Accordingly, the Court should grant UPAC-Orangeburg's Motion for Summary Judgment.



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*Attorney for Defendant Unihealth Post-Acute
Care - Orangeburg, LLC*

August 21st, 2013

Exhibit 3
Excerpt of Plaintiffs'
Brief in Opposition to
Summary Judgment

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG
RALPH C. WILLIAMS, SR, and
LINDA WILLIAMS,

Plaintiffs,

v.

PATRICIA A. JOHNSON, JOSETTE
PEPPERS and UNIHEALTH POST-
ACUTE CARE-ORANGEBURG,
LLC,

Defendants

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO. 2012-CP-38-845

**MEMORANDUM OF LAW IN
OPPOSITON TO DEFENDANT
UNIHEALTH POST-ACUTE
CARE LLC'S MOTION FOR
SUMMARY JUDGMENT**

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The Plaintiffs, Ralph Williams and Linda Williams, by and through counsel, respectfully submit this Memorandum of Law in Opposition to Defendant UniHealth Post-Acute Care LLC's Motion for Summary Judgment.

INTRODUCTION

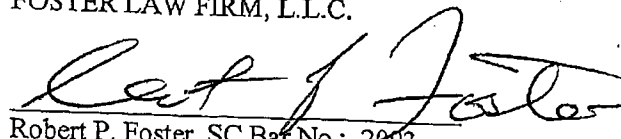
Plaintiffs Ralph Williams, Sr. (*hereinafter* Mr. Williams) and Linda Williams' (*hereinafter* Mrs. Williams) Complaint alleges six counts of Defamation, Abuse of Process and Loss of Consortium against Defendants Josette Peppers (*hereinafter* Peppers), Patricia Johnson (*hereinafter* Johnson), and UniHealth (*hereinafter* UniHealth). The Abuse of Process claim only, has or will be dismissed by motion and amendment of the complaint. Plaintiffs' claims are based on written and oral defamatory statements that Plaintiff Ralph Williams attempted to sexually assault a resident at UniHealth's nursing home facility. The Plaintiffs contend that the statements were made with a reckless indifference to the Plaintiffs' rights. The Defendants are all represented by the same attorney. However, UniHealth brings its motion for summary judgment based on defenses in direct conflict with the interests of Defendants Johnson and Peppers. Specifically, UniHealth asserts that the South Carolina Omnibus Adult Protection Act codified at 43-35-5, et. seq. provides a basis for immunity in that statements were made in good faith. In the alternative, UniHealth asserts interests in conflict with the individual Defendants in asserting that those Defendants acted intentionally and allegedly were outside the scope of their employment such that UniHealth should be excluded from vicarious liability. Plaintiffs assert that the Omnibus statute relied upon by Defendants expressly states the good faith presumption is rebuttable. Accordingly, Plaintiffs offer criminal trial transcript, document evidence and deposition testimony on raising the inference of malice intended to rebut said presumption. Plaintiffs also assert that the individual Defendants were acting squarely within the course and scope of their employment because they were acting furtherance of the employer's interests pursuant to company policies and the defamatory statements complained of touch

Indeed, in the Complaint Plaintiffs allege several allegations of Johnson's reckless conduct (Complaint ¶ 104, 111-119) and Peppers reckless conduct (Complaint ¶ 104, 119, 138, 139). Moreover, the plaintiff's remind the Court that Defendant UniHealth is represented by the same counsel as the individual Defendant Johnson and Defendant Peppers (see signatures on back of Defendant's Answer to Plaintiff's Complaint) In light of this, despite Defendant Johnson and Defendant Peppers specifically denying any intentional conduct, same is now being asserted by the same counsel on behalf of counsel's corporate client UniHealth in an attempt to extract the corporation from responsibility of its employees discharging their job duties in this matter. (¶ 171 Defendant Johnson's Answer to Plaintiff's Complaint and ¶171 Defendant Pepper's Answer to Plaintiff's Complaint.)

Furthermore, in the Complaint Plaintiffs specifically allege that Johnson and Peppers "acted in a manner to rebut the presumption of good faith afforded by the Omnibus Adult Protection Act with numerous allegations that allege that each of the actionable statements "were not subject to conditional or qualified privilege because they were not made in good faith, were not properly limited in scope, were sent to parties other than the proper parties, and were made with actual malice and reckless disregard toward Plaintiff Ralph Williams' rights, thus abusing any conditional or qualified privilege." (Complaint ¶¶ 169, 172, 187, 190, 204, 207, 221, 224). Defendant's statements that Plaintiffs' claims allege that Johnson and Peppers acted with an "ulterior purpose" when published statements that asserted that R. Williams was in the process of committing a sexual act. Note that the only paragraphs that actually reference "willful" or "intentionally" are as follows: (Complaint ¶¶ 235, 246, 257, 269) which fall under the abuse of process and loss of consortium claims. The abuse of process claims have, or are being dismissed, leaving defamation and consortium claims for trial. Motion to remove the word "intentionally" from the consortium cause is pending.

With regard to Plaintiff's defamation and consortium causes of action, the Defendant UniHealth cites to the Plaintiff's complaint, specifically (Complaint, ¶¶ 169 and 172, 187, 190, 204, 207, 221, 224), indicating that the statements "were not subject to conditional or qualified privilege because they were not made in good faith," and "published . . . with actual malice." However, in quoting the Plaintiff's

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December 30, 2013
Greenville, South Carolina

SUMMARY JUDGEMENT EXHIBITS

1. South Carolina Statutes

S.C. Code Ann. §42-35-10	p. 5
S.C. Code Ann. §43-35-75(A)	p. 5
S.C. Code Ann. §40-33-936	p. 6
S.C. Code Ann. §43-33-970	p. 5
S.C. Code Ann. §43-35-5	p. 5

2. Minnesota Vulnerable Adults Act

MINN. STAT. § 626.556 (2013)

3. Minnesota Supreme Court

J.E.B.v Danks, 785 N.W.2d 741, (2010)

4. Affidavits

Ralph Williams Affidavit
Linda Williams Affidavit

5. Transcript Excerpts

Ralph Williams Criminal Trial Transcript

Ralph Williams Deposition Transcript

Linda Williams Deposition Transcript

6. UniHealth Policies/Job Descriptions/Nursing Perennial Care

Bates Stamp Nos. UPAC-ORANGEBURG- (Job Description)-000002, 000008

Exhibit 4
Excerpt of Defendants'
Motion in Limine

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)
)
 RALPH C. WILLIAMS, SR., and)
 LINDA WILLIAMS,)
)
 Plaintiffs,)
)
 v.)
)
 PATRICIA A. JOHNSON, JOSETTE)
 PEPPERS, and UNIHEALTH POST-)
 ACUTE CARE – ORANGEBURG,)
 LLC,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 CIVIL ACTION NO. 2012-CP-38-845

**DEFENDANTS' MOTION
 IN LIMINE**

Defendants Patricia A. Johnson, Josette Davis, and UniHealth Post-Acute Care – Orangeburg, LLC (“Defendant UPAC-Orangeburg” or “Facility”) (collectively referred to as “Defendants”) hereby file these Motions in Limine and Citations in Support Thereof as follows:

I. MOTIONS IN LIMINE

Defendants move this Court *in limine* for an Order to exclude or limit, as specified below, the following items:

1. Any reference, suggestion, evidence or testimony relating to the jury’s verdict of not guilty in the matter of State of South Carolina v. Williams, Orangeburg County Court of General Sessions, Case Nos. 2010-GS-38-1389 and -1390);
2. Any reference, suggestion, evidence or testimony regarding the written counseling statements (and subject matter therein) from Johnson and Pepper’s employment files.
3. Any reference, suggestion, evidence or testimony from Debra Morehead regarding the estimated cost of Plaintiff Ralph Williams’s stay at the Dorn VA Medical Center;
4. Any reference, suggestion, evidence or testimony relating to DNA evidence from Lilly Smalls, an expert that Plaintiffs did not disclose;

interrogatory, (4) the importance of the witness's testimony, and (5) the degree of surprise to the other party. Id.

As explained above, Plaintiffs never identified Lilly Smalls as an expert during the course of discovery in this case. The only expert the Plaintiffs ever identified was Debra Morehead. The Court should prevent Plaintiffs from identifying someone under the cloak of a "lay witness" in the Pretrial Brief (*or a person with information regarding the facts of the case in discovery responses*) and then attempting to introduce them as an expert witness at the time of trial. Any testimony regarding DNA evidence is highly technical and requires an expert, but the Plaintiffs never identified an expert and lack any explanation for their failure to do the same. Furthermore, the evidence collection, review and analysis by the State and its employees, who took over the scene and investigation after the nurses reported the incident, are not relevant to this defamation case. There is no allegation by any of the Defendants that Plaintiff Ralph Williams had sex with the disabled resident, and there is no issue or question as to the identity of the person who was in Room 39 and on the bed with resident in bed A on the night of June 21, 2010 – it was Plaintiff Ralph Williams. Regarding the factual issue of whether or not Mr. Williams's pants were down and naked butt exposed, the DNA evidence is irrelevant. In summary, Plaintiffs failed to properly identify Lilly Small as a DNA expert and the DNA evidence is not relevant to the issues in this defamation case; and therefore, the Court should prevent Plaintiffs from introducing testimony from Lilly Small.

F. The Court should preclude any reference, suggestion, evidence or testimony relating to legal arguments made by Counsel on behalf of Defendant UPAC-Orangeburg as to whether South Carolina law permits Plaintiffs to recover under a *respondeat superior* theory against the Facility in this action.

Defendants also anticipate that Plaintiff may attempt to present arguments, evidence, or testimony at trial relating to legal arguments made by Counsel on behalf of Defendant UPAC-

Orangeburg as to whether South Carolina law permits Plaintiffs to recover under a *respondeat superior* theory against the Facility in this action. More specifically, Plaintiffs may attempt to present evidence or testimony that Defendant UPAC-Orangeburg maintains or takes the position that Defendants Johnson and Davis either acted in good faith or acted intentionally and in bad faith when the two nurses made their written and oral statements to authorities on June 21, 2010. However, Plaintiffs have misconstrued and twisted the legal arguments made by counsel for UPAC-Orangeburg regarding the applicable law in South Carolina for this case. The brief in support of Defendant UPAC-Orangeburg's Motion for Summary Judgment provides legal analysis and arguments regarding *respondeat superior* case law in South Carolina and makes certain assumptions *arguendo* regarding what Plaintiffs must prove in order to recover against the Facility. Those arguments and analysis in support thereof do not concede, suggest or intimate that Defendant UPAC-Orangeburg asserts or takes the position that Defendants Johnson and Davis acted intentionally, recklessly or with malice. Any evidence regarding briefing and arguments made by attorneys on issues of law should not be presented to the jury because such evidence is highly prejudicial, irrelevant, not probative, and will confuse the jury. Accordingly, the Court should not permit any reference, suggestion, evidence or testimony relating to legal arguments made by Counsel on behalf of Defendant UPAC-Orangeburg as to whether South Carolina law permits Plaintiffs to recover under a *respondeat superior* theory against the Facility in this case.

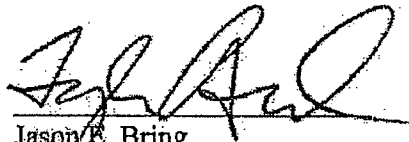
- G. The Court should preclude any reference, suggestion, evidence or testimony relating to Robert Smith; Ferguson, Missouri; or the tragedy and events ongoing in that part of the country.**

Defendants anticipate that Plaintiffs may attempt to present evidence or testimony relating to Robert Smith; Ferguson, Missouri; or the tragedy and events ongoing in that part of

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, Defendants respectfully request that this Court grant their Motions in Limine and issue an Order as reflected above.

This the 29th day of August, 2014.



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Tyler L. Arnold
South Carolina Bar No. 80221
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Exhibit 5
Request to Charge # 12

STATE OF SOUTH CAROLINA)

COUNTY OF ORANGEBURG)

RALPH C. WILLIAMS, SR., and)
LINDA WILLIAMS,)

Plaintiffs,)

v.)

PATRICIA A. JOHNSON, JOSETTE)
PEPPERS, and UNIHEALTH POST-)
ACUTE CARE – ORANGEBURG,)
LLC,)

Defendants.)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO. 2012-CP-38-845

**DEFENDANTS' REQUESTS
TO CHARGE**

COME NOW Defendants Patricia A. Johnson, Josette Peppers, and Unihealth Post-Acute Care – Orangeburg, LLC (“Defendants”) and hereby respectfully submits the attached Requests to Charge for this Court’s consideration.

This the ____ day of September, 2014.

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Counsel for Defendants

DEFENDANTS' REQUEST TO CHARGE NO. 12
(Defamation –Employer's Potential Liability)

Under the doctrine of respondeat superior doctrine, an employer may be held liable for defamatory statements made by an employee if the employee was acting within the scope of his or her employment. The liability of an employer for defamatory statement made by an employee arises only if the employee is acting about the employer's business, within the scope of his employment. The primary test to determine an employer's liability for his employee's act is whether the employee committed the act within the scope and purpose of the employer's business, judged by the character of the employment.

If an employee is upon his or her own interest and purpose and therefore acting outside of his or her employment, then the employer is not liable for injuries resulting from the servant's actions. Thus, if an employee steps aside from the employer's business for some purpose wholly disconnected with his or her employment and for the employee's independent interest or purpose, the relationship of employer and employee is temporarily suspended, no matter how short the time. In that case, the employee alone is liable for injuries resulting from his or her actions. An employee's act to affect some independent purpose of his own, without reference to the service in which he or she is employed, is not within the scope of his employment in the sense of rendering the employer liable for such act.

For the employer to be liable, it is generally necessary that the injury arise out of activities within the scope of employment. The conduct of a servant is within the scope of employment if:

- (1) it is the kind of employment he or she is employed to perform;
- (2) it occurs substantially within the authorized time and space limits;
- (3) it is actuated at least in part by a purpose to serve the master; and

(4) if force is intentionally used by the employee against another, and the use of force is not unexpected by the employer.

See Standard Oil Co. v. Anderson, 212 U.S. 215, 29 S.Ct. 252, 53 L.Ed. 480 (1909); *Armstrong v. Food Lion, Inc.*, 371 S.C. 271, 639 S.E.2d 50 (2006); *Gamble v. Stevenson*, 305 S.C. 104, 406 S.E.2d 350 (1991); Restatement (Second) of Agency § 247 (1965)(master is subject to liability for defamatory statements made by servant acting within scope of his employment, or, as to those hearing or reading the statement, within his apparent authority); 50 Am. Jur. 2d *Libel and Slander* § 240 (1995)(defamatory communications made by agent do not bind principal as a publication unless agent, in making communications, was acting within scope of his agency or employment).

Exhibit 6
Proposed Verdict Form

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)
)
 RALPH C. WILLIAMS, SR., and)
 LINDA WILLIAMS,)
)
 Plaintiffs,)
)
 v.)
)
 PATRICIA A. JOHNSON, JOSETTE)
 PEPPERS, and UNIHEALTH POST-)
 ACUTE CARE – ORANGEBURG,)
 LLC,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 CIVIL ACTION NO. 2012-CP-38-845

VERDICT FORM

1. South Carolina law states that caregivers who report abuse, neglect, exploitation, or suspected sexual assault are presumed to have acted in good faith. Do you find that the Plaintiffs overcame that presumption by proving by a preponderance of the evidence that Patricia Johnson did not act in good faith when she reported her suspicions about Ralph Williams, Sr.'s actions on June 21, 2010?

_____ YES
 _____ NO

2. South Carolina law states that caregivers who report abuse, neglect, exploitation, or suspected sexual assault are presumed to have acted in good faith. Do you find that the Plaintiffs overcame that presumption by proving by a preponderance of the evidence that Josette Davis did not act in good faith when she reported her suspicions about Ralph Williams, Sr.'s actions on June 21, 2010?

_____ YES
 _____ NO

**If your answers to Question Nos. 1 and 2 are NO,
STOP, DO NOT DELIBERATE FURTHER, AND DO NOT ANSWER ANY
ADDITIONAL QUESTIONS. GO TO THE END AND SIGN THE VERDICT FORM.**

**If your answer to Question Nos. 1 or 2 is YES,
PROCEED TO QUESTIONS 3-6.**

3. If your answer to Question No. 1 is YES, then answer the following question: Do you find that Patricia Johnson acted for her own personal reasons rather than within her scope of employment when she made her reports regarding Ralph Williams, Sr. on June 21, 2010?

_____ YES

_____ NO

4. If your answer to Question No. 2 is YES, then answer the following question: Do you find that Josette Davis acted for her own personal reasons rather than within her scope of employment when she made her reports regarding Ralph Williams, Sr. on June 21, 2010?

_____ YES

_____ NO

5. Please state the total amount of actual damages, if any, sustained by Plaintiff Ralph Williams, Sr.

\$ _____

6. Please state the total amount of actual damages, if any, sustained by Plaintiff Linda Williams.

\$ _____

7. If you entered an amount in response to Question Number 5 and/or 6, do you find by clear and convincing evidence that any harm done to the Plaintiff was the result of the willful, wanton, or reckless conduct of:

- a. Patricia Johnson: _____ YES _____ NO
- b. Josette Davis: _____ YES _____ NO
- c. Unihealth Post-Acute Care – Orangeburg, LLC _____ YES _____ NO

8. If you responded YES to question 7a, 7b, or 7c, enter the amount of punitive damages, if any, that should be imposed to punish one or more of the defendants.

- a. Patricia Johnson: _____
- b. Josette Davis: _____
- c. Unihealth Post-Acute Care – Orangeburg, LLC _____

FOREPERSON

WHEN YOU HAVE COMPLETED THE QUESTIONNAIRE, NOTIFY THE BAILIFF.

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Case No. 2012-CP-38-0845

RECEIVED

APR 09 2018

SC Court of Appeals

Ralph C. Williams, Sr., and Linda Williams, Appellants,

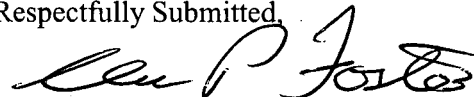
v.

Patricia A. Johnson, Josette Peppers
and UniHealth Post-Acute Care-Orangeburg, LLC..... Respondents.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material. Note, however, four exhibits designated by Appellants for inclusion could not be located by the circuit court or the clerk's office after an exhaustive search. Those four exhibits have not been included. These exhibits are: Exhibit 4A (Booking Report), Exhibit 6 (Photos), Exhibit 14B (WIS Website Screen Shot), Exhibit 19 (OC Tech Letter).

Respectfully Submitted,



Robert P. Foster, SC Bar # 2093
Foster Law Firm, LLC
601 E. Mcbee Ave., Ste. 104
Greenville, SC 29601

April 3, 2018

Attorney for Appellants