(9)

21530

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Carmen T. Mullen, Presiding Judge

Case No. 2011-CP-07-04796

Rodney Allgire, Respondent,

v.

Marshall C. Blanton, Appellant.

RECORD ON APPEAL

Volume I

E. Mitchell Griffith
Kelly Dennis Dean
Griffith, Sadler & Sharp, P.A.
Post Office Drawer 570
Beaufort, South Carolina 29901

James H. Moss
Moss, Kuhn & Fleming, P.A.
1501 North Street
Post Office Drawer 507
Beaufort, South Carolina 29901

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STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT	)	IN THE COURT OF COMMON PLEAS OF THE FOURTEENTH JUDICIAL CIRCUIT
RODNEY J. ALLGIRE Plaintiff, vs. MARSHALL C. BLANTON Defendant.	)	CIVIL ACTION NO: 2011-CP-07-4796 **VERDICT FORM**

WE THE JURY, BY UNANIMOUS CONSENT, FIND:

A. ✓ For the Plaintiff, Rodney J. Allgire, in the amount of:

$ 400,000.00 Actual Damages

OR

_____ For the Defendant, Marshall C. Blanton

B. If you find for the Plaintiff, Rodney J. Allgire, in Section A above, you may consider to award punitive damages only if proven by clear and convincing evidence.

$ 100,000.00 Punitive Damages

I certify that this decision is the unanimous decision of the jury.

FOREPERSON

January 8, 2014
Beaufort, South Carolina

WHEN YOU HAVE COMPLETED, PLEASE NOTIFY THE BAILIFF.

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT)

RODNEY J. ALIGINE,)
Plaintiff(s))

vs.)

MARSHALL C. BLANTON,)
Defendant(s))

CIVIL ACTION COVERSHEET

2011-CP - 07- 4796

(Please Print)
Submitted By: James H. Moss
Address: Moss, Kuhn & Fleming, P.A.
P.O. Drawer 507
Beaufort, SC 29901-0507

SC Bar #: 4220
Telephone #: 524-3373
Fax #: 524-1302
Other:
E-mail: jim@mossandkuhn.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION *(Check all that apply)*

**If Action is Judgment/Settlement do not complete*

☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION *(Check One Box Below)*

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

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- ☐ Dental Malpractice (200)
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- ☐ Notice/ File Med Mal (230)
- ☐ Other (299)

Torts - Personal Injury
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- ☒ Other (399) Negligence and Recklessness, Assault and Battery

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- ☐ Condemnation (410)
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- ☐ Mechanic's Lien (430)
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- ☐ Sexual Predator (510)

Submitting Party Signature: _____ **Date:** 11/15/11

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

SCCA / 234 (01/2011)

Nov. 22. 2011 11:48AM State Farm/C Bailey 8436503506 No. 8745 P. 2

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.

2. The initial ADR conference must be held within 300 days after the filing of the action.

3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)

4. Cases are exempt from ADR only upon the following grounds:

   a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;

   b. Requests for temporary relief;

   c. Appeals

   d. Post Conviction relief matters;

   e. Contempt of Court proceedings;

   f. Forfeiture proceedings brought by governmental entities;

   g. Mortgage foreclosures; and

   h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.

5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.

6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: **You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

Nov. 22. 2011 11:48AM State Farm/C Bailey 8436503506 No. 8745 P. 3

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
		2011 NOV **CASE NUMBER: 2011-CP-07-4996**
COUNTY OF BEAUFORT	)	
RODNEY J. ALLGINE,	)	
Plaintiff,	)	
v.	)	**SUMMONS**
MARSHALL C. BLANTON,	)	
Defendant.	)	

TO: MARSHALL C. BLANTON, DEFENDANT HEREIN:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer upon the subscriber at his office, MOSS, KUHN & FLEMING, P.A., Post Office Drawer 507/1501 North Street, Beaufort, South Carolina 29901-0507, within thirty (30) days from the date of service hereof; exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, a judgment by default will be entered against you and the Plaintiff will seek the further relief demanded in the attached Complaint.

MOSS, KUHN & FLEMING, P.A.

By: _____
JAMES H. MOSS
Attorney for Plaintiff

Beaufort, South Carolina
November 14, 2011

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
	)	**CASE NUMBER: 2011-CP-07-4194**
COUNTY OF BEAUFORT	)	
RODNEY J. ALLGINE,	)	
Plaintiff,	)	
v.	)	**COMPLAINT**
	)	**(Jury Trial Requested)**
MARSHALL C. BLANTON,	)	
Defendant.	)	

The Plaintiff, complaining of the Defendant, alleges:

FOR A FIRST CAUSE OF ACTION

NEGLIGENCE AND RECKLESSNESS

1. That the Plaintiff is a resident of Beaufort County, State of South Carolina.

2. That the Defendant is a resident of Beaufort County, State of South Carolina.

3. That at all times herein, all incidents alleged in this Complaint occurred on Fripp Island, Beaufort County, State of South Carolina.

4. That on or about November 13, 2011, the Plaintiff was preparing to leave the Creek Course located on Fripp Island when, suddenly and without warning, the Defendant, in a careless and reckless manner and fashion, ran into, hit, struck or, otherwise, caused the Plaintiff to be knocked to the pavement, causing serious injuries and damages to this Plaintiff as are hereinafter more particularly set forth.

5. That the injuries and damages sustained by this Plaintiff were due to and caused by and were the direct and proximate result of the careless and reckless acts and conduct of the Defendant in one or more of the following particulars, to-wit:

a. In failing to properly observe the Plaintiff;

b. In failing to exercise the degree of care as required by the circumstances and conditions then and there existing;

c. In striking the Plaintiff in a careless and reckless manner and fashion; and

d. In causing the Plaintiff to hit the pavement in a violent fashion, causing him to become unconscious and, otherwise, injured.

6. That as a direct and proximate result of the careless and reckless acts and conduct of the Defendant, this Plaintiff was injured and damaged in the following particulars, to-wit:

That he was caused to strike the ground in a violent manner; that he sustained a concussion, as well as injuries to his neck, back, shoulders, and other parts of his body; that he was forced to seek hospital attention and care; that he has been rendered disabled as a result of his injuries; that he has sustained severe injuries to his back; that he has been forced to stay home for a substantial period of time; that he has suffered mental anguish and physical pain, and will continue to suffer mental anguish and physical pain in the future; that he has incurred medical bills, doctor bills, and other expenses for drugs and other treatment for the relief of pain; that he may be required to undergo surgery on his back and/or neck as a result of his injuries; that he is continuing to receive medical care, and will have to receive medical care in the future, for which he will have to expend additional funds; that he has lost substantial wages and/or income from his work as a result of his injuries; that he has been caused to lose the enjoyment of life, which he had previously enjoyed free from pain; that under § 19-1-150 of the Code of Laws of the State

of South Carolina, 1976, as amended, he will suffer into the future; all said injuries to his great detriment and damage, both actually and punitively, in such amounts as may be awarded by the jury.

WHEREFORE, the Plaintiff prays for judgment against the Defendant in such amounts as may be awarded by the jury, both actual and punitive damages.

FOR A SECOND CAUSE OF ACTION

ASSAULT AND BATTERY

7. That the allegations of the First Cause of Action are re-alleged and adopted as a part of this Cause of Action as if restated verbatim.

8. That on or about November 13, 2011, on Fripp Island, in the County of Beaufort, State of South Carolina, the Plaintiff was spending a leisurely day playing golf on the Fripp Island Golf Course known as the Creek Course when, suddenly and without warning, the Defendant, in a violent manner and fashion, assaulted, struck, and hit the Plaintiff about the face and jaw, knocking the Plaintiff to the pavement, and causing serious injuries and damages to this Plaintiff as are hereinafter more particularly set forth.

9. That as a direct and proximate result of the careless, reckless, willful and wanton assault and battery by the Defendant herein, this Plaintiff was caused to be injured and damaged in the following particulars, to-wit:

That his jaw was caused to be damaged, and possibly broken; that he sustained a severe concussion, as well as injuries to his neck and head; that he was caused to suffer headaches, dizziness, and other problems; that he was caused to hit the pavement in a violent fashion, injuring his neck, back, and head; that he has incurred medical bills and expenses, and will continue to incur medical bills and expenses in the future; that he was

forced to undergo hospital attention and care; that he is disabled; that he is unable to work; that he has lost the enjoyment of life; that he has lost wages; that he has suffered mental anguish and physical pain, and will continue to suffer mental anguish and physical pain in the future; that under § 19-1-150 of the Code of Laws of the State of South Carolina, 1976, as amended, he will suffer the loss of enjoyment of life, disability, and pain and suffering in the future; that he has been injured and damaged in other ways that will be more particularly set forth in Discovery; all said injuries to his great detriment and damage, both actually and punitively, in such amounts as may be awarded by the jury.

WHEREFORE, the Plaintiff prays for judgment against the Defendant in such amounts as may be awarded by the jury, both actual and punitive damages.

MOSS, KUHN & FLEMING, P.A.

By: _____
JAMES H. MOSS

Beaufort, South Carolina
November 14, 2011

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT	CIVIL ACTION NO. 11-CP-4796
RODNEY J. ALLGINE, Plaintiff, vs. MARSHALL C. BLANTON, Defendant.	**ANSWER** (Jury Trial Demanded)

2011 DEC 21 PM 4:10
BEAUFORT COUNTY, S.C.
CLERK OF COURT

TO: JAMES H. MOSS, ATTORNEY FOR THE PLAINTIFF:

The Defendant, Marshall C. Blanton (hereinafter "the Defendant"), answering the Plaintiff's Complaint would allege and show as follows:

1. The Defendant denies each and every allegation not specifically admitted hereinafter and demands strict proof thereof.

FOR A FIRST DEFENSE TO THE FIRST CAUSE OF ACTION
(Negligence and Recklessness)

2. Upon information and belief, the Defendant admits the allegations contained in Paragraph 1 of Plaintiff's Complaint.

3. The Defendant denies the allegations contained in Paragraph 2 of Plaintiff's Complaint and demands strict proof thereof. In further answering Paragraph 2 of Plaintiff's Complaint, the Defendant would show that he is a resident of Kershaw County, South Carolina.

4. Paragraph 3 of Plaintiff's Complaint states a conclusion

of law and, accordingly, an answer is not required; to the extent an allegation of fact is made, the Defendant denies it and demands strict proof thereof.

5. The Defendant admits only so much of the allegations contained in Paragraphs 4 of Plaintiff's Complaint that alleges that on or about November 13, 2011, an incident occurred between Plaintiff and Defendant on Fripp Island, South Carolina, but denies each and every remaining allegation of Paragraph 4 of Plaintiff's Complaint and demands strict proof thereof.

6. The Defendant denies the allegations contained in Paragraph 5, including all subparts, of Plaintiff's Complaint and demands strict proof thereof.

7. The Defendant denies the allegations contained in Paragraph 6 of Plaintiff's Complaint and demands strict proof thereof. In further answering, the Defendant lacks information or knowledge sufficient to for a belief as to the Plaintiff's injuries, if any, that the Plaintiff sustained as asserted in Paragraph 6 of Plaintiff's Complaint and therefore denies same and demands strict proof thereof.

FOR A FIRST DEFENSE TO THE SECOND CAUSE OF ACTION
(Assault and Battery)

8. The allegations previously set forth herein are re-alleged and adopted as part of this Defense as if repeated verbatim.

9. Paragraph 7 of Plaintiff's Complaint contains no allegations against the Defendant and therefore no answer is

required. To the extent an allegation of fact is alleged, the Defendant denies the same and demands strict proof thereof.

10. The Defendant admits only so much of the allegations contained in Paragraphs 8 of Plaintiff's Complaint that alleges that on or about November 13, 2011, an incident occurred between Plaintiff and Defendant on Fripp Island, South Carolina, but denies each and every remaining allegation of Paragraph 8 of Plaintiff's Complaint and demands strict proof thereof.

11. The Defendant denies the allegations contained in Paragraph 9 of Plaintiff's Complaint and demands strict proof thereof. In further answering, the Defendant lacks information or knowledge sufficient to for a belief as to the Plaintiff's injuries, if any, that the Plaintiff sustained as asserted in Paragraph 9 of Plaintiff's Complaint and therefore denies same and demands strict proof thereof.

FOR A SECOND DEFENSE
(Comparative Negligence)

12. The allegations previously set forth herein are re-alleged and adopted as part of this Defense as if repeated verbatim.

13. Plaintiff was negligent, grossly negligent, reckless, careless, willful and wanton in the following manner:

a) in failing to keep proper lookout;

b) in failing to exercise that degree of care a reasonable prudent person would have exercised under the same or similar circumstances;

c) in contributing to, causing, encouraging or

otherwise enciting the actions which are alleged to have caused his injury.

14. The Defendant is informed and believes that the acts and omissions set forth above combined with and contributed to the Plaintiff's own injuries; the Defendant is further informed and believes that the liability of the Defendant, if any, should be reduced in proportion to the Plaintiff's own negligence, and if Plaintiff's negligence exceeded that of the Defendant, he be barred from any recovery.

FOR A THIRD DEFENSE
(Failure to State a Claim)

15. The allegations previously set forth herein are re-alleged and adopted as part of this Defense as if repeated verbatim.

16. The Plaintiff's Complaint fails to state facts sufficient to constitute a cause of action against the Defendant, and should be dismissed, pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

FOR A FOURTH DEFENSE
(Self Defense)

17. The allegations previously set forth herein are re-alleged and adopted as part of this Defense as if repeated verbatim.

18. The Plaintiff's claims against Defendant are barred, because even if Defendant did commit an assault and/or battery upon the Plaintiff, the Defendant was acting in self defense.

FOR A FIFTH DEFENSE
(Consent/Mutual Combat)

19. The allegations previously set forth herein are re-alleged and adopted as part of this Defense as if repeated verbatim.

20. The Plaintiff's claims against the Defendant are barred by the doctrine of consent, because even if the Defendant did commit an assault and/or battery upon the Plaintiff, the Plaintiff and Defendant were engaged in mutual combat, with mutual intent and willingness to fight.

FOR A SIXTH DEFENSE
(Assumption of the Risk)

21. The allegations previously set forth herein are re-alleged and adopted as part of this Defense as if repeated verbatim.

22. The Plaintiff's claims against the Defendant are barred by the doctrine of assumption of the risk, because the Plaintiff, through his own actions, assumed the risk of the injuries he is alleged to have sustained.

WHEREFORE the Defendant having fully answered the Plaintiff's Complaint prays that this action be dismissed with costs to the Plaintiff.

SIGNATURE BLOCK FOLLOWS ON NEXT PAGE

GRIFFITH, SADLER & SHARP, P.A.

By: _____

E. MITCHELL GRIFFITH
MICHAEL D. FREEMAN
600 Monson Street
Post Office Drawer 570
Beaufort, SC 29901
(843) 521-4242
Attorneys for Defendant

Beaufort, South Carolina

December 19, 2011

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT	CIVIL ACTION NO. 11-CP-4796
RODNEY J. ALLGINE, Plaintiff, vs. MARSHALL C. BLANTON, Defendant.	**CERTIFICATE OF MAILING**

2011 DEC 21 PM 4:10
JEAN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

The undersigned, Linda Smyth, hereby avers that she is the Legal Assistant of GRIFFITH, SADLER & SHARP, P.A., Attorneys for Defendant, and that on the 19th day of December 2011 a true and accurate copy of the attached ***Answer, Interrogatories, Request for Production,*** and ***Notice of Deposition*** were placed in an envelope with first class postage thereon prepaid through the United States Postal Service, and mailed to the Parties as follows:

Attorneys for Plaintiff:
James H. Moss
MOSS KUHN & FLEMING, P.A.
Post Office Drawer 507
Beaufort, South Carolina 29901

By: Linda Smyth
Linda Smyth

W:\6827\CertMail LDS.wpd

State of South Carolina.,	In the Common Pleas Court of Beaufort
County of Beaufort.	Case No. 2011-CP-07-04796
Rodney Allgire., Plaintiff., -vs- Marshall Blanton., Defendant.	Transcript of Record

January 6-8, 2014
Beaufort, South Carolina

B E F O R E:

The Honorable Carmen T. Mullen, Judge, and a jury.

A P P E A R A N C E S:

Mr. James H. Moss
Moss Kuhn & Fleming, PA
P.O. Drawer 507
Beaufort, South Carolina 29901
844-524-3373
864-524-1302
For the Plaintiff

ORIGINAL

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Griffith Sadler & Sharp, PA
P.O. Box 570
Beaufort, South Carolina 29901
843-521-4242
843-521-4247
mgriffith@griffithsadlersharp.com
For the Defendant

Wanda Nelson, CVR-M
Official Court Reporter
Sixteenth Judicial Circuit
To The Honorable John C. Hayes, III

I-N-D-E-X

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Reporter's Note: All Exhibits were filed with the Beaufort County Clerk of Court's Office.

get a few brief instructions and you're probably gonna head on to lunch. While that happens I'm gonna go ahead and pull the second jury.

Ladies and gentlemen, I endeavor to get all of you out of here by one o'clock, at a minimum for out first jury to have lunch. The rest of you all I'm gonna send you home for the day okay, if not the week. So, ladies and gentlemen, I appreciate your patience. If you would don't leave the building because I promise you these bailiffs are fast and they will track you down. However if you need to go refresh yourself let's just take a quick five minutes. The sooner you all come back the sooner I'll start my questioning and I'll get you out of here period. Okay. So we'll just take a five minute break. Okay.

(COURT IN RECESS AT 11:16 A.M..)

(COURT BACK IN SESSION AT 11:26 A.M..)

THE COURT: Thank you all. Please be seated.

Do we have them, Norman? I'm sorry, Al.

THE BAILIFF: They're all present, Your Honor.

THE COURT: Very good. Thank you.

Ladies and gentlemen, we are about to begin the trial in the case entitled Rodney Allgire versus Marshall Blanton. Ladies and gentlemen, this is a negligence assault case that occurred on Fripp Island on November 13th of 2011. Excuse me, 2011. The incident occurred following

an altercation on a golf course, ladies and gentlemen, where there were some words exchanged while some people were playing golf on the Ocean Creek course on Fripp.

Ladies and gentlemen, I tell you this very brief outline of the case just in case anyone knows or has any independent knowledge about this case.

Is there anyone on the jury panel that has any independent knowledge or information about this case; if so, please stand?

(NO ONE STANDS.)

THE COURT: Ladies and gentlemen, also I'm going to ask the attorneys who are trying this case to introduce themselves to you as well the name of the other person in your law firm. Those are local attorneys that possibly you all will know.

Mr. Moss, if you would.

MR. MOSS: Thank you, Your Honor. I'm Jim Moss and I practice in Kuhn - Moss Kuhn and Flemming. Fred Kuhn is a partner, Kimberly Smith is here and she is with me today. She is a young lawyer that's practicing with us of course, Corey Flemming and Freddie Kuhn so that's the whole firm so you all will know. Thank you.

THE COURT: And if you will also introduce your client, Mr. Moss.

MR. ALLGIRE: Rod Allgire, Your Honor.

testify to it. How about that?

THE COURT: Okay.

MR. MOSS: He's gonna testify to it anyway.

MR. GRIFFITH: So we'll take this page out and redact it or are you gonna reprint it without this?

MS. SMITH: I don't have the capabilities to reprint. If I could just -

MR. GRIFFITH: But it's gonna change the number, Kimberly. If you want to go ahead and put it in through his testimony and not publish it and then tomorrow fix it.

MR. MOSS: That's fine. That's fine. We can do that.

MS. SMITH: We'll do it that way, that way it's clean.

THE COURT: Kimberly, do you have a way to email it?

MS. SMITH: Yeah, let me get it.

THE COURT: Just email it to Caroline and she'll fix it.

All right. Anything else?

MR. MOSS: No, ma'am.

MR. GRIFFITH: No, ma'am.

THE COURT: All right. Al, bring 'em on in.

(JURY REENTERS COURTROOM AT 01:20 P.M..)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Thank you. Welcome back, ladies and

was given. All right.

Ladies and gentlemen, in order to preserve everyone's rights, is there any objection toward the plaintiff or the defense in regards to our opening comment?

MR. MOSS: Nothing from the plaintiffs, Your Honor.

MR. GRIFFITH: Nothing, Your Honor.

THE COURT: Very well. Ladies and gentlemen, we are going to start the trial.

Mr. Moss.

MR. MOSS: Thank you, Your Honor.

Ladies and gentlemen of the jury, I know you'd rather be doing other things but my client quite frankly has waited a couple of years to be here in court.

Ron Allgire is a Beaufort native. He lives on Lady's Island. He has been married to the same woman for twenty-something years. They've got kids. They've got a family and he has a job which he works at on a daily basis as a contractor and basically a supervisor for a construction company here in Beaufort, South Carolina.

What I want to tell you a little bit about is what happened. We brought two causes of action in this case.

One is for assault and battery and one is for negligence and recklessness. All right. And I'll try to distinguish those for you.

The first thing I want to tell you all is this is not

a criminal case as Your Honor has told you. This is a civil case and the test is by the greater weight of the preponderance of the evidence. In other words, all we have to do is tip the scales ever so slightly in our favor.

We are not required to find beyond a reasonable doubt or any test like that. This is a civil case and that's all we're talking about. Okay.

Now, let me tell you what we intend to prove. There were two groups playing golf on Fripp Island.

One is called the Glover Group, which is the group that Mr. Allgire was playing with, and the other was the Blanton Group, we call the Blanton Group, which Mr. Blanton was playing with.

The Blanton Group teed off before the Glover Group. In the process of the Glover Group catching up to the Blanton Group apparently, there were some words out on the course around fifteen or so — fifteen or sixteen or something like that.

In any event, that apparently carried on into the clubhouse to some degree, and you are going to hear some testimony about that, but I do want to tell you one thing about words to start with.

Her Honor is going to charge you at some point in time the law is this. When somebody comes up to me and

says something to me that I don't particularly like, I've got no right to hit them or assault them. I don't have such a right, however vexatious whatever they tell me is, I don't have a right to do that. Okay.

Now, I think one of the problems and I think we're going to prove it, is that this Blanton Group was drinking Crown Royal out on the course. Okay. And they were involving during their round, not to say that some of the Glover Group didn't have some beer or something, but I think they were drinking Crown Royal. They were drinking hard liquor or some of the members of the Blanton Group, including Mr. Blanton. Okay.

They arrived at the clubhouse before Mr. Allgire who was basically in a cart with another individual, Mr. Trogdon, who is going to testify here, and basically he is going to come into court and testify there was four people playing. There were foursomes.

The first group, the Blanton Group, had five foursomes I believe, and the Glover Group had five foursomes, so they had about the same amount of foursomes. But anyway, Mr. Allgire was coming in with Mr. Trogdon and other individuals that you are going to hear testify and they were just arriving at the 18th green.

He had not gotten to the 18th green because he, like I do a lot, hit his ball over out of the area of play and

was hunting for his ball so he was a little behind. He had never said anything to anybody. Okay. So he comes up to the clubhouse, goes and puts his clubs in his car and is walking back to the clubhouse and as he rounds the corner, Mr. Blanton, no words said, no anything, hits him. Sucker punches him. What we call sucker punch and knocks him flat to the pavement.

People are going to tell you, I mean, he hit the pavement like that he was hit so hard. He doesn't actually remember much about it because he was knocked unconscious. Okay.

But in any event, he recovered and got up and they called the police and the police came there. Meanwhile, Mr. Blanton and his group were sitting up top over that 18th green, we're going to have photographs showing it to you, saying words to this Glover Group that was coming in, telling them we'll beat your butt so we'll do this and that and the other. Okay.

So they're all sitting up there drinking and when the Glover Group comes in and Ron Allgire, who had walked to his car, never said anything to anybody, was not even up on the green with his other three partners because he was back hunting for his ball, he came up, went straight to his car and came back from his car on the way back when he was getting ready to walk up the steps where everybody

goes after they play to figure up their scores and so forth, Blanton, POW, hits him. Sucker punches him. Two hundred and some pound, 240 pound, 6 foot 2, and hits him without any notice or warning or anything. You are going to hear that testimony.

Now, Mr. Allgire hit the ground, got up finally and somebody, Mr. Blanton was still talking and these people were talking, his friends all from Myrtle Beach, and at that time the policeman comes and they had to stop Mr. Blanton going out the gate and I think Mr. Trogdon is the one that had him stopped by the security.

They brought him back there and I think during that discussion Mr. Blanton admitted that he hit the wrong fellow. He meant to hit another fellow that was in one of the other carts that had already gone by and it wasn't Mr. Allgire.

Well, Mr. Allgire said I want him arrested. I want him taken down to Beaufort County jail, which is what they did. Okay.

But that case is over and ended. This is a civil case and I want to tell you a little bit about the damages that he suffered. We're going to show you bills in the amount of about thirty some thousand dollars in medical and lost wages that he suffered, but as a result of this, Rod was out of work initially for about three weeks and

when he went to see the Doctor they initially x-rayed his spine and found that he had a fractured T-12 vertebra in his spine. Okay.

He was having a lot of back pain. Excruciating back pain. Couldn't understand it. They finally x-rayed him and found that he also had two ribs broken. Two ribs broken, his posterior lateral ribs were broken and so he is going to testify to his injuries and what has happened to him.

Now, he used to be about a - probably a four to five handicap golfer and I think many of you know what that is. That's a pretty good golfer. A lot better than I am, but he is now about a 15 handicap golfer but he does play golf. He still plays golf but he was out of it for a good while.

You're going to hear some of his friends come here and tell about some of the problems he has had on the golf course.

Mr. Griffith has had some guy following him around on the golf course to get pictures of him and we don't contest. In fact, I played golf with him yesterday. But in any event, he has been through literal hell and has had a number of visits for physical therapy and orthopedic doctors, which he has been treated for. Doctor Boatwright here. And so in any event, we're going to put all the

bills and all that into evidence and we're going to ask for damages and there's two type of damages as Her Honor will charge it.

There is what we call compensatory damages. A lot of people refer to them as actual damages, but they're really not any actual bills. Compensatory damages are damages for medical bills, doctor expenses, lost wages, pain and suffering, impairment to health, disability, loss of enjoyment of life. All of those are damages that you can consider in this case.

Under our Code of Laws Her Honor is going to charge you at the end of the case, we have a statute, 19-1-150, and that's a mortuary table. A lot of you all are probably familiar with that from insurance policies or whatever. But South Carolina enacts that statute every five years or something and it gives everybody's life expectancy.

That doesn't mean we will live that long, but that's one of the keys that you can use in determining what this man's damages are because he is 52 years old now. At the time this occurred, he had about a 30 year life expectancy, okay, and so that's one of the keys that you can consider about the problems he is still having.

He doesn't go deep sea fishing anymore. Why? Because it kills him. He does not near the hunting he

used to do because it kills him. He can't do the chores around the house he normally does, chopping wood, making fires. He still does most of it but not with the activity that he did before.

But you listen to Mr. Allgire and he is going to tell it like it is, but anyway, that's what we intend to prove and we're asking for a verdict of not only those compensatory damages I just told you about, both now and into the future, but we're also going to ask for what we call punitive damages.

What are punitive damages? Punitive damages are damages to tell a defendant, you don't do that anymore. You don't do that anymore. And I remember Judge Elstroth who is deceased now, used to tell us, he said it's called smart money. Not smart like you're smart but smart like it makes you smart and that's what punitive damages are about. They are to punish and to deter similar conduct and you can set an award on punitive damages in such amount as you deem sufficient based on the compensatory damages that you may find for the plaintiff and we believe you will.

And I want to thank you all for listening to this opening statement. We'll be putting up the witnesses shortly and you can hear from the defense. Okay.

Thank you.

please, ma'am.

THE COURT: Okay. Come forward, sir and be sworn.

MADAME CLERK: Please raise your right hand and place your left hand on the Bible.

(WHEREUPON: ROBERT TROGDON, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

MADAME CLERK: Please be seated.

State your name please?

A. It's Robert Trogon. T-r-o-g-d-o-n.

DIRECT EXAMINATION

DOUG TROGDON BY MR. MOSS:

Q. Mr. Trogdon, do you mind if I refer to you as Doug?

A. Please.

Q. All right. Now, Mr. Trogdon, you're from Beaufort; is that correct?

A. Yes, sir.

Q. And how long have you lived in Beaufort County?

A. Fifty years.

Q. And I believe before you and your dad was a surveyor here; is that correct?

A. That's correct.

Q. And what do you do at the present?

A. Land survey.

Q. And how long have you been actually land surveying?

A. My whole life.

Q. Okay. Are you married now?
A. Yes, sir.
Q. How many children do you have?
A. One.
Q. And you were a member of the Glover Group on or about November 13th of 2011?
A. Yes, sir, I was.
Q. And could you tell the ladies and gentlemen of the jury a little bit about the Glover Group, how often they get together, what time they play and that type thing?
A. We have a group of men anywhere from probably fifteen to thirty sometimes play every Sunday rotating golf courses around Beaufort County. It's a relaxing time. I probably only get to play maybe two or three times a month with the group.
Q. All right. Now, you recall back to November the 13th of 2011, that day you all played at Fripp Island Creek Course?
A. Yes, sir.
Q. And with whom were you playing?
A. I was paired up with Mr. Robinson in one cart. The other cart was Rod and Paul.
Q. Paul Cole?
A. Yes, sir.
Q. Okay. Now, while you were on the course, did Dennis

Robinson who was with you have occasion to ask the group in front to hurry it up to some degree?

A. Yes, sir.

Q. And tell us about that if you recall.

A. We were - started slowing down probably around number 11, 10, 11, 12, somewhere in that area.

Q. Right.

A. By the time something was said, we were literally sitting in our carts and I can even tell you exactly what I was doing when Mr. Robinson said something. I was leaned back in the cart, had my feet up on the dash and had my hands behind my head saying, "Oh my God." It was incredibly slow.

Q. Incredibly slow. Okay. Oh my God referring to how slow it was?

A. Yes, sir.

Q. All right. And what did Mr. Robinson say, if anything, to the gentlemen in front of him?

A. We were probably a hundred and fifty yards from the green.

Q. Uh-huh.

A. So, I mean, he had to yell ---

Q. Yeah.

A. --- to cover that distance but asked them to please speed up.

Q. Hurry it up?
A. Yes, sir.
Q. Did they hurry it up until you got to 18 or not?
A. Oh, absolutely.
Q. Okay, so they did?
A. Yes, sir.
Q. All right. So it was from whatever that hole was approximately when was that when he yelled? Do you recall when that was?
(PAUSE.)
Q. Fifteen to sixteen?
A. Hole 14, 15. Somewhere in there. Yes, sir.
Q. Somewhere in that neighborhood. And so you played the other few holes up until 18 without a problem?
A. Yes, sir.
Q. Okay. Now, do you recall the 18th hole, whether or not that group had already finished ahead of you, that is the Myrtle Beach group, the Blanton Group?
A. Yes, sir. I don't recall anybody on the green as we were approaching.
Q. Okay. And tell me what happened as you all approached the green, if anything.
A. I was on the green. I think Mr. Robinson may have finished first and had gone over by our cart.
Q. Right.

A. And that's when I noticed a gentleman kind of getting very vocal, walking back and forth, and very hostile.

Q. All right. Now was that down on the level that you were on, that is the ground level or was that up --

A. When I came down off the green, yes, sir. That was where the carts park.

Q. Yeah.

A. You'll have the green, the cart path, and then the clubhouse so that was kind of between everything.

Q. Okay. I'm going to show you some pictures here and just ask you to go through these. Is this the - These are already marked. This is Exhibit One. Could you describe what that is?

A. That looks like a picture from the porch looking - overlooking the 18 green.

Q. Okay. And number two?

A. Same thing, just a different angle.

Q. Okay. And number three?

A. That's a picture looking at the cart path that - where our carts were parked.

Q. Where you were parked. Okay.

A. Yes, sir.

Q. And number four?

A. Same area generally just a little closer towards the

cart barn.

Q. Okay. All right.

MR. MOSS: May it please the Court, Your Honor, if I pass these to the jury for them to - them to be observed.

It's in reverse.

Q. Now, you said you heard this individual come down or your heard this individual and Dennis Robinson having words; is that correct?

A. Yes, sir.

Q. And who was doing all of the talking? Was it Dennis or was it this other individual?

A. The other individual.

Q. All right. As a result of that, did Dennis leave and go to put his clubs up, or what did he do if you recall?

A. I lost sight of him.

Q. Okay.

A. I couldn't tell you where he went.

Q. All right. When you came down off the green, did anybody say anything to you?

A. No, sir.

Q. Okay. Now where did you go when you came off the green?

A. There's an area near were the cart was parked between the green and the clubhouse.

Q. Right.
A. And I stayed in that area to kind of watch our groups come in.
Q. Right.
A. And watch our groups that were leaving going through the cart barn.
Q. Okay. Where was the group that had just finished? That is, the Blanton Group, where were they now, do you recall?
A. I believe most of them were up on the deck.
Q. Up on the balcony?
A. Yes, sir.
Q. Okay. What happened while you were standing there when Mr. Allgire came back to the clubhouse?
A. During the round, we had found the head cover from — a golf club head cover somebody may have left behind. When I saw Rod under the cart barn from where I was standing, I thought he was giving that back, so I turned back toward the green for, I don't know, a minute or so watching our next group come in. When I looked — Once I looked back, Rod was on the ground. Paul Cole was standing there and Rod had already been hit. I never saw the actual punch.
Q. Okay. Did you see Mr. Blanton in that area at that time, the defendant here?

A. Standing right over him.

Q. Standing over him. Okay. Did Mr. Blanton say anything to you at the time?

A. Once I realized Rod had been hit, I walked over to where they were. This is underneath the cart barn or tent at the base of the steps. Rod I believe at that time was on all fours and probably about three to four feet from the gentleman there, yeah, I — he asked me if I wanted some of this.

Q. In other words, Mr. Blanton asked you if you wanted some of it too?

A. Do you want some of this ---

MR. GRIFFITH: I'm going to object ---

A. --- MF.

MR. GRIFFITH: --- to Mr. Moss leading.

THE COURT: Okay, Mr. Moss, don't lead him.

Q. Well just tell me what Mr. Blanton said to you at that time.

A. I walked over to help Rod up and at that time he said, do you want some of this, you MF.

Q. And MF is a bad word?

A. Yes, sir.

Q. All right. And what did you do as a result of that?

A. I said, no, sir, I don't. I'm going to help my friend up and you get to spend the night in Beaufort.

Q. Okay. And by that you meant you all were calling the law?

A. Absolutely.

Q. Good. Did you – Who in fact called the police? Do you know?

A. After I got Rod and I think Paul was on one side, I was on the other, we got Rod up and moved away from him. I asked the cart attendant for his phone.

Q. Okay.

A. So he actually dialed 911 and I called because I didn't have my glasses so I had to ask him to dial 911.

Q. Some time after that did you see Mr. Blanton and some of his group leaving?

A. Absolutely.

Q. And what did you do as a result of that?

A. At that point, I got in my vehicle, called 911 to let 'em know he was leaving the golf course and followed him.

Q. Okay. And where did the police stop him? Do you recall?

A. Yes, sir. Past the security guard about on the bridge on Fripp Island.

Q. It was on Fripp Island?

A. Prior to getting to Tarpin Boulevard.

Q. Okay.

A. He turned around and actually pulled over right at

the villa where the pool is.

Q. I see.

A. Right in that little area.

Q. And did he then come back? Was he then escorted by the police back to the Fripp Island golf course?

A. At that point, they pulled over to the right side. I pulled over to the left. The security guard met him at the vehicle. He walked over and said that everything is fine. Is that who you are talking about? I said, yes it is. He said he was sorry that he believed that he had hit the wrong person. I said, okay, and they said they were going back to the clubhouse and I left.

Q. Okay. And you went back to the clubhouse too?

A. No, sir. I went home.

Q. Oh, you did?

A. Yes, sir.

Q. Okay. But the police took him back to the clubhouse?

A. The security guard, yes, sir.

Q. The security guard. Okay. Now, did Rod Allgire do anything to, in any manner in sight, or speak to Mr. Blanton at any time to your knowledge?

A. No, sir. Not that I saw or heard. Not a word.

MR. MOSS: I have nothing further. Thank you, sir. Thank you, Mr. Trogdon.

CROSS-EXAMINATION

ROBERT TROGDON BY MR. GRIFFITH:

Q. Mr. Trogdon, as I understand you play with the Glover Group but not every Sunday; is that correct?

A. Every chance I get.

Q. Every chance you get. And the Glover Group, that is a group of golfers, I think that it's called that because Randy Glover puts it together?

A. Yes, sir.

Q. All right. If you will pull that microphone a little bit closer you're a little bit - I didn't know you were that soft spoken, Doug, so I'll --

MADAME COURT REPORTER: Just scoot up.

MR. GRIFFITH: The chair is fixed.

A. No it moves.

MR. GRIFFITH: Oh it does. Okay. I'm sorry. I'm still thinking of the whole set up.

Q. So in any event, Randy Glover is a former PGA pro who puts together this group and you all play every Sunday and you play if you can; is that correct?

A. Yes, sir.

Q. All right. And as I understand, on - excuse me - on November 13th 2011, you were playing with the Glover Group that day; is that correct?

A. That's correct.

Q. You were in the group that went of first; is that correct?

A. Yes, sir.

Q. The group being — you were playing with Dennis Robinson, who — this is Dennis back here. Right?

A. Yes, sir.

Q. So you were in the cart with Dennis and Paul Cole and Rod Allgire were together; is that correct?

A. That's correct.

Q. The first nine holes as I understand it were uneventful. Correct?

A. Yes, sir.

Q. All right. Then when you made the turn along about 10, it started slowing up; is that correct?

A. Ten, eleven. Somewhere in there. Yes, sir.

Q. Okay. And then when you got around to around 13 or 14, I think there is a par 3 right in there, was where it came almost to a dead stop; is that right?

A. Yes, sir.

Q. All right.

A. The hole previous to the par 3 I'm pretty sure.

Q. All right. And I understand you were not in the cart with Dennis but he actually asked them to speed up play; is that correct?

A. I was in the cart. I think Mr. Robinson was walking

in the fairway beside the cart.

Q. Yeah. And you heard him say — asked them to speed up play. Correct?

A. Yes, sir.

Q. All right. He didn't use any profanity?

A. Not that I recall.

Q. Not that you recall. Okay. And as a result, this group turned around and then started using profanity back to him; is that right?

A. I don't recall that.

Q. Okay. So in any event, they asked to speed up play and play according to you actually sped up; is that correct?

A. Yes, sir. We didn't have another problem — yeah.

Q. Until you got to the clubhouse?

A. Yes, sir.

Q. All right. And when you got to the clubhouse as I understand you said that Mr. Robinson, he came in, either he puttered out or he picked up, and walked over to his cart; is that right?

A. Yes, sir, to our cart.

Q. You — I'm sorry?

A. Our cart.

Q. That's right.

A. My bag was on the same cart.

Q. And then you, Mr. Cole and Mr. Allgire finished up on the green and started coming off?

A. I was next.

Q. You were next to finish and you came over there?

A. Yes, sir.

Q. And there was a gentleman and Dennis having words; is that correct?

A. Yes.

Q. All right. And then Dennis actually got his bag and left; is that correct?

A. I didn't see him anymore.

Q. Okay. And Mr. Allgire and Mr. Cole, did they pull up and go take their cart, their bags to the truck or did they stay there and wait?

A. No, sir. They went through the cart tent. Yeah they could have gone to the parking lot. I wasn't watching them to see where they went.

Q. Okay. You actually stayed and watched the rest of the groups coming in?

A. That's correct.

Q. All right. So — And when Mr. Cole and Mr. Allgire got near where Dennis' cart was or your cart, were there words being said between the people on the deck and the people down — and Dennis — did you hear anybody on the deck say anything down to the —

A. Absolutely.

Q. You did?

A. But I don't recall who was there. Dennis may have already left ---

Q. Okay.

A. --- but there was a lot of – absolutely.

Q. All right. And up until this time, you had not seen Mr. Blanton; is that correct?

A. That's correct.

Q. All right. And you said only the group on the deck was talking. Did Mr. – did you ever hear Mr. Cole say anything to the group upstairs?

A. No, I never said that only the group on the deck was talking.

Q. Okay.

A. Because the gentleman that was walking around – there was another gentleman at one point that was talking but I believe he went up on the deck.

Q. Okay.

A. I mean, there was a lot.

Q. There was all that talking. Mr. Cole, Mr. Robinson and Mr. Allgire said nothing the entire time?

A. No, sir. They did say something. Underneath the tent, Paul Cole was confronted by a gentleman. I don't know who he was.

Q. Okay.
A. And Paul said, no, sir, I will not back down. He asked him if he was looking for a fight and Paul said no, sir, but I won't back down.
Q. All right.
A. And that's all I heard Paul Cole say. I never heard Rod say a single word.
Q. You never heard Mr. Allgire say, there's no two of you up there that can take me – me and my friend --
A. I did not from where I was standing.
Q. And I mean words more than just take me and my friend but take – kick my butt or words of that --
A. I never heard Rod say a word ---
Q. Okay.
A. --- from where I was standing.
Q. All right. And then, the next thing you know is you hear Rod say, why did you do that?
A. Yes, sir.
Q. And you turned around and Rod was on the ground?
A. Yes, sir.
Q. And you went over and helped him up?
A. Yes, sir.
Q. At that point in time did it get somewhat chaotic?

People from your group were coming in. You were helping Mr. Allgire. Somebody grabbed Mr. Blanton. There

was not another --

A. I don't know if anybody grabbed Mr. Blanton. I kept my eye on Mr. Blanton while we got Rod up and moved away from him and I was able to get my hands on a phone.

Q. All right. There was nobody else from the Myrtle Beach group down there?

A. They were all over the place.

Q. Okay. So there were some people down there?

A. At that point, yes. They started coming down from the steps and people were moving around.

Q. Okay.

A. My focus was on Rod and --

Q. And making the phone call?

A. Correct.

Q. And you did that?

A. Yes, sir.

Q. All right. And then the Myrtle Beach group, after everything calmed down a little bit, they said we need to get - we need to leave; is that correct?

A. You said after things calmed down. It was never really calm.

Q. It never really calmed down? They said we need to leave. So it wasn't just Mr. Allgire that was leaving; the entire group left. Correct?

A. Our group?

Q. No, sir.
A. You said Allgire.
Q. The group from Myrtle Beach. I'm sorry.
A. Yes, sir. You said Allgire.
Q. That was my mistake. Everybody from Myrtle Beach left; is that correct?
A. Not all at once.
Q. All right. But they started filtering out?
A. Yes, sir.
Q. All right. And then when Mr. Blanton and his friend left, you followed them; is that correct?
A. Yes, sir.
Q. And when you — They stopped out there I believe by the villas; is that correct — I say the villas. The tennis area? They went across the bridge --
A. Tennis court, the pool. Yes, sir. General area.
Q. Went across the bridge?
A. Uh-huh.
Q. Made the left?
A. Uh-huh.
Q. And then you've got the --
MADAME COURT REPORTER: I'm sorry, you need to say yes.
A. I'm sorry. Yes.
MADAME COURT REPORTER: And then did he cross the

bridge?

A. Yes.

Q. And then you've got the tennis courts over on the left hand side. I believe the Captain John Fripp Villa is over on the right and they pulled over; is that right?

A. Yes.

Q. All right. Sheriff got out and talked to them, talked to you and you said that's the guy and then you left; is that right?

A. In -

Q. In summary.

A. In generally. Yes, sir.

Q. In summary?

A. Yes, sir.

Q. All right. And they turned around and went back. Correct? The point I'm trying to make is you didn't go back to the clubhouse?

A. No, sir. I left at that point. I don't know if they turned around or not.

Q. Okay.

MR. GRIFFITH: That's all I've got. Thank you very much.

REDIRECT EXAMINATION

DOUG TROGDON BY MR. MOSS:

Q. And when you told them that's the guy, is that the

time he stated, well I think I hit the wrong person or I hit the wrong person?

A. The security guard came up to my vehicle and said that, I've got the gentleman. As soon as he got out of the car, he said he admitted that he hit the wrong person.

Q. Okay.

A. And he apologized.

MR. MOSS: I have nothing further, Your Honor.

THE COURT: You may step down, sir. Thank you. Any objection to this witness being excused from any one?

MR. GRIFFITH: No, ma'am.

MS. SMITH: No, Your Honor.

MR. MOSS: Thank you, Mr. Trogdon.

THE COURT: Thank you. You are excused, sir, thank you.

THE COURT: Plaintiff would like to call their next witness.

MR. MOSS: Yes. We call Mr. Dennis Robinson.

THE COURT: Thank you.

MADAME CLERK: Place your left hand on the Bible and raise your right.

(WHEREUPON, DENNIS ROBINSON, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

MADAME CLERK: Please have a seat.

DIRECT EXAMINATION

DENNIS ROBINSON BY MR. MOSS:

Q. You are Mr. Dennis Robinson?

A. Yes, sir.

Q. And, Mr. Robinson, could you give me a little bit of your background, education, work, that type thing?

A. I have a Bachelor of Science, University of South Carolina. I've been at Fripp Island for twenty-three years in the real estate or development business.

Q. Are you a member of the so-called Glover Group that plays on Sundays and — especially out at Fripp Island two Sundays a month?

A. I am. I'm a member of the Glover Group. I'm also a member of Ocean Creek and Ocean Point Golf Course through Fripp Island.

Q. So you don't have to pay when you play?

A. Well, I do have to pay some dues every now and then when they require a fee.

Q. I know. I was teasing. All right. Now, tell me on the day in question, November 13th, whether or not you were playing at Fripp Island on the Ocean Creek course?

A. I was, sir. We were the first group out.

Q. All right. And by first group, there was four or five groups in the Glover group, four people per group?

A. I think that day we had probably sixteen to twenty people, which would have represented four or five groups.

Yes.

Q. Okay. And when you all teed off, was there anyone in front of you when you all initially teed off?

A. No, sir.

Q. Okay. When did you run into the rear of the Blanton Group or the Blanton Group that was already on the course?

A. It started on 10 when we made the turn and when we started to tee off at 10 and we just happened to look and there was somebody over the hill so we backed off but we hadn't seen anyone for nine holes. In fact, when you tee off, you can see the first four holes of the golf course, so we didn't see anybody when we teed off.

Q Okay. Now, when — On 11, did anything happen on 11 — or 10 rather when you started or you all just waited?

A. We just waited. We had had some groups and some weddings. We just assumed maybe somebody teed off the wrong side or they teed off the back. You know, let's just wait and let it clear and go on.

Q. All right. What happened on the next hole? When did it start cluttering up again?

A. There at the — it was 10, 11, 12, 13. I had said something to them on 14.

Q. Fourteen is where you said something?

A. Correct.

Q. Is that a par 5?

A. Par 4.

Q. Par 4. And what did you say? Or tell me the circumstances and what happened.

A. I told them, you are out of position. Please move up.

Q. Okay. But what did you mean by out of position?

A. Your tee time was a way bunch before mine.

Q. Yeah.

A. You're late. You're tardy. You shouldn't even be here.

Q. Okay. But did they start to move up then or play a little faster?

A. I don't know. They must have gotten real excited. The guy was so excited on that green that he ran off the green with the flag stick in his hand and we asked him to please put it back so we could finish.

Q. Okay. When was the next encounter after 14 that you had with them, if any?

A. We got through and I went to my bag, you know, with my putter at the end of the round and I had a gentleman approach me from I'm assuming their group.

Q. And where did he come from? Do you know?

A. I think he came from the upstairs area of the bar. I mean, the outside patio.

Q. Was someone in the upstair area of the bar at that

time?

A. Sir?

Q. On the porch?

A. There were several. Their group was up there.

Q. That's the Blanton Group?

A. I'm assuming that's their – I don't know the name of their group.

Q. And so did you finish 18?

A. I did.

Q. And so when you finished 18, I assume you walked to your car; is that correct?

A. As I normally do every round, I went to put my equipment and, you know, stuff out of your pockets away.

Q. Mr. Trogdon was with you, I guess?

A. He was.

Q. And what did you do at that time? Is that when the gentleman came down from upstairs and started talking to you?

A. He did. He said, I'm sorry if we slow played you, he said, but I don't much appreciate being called out on the golf course. I understand you run the real estate division and I wouldn't buy an F-ing thing on this island and if you don't like that, I'll whip your ass.

Q. And as a result of that, what did you do?

A. I told him to get out of my face.

Q. Okay.
A. And I took my stuff and went to the car.
Q. All right. Did you come back to the clubhouse or not?
A. I did not. It's customary that when we finish up, there were only just a small group of us, we normally go and have lunch afterwards and settle our bets or whatever.
Q. Settle whatever bets you had?
A. Sure.
Q. Okay. Now, was Mr. Blanton the one that talked to you or was it another individual?
A. It wasn't Mr. Blanton. I've never --
Q. It wasn't him; is that right?
A. No, sir.
Q. Was the individual somewhat smaller than him?
A. He was a short guy with kind of my color hair or sandy. It was a lighter color.
Q. And so what did he tell you now about your real estate?
A. I wouldn't buy an F-ing thing on this island and if you don't like that, I'll whip your ass right here.
Q. And --
A. I told him to get out of my face.
Q. Did he appear to be drinking to your knowledge?
A. All of them were it looked like to me. It was a

comedy of errors.

Q. And you went to your car at that time and left the island?

A. Yes, sir.

Q. Or left the clubhouse?

A. Yes, sir.

Q. Okay. Do you recall anything about Mr. Allgire getting struck that day or were you gone by that time?

A. I do not. I know that he had found a head cover. He was in his truck. We were in the parking lot and he said I've got this head cover and we were the first group off and I said it may be these guys back here. I'll turn it into the cart attendant to see if someone lost a head cover.

Q. Right.

A. That's when he — the last time I saw Rod Allgire was when he went back to return a cover.

Q. Now let me ask you this. Did Rod Allgire to your knowledge that day ever say anything to anybody on the 1oth, 11th, 12th, 13, 14, 15, 16, 17, 18 tee? Did he ever say anything to anybody ---

A. No, sir.

Q. --- from that other Blanton Group?

A. No, sir.

Q. Did he ever say anything to them when he left the

18th tee to your knowledge?

A. No, sir.

MR. MOSS: I don't think I have anything further. Thank you, Mr. Robinson.

CROSS-EXAMINATION

DENNIS ROBINSON BY MR. GRIFFITH:

Q. Mr. Robinson, as I understand, you play with the Glover Group; is that correct?

A. I do.

Q. All right. Did you play yesterday?

A. In this weather?

Q. It was pretty nice yesterday.

A. Not at nine o'clock. No, sir.

Q. So you don't know if Mr. Allgire played yesterday then do you?

A. I do not.

Q. All right. But in any event, you've been in Beaufort for about twenty years; is that right?

A. Twenty plus.

Q. All right. And you handle real estate on Fripp Island; is that correct?

A. Correct.

Q. You've done some development and now you are in sales; is that correct?

A. Correct.

Q. All right. And Allgire, Rod Allgire is a friend of your's; is that correct?
A. Yes, sir.
Q. He builds out on Fripp Island, is that correct, for Allen Patterson?
A. He builds wherever he is assigned. He is a project manager is my understanding.
Q. All right. Now, as I understand you played on November 13th of 2011; is that correct?
A. Yes, sir.
Q. In this Glover Group. Correct?
A. I did, sir.
Q. You were in the first group to tee off. Correct?
A. Yes, sir.
Q. And you, I believe, were in the cart with Doug Trogdon who just testified; is that correct?
A. That's correct, sir.
Q. And also in your foursome were Paul Cole and Rod Allgire; is that correct?
A. Correct.
Q. All right. Now, you testified earlier that for nine holes there was not a problem. Correct?
A. That is correct.
Q. Along about number 10 things started to slow down. Correct?

A. Correct.
Q. About 14 you asked that play be sped up; is that correct?
A. That is correct.
Q. And after 14 did it get any faster?
A. Somewhat. It was still not the best but they tried to do the best they could.
Q. Did you ever testify that after as a result of you asking them to speed up it never got any faster?
A. That was my memory. In my memory it didn't get much better. That was — Mine is a little bit different than Doug's.
Q. All right. That was your testimony. So Doug would have been wrong then; is that correct?
A. It's his perception, sir.
Q. All right. Well, let's talk about your perception then because you said that the group in front of you was so bad it was a nightmare; is that correct?
A. After we caught them yes, sir.
Q. All right. And that it was comical is what you used; is that correct?
A. When someone runs off a green with the flag stick in their hand, I find that comical.
Q. They were a joke was your words; is that correct?
A. Yes, sir.

Q. All right. And as a matter of fact, you said, testified – have you ever testified that it was so slow, not that your memory was, but you recall it being so slow that you were stacked up like cord wood?

A. We had not only our group of sixteen to twenty but we had several people that were playing behind us it's my understanding had called the clubhouse wanting to know what was wrong with the back side.

Q. You testified that you were stacked up like cord wood, that there were four or five groups on a tee box with you; is that correct?

A. No, sir. I said there were four or five groups on 18.

Q. Four or five groups on 18?

A. Right.

Q. And that when you were stacked up like cord wood, there were four or five groups backed up; is that correct?

A. Yes, sir.

Q. All right. But Mr. Trogdon says they picked up so did it pick up or was it slow as you've testified to?

A. My perception was it did not speed up appreciably.

Q. Did you ever testify that you had five groups on one hole that they were going so slow?

A. I think I may have had that in an affidavit. Yes, sir.

Q. All right.
A. We had several people standing behind us to hit their last shot on 18 which was a par 5. Then you had the people in the second position and you had two groups on the tee.
Q. So if Mr. Cole and Mr. Trogdon said that it sped up and there were no further problems, you disagree with that. Correct?
A. Yes, sir.
Q. They are not telling the truth then?
A. No, sir. It could be their perception of speed, but certainly my perception is certainly different.
Q. But you were quite irritated by this; is that correct? It was comical the way they were acting.
A. Sir, we only got a few holes left.
Q. That's right. As a matter of fact, so you just said please speed up?
A. You need — You're out of position.
Q. You're out of position. You never used any profanity like you are out of position?
A. No, sir.
Q. Blanking out of position?
A. No, sir.
Q. And as a result of that, nothing was said back to you; is that correct?

A. There may have been some jawing. They were 150, 160 yards away I couldn't hear the -- what actually it was.

Q. You don't remember if anything was said back to you but you don't think anything was said back; is that correct?

A. Oh, there was something said back but it was -- I couldn't make it out.

MR. GRIFFITH: Judge, may I?

THE COURT: You may.

Q. Mr. Robinson, I'm going to hand you your deposition.

Do you recall giving a deposition in this matter at Mr. Moss' office?

A. Yes, sir, I gave a deposition there.

Q. All right. And that was on March 12th 2013. Does that sound about right? It's actually on the front page. It's right down there.

A. Yeah, March. The 12th day of March.

Q. The 12th day of March. All right. And do you recall I asked you the question, what happened on the 14th when you said something and I asked you the question, was anything said back to you? Do you recall saying, I don't remember. I don't think so, sir?

A. Yeah, I guess I did say that, sir, if it's here.

Q. All right. On Page 21 then let's look at that.

Page 21. I think I had you queued you there.

A. I've got it right there.
Q. All right. We look down at line four. It says, was anything said back to you. That was the question. What was your answer?
A. I don't remember. I don't think so, sir.
Q. All right. Next question, and did you say anything else the rest of the round?
A. No, sir.
Q. Did anybody else in your group say anything the rest of the round?
A. No, sir.
Q. And did anybody in the group ahead of you say anything back during the round?
A. No, sir.
Q. All right. So nothing else was said; is that correct?
A. That is my recollection, sir.
Q. So if Mr. Cole, who was playing with Mr. Allgire said that there got to be just some yay, yay and some jawing back and forth and a lot of profanity then, would he have been wrong on that account also?
A. I don't understand your question, sir.
Q. Mr. Cole - If Mr. Cole testified that after 14, at 14 you said something --
MR. MOSS: Excuse me, Your Honor, I object. You

can't pit a witness' testimony against another.

MR. GRIFFITH: I'm just — Your Honor, it's basically impeachment. They say Mr. Cole is going to be here live so it's not hearsay testimony if I have another witness that comes in and gives testimony to that effect.

THE COURT: But you're pitting witnesses. It's not a hearsay objection; it's pitting.

MR. GRIFFITH: I'm actually not trying to pit them, Your Honor. I'm trying to find out if he agrees with that statement or not.

THE COURT: But then you went on to ask if he's being truthful or not truthful.

MR. GRIFFITH: Okay. Yes, ma'am.

THE COURT: Ask him the question if you agree or disagree with his statement.

Q. Do you agree that Mr. Cole said that — agree or disagree that Mr. Cole as Mr. Cole has testified that there were words said back and forth between the two groups out on 14? You don't recall that?

A. No, sir.

Q. All right. So as a result, you go into the clubhouse and I understand when you got to the clubhouse as a result of you saying "please hurry up" that somebody came up to you and started saying something to you, "I don't appreciate being called out."

A. That is correct.

Q. All right. And did you use the words "get out of my face" with any profanity?

A. No.

Q. So as a result of that, then once you got out on 18, you actually went up before your foursome; is that correct? You were the first one off the green. Correct?

A. As a general rule we shake hands after the — when we finish and we walk off together.

Q. I thought I understood your testimony here earlier is that you got to the 18th, you putted out; you got to your cart first, gathered up your equipment while Mr. Allgire and Mr. Cole were still on the green.

A. I don't think I would do that.

MR. MOSS: Judge, he didn't testify to that.

A. I'm not testifying to that, sir.

Q. So you all walked off together then?

MR. MOSS: No.

A. I'm --

Q. Did you walk off together with the foursome to your cart?

A. I mean, we weren't in lock step but certainly you wait till the other ones putted out. It's courtesy and etiquette.

Q. So when you approached there, there is just one man

standing there and he confronts you?

A. There wasn't a man standing there.

Q. Well who was this man downstairs that you said started saying something to you?

A. He wasn't standing at my cart, sir. He came down the steps and got in front of my cart ---

Q. Okay.

A. --- and got in my face.

Q. While you were there coming off the green and got to your cart, this gentleman comes down and he is about your size. Right? Your height?

A. Yes, sir.

Q. This is not Mr. Blanton; is that correct?

A. I wouldn't know, sir. I've never met Mr. Blanton.

Q. Mr. Blanton is sitting right over here. Is this the man that approached you?

A. No, sir.

Q. Okay. So it was another gentleman that approached you; is that correct?

A. That is correct.

Q. Words were had and you just said, please get out of my face, and left; is that correct?

A. That's correct.

Q. You did not see any punches thrown? You were gone at that time. Correct?

A. Correct.
Q. Since that time, have you seen Mr. Allgire?
A. Yes, sir.
Q. And have you talked to him about this incident?
A. Just to see how he's doing.
Q. All right. Did you ever apologize to him for this incident?
A. Apologize?
Q. Yes, sir.
A. Other than sorry that it happened at Fripp.
Q. Did he ever mention to you that he told the officer the argument started back on the green?
A. I wouldn't know that conversation, sir.
Q. Okay. Isn't it true, Mr. Robinson, that you apologized to Mr. Allgire after this incident because you were the one that got everything started out on 14?
A. I didn't see them after the words, sir.
Q. I'm not talking about that day. You've seen him since that day. Correct?
A. Yes, sir.
Q. All right. And when you saw him you said you apologized to him. You said, I'm sorry, it just happened. Correct? Out at Fripp.
A. What's wrong with that? It's a courtesy, sir.
Q. Did you ever apologize to him because you thought it

was your fault that it got started?

A. No, sir.

Q. All right. And isn't it true though that you were the one that got all this started between the groups?

A. No, sir.

MR. GRIFFITH: No further questions. Wait a minute. Just a second.

(PAUSE.)

MR. GRIFFITH: No further questions, Your Honor.

THE COURT: Anything further, Mr. Moss?

REDIRECT EXAMINATION

DENNIS ROBINSON BY MR. MOSS

Q. If you could, you're probably the best one being in real estate, if you can explain these pictures that I'm going to go through. This is Number 5, and just tell us what that is.

A. This is a picture of the balcony or sitting area out side the 19th hole.

Q. Okay.

A. At Ocean Creek Golf Course.

Q. Okay. And Number 6?

A. These are the steps going up to the balcony. Just a different angle looking at the same balcony. It looks like basically the same picture just a different view of the steps leading to --

Q. Is this where the individual came from that talked to you? Did he come from off the balcony?

A. Came down that set of steps.

Q. Okay.

MR. MOSS: These are Exhibits Five, Six, and Seven.

Q. And Mr. Allgire from your knowledge never said anything to anybody while you were there with he?

A. No, sir.

Q. Okay.

MR. MOSS: I have nothing further, Your Honor.

THE COURT: Any objection as to this witness being excused?

Mr. Robinson, you are excused, sir. Thank you.

(WITNESS LEAVING WITNESS STAND.)

THE COURT: Ladies and gentlemen, we're going to take a very short recess. I need to remind you, and I'm going to do this every time I send you back to your jury room, you are not to discuss this case with each other. Please get a cup of coffee or a coke. We look forward to having you right back out in the courtroom.

Thank you.

(JURY EXITS COURTROOM AT 2:34 P.M.)

THE BAILIFF: The jury is clear, Your Honor.

THE COURT: Thank you.

We'll take our afternoon break. Thank you.

get through this if we can. You okay?

Very well. Thank you. Just let your foreperson know if you do have an issue at another break and I will take care of it. Okay.

Mr. Moss, you may call your next witness.

MR. MOSS: Yes, ma'am. I'd like to call Officer Brewton, please, ma'am.

THE COURT: Okay. Come on forward, Officer Brewton.

MADAME CLERK: Please place your left hand on the Bible. Raise your right hand.

(WHEREUPON, M.L. BREWTON, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

OFFICER M.L. BREWTON BY MR. MOSS:

Q. You are Officer Brewton? Or you were.

A. Formerly yes, sir.

Q. You are actually working at another location now; is that correct?

A. That's correct, sir.

Q. Now, you to become an officer you went to the Criminal Justice Academy in Columbia; is that correct?

A. Correct.

Q. And at the time of this event you were with the Beaufort County Sheriff's Department?

A. Actually Fripp Island but we were a branch of

Beaufort County because we did report to them with any type of criminal incidents or traffic violations or anything like that.

Q. I see because the report indicates it looks like it's the Sheriff's Department but in any event, you were a branch of Beaufort County Sheriff's Department?

A. That's correct.

Q. Now, on or about 11/13 of 2011, did you receive a

Q. call concerning an event or something that had occurred on Fripp Island?

A. Yes, sir.

Q. And where were you located at the time?

A. Probably on normal routine patrol just throughout the island. Exact pin point spot I do not recall.

Q. As a result of that, what did you do? Do you recall?

A. Yes, sir. After receiving a dispatch, I responded into the area towards the golf course or the pro-shop area.

Q. Right.

A. While I was in route, I did receive a second dispatch that the possible subject had left in a vehicle that was coming towards going off island. I was able to intercept the vehicle and made a traffic stop on the vehicle and initially spoke with Mr. Blanton.

Q. Blanton?

A. Yes.

Q. And at that time did you tell him what you were investigating or why he was stopped?

A. Yes, sir, I sure did and I asked him if him and his — I believe he had another gentleman that was in the vehicle, Mr. Blanton was in the passenger seat and there was another gentleman in the vehicle and I asked them to follow me back to the pro shop where I could figure out what was going on.

Q. Did in fact they follow you back to the pro shop?

A. They did. I took Mr. Blanton's driver's license and they followed me back to the pro shop.

Q. And where did his driver's license show that he was a resident of if you recall. And I have a copy of your report if you want to see it.

A. Yes, sir, if you don't mind.

Q. That's a copy of your official report is it not?

A. Yes, sir.

Q. And did he indicate on his driver's license where he was a resident of at that time?

A. Usually when I do a report I put what's on the license and here I have Camden, South Carolina.

Q. Camden, South Carolina. Okay. Now, did you notice anything strange about Mr. Blanton when you saw him?

A. Um . . .

Q. Any evidence of alcohol?

A. Yes, sir. You could definitely smell it coming from his presence.

Q. Okay. When you got back to the marina, did you question both sides that were involved in this matter?

A. Yes, sir, I did.

Q. And were they together?

A. They were kind of separate at first but then the subject, Mr. Blanton, actually came over to where I was talking to the victim and a couple of little words were exchanged.

Q. Did you arrest him at or about that time?

A. Yes, sir. After interviewing both parties and going through and finding out his involvement into the incident, he was placed under arrest.

Q. Okay. Did he indicate to you that he had hit the wrong person?

A. Yes, sir.

Q. Okay. And did he at any time say anything to the victim in your presence?

A. He apologized to the victim for what he had done. He thought that he was the gentleman that was arguing with him, but he realized later that it wasn't. It was a fellow golfer that was with the victim.

Q. Okay. And you arrested him at that time?

A. That's correct, sir.

Q. And that's Marshall Blanton, the defendant here?

A. Yes, sir.

MR. MOSS: Just note that he identified the defendant.

Thank you, sir.

A. Yes, sir.

CROSS-EXAMINATION

OFFICER M.L. BREWTON BY MR. GRIFFITH

Q. Officer Brewton, I'm sorry. Where are you working now?

A. Butler Chrysler Dodge.

Q. Okay. Last time you were still working at Fripp, I believe, ---

A. That's correct.

Q. --- the last time we met.

A. Yes, sir.

Q. All right. Now as I understand, the incident that we're here about took place on November 13th 2011; is that correct?

A. Yes, sir.

Q. All right. And at that time you were working as a security guard at Fripp Island; is that correct?

A. Correct.

Q. And it looks like about 2:10 in the afternoon or military time would be 14:10, you were dispatched to the Ocean Creek clubhouse; is that correct?

A. That's correct.

Q. All right. And you said that on the way over there you got a second call that indicated that maybe one of the individuals was leaving; is that correct?

A. That's correct, sir.

Q. And did you pass that car as you were headed toward the Ocean Creek? Do you recall?

A. Yes, sir. If I do remember correct that I had just made a right onto Bonito Road and as I came over the Bonito Bridge, I saw what looked like the vehicle that was described in the second dispatch.

Q. Okay. And so that we understand, you would have been coming probably from the security office or somewhere in that direction, made a right onto Bonito. Correct?

A. Bonito Road, yes, sir.

Q. Bonito. All right. The car that you said looked like they were carrying would have been coming in the opposite direction of Bonito. Correct? Bonito. I'm sorry.

A. Correct. Coming back towards Fripp Island.

Q. And then it made a left, I guess, to leave the island; is that correct?

A. Correct.
Q. And you turned around and by the time you turned around, you went back and it was right there at the John Fripp Villas I believe or in that area; is that correct?
A. That's correct.
Q. They were stopped waiting on you; is that correct?
A. I believe they stopped after I activated my blue lights.
Q. Okay. So in any event, was there anybody else there other than you and the car with those two individuals?
A. To my recollection no, sir.
Q. All right. And at that time, you went up and you asked them were they involved in an altercation at the Creek Club; is that correct?
A. Yes, sir.
Q. They indicated they were. Correct?
A. Yes, sir.
Q. And you asked them to go back; is that correct?
A. That's correct.
Q. And they fully cooperated with you; is that correct?
A. Yes, sir.
Q. Went back. Now, when you got back, I guess you would have done some type of investigation by asking the parties what was going on. Correct?
A. Correct.

Q. All right. And you asked Mr. Blanton what happened; is that correct?

A. Correct.

Q. And Mr. Allgire also was asked what happened; is that correct?

A. Yes, sir.

Q. And I believe Mr. Allgire told you that some of his friends were playing on the course and that an argument started between his group and another group; is that correct?

A. That's correct.

Q. And then Mr. Allgire said that his group left and went to the pro shop and when they arrived the other group of golfers was there and another argument started; is that correct?

A. Correct.

Q. All right. So now we've got two arguments between these groups; is that correct?

A. Yes, sir.

Q. All right. Mr. Allgire told you he didn't say anything to them but then as he was walking into the pro shop he got hit; is that correct?

A. Correct.

Q. All right. And then Mr. Allgire stated that he didn't say anything to Mr. Blanton, I believe; is that

correct?

A. Initially.

Q. Initially?

A. Yes.

Q. And as a matter of fact, Mr. Allgire told him that it was actually his friend that was on the golf cart riding with him; is that correct?

A. Yes, sir.

Q. That was the person who started the argument. Correct?

A. Yes, sir.

Q. And Mr. Allgire finally stated that he wanted to press charges on the subject; is that correct?

A. Yes, sir.

Q. And he did; is that correct?

A. Yes, sir.

Q. All right. And you actually put Mr. Blanton in cuffs that day; is that correct?

A. That's correct, sir.

Q. If Mr. Allgire had not wanted to press charges, would you have made the arrest?

A. Seeing that the victim did have some injury on his face, there was no swelling but there was red irritation, yes, sir, I probably would only because it was a fresh incident.

Q. Okay.
A. A fresh crime that can be prosecuted.
Q. All right. And I believe you also talked to Mr. Blanton; is that correct?
A. Yes, sir.
Q. And Mr. Blanton told you that they were in the pro shop where he confronted Mr. Allgire; is that correct?
A. Correct.
Q. And did he tell you if there were words were exchanged?
A. Only — At the pro shop only after I guess I got there he apologized, so yes there were some politeful words, I guess.
Q. Okay. So let's go back. When Mr. Allgire told you about the incident, he — excuse me, Mr. Blanton told you about the incident and he stated that he punched the victim in the face because of the argument that had happened. Correct?
A. Yes, sir.
Q. All right. And Mr. Blanton also stated that he learned the victim didn't say anything and there were a few other golfers there and he said if I hit the wrong guy, I apologize?
A. Yes, sir.
Q. He never said that back at the — where you stopped

him back up by the John Fripp Villas did he?

A. I did not recall that.

Q. Okay. You were asked about whether there was alcohol on Mr. Blanton. Was there alcohol on Mr. Allgire?

A. I don't recall there being any.

Q. Would you check your report, please.

MR. MOSS: The report says no, Your Honor.

THE COURT: Okay, Mr. Moss. Let him answer the question.

MR. MOSS: Okay.

BY MR. GRIFFITH:

Q. Have you got your report there?

A. Yes, sir.

Q. Okay. And what does your report indicate?

A. It has a highlighted box for yes or no and no is highlighted.

Q. Do you remember giving your testimony earlier about how that worked?

You said that you indicated obviously for some reason you noted some form of alcohol about him?

Let me ask you — Let me hand you your deposition. Let me hand you your deposition. We came out to Fripp and took your deposition didn't we?

A. Correct.

Q. All right. And you remember giving that; is that

correct?

A. Yes, sir.

Q. I just want to try and refresh you. Let's go to page 21. Actually if you start at 20, page 20, I want to ask you starting there. You had said there was the slight smell of alcohol about Mr. Blanton's presence I believe is what you testified to. Do you recall that?

A. Yes, sir.

Q. All right. If you go down to line 21, I asked you, "Okay. What about Mr. Allgire?" What did you say there?

(PAUSE.)

Q. Can you read it out loud. I'm sorry.

A. Sure. No problem. I have a notation on here that, you know, it's one of these boxes that we check yes and usually I would not check that unless there was some presence but right here I do not.

Q. All right. Now flip over to page 21. At line 18 I asked you the question, "Did you check off that he had the victim using alcohol?" And you're answer was what?

A. "Let me back up. If I may have for one second. This box here I believe actually describes drugs where it is highlighted is no."

Q. Okay. And your next answer was?

A. "Okay. If you go over to the other side, it's the victim using alcohol and I had checked yes." Obviously

for some reason I noted some form of alcohol about him.

Q. And then I said, "Okay" and you said?

A. "Or I would not have checked that."

Q. All right. And then if we jump on down. Line 10 I said, "And Mr. Allgire you put using alcohol yes and you believe that's no for the using drugs." Is that correct?

A. "Correct."

MR. MOSS: Objection. Misleading question. He asked him two questions in one.

HE COURT: Hang on a second.

BY MR. GRIFFITH:

Q. Is that not the way the question read, Mr. Brewton, Officer Brewton?

A. Yes it is.

Q. Okay. And so does that refresh your memory that you believe that he was using some form of alcohol?

A. I mean, usually I'm testifying to the incident report and the way that system was set up, you have to check — you have to actually use a highlighted box.

Q. Okay. Well, when you gave testimony that day, was it your understanding the way it work that you had checked yes that he had some form of alcohol about him?

A. That day, correct.

Q. Okay. And was Mr. Blanton cooperative with you throughout this?

A. He was. Yes, sir.

MR. GRIFFITH: No further questions.

REDIRECT EXAMINATION

OFFICER M.L. BREWTON BY MR. MOSS:

Q. I know his job is to confuse everything that has been --

MR. GRIFFITH: Your Honor, I'm going to object to that.

THE COURT: All right.

MR. GRIFFITH: And that is just a totally improper comment. Mr. Moss has been practicing too long to do that.

THE COURT: Okay. Gentlemen, I don't want any editorial, Mr. Moss. You can ask him a question on redirect ---

MR. MOSS: I will.

THE COURT: --- if it's appropriate and no comments here.

MR. MOSS: Yes, ma'am.

Q. You filled this report out did you not?

A. Yes, sir.

Q. All right. And there's no question that according to this report it says "victim using alcohol" and its got a box where you can either say yes and then it's got a box where you can highlight no. Isn't that correct?

A. That's correct.

Q. And you highlighted what?

MR. GRIFFITH: I object to the leading now.

BY MR. MOSS:

Q. What did you highlight?

A. No.

Q. No. Okay. And then later on down there it has to do with drugs, question about drugs, and you highlighted that what?

A. No.

Q. Okay. You have a copy of your report with you don't you?

A. Yes, sir.

Q. All right. Now what I want you to do is I'd like to go to the second page and move down to the third paragraph and go to that second sentence where it starts, "Blanton later stated" Can you read that?

A. Sure.

Q. Read that.

A. "Blanton stated that he punched the victim in the face because of an argument that happened. Blanton later stated that he learned that the victim did not say anything to him but it was a fellow golfer that was with the victim. Blanton apologized to the victim for the incident and also stated that he was wrong for what he did

to the victim."

MR. MOSS: Thank you. I don't have anything further.

THE COURT: Anything further?

MR. GRIFFITH: Just one --

RECROSS-EXAMINATION

OFFICER M.L. BREWTON BY MR. GRIFFITH:

Q. You talked about highlighting on the incident report. If you look at the incident report, the question goes, victim using alcohol? Your answer was "yes." Is that correct?

A. That's a box you can chose yes or no.

Q. All right. And then the other one says — and what did you chose? I'm just having trouble with it.

A. The highlighted box — you have to click on the highlighted box which says no.

Q. Okay. And then you didn't highlight whether the subject was using alcohol either. It just says yes. It's the same as the victim. Correct?

A. There's no other box for me to check here.

Q. All right. In any event, both of them have yes on it; is that correct?

A. For the --

Q. There is a box for the victim but no box -- but only one box for the subject; is that correct?

A. The subject box is a fill in box that you type.

Q. Okay. And in your deposition you had indicated that you wouldn't have put down that he was drinking unless you smelled something on him; is that correct?

A. According to the incident report, yes, sir.

Q. Okay. And --

MR. GRIFFITH: That's all the questions I have. Thank you.

MR. MOSS: I'd be glad to offer the incident report, Your Honor, if counsel agrees.

MR. GRIFFITH: Your Honor, I certainly would stipulate that there are two pages that would be from his report. There is some other information I think that is superfluous that actually comes from a different agency. The two pages we're talking about, I have no objection to that.

THE COURT: Okay. Its in evidence then; is that correct?

MR. GRIFFITH: We talking about the same two pages as long as I don't get confused down the road.

MADAME COURT REPORTER: You want to make this a Plaintiff's Exhibit?

MR. MOSS: Yes, ma'am.

MR. GRIFFITH: That'll be fine.

MADAME COURT REPORTER: That will be Plaintiff's Nineteen.

(WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER NINETEEN IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

MR. MOSS: And I have one other question.

Your Honor, now that Nineteen is marked into evidence, I want to ask you about the second paragraph and ask you --

MR. GRIFFITH: Your Honor --

THE COURT: Okay. Your objection?

MR. GRIFFITH: Your Honor, direct, cross, redirect, recross. There is no, sir, recross in South Carolina.

MR. MOSS: I just put the exhibit in, Your Honor. I mean, he admitted that we just put the exhibit in and I just wanted him to correct a scribbler's error in here.

MR. GRIFFITH: Wait a minute. And he wants to put it in and now he wants to change it?

MR. MOSS: Now that's a copy of it there.

THE COURT: Come up here you all.

(SIDE BAR CONFERENCE OFF THE RECORD OUT OF THE HEARING OF THE JURY.)

REDIRECT EXAMINATION

OFFICER M.L. BREWTON BY MR. MOSS:

Q. I show you this Exhibit Nineteen which is your report that we put into evidence and in the second paragraph on the second page it says, "Allgire stated that he told the subject that he did say anything." Is that suppose to be

"did not say anything?"

A. That's correct. It's suppose to be didn't instead of did.

Q. Didn't. Okay. Thank you.

MR. MOSS: Nothing further.

THE COURT: Anything further?

MR. GRIFFITH: No, ma'am.

THE COURT: May I excuse this witness?

MR. MOSS: Yes, ma'am. Thank you.

THE COURT: Any objection, Mr. Griffith?

MR. GRIFFITH: No, ma'am.

THE COURT: You are excused, sir. Thank you.

(WITNESS LEAVING WITNESS STAND.)

THE COURT: Call your next witness, Mr. Moss.

MR. MOSS: We call Paul Cole.

THE COURT: Come on forward, Mr. Cole.

MADAME CLERK: Place your left hand on the Bible and raise your right hand.

(WHEREUPON, PAUL COLE, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

DIRECT EXAMINATION

PAUL COLE BY MR. MOSS:

Q. You are Paul Cole?

A. Yes, sir.

Q. And, Mr. Cole, where are you from?

A. Beaufort for the last twenty years.

Q. Okay. And what type business are you in at the present?

A. Residential design, architecture.

Q. And where do you live?

A. 98 Wade Hampton Drive, Lady's Island.

Q. Over at Royal Pines?

A. Yes.

Q. Okay. I want to ask you if you recall playing in the Glover Group on November 13th of 2011 out there on the Ocean Creek Golf Course?

A. Yes, I do.

Q. All right. Now, can you tell the jury, the ladies and gentlemen of the jury what happened as you all or when your group rounded the first 9 going onto 10 and on what occurred?

A. Yeah. We — You know right around the turn on 9 and 10 there as we made the turn, we ran into a foursome in front of us. Pretty consistent we were waiting every shot, you know, from there through about hole 14. Several minutes every shot so it was — if you play golf, I mean, it's a long time. Anyway, the 14th hole, one of our other playing partners, Dennis Robinson actually, yelled up. They were on the 14th green and we were out there in the middle of the fairway and I can't remember the exact words

but pretty much summarizing, speed up or let us go through.

Q. Right.

A. Something along those lines. And one of the foursome there yelled back and pretty much said don't worry about it and a line of words were exchanged between those two. I can't remember exactly what they were, but --

Q. Neither one were being nice?

A. No. Neither one of them were being nice. So you could call it an argument if you want to would be a nice word. But bottom line was we didn't run into them again until the 18th hole so they did speed up and got to the 18th hole. We were up on the green. The guy that Dennis -- or the guy that yelled back to Dennis because I actually had walked down from the pro shop or the snack bar, they're both in the same area up there at Ocean Creek, and was waiting at our golf --

Q. You walked down from the steps up there on the corner where you look over the 18th green?

A. Right. Yeah. They were on the second floor there.

Q. Okay.

A. So he walked down to our golf carts and were standing there waiting for us to get done obviously to confront, you know, Dennis about what he said out there. Dennis

actually was out at the hole, picked up and walked over to the carts before Rod or I or Doug even got there. I'm not quite sure what was said down there, but Dennis pretty well drove off at that stage of the game I think and then by the time Rod --

Q. Did he go by driving off you mean he went and unloaded his --

A. Yeah. He drove the golf cart out to the parking lot to --

MADAME COURT REPORTER: I'm sorry, let him finish his question first.

Q. So by that you mean he took his cart and went out to the parking lot and unloaded?

A. Correct.

Q. Okay. And what happened next to your knowledge?

A. As we get finished and we're walking down the green to where the golf carts are parked there. Actually Rod I think we had picked up a club cover from somebody else in their - they must have had about twenty people as well up there. I think we knew - or we thought we knew whose cover it was. I think Rod had actually given it back at that time so there really wasn't anything going on.

Q. Right.

A. As we are driving off, the defendant sort of yells down something along the lines of yeah keep on going, you

don't want to come back up here. You know, you can't treat my friend like that. Something like that. I commented back pretty much, don't worry. I'm just going to put my clubs back and I'll be right back.

Q. I got you.

A. And that's pretty much — we went and put our clubs up and were walking back. I think Rod had threw his in first so his — as we were walking about he was probably about 15, 20 steps in front of me and —

Q. When you all were walking back towards the steps?

A. Yeah. Back from the parking lot towards the steps.

Q. Under the tent?

A. Correct.

Q. Okay. And what happened?

A. Again, as we're approaching the steps, the defendant starts to walk down the steps and still sort of yelling. I'm assuming yelling at me because we're the two that had a couple words. I wouldn't call it an argument. It was a word, you know, sentence or two. But anyway, he was walking down and pretty much in stride. I mean, and he's not running. I mean, he's walking but pretty in stride just, you know, bam, bam, just sort of cold cocked Rod and he was back down on his back at that stage of the game.

MADAME COURT REPORTER: I'm sorry, he's back down on his back and what?

A. At that stage - I'm sorry. He just sort of fell straight back and Doug was behind me. We were just sort of going over there. I think his friends had grabbed him by that time and was pulling him away and --

Q. Had Rod Allgire done anything to provoke this at all?

A. Oh, Rod? No. Hadn't said a word to anybody the whole time.

Q. Did he say anything to Mr. Blanton as Mr. Blanton struck him?

A. No.

Q. How many times did Mr. Blanton strike him to your knowledge?

A. Twice.

Q. Two times. Let me show you Number Eight and ask you if you can identify that?

A. That's the walk — or the picture is taken from under the golf cart tent where he had walked out of towards the steps there, there at the pro shop or the snack bar area.

Q. Okay. Where is the area — could you mark the area where Mr. Allgire, this is Number Nine, where he landed. Was it on the concrete?

A. Yes, it was.

Q. I have a pen here and if you can put an X there approximately where he was knocked.

(WITNESS COMPLIES)

Q. As a result of that, what did you all do to help Mr. Allgire?

A. We were just trying to pick him up really. I mean, I think — I don't think he ever lost consciousness but pretty much just sort of helping him up. He was sort of in a dazed state obviously. I think I happened to look up at that stage and the pro-shop attendant, whoever was up there, was standing up there and I told him basically to call the police or call the security. I think he said he already had at that stage, I believe.

Q. Mr. Blanton, do you identify Mr. Blanton here as the individual that hit him?

A. Yes, I do.

Q. That's him?

A. That is him.

Q. And what did he do at that time, Mr. Blanton, if anything after he struck him? After he struck Mr. Allgire.

A. After he struck Mr. Allgire? I mean, just sort of arguing. I mean, sort of arguing back and forth but I think his friends sort of had him at that stage sort of pulling him back. I mean, after I said to call the police, I think you saw twenty guys sort of scatter and try to get out of there pretty quick.

Q. Okay. Did you stay there until the police arrived?

A. Yes, I did.

Q. All right. And did you tell them that you saw what happened?

A. Yes, I did.

Q. Now, I want you to run through these very quickly, these photos, and I think you can describe what they show and if they are in the area where Mr. Allgire was knocked to.

A. You want me to describe each one of them?

Q. Just give the number and then describe it.

A. The Exhibit Ten is just looking back at the golf tent that we walked through to get to the pro shop there. Number Eleven: This is just an opposite view there from the tent area looking back out towards the 18th green that we had to walk down. You can actually see where the golf carts were parked and another gentleman was standing there waiting on us to come down. Number Twelve: Exhibit Twelve is up from the balcony obviously that they were at as we were finishing. Thirteen: Another one just looking back at the golf carts pretty much standing right where the incident occurred I think there.

Q. Okay.

A. Fourteen: Again just another picture from out towards the golf course looking back where the incident occurred. Fifteen: Again, I mean, pretty much a few feet

away there from where the incident occurred. Sixteen: That's from the pro shop balcony there actually where I think the pro shop attendant was standing and where the officer actually interviewed us or talked to us after the incident.

Q. Okay.

A. Seventeen: Same view looking out towards the parking lot where our vehicles were parked. Eighteen: Just another view of the parking lot there. And Nineteen: Again it looks like from the snack bar area there.

Q. Now, did anybody appear to be intoxicated to you or acting that way?

A. I'd say both — yeah, the defendant and — I don't know that the original person that was in the altercation with Dennis for sure.

Q. But those two appeared to be intoxicated?

A. Yes.

Q. Now, why did you believe that they were intoxicated?

A. They were both, to me, slurring their words a little bit. Very agitated — or the other guy originally was very agitated at Dennis. And Mr. Blanton was yelling down at me seemed to be slurring his words a little bit, but again, just very agitated in his actions.

Q. Did they mention that they had been having a wedding party and they had all been drinking?

A. Yes. That's the reason they were there — that's the reason they stated they were there for the weekend and that they had been drinking. Yes.

MR. MOSS: I don't have anything further.

Thank you, Mr. Cole.

CROSS-EXAMINATION

PAUL BY MR. GRIFFITH:

Q. Mr. Cole, they said they were at a wedding party, not a golf weekend?

A. I was told a wedding party.

Q. And who told you that?

A. Somebody in their group that we had talked with.

Q. Just somebody we can't identify? Don't know who to talk to?

A. The person actually that I think we gave the golf cover back to was actually the one that stated that.

Q. Now you mentioned them drinking. You had a couple beers that day?

A. Yes, I had.

Q. All right. And I believe Dennis usually drinks on the course doesn't he?

A. Yes, sir.

Q. All right. And on the 13th of November 2011, you said about 14 was where the slow place started; is that right?

A. No, that's where --

Q. That's where the words --

A. That's where the words -- yes.

Q. When you made the turn at 10, there was some slow play?

A. Correct.

Q. And at 14 Dennis said something. Right?

A. Correct.

Q. Dennis yelled up to them to pick up play?

A. Correct.

Q. And I believe you said words were had back and forth; is that correct?

A. Yeah.

Q. And there was profanity on both sides?

A. Yes.

Q. All right. And actually I believe at that time you indicated that they sped up playing. You all didn't have another problem; is that correct?

A. Correct.

Q. And do you know if Dennis may have hit into their group?

A. Not that I remember.

Q. Okay. In any event, after that point in time, everything was done and then you got to the clubhouse; is that right?

A. Correct.
Q. And the fellow that was --
A. The 18th hole.
Q. Excuse me?
A. The 18th hole.
Q. I'm sorry. Yeah. You get to the 18th hole and you all - I believe you said that Dennis went up. Did he finish the hole?
A. He picked up so he never finished the hole.
Q. All right. And then he walked over toward the cart; is that right?
A. Correct.
Q. And there was another gentleman, not Mr. Blanton. Correct?
A. Correct.
Q. He was standing there and they had some words; is that correct?
A. Correct.
Q. And then I believe you came up with Mr. Allgire because you all were in the same cart; is that correct?
A. We were on the green.
Q. Well, yeah. I'm sorry.
A. But yeah. We were in the same cart yeah but we were coming down from the green to the golf cart.
Q. You all finished out the hole. I'm sorry.

A. Correct.
Q. And then when you all finished out, you all walked over together; is that correct?
A. Correct.
Q. And I'm sorry. I didn't mean that you all drove up on the green or anything like that. So in any event, you then walked over towards the cart and some more words were being said; is that correct?
A. I believe so. Yeah.
Q. All right. And I believe you said Mr. Blanton made a comment, you can't talk to my buddy like that.
A. That was — yeah. That was actually after we were driving off towards the parking lot.
Q. All right. And then you said something about they said there were some words about come back; is that correct?
A. Excuse me?
Q. There were some words about — I'm not sure. I thought you meant — you commented that don't worry we'll be back or we're coming back.
A. I made — yeah, I made a comment. Yes.
Q. Okay. And if we go back at that point in time, you all put your bags in the car or the truck, whatever?
A. Correct.
Q. And then you came back around in your cart; is that

correct?

A. Well, we — no. We were walking back up to the — yeah, I guess we dropped the cart off there at the end of the parking lot.

Q. Right.

A. And then we were walking back up towards the pro shop, snack bar area.

Q. Sure. I'm sorry. I was trying to break it down.

A. Okay.

Q. The words are being said. You get in your cart. You drive it over to your truck or whatever.

A. Correct.

Q. Get your clubs out?

A. Correct.

Q. Bring your cart back and stop?

A. Correct.

Q. Come out and head toward the cart barn or the tent over there; is that correct?

A. Correct.

Q. And at that point in time you said that, I believe, Mr. All — excuse me, Mr. Blanton came down the steps. He was walking down the steps?

A. Correct.

Q. And he said something, I believe, to Mr. Allgire; is that correct, at that point in time?

A. In my opinion he was saying something to me because I felt he was talking to me because I was the one that had talked – that I'd said something back up to him.

Q. Okay. I'm sorry. So at that point in time, something was said by Mr. Blanton; is that correct?

A. Yes, as he was walking down the steps.

Q. And then when he got to Mr. Allgire, that's when the punch took place; is that correct?

A. Correct.

Q. And they were right – come to each other?

A. Yeah. They were walking towards each other. Correct.

Q. All right. After that I believe one of the words you used was it was sort of chaotic?

A. I would agree with that.

Q. All right. I agree with that and normally that's what happens after something like this. A lot of people come in and try and get things calmed down and people spread a part; is that correct?

A. Correct.

Q. And at that point in time, you implied that Mr. Blanton had hit the wrong guy; is that correct?

A. Correct.

Q. All right. As a matter of fact, I thought for a minute maybe you thought the other person he was trying to

hit was Mr. Robinson but did you think maybe he was trying to hit you?

A. I thought he was talking to me because I was the one that talked back. Did I think he was coming down to hit anybody? No.

Q. Not when he was coming down. After the fact, you said, you implied that he hit the wrong guy.

A. Right. I was implying yeah --

Q. Maybe I was the guy he thought he should have hit?

A. Correct.

Q. I got you. Okay. And then you said that Mr. Blanton and his friends left. Everybody from the whole group pretty much just said, okay it's over we're out of here. Right?

A. Yes. After our - yeah.

Q. And I believe after that Mr. Blanton was brought back with security; is that correct?

A. Correct.

Q. All right. The rest of the Myrtle Beach group was gone with the exception of the one person I guess that drove back with Mr. Blanton?

A. I would assume. Yeah. I would guess so. Yeah.

Q. All right. And then you said that you overheard the security have a conversation. He had talked with the Beaufort group or the Glover Group and then he talked with

Mr. Blanton and then they had Mr. Blanton arrested; is that correct?

A. Well, he was talking I think with Rod and myself pretty much up there. Yeah. Not the whole group because I think we were the first ones to get in.

Q. Okay.

A. We were the only ones there.

Q. Now, as I understand it, after that then when Mr. Blanton was taken away you all left. Mr. Allgire or Rod actually drove you home; is that correct?

A. Correct.

Q. All right. And then I believe you said that he was going to go on and go to the hospital; is that correct?

A. Correct.

Q. Did you see him the next day? I mean, you work with him somehow don't you?

A. Whether I saw him or not, I don't recollect. I'm sure I talked to him.

Q. Okay.

A. But I do not believe I saw him.

Q. How long after this incident was it that you saw him?

A. A week. I'm sure I ran into him just in work. Yeah through business I'm sure.

Q. You being a designer; he being a builder, you all have interaction; is that correct?

A. Correct.
Q. So within about a week you all would have seen each other?
A. Yeah, I would assume so.
Q. And have you played golf with Mr. Allgire since then?
A. No, I have not.
Q. I'm sorry. I believe you said --
A. No.
Q. You actually have had some surgery; is that correct? Or was that someone else? Do you still play golf?
A. Not as much as I used to but not because of my surgery.
Q. Okay. I'm sorry. There are a lot of depositions floating around here. I'm sorry. And do you recall if you've gone back to the Glover Group and played?
A. Oh, I have. Yes.
Q. Okay. And do you recall testifying that about March of the next year in 2012 that Rod was out there with the Glover Group?
A. I think he had played there - Yeah. It was probably six months later or something like that probably. I guess.
Q. Okay.
MR. GRIFFITH: That's all the questions I have. Thank you.

DIRECT EXAMINATION

BRENT COOPER BY MR. MOSS:

Q. Mr. Cooper, give us your full name please, sir, for the record.

A. Eugene Brent Cooper.

Q. And tell me a little bit about your educational background, where you went to school and that type thing.

A. I have a Journalism degree from the University of South Carolina. I was an editor for several years and I now have my own publishing company.

Q. And what's the name of your publishing company?

A. Communication Publishing Company.

Q. And how long have you owned that company?

A. Twenty years.

Q. All right. And I believe your father used to be the owner of the Beaufort Gazette; is that right?

A. That's correct. In the 40's, 50's and 60's.

Q. All right. Mr. Cooper, I want to ask you about an individual first of all. We've been talking about this Glover Group all day and I want you to tell me a little bit about Randy Glover who is the head of that group.

A. Well, Randy Glover is a seventy-three year old man that's in the Golf Hall of Fame, both the National and the State. I've played golf with him now for over thirty years and he is an excellent golfer and has been doing

that all his life. That's what he his.
Q. Okay.
A. So we all go out to play with him so we're able to play with a former PGA Champion.
Q. And the Glover Group, basically they play every Sunday; is that correct?
A. Every Sunday, yes, sir. Different golf courses.
Q. And I believe Randy is responsible for getting us onto the various golf courses at a little cheaper rate?
A. That's what he does. Yes, sir.
Q. All right. Now, were you playing on November the 13th of 2011 on the Ocean Creek Course — excuse me, the Creek Course at Fripp Island, South Carolina?
A. I was and I was playing with Mr. Glover.
Q. And who all was in your foursome if you know?
A. It was me, Randy Glover and Bill Moore, and I'm not sure who the fourth was if there even was one.
Q. Okay. And tell me about what occurred during your round that day on the golf course.
A. Well, we got to the 10th hole we made the turn and we had to stop for a period of time because the group in front of us that was several holes a head of us was on number 15, which was about, I don't know, twenty-five or thirty yards away from our tee box and one of the individuals was throwing up and so making a lot of noise

as he was gagging so we actually had to stop and couldn't tee off because of the noise and we had to wait for him to finish throwing up and whatever he did to go to the next hole and they were certainly delaying everybody but I can understand why they were --

Q. Was he in the preceding group way ahead of the Glover Group?

A. No. Well, he was like 11, 12, 13, 14, 15. He was about five groups ahead of us, five holes ahead of us so we were not directly behind them. We only got close to them when we were on number 10 and he was on number 15.

MR. GRIFFITH: I'm going to object to this. I don't know what relevance it is. He can't identify who it is or anything of that nature. If it's my client, he would need to identify him. It's not relevant.

THE COURT: Okay. He can give the surrounding circumstances.

Go ahead.

BY MR. MOSS:

Q. He was not in the Glover Group is what I'm --

A. No. Now, the person who was throwing up, like I say, I did not know who that person was, just like he said. It was just a part of the group that was out there playing.

Q. Okay. Ahead of your group?

A. Ahead of our group but there were a number -- several

foursomes ahead of our group.

Q. Now, as you got to the clubhouse what happened, if anything, that you recall?

A. Well, when I got to the clubhouse, there was a lot of conversation going on between the people upstairs, which would be I guess the Conway group --

Q. On the balcony of the pro shop?

A. The balcony or however you're referring to them, and then conversation from people downstairs and it was some back and forth and at this time, I left and went to my car along with Randy Glover. We were in the parking lot putting out clubs in the car.

Q. You all had finished the 18th?

A. We had finished, right. And then we could hear that there was a ruckus taking place from the voices and everything. Then -- Do you want me to continue with what I saw?

Q. Yes.

A. Okay. And then I see the individual at the table over here --

Q. Mr. Blanton, the defendant here?

A. Right, along with a shorter fellow that was with him, come out in the parking lot and make the statement does anybody else want to get beat up. Now, about that time Rod came into the parking lot holding his jaw and said, I

got sucker punched. At that time Randy Glover hollered up to the pro shop and said call the police — call the sheriff is what he actually said. Then Mike Dickey came in and said let's get the tag number. They then, he and the individual he was with, left.

Q. Mr. Blanton and the individual he was with?

A. Right, then left.

Q. Okay.

A. Okay. And then some of the people in our group followed to see where they were going. Okay. I didn't. I stayed there and I waited for Mr. Blanton to come back and he came back with the security guy.

Q. Did he come back with the police?

A. Yes.

Q. All right.

A. And um --

Q. And were you there when they had the discussion?

A. I was. I was there when they had the discussion.

Q. And did you hear what Mr. Blanton said?

A. I did.

Q. What did he say?

A. He listened for a while. There was the marshal. The older man from Dataw who had watched everything was explaining what was going on. Mr. Blanton kept trying to interrupt saying, I understand. Listen, I'm a big boy. I

can take my punishment, you know, and the officer made him sort of stop and wait until everybody had what they had to say. He said, I'll give you an opportunity to say what you want to say when it's your time. I was down at the end of the stairs where he was then he made the statement that, obviously I've hit the wrong person and I probable owe him an apology and then some.

Q. Okay. And then what did you do then? Did you leave the island or did you have any more to do with Rod?

A. No. That was it for me. I waited until, you know, the security officer and then I guess the sheriff's department came so then after that we left.

Q. So the people who came in the parking lot was Mr. Blanton and a smaller individual?

A. Right.

Q. And what did Mr. Blanton say?

A. Now, I'm not sure if it was Mr. Blanton or it was the small guy, it came from one of the two, does anybody else want to get beat up, and at that point everybody sort of - you've got to understand. We're a bunch of old men, we're not fighters. Everybody just tried to get in their car and tried to get out there. My sales manager tried to get out there so fast his car stalled and he couldn't even get out. But I mean he made his point. There was nobody else who wanted to get beat up, I promise you.

Q. Okay.

A. It was a one-way flight.

Q. All right.

MR. MOSS: I don't have anything further, Your Honor.

CROSS-EXAMINATION

BRENT COOPER BY MR. GRIFFITH:

Q. Mr. Cooper, you sound like you play with the Glover Group a good bit.

A. I do. Yes, sir.

Q. And they play every Sunday; is that correct?

A. Yes, sir.

Q. There's a little bit of gambling goes on there; is that correct?

A. I'm not sure about what you mean by that. We do play for a $20 prize.

Q. Twenty dollar prize? Rumor has it there's a $5,000 hole in one on the par 3 going around right now.

A. That could be possible. I haven't seen it.

Q. You haven't hit that hole in one then have you?

A. No, sir.

Q. But in any event, you played that day; is that correct?

A. Yes, sir.

Q. And you were talking about when you hit number 10, there was some back up a little bit. You saw somebody

that apparently was nauseated. He had too much to drink. Correct?

A. I assume he had too much to drink. I just saw him throwing up.

Q. Okay. You don't even know why he was throwing up. Maybe he had something to eat that was bad. Right?

A. That could happen but most of them were drinking and intoxicated from the way they acted.

Q. Well, you weren't near them at that point in time. You were at least ---

A. I was on --

Q. --- on 10.

A. I was here from the man, the last jury man in the box. That's about the difference.

Q. And you can't identify who that individual was?

A. I sure can't. No, sir.

Q. All right. And then you played on.

A. I can identify that it was not the defendant. I know that much.

Q. Okay. Thank you. But in any event, you played on and then you got to the clubhouse. Right?

A. Yes, sir. After he had finished and they - the people who were playing with him tried to get him to hurry up and finish his throwing up, okay, because they realized they were backing everybody up.

Q. Now we get to the clubhouse.

A. Okay.

Q. And when you are at the clubhouse, you said that you heard that there was a conversation going on. There was some mouthing going from the upstairs to the downstairs.

A. Right.

Q. Is that right?

A. Right.

Q. All right. And so you weren't a part of that though were you?

A. No, sir.

Q. You don't know who was a part of that. Correct?

A. I do know who was a part of it.

Q. All right.

A. I do know it was --

Q. Dennis Robinson?

A. I didn't seeing Dennis doing that, but I saw Paul Cole hollering back to them.

Q. Okay.

A. In other words, they were asking if anybody wanted to fight and stuff like that and none of us wanted to but Paul was jawing back with them.

Q. All right. And was the comment made, there is no two up there that can beat us two?

A. I don't - I didn't hear that.

Q. And then Paul and Rod, did you see them? Did you see that jawing going on or did you just hear it?
A. Rod was not part of that jawing that I know of.
Q. He was riding with Paul wasn't he?
A. No, sir.
Q. He wasn't in the same cart with him that day?
A. I don't think so. I mean, I --
Q. Well, did you see Paul doing the jawing?
A. I did. Yes, sir.
Q. All right. Was Rod with him at the time?
A. I did not see Rod there at that time.
MADAME COURT REPORTER: I'm sorry, we need to do one at a time.
A. Okay.
Q. Did Rod play with Paul?
A. I don't know that.
Q. You don't know if they were in the same cart?
A. I did not.
Q. You saw Paul jawing with the group upstairs?
A. I did. Yes, sir.
Q. You don't know if Rod was beside Paul then when the jawing was going on. Was he or was he not?
A. I do not know. Can I explain something. The only time I saw Rod was when he came in the parking lot holding his jaw and said, I got sucker punched.

Q. Okay. So at any time up until that point in time you never saw Rod?

A. No.

Q. But you did see Paul have that conversation or the jawing. When I say jawing, words back and forth.

A. I understand. Right.

Q. You saw Paul do that?

A. Yes, sir.

Q. All right. And then so you never saw Paul and Rod go into the lot to take their bags out of the cart?

A. No, I didn't.

Q. All right. And then you never saw when Rod, Mr. Allgire, came up when he was walking and the actual punch took place. You never saw that?

A. No, sir. I did not see the punch. I left and came to the parking lot and like I said, all I saw was when Rod came out and said, I been sucker punched.

Q. Okay. And then you said that you looked into the parking lot and there were two gentlemen out there. Correct?

A. Um --

Q. But you don't know - I'm sorry.

A. No. I was in the parking lot as this gentleman and the smaller guy came out in the parking lot and made the statement, does anybody else want to get beat up, or it

could have been, does anybody else want an ass cutting. I don't know if it's okay to say that in here.

Q. Okay.

A. Obviously there wasn't. We are all old men. Nobody was there to fight.

Q. All right. The - You said the little fellow, he looked — actually he's about your age isn't he?

A. Not my age. He may be about my size.

Q. About your size. Okay.

A. I'm about thirty years older than him probably.

Q. All right. But in any event, I heard Paul a minute ago says that it sort of all got broken up. Were you there when it all got — when the people sort of got everybody separated?

A. No, sir, I was not. I was in the parking lot and all this took place right outside of the 18th green there.

Q. Okay.

A. Like I say I assume that's where it took place. I didn't see it.

Q. And then you said that — something — what was said about, you know, does anybody want another ass —

A. Does anybody else want to get beat up.

Q. Beat up.

A. Sort of was the gist of it.

Q. You're not sure who said that?

A. No, sir. I know it was either he or the younger — smaller guy that was with him because they were the only two that were there at the time getting ready to get in a car, a car with a dealer tag on it.

Q. Did they get in the car together ---

A. Yes.

Q. --- and leave? Those two got in the car together?

A. I assume they did.

Q. Well did you see them?

A. From what I can recollect, I thought I saw them get in the car and leave and then we followed them.

Q. And were you there when the security officer stopped them?

A. No. I was there when the security officer came back and they came back.

Q. And then you said that when you were there and the security officer came back, somebody implied — I believe the security officer talked to Paul and Rod; is that correct?

A. And the gentlemen from Dataw that was actually working for Fripp Island.

Q. Okay. And then there was some comment about hit the wrong guy?

A. Yes, sir.

Q. And you heard Mr. Blanton say, if I hit the wrong

guy, I'm sorry?

A. He says, it's obviously that I hit the wrong guy. I owe him an apology and then probably something.

Q. Okay.

A. Whatever that means.

Q. All right.

A. You can interpret that for yourself.

Q. And then at that point in time, you somehow left or shortly after that; is that right?

A. Well, I think that the security officer had finished his interrogatory and made his decision and called the sheriff's department - took him away and called the sheriff's department.

Q. Sure, but you left. That's my question.

A. Yeah.

Q. Okay. And did you go to the JCT were Dennis was?

A. No.

Q. You all didn't go there to settle up?

A. Beg your pardon?

Q. You didn't go there to settle up?

A. I can't recall if I did or not. Okay.

Q. Okay.

MR. GRIFFITH: No further questions.

MR. MOSS: That's it, Your Honor.

THE COURT: All right.

MR. MOSS: Thank you, Mr. Cooper.

THE COURT: You are excused, sir.

All right, Mr. Moss, call your next witness.

MR. MOSS: I call Mr. Allgire.

THE COURT: Come on forward, sir, and be sworn.

MR. MOSS: Thank you, sir.

MR. COOPER: You're welcome.

MADAME CLERK: Please place your left hand on the Bible and raise your right hand.

(WHEREUPON, RODNEY ALLGIRE, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

DIRECT EXAMINATION

RODNEY ALLGIRE BY MR. MOSS:

Q. You are Rod Allgire?

A. Yes, I am.

Q. Mr. Allgire, could you give me your date of birth?

A. Yeah. It's March 21st 1961.

Q. You are fifty-two now?

A. Fifty-two now.

Q. Okay. And tell me a little bit about your educational background and work history.

A. I'm a high school graduate and then right out of high school I went in the Marine Corp, which I stayed in five years active duty, honorably discharged. Took a couple a little college courses here at Beaufort Tech to learn how

to build houses and I've been building houses ever since

Q. And who do you work for at this time?

A. At this time, Allen Patterson Residential. I've been with them about nine years.

Q. And what is your job? What is your title?

A. I am the company superintendent.

Q. Superintendent?

A. Yes.

Q. I know you do jobs all over Beaufort, I guess, don't you?

A. Yeah. We're all over Beaufort, Hampton, Bluffton. Wherever we can get a house to build, we build them. We have thirty employees I'm in charge of everyday.

Q. Good. You're married?

A. Yes, I am. Been married twenty-six years.

Q. And this is your wife here?

A. Yes, she is. Terri.

Q. And how many children do you all have?

A. We have two girls.

Q. And how many grandkids you got?

A. We've got one that's about six months old.

Q. And you live on Lady's Island; is that right?

A. Yes, I do. Lady's Island.

Q. Now, you -- I want you to direct your attention back to November the 13th of 2011 and ask you if you played

golf with the Glover Group that day on --

A. Yes, I did.

Q. At the Creek Course at Fripp Island?

A. Yes, I did. I played with Paul Cole who was on the golf cart and typically when I play golf I'm playing with a couple of other guys. They did not show up that day so they actually paired me with Dennis Robinson and Doug Trogdon, which is the first time I've really ever played a round of golf with them and we play a lot of different people and every now and then you'll be with a different group if your partners don't show up which is what happened.

Q. Okay.

A. So I was paired with them.

Q. And that's Charles Hrabanek I think you know him.

A. Charles Hrabanek yes. He is a guy here in Beaufort.

Q. And he didn't play that day?

A. No. He was in Columbia that day.

Q. Okay. Now let me ask you this. There has been some testimony, I think a lot of it from Mr. Griffith over there about your drinking. Did you drink anything that day?

A. I absolutely had zero, not one drop of alcohol that day. Nothing.

Q. Okay.

A. I watched Dennis Robinson drink a couple of beers and Paul Cole drank a couple of beers but I never drink beer in the morning when we're golfing and, you know, only when I got in to have lunch after a while I may drink one beer and that's it. Ever.

Q. Okay. Now, tell me how the round went when you got - after you started on the back side.

A. The round was pretty much like all the other guys were saying. The round was going great. We finished nine holes real quick. They let us go off first because we're typically the fastest. We caught up with a group on probably 10 or 11. Waited and like they said, they kind of muddled around on 14. We're on one side of the fairway. Dennis and Doug are on the other and I did hear Doug - Dennis say something to the group. They hollered something back. Really to be honest with you, I didn't pay it much attention and we finished that hole. Went to the hole. They were kind of eyeballing Dennis' cart and I don't know if they had words there or not and I never thought about it again until at 18 when we were finishing up.

Q. Okay.

A. Last time I ever even heard from them.

Q. Now tell me about 18. Normally, what was your handicap as a golfer at that time?

A. At that time, about a three or a four handicap. I was shooting very well back then so.
Q. And on that particular day, tell me about the last hole. I understand that the other three were kind of ahead of you?
A. Yeah. Well, the last hole I kind of, you know, hooked one in the sand trap. Went down and kind of ducked it out of there. I was a little struggling there. Actually Dennis and Doug were already up near the green when we were kind of driving up from my last shot into the green and when I seen the guy come out and confront Dennis again. You know, he was saying something. What it was, I don't know. I just - you could actually hear him.
Q. You hadn't gotten up to where Dennis --
A. No. I wasn't even near the green yet. And actually I was actually ended up out of the hole so I ended up picking my ball up and I never did go on the green to finish putting off. I was already out of the hole.
Q. Now, why do you pick your ball up? In the Glover format, what's --
A. Well, if you shoot two over the par, to speed up play you just pick it up, take a double bogie that's the highest they can give you and they call it a ball in pocket. You know, you're pretty much done with the hole when you shoot poorly on one.

Q. You don't get any points ---

A. None.

Q. --- if you do over so you just stick the ball in your pocket?

A. Yeah. You get no points at all.

Q. Okay.

A. It's just to expedite play.

Q. Now, when you got up near the 18th, you were behind, kind of behind of them. What was occurring, if anything, to your knowledge?

A. Actually I was just watching them with Dennis and Dennis just kind of took off. I kind of thought he was getting hassled up there. He was taking off. I found a head cover right by the cart trail. I picked it up because it knew it was off the group that was right in front of us and I kind of -- the way the holes are laid out, you can come down in the golf cart, you can veer off like everybody does and go to the tent and the guy was standing there by his cart. I give him the head cover. He actually said, thank you, and I headed on.

Paul Cole met me. I picked him up. And we were actually driving. I'm adding up scores on the steering wheel while I'm driving and we're heading to my truck to put my clubs up and Paul's clubs and that's when we come back --

Q. You and Paul didn't sit there in the cart for a half an hour ---

A. No. Absolutely not.

Q. --- or fifteen minutes or twenty minutes and argue with anybody?

A. Absolutely not one word. He jumped in my cart. I went right to my truck and I said, I'm going to go in and get a sandwich and we'll square up up there and I never thought nothing of it. Changed my shoes. Come back. Parked the golf cart. When I was walking in, you kind of walk around a big high score board that they write scores on --

Q. And where did you park your golf cart?

A. Underneath the cart barn.

Q. Underneath the cart barn. Okay.

A. Underneath the tent there.

Q. Okay.

THE COURT: Mr. Moss, you need to ask the question and let him answer. The court reporter can't take both of you all talking at the same time.

MR. MOSS: I understand. I apologize.

A. And as I was walking around the sign, I mean, that's where the stairs are that takes you upstairs to the clubhouse, I mean lights just went out. I had my head down looking at the sidewalk and the next thing I know, it

was black, so I mean, literally stoned me and --

Q. Had you ever said anything to Mr. Blanton?

A. Never seen the guy before not one second in my life, so --

Q. And what happened after you -- who helped you up what you recall?

A. Well, they tell me it was Doug and Paul. I couldn't tell you who it was because I mean it literally -- I don't remember much until I was about half way staggering towards the parking lot because I really wanted to get back at the guy but I mean, I was pretty much knocked unconscious briefly and, you know, just kind of stoned me. I don't know any other way to put it.

Q. And you were on the concrete?

A. I was on the concrete. Absolutely.

Q. What happened after you got back to your car? What happened? Did somebody call the police on him?

A. Yeah. They actually brought -- I watched the guy. I was trying to write his license plate on an old score card which was really nothing but scribble when I got finished with it, but they actually brought him back. I was -- they had me sitting down on the stairs when they brought him back towards me, so, and that's --

Q. Where were you having pain at the time other than --

A. My back was stoving up at that time. I mean, I could

hardly take a long stride step period and all I wanted to do was get to my car and really get home, so.

Q. I got you.

A. And the more time went on, the more I was stoving up, so.

Q. All right. In other words, was your pain increasing?

A. Oh, yeah. All the way right up through until they gave me — they did a CAT scan at the hospital. Said it's just some trauma. Gave me some kind of a pain killer. I went home and slept through the night and for the next couple of weeks, I could just — I knew it wasn't right and that's when I went to a specialist.

Q. Okay. That day, were you there when Mr. Blanton was brought back to Fripp Island?

A. Yes. Security brought him right to me. I was sitting on the steps. They had me sitting right there so just kind of bringing me back around.

Q. Did you explain to the deputy what had happened?

A. Yeah. I was pretty furious. I told him he sucker punched the wrong guy. I knew he had words with Paul Cole. You know, there wasn't a doubt about that. I never heard what they had going on and --

Q. But you weren't involved in it?

A. Not one bit.

Q. You never said one word to him or anybody else --

A. Not a single person in his group.

MR. GRIFFITH: May I make an objection?

THE COURT: You may.

MR. GRIFFITH: Mr. Moss is leading.

Q. Did you -

THE COURT: Mr. Moss, do not lead.

MR. MOSS: Yes, ma'am. I won't.

Q. Did you say anything to anybody in that group at all?

A. I never spoke one word to anybody except here is your head cover and he said thank you. I couldn't even identify him if I had to. Just a tall guy. He said, I appreciate it. And I drove over and picked Paul up.

Q. And did Mr. Blanton subsequently make any statements in your presence about what happened?

A. Yeah. He said, evidently, or something of that nature, I hit the wrong guy. I'm really worry. And I said, hell with your sorry. You're going to jail because I mean, I was absolutely furious just a blazing.

Q. And the police did come and take him to jail?

A. That security officer that was here earlier actually put him in the handcuffs and then they brought the sheriff's department in.

Q. Okay. Now, you rode back with whom?

A. I drove my truck. Paul Cole drove as my passenger and I dropped him off. He lives right on my way to my

house, so I dropped him off and by the time I got home, I couldn't even get out of my truck, so. And then she actually, my wife had to take me to the hospital.

Q. Your wife took you to the hospital?

A. Yes.

Q. Okay. And when you got to the hospital, what did they do, if anything?

A. They had to come out and get me out of the truck because I was already pretty much locked up by then and you know, they just did a bunch of tests and I was in there probably five, six, seven hours, so. I was in there a long time.

Q. Okay. And when you left there, did they give you some medication or something?

A. Yeah. He gave me a shot and he gave me some pain killers and probably a couple other things. I don't even know what they were right here and I was home. I tried to work the next day; I couldn't do it. I actually missed the next two weeks of work and then I took a week of sick leave after that so I was really out of commission about three weeks. I would try to go in periodically because I do run the company.

Q. How much do you normally make a week?

A. I make eleven hundred dollars salary a week.

Q. All right. And so hourly that comes to what, Twenty-

seven Fifty an hour?

A. Twenty-seven fifty an hour.

Q. On a forty hour week?

A. On a forth hour week, so — and then, you know, I'd miss a lot of time doing doctor's visits and then I had physical therapy for an awful long time. They did it until I couldn't do it anymore. My insurance ran out and then I waited a little while longer and then they picked back up and I started going again to physical therapy, so.

Q. Okay. Well who was the first doctor that you actually saw?

A. I went to see Doctor Blocker. He's a orthopedic specialist and I went to see him first and what they did was an x-ray but he really couldn't tell. He wanted to do an MRI and again, I was fighting with my carrier on wanting to do --

Q. Don't go into that, but in any event --

A. I had to do an MRI and then once they did the MRI on me, then you could see that my vertebra was actually fractured, several cracks in it.

MR. GRIFFITH: Your Honor, I'm going to object to him testifying to what the reports said or what the doctor said.

MR. MOSS: Well the doctor is going to be here in the morning, but I understand.

THE COURT: The doctor can testify. He can say what was hurt.

BY MR. MOSS:

Q. Do you understand what areas — what areas of you was hurt?

A. My vertebra and my back was killing me and my ribs were killing me.

Q. Did you find out that you had any fractured ribs?

A. I found that out later on through another x-ray that they did not catch because they didn't go that far with the MRI. They just looked at my vertebra. I guess I can say that.

MR. GRIFFITH: Your Honor, again I'm going to object to him testifying to the diagnosis. I think that's the doctor's — outside his area.

MR. MOSS: A patient can testify --

THE COURT: Well he can't testify as to what an x-ray showed because he doesn't know that and can't read an x-ray. He can testify as to what his injuries were.

BY MR. MOSS:

Q. What did you find out your injuries were?

A. Well, the doctor told me I had fracture --

THE COURT: Okay, hold on.

Sir, that's what you can't say. You can't say --

BY MR. MOSS:

Q. Of your own knowledge, what injuries did you have?
A. My ribs and back killed me beyond anything you could imagine. Other than that I don't know what to say without the doctor saying it.
THE COURT: That's fine.
A. I mean, if I can't say it was fractured and I can't say they were broken --
Q. I understand, but what do you know your injuries were? What do you yourself know what your injuries were?
A. I know my back hurts tremendously. I know that they were treating me for back related injuries for well over a year.
Q. How long did you see Doctor Blocker?
A. I seen him until they - Well I seen him until the ---
q. Did he ---
A. --- injury was so much ---
Q. --- transfer --
A. --- they sent me to a different specialist.
Q. All right. Who was the specialist you were sent to?
A. Which is Doctor Boatwright .
Q. Boatwright?
A. Yeah. He treats almost exclusively the spine so that's what he is, a spine surgeon. So once they figured out what it was, they sent me to him.

Q. Okay. And what treatment have you received since you've been with Doctor Boatwright?

A. Really, we've just been doing a lot of therapy trying to build the muscles up around it and that's a lot. I do a lot of different stretching. I do a lot of different muscle building techniques that they give me to do and I go to therapy, so you know they keep me stretched out and trying to build everything up around it.

Q. Now when did you start back playing golf to your best recollection?

A. It was — I tried probably eight months after it and I had to get a ride to my truck because I just couldn't make it. And I never really got back into golf until well over a year after that happened and I'd play maybe once every other week trying to get back in the swing of things and now I play probably every two weeks again still, so I can't — you know, before I was playing three times a week. You know, it is what I enjoyed. It is one of my few hobbies that I truly enjoy.

Q. What is your handicap now?

A. Right now it's a 13, which is really not that great, so — just can't swing a golf club.

Q. Well, that's about what I am. I think that's pretty good. Okay. Now, what about — What other activities have you been limited in performing as a result of these

injuries?

A. Well, I had you know I did a lot of off shore fishing. I've got a nice off shore boat that hasn't moved since this happened in two years. I tried to get out one time it stoved me up so bad from getting jarred around. You know, I really can't do much. I can't split fire wood around the house. I've got to bring my crew over. Really can't cut the grass. Can't use the weed eater. I mean, it really limits me a lot on what I can and can't do. If I do something strenuous, I can't walk for two or three days correct, so – or there hasn't been a single day, not one day since this happened, that I haven't been in pain. Not one.

Q. What medications do you take now if any?

A. Only Ibuprofen 800 milligrams. That's it.

Q. Eight hundred milligrams?

A. Yeah, just – they wanted to give me pain pills and everything else but he told me, try to do it without a brace. This is Doctor Blocker. That will build the muscles up stronger and I'm sticking just strictly to Ibuprofen when it's real bad, so.

Q. Did you at some time while being treated receive any injections?

A. Yes. I've had two series of injections in my lower back from Doctor Boatwright.

Q. All right.

A. And the second time it almost crippled me worse than it ever really hurt so I haven't been back for any more.

Q. Did you wear a brace at any time?

A. Yes. I wore a brace for almost a year. Well, about nine months, I guess, I wore a brace after it got so bad where I was really having trouble walking, so.

Q. On a scale of one to ten, you being a ten before, what are you up to now as a result of your injuries?

A. Really, you know, on a good day I would say a six. You know, maybe a seven, but most of the time it's around a four, I guess. You know, I've got pain every single day. You know, no if, ands or buts about it. The colder it gets, the worse it gets.

Q. Did you have any pre-existing problems before this event?

A. Only just --

Q. You fell off a roof years ago didn't you?

A. Yes. I fell off a roof at Fripp Island and --

Q. You hurt your wrist?

A. Yeah. Just my forearm really. I just hit a little flower pot with my forearm. And then the only other thing was just aches and pains from building houses. You know, carrying lumber. I had a partial rotator cuff tear in the same arm from throwing rafter tails up on a roof and - but

as far as any back trouble or treatment like that, no I haven't. Nothing like that.

Q. Never had any?

A. No broken bones in my back. No broken ribs. Nothing, so.

Q. Okay.

A. Nothing at all.

Q. Now, have you been released from Doctor Boatwright?

A. I go back in another - probably two months for another MRI. They're just — you know, I go back probably ever six or seven months. I go back, I think, in February is the next trip though. They do an MRI and check my back and see where we're at, so.

Q. So you are still under his care?

A. As of right now, yes.

Q. Okay. Now, did you total up a number of visits you had to doctors and or physical therapy?

A. Yes. I've got a lot of visits. It's about a hundred and seven hours worth of visitation to physical therapy, any doctor's visits. When I go have the injections, it takes about a half a day. Any MRI's. If you total it all up it's somewhere at the low end between a hundred and seven hours —

Q. That you've spent just going for physical therapy and to the doctor?

A. Yes.

Q. During working time?

A. During working time. Nothing is ever on the weekend, so.

Q. Okay. And you make $27.50 an hour?

A. Yes.

Q. Now, I don't mean to get too personal, but what about relationships with your wife. Has it affected that?

A. Yeah, a little bit. Absolutely. And, you know, we can't do hardly anything like we used to do and it slowed me down a lot.

Q. Okay. Has she — How has she been affected by your injuries?

A. I guess I was pretty much a jerk when it first happened for about five or six months, so between her and my daughters. . . I was a jerk.

MR. MOSS: I don't think I have anything further.

Q. Anything else you want to say?

A. No.

Q. Are you all right?

A. Uh-huh.

Q. Want some water? Okay.

MR. MOSS: I don't have anything further.

THE COURT: Okay. Are you okay to keep going forward, sir?

THE WITNESS: Yes.

THE COURT: Okay. Mr. Griffith.

CROSS-EXAMINATION

RODNEY ALLGIRE BY MR. GRIFFITH:

Q. Mr. Allgire, I understand you are originally from Ohio; is that correct?

A. Yes.

Q. And you went to high school, graduated?

A. Yes.

Q. Came to South Carolina I guess via the United States Marine Corp?

A. Yes.

Q. Spent five years there; is that right?

A. Yes. I was all over. I was overseas, California and South Carolina.

Q. And I thought I understood that you were like the rifle person?

A. Yes. I was on the Marine Corp Rifle Team for three years.

Q. Okay.

A. That's what I did for a job.

Q. And after you left the Marine Corp as I understand, you stayed in Beaufort; is that correct?

A. Yes.

Q. And at that point in time you needed a job so you

went and took some courses, carpentry courses --

A. Yeah. Just a technical college. Taught me how to read a tape and what carpentry was all about.

Q. And you went to work for Dave Ferry over at Bay Point for a number of years?

A. About twenty-five years until he slowed down and decided to kind of semi-retire.

Q. All right. And when Dave started winding down then you went over to work for Allen and became a superintendent at his company. Correct?

A. That's correct.

Q. All right. And you said you've been at Bay - excuse me, Allen for about nine years now. Correct?

A. Yeah. Between eight and nine years. I've only had three jobs.

Q. And you are currently employed with Allen. Correct?

A. Yes.

Q. Now, you talked a little bit about - as long as we're talking about working, you talked a little bit about the time off from work after this incident.

A. Yeah.

Q. I want to ask you about that.

A. All right.

Q. First of all, you said that you made 27 something --

A. I make eleven hundred a week salary, which is - we

very rarely ever work forty hours a week. Typically my hours are between forty-seven and sixty hours a week.

Q. All right. And as I understand when you do that, you got — eleven hundred dollars is what Allen pays you; is that right?

A. That's correct.

Q. And in that regard, you have a net pay then as opposed — that would be your gross pay; is that correct?

A. That's correct.

Q. And what is your net pay? Is it around eight hundred and thirty something dollars a week?

A. Eight twenty-eight — well, it was. It's 825.01.

Q. 825.01. Okay. And as a contractor, when you are building you have to do a job called stanalysis; is that correct?

A. Uh-huh.

Q. And you have -

MADAME COURT REPORTER: Is that a yes?

A. Yes.

MR. GRIFFIN: I'm sorry.

Q. And so you have to fill out — you actually have to fill out time sheets that would show where your job — where to post that cost to; is that correct?

A. Yes.

Q. And you actually fill out those time sheets; is that

correct?

A. Yes.

Q. Did you get any of those time sheets to show how much time you actually missed from work?

A. No.

Q. All right. And you said that you were ball parking, I guess. Two weeks you missed right after this incident. Right?

A. Yeah. I took two weeks vacation time and then they paid me an additional week's sick leave, which ---

Q. Three weeks.

A. --- is three weeks total.

Q. Okay.

A. And then for the next really two more weeks, I would only work a few hours a day until I couldn't stand it and then I would come or I would have a laborer drive around with me so I could keep an eye on my job, you know.

Q. Sure. And so that's what you would do as a superintendent. You go to the job sites and make sure they're working. A lot of your work also consists of paperwork too doesn't it?

A. And meeting with homeowners and ordering material and finishing the projects.

Q. Okay. And I notice it looks like maybe this past year you were even in Southern Living; is that right,

working with Allen?
A. That's correct.
Q. All right.
A. I did the Mid Town projects in Beaufort.
Q. Which is?
A. Downtown Beaufort on Duke Street.
Q. Right. I'm trying to figure out which direction. I think it's right back over in that direction.
A. Correct.
Q. Is that right?
A. Uh-huh.
Q. And that was some number of houses in a development?
A. Twenty-two houses in one development.
Q. Okay. And that was going on during this time; is that correct?
A. That's correct.
Q. All right. Now, as I also understand it, you're a golfer for about you told me maybe ten or twelve years back when — a year or so ago; is that right?
A. That's correct.
Q. And you started in — 2011 I believe you started playing with this Glover Group; is that correct?
A. That's correct.
Q. And you play on Sundays?
A. Yes.

Q. You said you were about a six handicapper; is that correct?
A. About a four really.
Q. Excuse me?
A. About a four handicap.
Q. Okay. About a four handicap.
A. Yeah.
Q. And so playing with them you'd go out every Sunday and you all would always start --
A. We would try to make it every Sunday. Ninety-nine percent of the times it wasn't. You know, I was lucky if I can get three weeks a month, so.
Q. Okay. But in any event, you had been playing with them for a couple months?
A. Probably.
Q. All right. And when you go out there and I understand in just listening to Mr. Moss, he is part of this group. He plays a good bit?
A. Yes.
Q. All right. And in that, there is always some little bet going on ---
A. Yes.
Q. --- in golf; is that right?
A. Skins, yes.
Q. All right. And you played on November the 13th 2011;

is that correct?

A. Yes.

Q. That was at the Ocean Creek on Fripp?

A. Yes.

Q. And you played — You told us I believe you generally played with Paul Cole?

A. No. That was the first time I've ever played — that's probably the second time I played with Paul Cole. That's the first time I've ever played with Dennis Robinson or Doug Trogdon.

Q. Okay.

A. I just got paired with them because my regulars did not play that day.

Q. I understand. I misunderstood.

A. Everybody has their own group of guys they play with. Even though it's the Glover Group, I've got three guys that I typically play golf with whenever we play golf, just like Mr. Moss plays with the same three guys he plays with every Sunday, even though everybody is part of the Glover Group.

Q. Sure, and I misunderstood because I understood you did not — you'd never played with Dennis Robinson or Doug Trogdon before.

A. That's correct. Never.

Q. And this was also the first time you played with

Paul?

A. No. I might have played with Paul. I know him from designing some houses. I've only built one house he has ever designed and that was recent, but I may — and the only reason I say I may is because we used to play Lady's Island a lot and he is a member there, so I may have played with him before.

Q. All right. But in any event, 9:30 tee off. Fairly uneventful the first nine holes; is that correct?

A. Yes.

Q. And then as you got to number 10, I understand that it started to slow down?

A. Yes.

Q. And at number 10 there was a foursome ahead of you that was still on the green. Correct?

A. On 10?

Q. Ten, yeah.

A. Yes. They were really in the middle of the fairway.

Q. All right. And so in any event, you played behind them and then you got up to I understand to about number 14?

A. Yes.

Q. And you were still behind them?

A. Yeah. We were on one side of the fairway and actually Dennis Robinson and Doug Trogdon were on the

right side of the fairway a lot closer to the green than us. That's where – that's when they had words.

Q. All right. And the words you said that would have been Dennis had some words with the group in front of them?

A. Correct.

Q. You didn't hear exactly what was being said?

A. No.

Q. But there was some --

A. I could hear them say slow – speed up play or something like that but I couldn't hear anything else really.

Q. All right. But there were words back and forth?

A. The guy – I thought the guy at the green shouted something and what it is, I couldn't tell you. I mean, they were out that far from me, so.

Q. Okay. And as long as we're on Dennis, you said that you recall Paul may have had about two beers and Dennis had a couple a beers?

A. Yeah. I don't know what – I know Dennis carries beer when he plays and I know he drank a beer that day, but – and Paul, I think he probably had two beers the whole round. He rode with me.

Q. Okay. And after that, they actually picked up play; is that correct?

A. Probably.
Q. Okay.
A. I'm going to be honest. I wasn't really paying it any attention.
Q. All right. No more words were said though over the next, what is it, four holes I guess, 15, 16, 17, 18?
A. Correct. Yeah. Correct.
Q. All right. And then when you get to the 18th, you said that Dennis picked up.
A. No. Dennis and Doug were already up near the green. I picked up.
Q. Okay.
A. You know I had — I was out of the hole and double boggy out of the hole. I was still in the golf cart in the fairway; they were up on the green.
Q. All right. And at some point in time you said Dennis started heading towards his cart I guess to get his bag?
A. Well, he was walking away from the green. That's when the guy was up there yelling something to him. I mean, when I say yelling, he was right next to his cart so I mean, they were having some words. You know, what they were, I wasn't close enough to hear other than a lot of F-ing going on.
Q. All right. And that was back and forth?
A. Back and forth.

Q. Between Dennis and the other guy?
A. Yeah.
Q. We've kept calling him the short guy.
A. Yeah.
Q. Do you recall?
A. I thought he was the short bald guy to be honest with you but I just didn't pay it much attention.
Q. All right. But in any event he's about the same height as Dennis, I guess?
A. He was a little shorter than Dennis.
Q. Okay. But that argument sort of went back and forth and you didn't pay it much attention.
A. I really didn't.
Q. All right. And then you said that — but clearly though if we're talking about the short man, that's not Mr. Blanton. Correct?
A. No.
Q. And as you went on to play, you didn't really have any part of that did you?
A. No. Not one bit.
Q. And you said that you picked up a golf — a club cover and actually went by somebody and handed it to somebody?
A. Yeah. There was somebody unloading carts right there at the barn. I handed it to him and he says yeah it's probably somebody's from our group.

Q. All right.
A. Appreciate it and I just drove up to pick up Paul then.
Q. All right. And then when you got Paul, did Paul get in the cart?
A. He got in the cart and I'm adding scores up as I'm driving, so.
Q. All right. And then there was some words there; is that correct?
A. Paul was saying something to somebody. Who he was talking to, I don't know but I mean, he was saying something to somebody. I'm adding scores up heading to my truck. I'm really not — I'm kind of oblivious to it, so it's just something you do. When you play on Sundays and you're playing for skins, you start writing the skins up on the score card so which is what I do and that way you know how everybody shoots in the hole. I was in the process of doing that when I was driving to my car.
Q. All right. Was there ever the comment — did you ever hear Paul or the comment made coming out from Paul, there are no two people up here that can beat our ...?
A. Never one time did I hear him say that.
Q. Did Paul — Well what did Paul say?
A. I heard him yelling something. He said, I'm going to go put my clubs up and I'll be back there in a minute.

That's all I heard him say.

Q. Okay. And at no point in time did you say anything to anybody is what I'm --

A. Not one word to anybody.

Q. And you didn't even say words to the effect of go home, leave us alone, we don't want to have anything to do with this; is that right?

A. Nope. Not that I recall.

Q. Just nothing at all?

A. I never said a word to any of them guys.

Q. All right. And then after you went out to your truck or whatever, you and Paul, you took your clubs off the cart. Right?

A. That's correct and put them in my truck.

Q. Bring the cart back around and drop it off?

A. That's correct and then --

Q. And then you start walking towards the --

A. Yeah. I was going to go upstairs and get a sandwich and settle up on skins is what we do, so and like I said, I parked the cart under the cart barn. You can clearly see the cart barn. You can clearly see them score boards that you have to walk around to get to the steps on the back and as I made that left turn around that score board, lights just went out. He approached me from my left side. I'm looking down at the sidewalk right there to take my

next step, and I mean, it just went black instantly.

Q. And I want to show you Exhibit Number Eight. Those are the steps we're talking about?

A. Yep. I'm walking right here. I get to right here and that's where the lights went out.

Q. Okay. Do you mind — I mean, we're having a conversation here. Do you mind coming over here showing the jury for me?

A. Yeah. There's a better picture of it.

Q. Okay.

A. You can't see the whole sidewalk in that picture. You've got a better one in there.

Q. I don't know. That one has an "X" on it. Is that the one you're talking about?

A. Yeah. This is a little better.

Q. I tell you what. If there is a better one, I'm going to let you get that one and --

A. No. This one will work fine right here.

(WITNESS LEAVING WITNESS STAND.)

Q. All right. First of all, let me ask you a question now.

MR. MOSS: Well wait a minute. Let him explain the picture.

MADAME COURT REPORTER: I'm sorry. Speak up please.

Q. What I ask you to do so that we don't encroach upon

the jury, if you'll just hold it up right here and you said you came down these steps?

A. All right. The trucks are out here in the parking lot. This is a big tent that runs all the way down that they park the golf carts under. I parked the golf cart under the tent and you have to walk under this tent to get to these back steps that go up into the building. And as I walked around here -- this is a big plywood scoreboard and you can't see anything. It's like looking at a wall six foot tall, about twelve foot long.

Q. So everybody can see here.

A. And as I come around that scoreboard - the sidewalk follows it around - he was evidently right there on the blind side come out from my left and just absolutely sucker punched me right there.

Q. Okay. You can have a seat back up there.

(WITNESS RETURNS TO WITNESS STAND.)

Q. So he's coming down. Do you see him coming down?

A. Huh-uh. I never seen him.

MADAME COURT REPORTER: I'm sorry.

A. No, I've never seen him.

Q. All right. Were there any words said or did you hear any words?

A. Not one word did he say or not one word did I say.

Q. Okay.

A. When I come around that board, the next thing I know I'm getting up off of the ground.

Q. All right. A minute ago when Paul testified, I heard him say the man said, you can't talk to my friend like that, or words to that effect. Did you ever hear that?

A. No.

Q. All right. Did you keep walking forward?

A. No. He dropped me right there.

Q. No, I'm talking about when you left the cart did you keep walking. Were you walking when you got hit?

A. Yeah. I was in full stride when I got hit.

Q. Okay. Now, after that point in time you said that you were groggy; is that correct?

A. Yeah.

Q. You got up. You were very irritated.

A. Yeah I was very irritated.

Q. All right. And at that point in time, did you start having some words? Were there words back and forth then between the groups?

A. Yeah. I said who in the hell just sucker punched me? That was the first words out of my mouth.

Q. All right.

A. And he was already backing off out of the way and one of his guys said, hey you hit the wrong guy, and that's when they were trying to get out to the parking lot.

Q. All right. And I heard Paul say a minute ago when he testified that he is the one that said or implied, you hit the wrong guy. Was it Paul that may have said that?

A. No. I think it was the guy that grabbed his shoulder that said that.

Q. Okay. Now, after that pretty much everybody cleared out or as Paul described it, it was sort of chaotic there for a few minutes; is that right?

A. Yeah. They were heading to the parking lot.

Q. Okay. And they were — and when I say they, you're talking about Mr. Blanton --

A. Yeah there was a group of them. I couldn't tell you how many, but there was a group of them and they were all scattering towards the vehicles.

Q. The group started leaving. Correct?

A. Correct.

Q. All right. And then you were there and the officer comes and Mr. Blanton comes back with another gentleman; is that correct?

A. Yes. That was later on.

Q. Not the fellow that Dennis was having words with. Correct?

A. I don't know who he came back with.

Q. Okay.

A. I couldn't tell you.

Q. All right. Now, did you tell the officer that there had been an argument between the two groups?
A. I told him that Dennis Robinson had words with somebody in that group.
Q. All right.
A. That would be the best that I can recall.
Q. All right. Well, you heard the officer testify a little bit earlier, he said that you told him that there was an argument between the two groups.
A. Yeah. That would be Dennis and him. Not four guys arguing with four guys.
Q. All right. And then did you — you heard the officer also — or did you tell the officer later that there was an argument between the groups as you got to the clubhouse?
A. No. Again, between Dennis and the short bald guy right next to the golf cart.
Q. Now, after this incident, jumping forward a little bit. You know Dennis. You've seen Dennis. Right?
A. Yes.
Q. You interact with Dennis; is that correct?
A. Yeah. Since then, yes.
Q. All right. Have you ever had a conversation with Dennis about this incident?
A. No. They just asked if there is a court date or anything like that but nothing really.

Q. Did Dennis ever have a time where he apologized a bunch about it?

A. Not really other than, you know — not that I would say is like hey I'm sorry I started a fight, you know, or anything like that, no. You know, he says, man I'm sorry about your back. Yeah, he probably did say something like that.

Q. Okay. So did he ever apologize a bunch about it when you were talking to him?

A. No.

Q. Did you testify to that in your deposition?

A. I can't remember to be honest with you.

Q. Okay. Well let me just hand you your deposition because we want to make sure.

A. Okay.

Q. Looking at page 46 right here, I asked you on line 5, have you ever talked to Dennis about the incident since then?

A. Where is it at? Line what?

Q. Line 5 was my question. Five to six was my question and then your answer was?

A. It says, no not at the time was brought up with Dennis other than a long — other than he apologized a bunch for something, you know.

Q. So Dennis apologized a bunch and you said?

A. Yeah, but not like he's owning up apologizing. You know, he's like he's sorry my back got broke. That's what he's sorry. That's a little bit different.

Q. I'm just asking what — you said that Dennis apologized a bunch.

A. Yeah. That would be like I'm sorry it happened.

Q. He wasn't sorry that it carried over to the clubhouse?

A. No, I couldn't answer that.

Q. All right. And as I understand, this was one punch; is that right?

A. I thought it was one. Everybody else tells me that it was two but I was out on the first one so I don't know.

Q. All right.

A. They said after I was down on my knees, he hit me again. That would be the second time.

Q. All right.

A. That's just what everybody is telling me.

Q. I've not heard anybody but Paul testify there were two punches. You testified you thought it was one.

A. Yeah. Somebody else said there was two, but I only felt one and then it went out.

Q. All right. Now, after this incident you rode home with Paul; is that right?

A. No. I drove my truck home. Paul rode with me.

Q. Well - And in driving home when you got home, you would have dropped him off before you got there. Right?
A. That's correct.
Q. You said that you got home and your wife was there and you got her and you all went to Beaufort Memorial?
A. That's correct.
Q. You were treated and you were not admitted; is that correct?
A. That's correct.
Q. All right. So you went home that night?
A. Yes.
Q. And then on November 22nd, which would have been about nine days later, I see that that was your first visit to Doctor Blocker?
A. That's correct.
Q. And Doctor Blocker is an orthopedic surgeon; is that correct?
A. Yes.
Q. You went to him a total of about five or six times if I counted up in there; is that right?
A. Yes.
Q. All right. And initially when you started seeing him, do you recall that the pain you were having was in your back and down into your left leg?
A. It's in my back for certain. Which leg it is at what

time of the day, I couldn't tell you at that time.

Q. Now, Doctor Blocker did not put you in the hospital at any time did he?

A. No.

Q. All right. And he's not had any surgery on you; is that correct?

A. That's correct.

Q. He didn't keep you out of work either, did he?

A. No.

Q. And you talked about a brace. You said you had that for about nine months or so.

A. This was later on.

Q. Doctor Blocker did not give you a brace?

A. Doctor Blocker recommended a brace but he said it heal better although it's going to be extremely painful without the brace.

Q. You did not get a brace when you went to Doctor Blocker did you?

A. That's correct. Later on, I did.

Q. You went and got your brace when you went to Doctor Boat wright; is that correct?

A. That's correct.

Q. All right. Now, in January of 2012, I believe you went to Doctor Blocker. Did you tell him in January that your symptoms were improving?

A. I don't know. I've been to him a lot and we have a lot of different conversations.
Q. All right.
A. At that time it may have been.
Q. And then it looks like maybe January 12th you went to Doctor's Care because you were having some chest pains; is that right?
A. That's correct.
Q. You were concerned about heart problems. Correct?
A. That's correct. That's what it felt like, I was having a heart attack.
Q. All right. As a matter of fact, you followed up with Doctor Blocker after that; is that correct?
A. Yeah. After — that's when they did the x-rays at Doctor's Care ---
Q. All right.
A. --- and found the ribs.
Q. You — I believe also you testified earlier that you had fallen once before in the past, I believe fallen off a roof; is that correct?
A. Yeah. That would be twelve years, fourteen years earlier.
Q. Right.
A. That would be the past.
Q. They also found broken ribs then didn't they?

A. No they did not.
Q. Not in your medical records is where it says broken ribs?
A. No. I didn't see that.
Q. Okay. At Beaufort - I'm sorry.
A. I've never had broken ribs.
Q. At Beaufort Memorial Hospital you weren't treated for broken ribs when you fell off the roof?
A. No. I was treated for a partial muscle tear in my arm where I hit a flower pot.
MADAME COURT REPORTER: Partial muscle tear in the arm and what?
A. Where I hit a flower pot that was on a deck. You know it was like an eight foot fall off a roof and the worse thing was the flower pot.
Q. And I also understand you have been asked by Mr. Moss about other injuries. You actually had — In 2000 you had a head-on collision; is that correct, in a car?
A. No. Somebody t-boned me.
Q. T-boned you. I'm sorry.
A. Yeah.
Q. All right. But in any event, let's go back now. After that January 2012, January 12th treatment of 2012, you went back to Doctor Blocker and at this point in time he started sending you to physical therapy sometime in

January or February; is that correct?

A. I can't remember. I mean, it's all documented right there when I went.

Q. All right. Well, after that point in time, January you, it looks like from the medical records that I've been given, it looks like you went to physical therapy and maybe in March of 2008 you started jogging some; is that correct?

A. March of 2008?

Q. Sorry. 2012.

A. Yeah. I tried to jog. I was working out before this incident. Was actually I was working out, down to about 220 pounds, and so I run a lot on a treadmill in my house.

Q. Okay.

A. Well, since this happened I couldn't do it so then as I started back, I found that when I would run for thirty minutes, I really couldn't move the next day so that's why I had to stop it.

Q. Well, were you trying to run then?

A. When?

Q. March of 2012.

A. Yeah. I was trying to get back into exercising.

Q. All right. Now, I heard you testify earlier that you didn't start back playing golf until about eight months

after this; is that right?

A. Yeah. I tried one time before that. I couldn't do it and then I've been progressively trying more and more but it's been probably not three or four rounds in the first year and a half.

Q. Well, in March 20th of 2012, did you play a scramble in the Sanctuary Golf Course?

A. I don't know. Maybe — probably.

Q. Did your team come in second place in the first flight?

A. I couldn't tell you that. I've played in a lot of scrambles at the Sanctuary. It's an afternoon nine hole golf tournament. It's a captain choice where everybody hits. You play the best ball. You pick up and move to that spot. That's the way a scramble is.

Q. Well, if it was published in the Gazette and the Packet that you had been playing at the Sanctuary, came in second place playing with I believe Charles Hrabanek?

A. That's correct.

Q. Josh Landers?

A. That's correct.

Q. And you all came in second place there?

A. Uh-huh. We could have. We won it several times.

Q. All right. And this was about four months after this incident; is that right?

A. That's correct.
Q. That's a little bit shorter than eight months isn't it?
A. No. I said six to eight and I've never played a full 18 holes.
Q. All right. Did you ever — Mr. Moss, - You told us earlier about you couldn't do your firewood. Did you ever tell your physical therapist that you were moving your firewood around?
A. No because I didn't because I could not.
Q. All right. By February, had you return to running?
A. I may have tried on and off to exercise so I didn't put my weight back on, but I would have done that trying — you know, trial and error. If I tried it and it hurt, I'd stop.
Q. Sure.
A. And I'd wait a month or so and try it again.
Q. Well, if you tried it two or three times within a week's period of time, you were getting better. Right?
A. Not really.
Q. Did you ever tell him that you were still running and you weren't having any problems from the running?
A. Not that I can recall.
Q. All right. Did you tell him at some point --
A. Who is him anyways? Who is him?

Q. I believe his name is Mr. Carlisle. He was here earlier today.

A. Right. No, I don't know.

Q. The physical therapist. You went to the physical therapy. Right?

A. That's correct. I had four different physical therapists, depending on which one you got when you showed up, so that's what I'm curious on who you're talking about.

Q. It was the one that Mr. Moss subpoenaed and I think I subpoenaed him also.

A. Okay. He was one of the four therapists that actually worked on me. Did you get – Yeah.

Q. You also mentioned the things that you couldn't do is that your boat had not moved since then?

A. Yes. My big boat. That's correct. I have an off shore boat because I truly enjoy off shore fishing. We went out one time. I got beat up so bad I couldn't hardly even move, so that was the end of that to this day.

Q. Would that have been April of 2012 when you went off shore fishing?

A. I don't think so.

Q. Would you have told your physical therapist then that maybe you went off shore fishing over the weekend?

A. No, I don't think so but I don't know.

Q. All right. Now, you also said you hadn't played golf 18 holes but you actually had been playing at least in April of 2012, did you tell your physical therapist that you played nine holes without any problems or any increase in your symptoms?

A. May or may not have.

Q. All right. What about May of 2012 when you went to see Doctor Blocker, were you now having problems on your right side as opposed to your left side?

A. I don't know.

Q. All right.

A. I mean, I've been there so many times trying to get my back straightened out it's unbelievable.

Q. I'm asking about the last time you went to see Doctor Blocker ---

A. I don't know.

Q. Hold on just let me finish — before he referred you to Doctor Boatwright.

A. I don't know.

Q. You don't recall whether you had new complaints at that time?

A. No, I don't. You keep saying new complaints. They're not new complaints to me.

Q. I'm using his words. I'm sorry.

A. All right.

Q. Now, in any event then, by July of last year were you back to playing golf?

A. July last year? Could a been.

Q. All right. Did you play out at Fripp in July 2013? Did you play out there?

A. I don't know. Probably.

Q. Back with the Glover Group?

A. Could have been. I don't know.

Q. And actually, did you play yesterday?

A. Yes I did play yesterday.

Q. And was that with the Glover Group?

A. Yes, it was.

Q. Okay. That was over at Cat Island, Sanctuary or whatever it's called?

A. Yeah. Sanctuary.

Q. Okay. And is — I think we asked earlier, or at least I've heard, a little betting goes on there when you play with the Glover Group?

A. Skins.

Q. Skins. Okay.

MR. GRIFFITH: I think that's all the questions I have. Thank you.

THE COURT: Mr. Moss.

MR. MOSS: Your Honor, we stipulated to this medical expense and I need to put that --

THE COURT: Hold on a second. My understanding is they've agreed to allow it to go in as a piece of evidence that you are offering. Correct?

MR. MOSS: That's correct.

THE COURT: Okay.

MR. GRIFFITH: Yes, ma'am. We stipulated that he could lay the ground, the foundation for that as a piece of evidence. We do not agree that all of that medical is causally related.

THE COURT: I understand.

MR. MOSS: And is this Number Eighteen now?

MADAME COURT REPORTER: It is.

MR. MOSS: Okay.

REDIRECT EXAMINATION

RODNEY ALLGIRE BY MR. MOSS:

Q. Mr. Allgire, subject to Mr. Griffith's objection as he says it's not the correct medical, is that a fair representation of the medical that you've had to your best knowledge and recollection?

A. This is most of it but not all of it, but it is most of it.

Q. Okay. How much is -- now run through that and I want to start at the top, please, and just tell me what we have there.

A. Well, you know, the first emergency room to the

hospital was like $11,039.00. That was the day of the incident.

Q. Yeah.

A. All right. And then you got Low Country Medical Group which is Doctor Blocker's group and that was $4,825.00. And then the Coastal Physical Therapy where I was on therapy from 12/1/11 to 4/30/2012 and then back at 5/4 --

Q. Excuse me. From Coastal P.T. from when to when there?

A. It was December 1st 2011.

Q. Uh-huh.

A. Until April 30th, 2012 was $4,176.00.

Q. Okay.

A. And then 5/14 and 8/12/13 was an additional $2,708.90. And then Doctor's Care is when I had the x-ray when my ribs were hurting or I thought I was having a heart attack was Two Hundred and Forth. Beaufort Memorial Orthopedics was $533.00.

Q. You said you thought you were having a heart attack. Approximately when was that?

A. That was in 12/19/2011.

Q. Okay.

A. And then the Rubin Spine Clinic when Doctor Blocker transferred me to Doctor Rubin is $4,723.00 and then you

have the Wal-Greens Pharmacy. It looks like it's probably $34.00 total for the Motrin which is $26,063.69.

Q. All right. And what is the total contained on that particular document?

A. That was it. $26,063.00.

Q. Okay.

A. Is that it right on the front?

Q. Yeah.

MR. MOSS: Your Honor, I want to put that in as an exhibit so they can see everything.

(WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER EIGHTEEN, IDENTIFIED AND MARKED, RECEIVED INTO THE RECORD.)

Q. Now, additionally you said there was some additional expense that you had to pay out of your pocket; Is that correct?

A. Yeah. There's no doubt. Physical therapy is the main one, you know, and --

Q. Was there anything in addition to what's on here that you had to pay?

A. You know miscellaneous. I know there is another Seventeen Hundred missing that I just — I don't know where that's at until I can pull that EOB out, so.

Q. Okay. But you're not sure of that?

A. I don't know where it went to so other than which doctor it went to, I'll put it like that.

Q. Now, what I really want to talk to you about is to get this lost wages down because I believe you testified that you had to take your initial two weeks vacation. That was taken and used; is that correct?

A. Yeah, and then a week of sick leave right after that.

Q. A week of sick leave so that's three weeks that you were out that those were used.

A. Correct.

MR. GRIFFITH: I'm going to object to leading, Your Honor.

THE COURT: Okay. I understand.

A. And then I had missed days where I would go in and work a few hours a day and go home and then the most - the biggest thing was these other doctors visits and this therapy. It takes me two hours every trip for therapy.

Q. And you've had how many of those?

A. It's like a hundred and seven hours just in physical therapy and a couple a doctor's visits.

Q. All right. Now is that a hundred and seven visits that are two hours a visit?

A. No, that's - no. That's a hundred and seven. They're miscellaneous times. If it's just a straight there, therapy, and back, it's two hours. But like a lot of them doctors, it's four hours. When they do the injections, they start at one o'clock and I'm off for the

rest of the day. You can't go back to work after them.
Q. Okay. Now you said that in addition to the three weeks that is you said two weeks vacation time and one was sick leave.
Q. Right, but — Allen is more than kind. When I would miss two or three hours a day and, you know, being on salary, he would just pay me for it there.
Q. Was that an additional two weeks or how long was that?
A. No. That was even after the fact. I mean, I missed a straight three weeks right after the incident.
Q. Okay.
A. I mean a straight absolute two weeks of my vacation and a week of sick leave was gone for three weeks straight.
Q. But you also did a hundred and seven --
A. Yeah. That's for the next two years, all them visits. A year and a half or something on all of that. They've got the dates on all of that where I was at them.
Q. Okay, but I'm asking how do you computer that?
A. You take the hours times $27.50 which is really what my hourly rate would be and if you just take their hours, a hundred and seven hours, times 27.50, it's going to be about an additional $3,000.00.
Q. Okay. That's what I wanted to get. Okay. All

right. And you've computed those visits?

A. That's correct. Every visit is itemized out.

Q. Now you've been aware since July that this fellow has been trying to come on Sundays to get pictures of you hadn't you?

A. That's correct. I'm not hiding anything.

Q. I know.

A. I'm trying to heal my back the best I can heal. I still got a few years of work left and I don't plan on just curling up, so.

MR. MOSS: Thank you. I don't have anything further.

THE COURT: Anything further?

MR. GRIFFITH: No, ma'am.

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

(WITNESS LEAVING WITNESS STAND.)

THE COURT: Ladies and gentlemen, we ran a little longer than I anticipated today but I wanted to be able to finish up this witness' testimony so we can start bright and early and fresh tomorrow morning.

Ladies and gentlemen, we are going to ahead and break this evening, however, I do need to again caution you, you are not to discuss this case with anyone. You are not to do any independent research. Again, I don't think there is going to be anything in the newspaper or on the news, but out of an abundance of caution, do not read or watch

MS. SMITH: Doctor Blocker is gonna be here at 9:30 a.m..

THE COURT: Okay.

MS. SMITH: We'll take him first and get out of here. Then we've got one, two, three, four more witnesses. That does not include Doctor Boat wright.

THE COURT: Okay.

MS. SMITH: We'll look at the deposition tonight and decide if we're gonna move forward with just the deposition.

THE COURT: Okay. All right. So 9:30 and you all be here just a little before that tomorrow morning and we'll be ready to go.

MR. MOSS: All right.

THE COURT: We'll see you then. And also for the rest of you you have cars, user problems, you running late, call in please. Both of the parties, call your lawyers.

MR. MOSS: We have one other issue. We've requested on the issue of punitive damages and I want to get him to give us a net worth figure and we haven't gotten that and they've objected to as usual. Because it is the time of trial so I think they got to give it us whatever it is. I don't know what.

THE COURT: Okay.

MR. MOSS: Okay.

THE COURT: Well, Mr. Griffith, obviously I have heard some testimony on behalf of the plaintiff as to potential punitive damages issue in this case. While I haven't ruled on it yet I'm assuming you're going to make a motion but again I think your client needs to be prepared to give some type of net worth evaluation. Okay.

MR. GRIFFITH: All right. Thank you, Your Honor.

THE COURT: All right.

MR. MOSS: Thank you, Your Honor.

THE COURT: Thank you all. Thank you.

(COURT IN EVENING RECESS AT 05:31 P.M..)

(COURT BACK IN SESSION, TUESDAY, JANUARY 7, 2014 AT 09:58 A.M..)

THE COURT: All right. The juror that's not here is Shonna Burns. Apparently she was coming from Prosserville. She is still not here. They've looked for her in the parking lot. Does anyone object to me putting the alternate in her place?

MR. MOSS: No, I don't object.

THE COURT: Mitch?

MR. GRIFFITH: No, ma'am.

THE COURT: All right. I will tell the alternate they are now a juror and let's get going.

THE BAILIFF: Your Honor, the jury is entering.

this morning. And as I stated to you all before, I can't start until all of you all are here, so it's unfortunate but what I'm going to have to do, Mr. White, you are now a member of this jury. I am taking that juror off. We are not going to wait any longer for her.

All right. So thank you and welcome and I appreciate you being here, sir. All right. That's why we have alternates.

So to that end, ladies and gentlemen, good morning. We are going to go ahead and continue with the trial of this case.

Mr. Moss, if you will call your first witness for this morning.

MR. MOSS: I'd like to call Doctor Blocker, Your Honor.

THE COURT: Come on forward, Doctor Blocker.

MADAME CLERK: Place your left hand on the Bible, raise your right hand.

(WHEREUPON, EDWARD BLOCKER, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

DOCTOR EDWARD BLOCKER BY MR. MOSS:

Q. First of all, Doctor Blocker, I want to apologize. We asked you to be here at 9:30 and we had some problems getting started so I apologize for calling late because I

know your time is valuable.

A. That's fine.

Q. Doctor, could you give me a little bit about your educational background?

A. After high school I attended Wofford College. After college, I attended Medical University of South Carolina. After that, I attended residency in orthopedic surgery at the Greenville Hospital System. That was five years and then I've been in private practice here in Beaufort in orthopedic surgery for fifteen years.

Q. Okay. And are you a member of any Boards or Societies in the orthopedic field?

A. The American Academy of Orthopedic Surgery and the South Carolina Orthopedic Association.

Q. Okay. And you are board certified in orthopedic surgery; is that correct?

A. Correct.

Q. And what do I mean by board certification when I ask you that?

A. We go through — After residency, you take a written test and then after two years of private practice, you take an oral exam that qualifies you to be board certified and once you pass those two things, and then every ten years you have to recertify, so I recertified a few years ago and you have to go through the recertification every ten years.

Q. All right. All right, now, did you have an occasion to see a patient by the name of Rod Allgire?

A. I did.

Q. Do you recall when you first saw him?

A. I've got my notes here. I think the first visit for this was 11/22/2011.

Q. Okay. And did he give you a history at that time?

A. He did.

Q. And could you please read that history for me from your notes? I believe that's number one there.

A. Read the paragraph?

Q. Yes, sir.

A. It says chief complaint has low back pain and neck pain. Rod is a fifty year old male who was assaulted at Fripp Island golf course on 11/13/2011. He states that he had been — States that there had been a rowdy boisterous group playing ahead of them that day and then back at the clubhouse one of the players from the group came up and struck Mr. Allgire in the left jaw. Apparently there were two blows. Mr. Allgire fell to the ground. There was a tent stake there that he thinks he may have hit. It states that — it looks — excuse me. It sounds like there was probably a brief loss of consciousness as he was dazed. As he was standing talking to security, he states that the pain began increasing and he was taken home.

A few hours later he had pain all over, especially his neck and low back. He went to the emergency room where he had a CT of the lumbar spine, head and neck. He had pain exacerbated with walking. He also states that he had a large area of swelling across the lower portion of his lumbar spine but the swelling has now subsided but his chief complaint is persistent pain in the low back which occasionally radiates down the left lower extremity and is exacerbated with sitting.

Describes neck pain and stiffness. His range of motion seems to be improving in the neck. He denies any upper extremity radicular symptoms. He denies any bowel or bladder changes.

I've reviewed his CT's done at the hospital. Do you want me to continue with that paragraph?

MADAME COURT REPORTER: I'm sorry.

Q. Did you have some --

THE COURT: I'm sorry, Mr. Moss.

What was the last thing you read, Doctor?

A. Did you want me to continue with the next paragraph?

Q. Yeah. That's okay.

THE COURT: She needs the last little bit. She missed it. I'm sorry.

A. Okay. Before that. He denies any bowel or bladder changes.

THE COURT: Thank you.

Q. And read that next paragraph, please.

A. I reviewed his CT's done at the hospital. CT of the lumbar spine demonstrated irregularity of the superior endplate of T-12, which is felt to be degenerative in nature. He denies a history of prior known compression fractures.

CT of the head was unremarkable.

CT of the cervical spine was negative for fracture or subluxation.

Degenerative changes and spondylotic changes were noted, but no acute injuries noted.

Q. Now, as a result of reviewing that CT. or MRI scan, did you additionally request another one concerning the T-12 that you had viewed?

A. Yeah, I did. Well, I requested an MRI. Another study, yes.

Q. An MRI. Excuse me. Okay. And did you obtain that MRI?

A. Ultimately yes, but not initially.

Q. Okay. Subsequent to obtaining that MRI, did you make a determination as to the cause of that T-12 fracture that you diagnosed?

A. Cause of it is — was related to the fall, subsequent fall on the ground. That mechanism would typically cause a

T-12 compressure fracture.

Q. And tell us what a T-12 compression fracture is. Basically what happens to the vertebra.

A. You can think of the vertebrae in our spine are like blocks of bones stacked up on top of each other and a compression fracture means that that block of bone can be crunched down, much like taking a coke can and crunching it down a little bit, so these blocks of bone in our spine, if you fall, typically a fall on your buttocks, will load your spine and one or more of those vertebra can collapse or compress, causing a — that's what a compression fracture is.

Q. And what type treatment did you provide for or suggest to Mr. Allgire at the time?

A. Well fortunately the most — the most common treatment of compression fractures is kind of like a rib fracture. You oftentimes don't have to do anything. You break your rib. We don't operate on those. Same thing with most compression fractures. They will oftentimes heal on their own. Alternatively, with severe compression fractures if it's really compressed down and unstable, we'll brace those patients and then a step beyond that is something called vertebroplasty where we inject a balloon into the vertebra to expand it and then put cement in the void created by the compression fracture and then even rare instances we

operate on them, but . . . So that's sort of the spectrum of treatment options for compression fractures all the way from doing nothing to a surgery.

Q. Okay. Now, what was your assessment after that first visit with the patient?

A. The assessment after that visit was he had low back pain, neck pain, after being assaulted on 11/13/2011. He was having radicular symptoms and that means pain that radiates or travels down your legs or arms. He was having these radicular symptoms down the left lower extremity. He also had the complaint of persistent neck pain and so my plan at that time was to obtain an MRI of the neck and lumbar spine to see — Up to this point he's had x-rays and a CT but - Those are very good at looking at the bones, but with subtle fractures, you can sometimes actually not see a fracture so an MRI is much more sensitive at picking up on subtle fractures so my plan at that point was to put him at no duty and further investigate his spine.

Q. So by no duty, you mean not to work?

A. Right.

Q. Okay. And what date that you said he should not work, no duty, not to work?

A. That was the initial visit which was —

Q. 11/22/11?

A. Yes.

Q. Okay. When did you next see Mr. Allgire?
A. It looks like the next note is 11/29/2011.
Q. Right. And did he return to your office for that visit?
A. He did.
Q. Okay. And what did you do at that time?
A. At that point, I referred him to physical therapy. The MRI's had been denied by his insurance company, I believe, and pain in low back persisted with prolonged standing and walking. So the plan at that point was physical therapy.
Q. All right. Now, you had another MRI — the MRI you had done was on 11/26/11; is that correct?
A. I believe so, yeah.
Q. And what did it show relative to the T-12? That would be number three, I think.
A. It says MRI of the lumbar spine. That was ultimately approved by insurance and done on 12/2/2011, which confirmed an anterior wedge compression fracture at T-12. I'll read it and then interpret it maybe. Anterior wedge compression fracture at T-12 without involvement of the posterior column. Associated marrow edema is noted that extends into the left pedicel, the other vertebra are unremarkable. That was number one assessment.
Number two was multiple — mild, multi-level

degenerative changes rad one spondylolisthesis in L-5, S-1 spondylosis. So that second point I just said is consistent with degenerative changes we can oftentimes see in the spine.

The first item was referring to the T-12 compression fracture, just indicating that there was a depression of the top part of the vertebra downwards.

Q. That's a compression fracture?

A. That's a compression fracture and that it did not extend or push the bone into the neuro elements or the nerves or spinal — the nerves that lie behind the bone.

Q. Okay. I notice on here it says T-12,/L-1 has disk desiccation. What does that mean?

A. Disk desiccation is the water count — the disk between the vertebra. So the vertebras I was just talking about, in between each vertebra is a disk which is sort of like a shock absorber between those vertebra, and over time as we age, the water content changes and desiccation is the term for that. It's an age related phenomena.

Q. All right. Now, individuals with arthritis such as I'm sure my age and all the football I played and so forth, I have a lot of degenerative changes in my back most probably. Are persons with degenerative changes more likely to be injured by trauma than ones that are not? In other words, are the older we get are we more susceptible

to being injured?

A. Well as far as age related, yes. As we get older the mineral content of our bones change. Your bones aren't as strong at fifty or sixty or seventy as they are when you are fifteen or twenty, so therefore you are more susceptible to compression fractures and similar fractures from falls related to that.

Q. All right. And what was the treatment you prescribed after treating on that occasion? What was the next visit that you had with Mr. Allgire?

A. I believe that visit was on 12/8/2011 and the T-12 compression fracture was confirmed. It was a mild compression and as I said earlier, the treatment spectrum of these ranges from what we term benign neglect or doing nothing to a little more drastic end, surgery, which is rarely indicated for these. So at this point the options would be either a brace if it's uncomfortable, terribly uncomfortable, or ever a vertebroplasty or as we treat broken ribs, treatment can be give it time to heal, avoid leaning forward and picking up heavy objects so basically this is a — he was on a conservative treatment path at that point.

Q. Okay. Had he been to physical therapy as of that visit; do you know?

A. I don't recall. I think it had been prescribed. I

don't recall whether he had actually been there.

Q. Okay.

A. I don't know the date that therapy started.

Q. And I think you next saw him on 12/22/11. That's number six I have marked.

A. That's right.

Q. In your records. Is that correct?

A. Right.

Q. And could you tell me what the followup indicated?

A. So at that followup he said that for the last — states that last week on Tuesday he developed right anterior chest pain. It intensified Thursday and Friday. He was having to sleep sitting up in a recliner. Pain radiated into his jaw. Basically he had gone to Doctors Care to get assessed for that because he was concerned, rightfully concerned about his heart. I think that was — a heart cause was ultimately cleared and he was — I guess his workup there included a chest x-ray and he was diagnosed with the possibility of rib fractures. States that that pain that took him to Doctors Care had since improved and was controlled with Motrin.

MADAME COURT REPORTER: Controlled with?

A. Motrin. As far as his back pain, he still had back pain. He described it as pain in the low back in the sacral area. The sacrum is right below your low back. And

did not have any radicular symptoms. The pain that was going down the leg had resolved.

Q. Now, when you talk about radicular symptoms, that's symptoms that are coming actually from the back, some portion of the back down into the lower extremities?

A. Right. So that's — you have to find out whether those symptoms are or aren't there and anyone with a spine injury, especially with a known fracture. Again, one of the important things is these bones, the vertebra, protect the spinal cord and the nerves that continue on down and down your legs, so a break in the bone could touch the nerves, which would then cause referred or radicular pain down your leg, so it's important to — that's why I and others will keep mentioning whether there is or isn't radicular symptoms in a patient with a spine injury.

Q. Now you had an impression that you put on that particular report. Could you read that for the ladies and gentlemen of the jury?

A. It says assessment and plan on that date was at this point he is doing well. Possible rib fractures will not require any additional treatment. He denies any shortness of breath. Pain has already improved. He states that he feels more comfortable not proceeding with brace treatment and I think that is fine. His fracture appears stable. I will see him back in two to three weeks for recheck and

x-rays.

Q. Okay. Now on that report, I think you have impression and says, I have gone over - Do you see what I am referring to on the 12/22/2011?

A. Yeah. That was an impression of an x-ray report so there's three impression on that date. The impression of the CD from Doctors Care. Is that the one?

Q. Yeah. The impression, I've gone over with him the fractures may be acute but given the location, I think it is less likely . . .

A. Yeah.

Q. Do you have that report?

A. Right.

Q. Okay.

A. As well as the fact that the pain is already almost resolved, so - Do you want me to expand on that?

Q. All right. Now, what I want to ask you is there anything you can really do for a fractured rib?

A. Typically ninety-nine percent of fractured ribs, we don't do anything for them. Unfortunately they are one of those things that as it takes time to heal so we typically don't do anything for those. Antiinflammatories like Motrin.

Q. All right. Well, assuming that this individual had no pre-existing rib problems --

MR. GRIFFITH: Your Honor.

Q. And assuming --

THE COURT: Okay. Let's try not to lead him. Okay?

MR. MOSS: Right.

Q. And assuming that the only event that occurred is the event that he had already --

THE COURT: Okay. Mr. Moss, again let's try not to lead him. Okay?

MR. MOSS: Okay.

THE COURT: Thank you.

Q. Do you have an opinion with reasonable medical certainty most probably whether or not the ribs were caused by the event on Fripp Island, South Carolina on 11/13?

A. It's hard to give a black and white answer to that because the radiologist report of that - I'm going to paraphrase it because I don't have it in front of me at the moment, but it - the gist of it was possible - I think he said possible acute fractures but age - ultimately he said age indeterminate and I would agree with that. It's kind of hard to say whether they were new or old.

Honestly he referenced some old fractures that I couldn't see on there, but again I've got a patient in front of me and, you know, pressing on the ribs, the rib pain had gone so - and I'm not sure what time frame we are now. Ribs take about six weeks to heal. So as far as -

you know, if there is a rib — if there is an acute rib fracture there at that time, yes I think it was mostly — and that was the only injury in the last six weeks, then yeah it was the fall but if it wasn't an acute fracture, then it wasn't.

Q. Now, --

A. That's kind of a hard question to answer.

Q. Yeah. Now, did — I believe you — When was the last time or did you continue to treat him after that?

A. I did.

Q. And when was the last time you had treated him as far as you can tell?

A. I believe the last visit was probably 5/25 of 2012.

Q. Okay. And during that period of time, had you prescribed physical therapy for him?

A. I believe so, yeah.

Q. And did you subsequently refer him to a Doctor Boatwright, a spine specialist?

A. I think I actually referred him to Doctor Ruben but Doctor Boatwright practices there and --

Q. They practice together?

A. They do, and so technically I think I referred him to Ruben. He was ultimately seen by Doctor Boatwright.

Q. All right. And you haven't seen him since that time; is that correct?

A. I don't think so, no.

Q. Okay. Other than here in the courtroom.

A. We had a deposition. Right.

Q. Now, I believe you originally found some problems in the back that were problems to the area of the back where he and when you first saw him that were still some bruising or ecchymosis there; is that correct?

A. On his initial visit?

Q. Yes.

A. Right. He had some – he had some – he did have some – I think the swelling had resolved but ecchymosis, which is just a fancy word for a bruise, was still there. I think I referred to it as fading ecchymosis at that point, or fading bruise.

Q. That's correct. Okay. Doctor, how do you recover from fractures of this nature? I think you said a rib fracture normally heals in six to eight weeks. What about these wedge type fractures of the T-12?

A. They can take a little bit longer. The average rule of thumb on broken bones is they take about six weeks to heal. Different bones that get loaded in different ways like we indicate in this case of the spine, can take a little bit longer to heal. Six, eight, ten weeks for fracture healing.

The surrounding soft tissues can take longer. That

can take three months, so you know the whole spectrum of healing can incorporate into easily a three month period of time. The bone itself probably about — in the case of this bone, maybe about eight weeks.

Q. Okay. Now, you obviously referred him to another physician at that time which is Doctor Ruben or Boatwright.

A. Right.

Q. They practice together; is that correct?

A. Right.

MR. MOSS: Excuse me, Your Honor.

Q. So, Doctor, did you have an opinion at that time with reasonable medical certainty most probably any future problems he might have or would you leave that to Doctor Boatwright?

A. Well, at this point I think he was having the pain radiating down the other leg, the right leg, and so he was having new problems which were ongoing at that time. I think those symptoms had been present for about a month, so yeah, I think he was — he was experiencing new symptoms and I think was likely to continue to experience those new symptoms for a period of time.

Q. Okay. And is that unusual when people have low back injuries and or thoracic injuries like he had in this case for the radiation areas to change perhaps from day to day or time to time, depending on what the individual has done?

A. Yeah. I think I would say that after this kind of injury it's possible to have – you know, the best way to put it I guess is sort of reverberations for a period of time, even up to a year or so after an injury like that.

Q. Okay. Doctor, I want to thank you. We've already got your billing into evidence so and I appreciate you coming in. I apologize for the delay, sir.

A. No problem.

CROSS-EXAMINATION

DOCTOR EDWARD BLOCKER BY MR. GRIFFITH:

Q. Doctor Blocker, I just want to go through and clarify a few things that maybe I didn't quite understand. You first saw Mr. Allgire on November 22, 2011; is that correct?

A. Right.

Q. That was about ten days after this incident that he related to you at Fripp Island; is that correct?

A. Correct.

Q. And on that first visit you had an x-ray to review; is that correct?

A. Yeah. I obtained new x-rays and I had his old CT's.

Q. All right. And at that time you noticed something on the T-12 superior endplate; is that correct?

A. Right.

Q. Now, so you described the endplate sort of for the

vertebra as a building block; is that correct?

A. Right.

Q. And the superior endplate would be where?

A. It would be the top of the box, so to speak.

Q. Okay.

A. The top of the vertebra.

Q. As so as I understand, as we look at somebody's back the vertebra basically — what are they, five or six cervical vertebra?

A. Seven in the ---

Q. Seven cervical.

A. --- in the neck. Cervical is neck and there are seven there.

Q. And then below that, you've got ---

A. Twelve.

Q. --- twelve thoracic?

A. Right.

Q. And then you've got five lumbar?

A. Usually five, yeah.

Q. Okay. So this is down at the bottom of the last thoracic vertebra. Correct?

A. Right.

Q. And the superior endplate is the top endplate — or the top edge of the vertebra. Correct?

A. Uh-huh.

Q. All right. As a matter of fact, looking at the CT scan and the x-ray that you obtained, at that point in time you thought that it was age or degenerative changes; is that correct?

A. Well, I was suspicious. It was — you know, — Rod's fifty at that point and at fifty there's really no such thing as a normal x-ray or a normal MRI or normal CT, so you're going to see irregularities in the face of someone with a trauma. You have to ask yourself is this subtle irregularity a fracture or is it just part of an old aging process, so yeah, I noticed the irregularity and I would have attributed it at that time to one of two things, age or possibly a new injury.

Q. All right. And as a matter of fact, Mr. Moss had you read the history and then you asked, do you want me to read the second paragraph.

A. Right.

Q. The second paragraph said, I reviewed his CT's done at the hospital. Correct?

A. Right.

Q. CT of the lumbar spine demonstrated irregularity to the superior endplate of T-12 which is felt to be degenerative in nature; is that correct?

A. Right. I think that's based on what the radiologist's assessment at that time was. I think they summed that up

as most likely degenerative.

Q. All right. And then on the next page on your transcription, x-ray data, it talks about the lumbar spine?

A. Right.

Q. There is a slight irregularity of the superior endplate of T-12, but I did not think that this represents an acute fracture.

A. Right.

Q. Is that correct?

A. Right.

Q. However, as a doctor you want to rule out if there are any problems; is that correct?

A. Yeah you want to make sure I'm right and not wrong.

Q. All right.

A. Right.

Q. And as a result, you ended up asking for an MRI; is that correct?

A. That's right.

Q. And after you got the MRI, you read the MRI and believed it to be now a compression fracture as opposed to a degenerative change; is that correct?

A. Right. The MRI confirmed that.

Q. All right. Now as I understand --

MADAME COURT REPORTER: I lost it - MRI?

A. Confirmed that.

Q. The MRI confirmed that there was a compression fracture as opposed to degenerative change?

A. Correct.

Q. Now, he came back t o you on the second visit as I understand November 29th 2011, about a week later; is that right?

A. Right.

Q. And you discussed some problems with his left lower extremity. Am I correct?

A. What was the date you just said?

Q. November 29th, 2011.

A. Right. Yeah. And he was having some left lower extremity pain.

Q. All right. You put him through a physical examination; is that correct?

A. Correct.

Q. And the motor function, what are you testing there?

A. The muscle strength in the legs.

Q. All right. Normal motor function?

A. Right.

Q. Sensory function was fine?

A. Well, he had subjective paresthesias in the groin area so that's — which is part of — he had normal sensation elsewhere, but he did have subjective paresthesia, which means numbness and tingling in the groin area on the left

but normal elsewhere.

Q. All right. And so I want to make sure. That's on the left side at this time; is that correct?

A. Right.

Q. All right. And then his strength was normal at that time; is that correct?

A. Correct.

Q. And when you got the MRI, you said that it did — at that time you had the MRI. It confirmed the T-12 fracture, but it also showed degenerative changes; is that correct?

A. Correct.

Q. At other locations though. Right?

A. Right.

Q. And degenerative changes as you said are changes that are related to aging?

A. Yeah, aging, including everything we put ourselves through.

Q. All right. And Mr. Moss asked you also something about disk desiccation. That's basically the disk between the vertebra starts to lose water content as a result of age and everything we go through. That's not something that was related to Mr. Allgire's fall is it?

A. I don't believe so, no.

Q. Now, at this time you said that when you diagnose now a compression fracture, there are various types of

treatment that you can undertake; is that correct?

A. Right.

Q. One of them in the worse case scenario is an operation. Secondly, a vertebroplasty, which is basically – I call it putting cement in there actually to firm it up; is that correct?

A. Right.

Q. Third thing is actually bracing it so that it can heal.

A. Right.

Q. And the fourth thing you said was benign neglect, I believe was your term. Correct?

A. Right.

Q. Do nothing.

A. In order to protect it.

Q. I'm sorry. I didn't mean to interrupt.

A. Not really do – essentially it's do nothing, but avoid leaning over, heaving lifting which is still technically a treatment, but yeah.

Q. Rest?

A. Yeah.

Q. And in this case you described it a minute ago as I understood it as this would have been considered a mild compression fracture; is that correct?

A. Correct.

Q. And at the time that you saw him first, it would have been considered also a stable fracture; is that correct?

A. Right.

Q. Now, I believe after that he came back to see you on December 22nd, 2011; is that correct?

A. Yeah. That wasn't the next visit, but that was a visit.

Q. All right. I'm sorry. Did I miss a visit there?

A. 12/8 I believe.

Q. I'm sorry. I thought we just talked about 12/8.

A. Okay. All right. Yeah, the 12/8 visit was a followup of the MRI that was done.

Q. Okay.

A. 12/22 is the next visit.

Q. Right. And at that time where he saw you on 12/8 he described that his symptoms were improving, I believe?

A. Right.

Q. He told you about — you had talked about the radicular problems which you want to look at because it's always a concern of the nerves; is that correct?

A. Right.

Q. And on 12/8 the radicular problems had actually now resolved. Is that what your note says?

A. Correct.

Q. So that would mean that he was improving?

A. Right.

Q. All right. So when we get to 12 or December 22nd 2011, at that time he said that he was having some problems which started last Tuesday; is that correct?

A. Yes.

Q. About a week ago.

A. Right. The chest pain.

Q. All right. And the chest pain, you said that he was worried about having heart problems so he went to Doctors Care; is that correct?

A. Right.

Q. You were asked about that. You saw that there were some x-rays that were provided to you from Doctors Care; is that correct?

A. Right.

Q. Mr. Moss tried to get you to read the impression and it said, I believe I have gone over with him that the rib fractures may be acute but given the location I think it is less likely as well as the fact that the pain is already almost resolved.

A. Correct.

Q. Based on that impression you have, you said that I think that it is less likely that they are acute. Correct?

A. Right.

Q. And have you testified before that in your opinion to

a reasonable degree of medical certainty, you could not tell where those injuries came from?

A. I believe so, yeah.

Q. All right. And is that still your opinion? You said - wavered back and forth there but you cannot tell us to a reasonable degree of medical certainty that those rib fractures came from a specific event. Correct?

A. Correct.

Q. All right. The next time you saw Mr. Allgire I believe was January the 10th of 2012. Correct?

A. Correct.

Q. All right. And at this time it looks like maybe he was having a new problem but it was now in his left thigh. Is that - or something was going on with his left thigh. Radiating pain into the left thigh now; is that correct?

A. Right.

Q. All right. That is the radicular pain that we have been talking about or that you have mentioned; is that correct?

A. Right.

Q. All right. And at this time I believe he even thought maybe it's because - simply because I am up and around more recently; is that correct?

A. Right.

Q. So you agreed but your plan was to get another MRI;

is that correct?

A. Yeah. Well, I got new x-rays that day to make sure that the fracture had not changed.

Q. And I want to ask you about that. You wanted some more x-rays because now you're having some new symptoms or symptoms coming back about radiation. Was there any change in the compression fracture as you saw it?

A. No.

Q. All right. And as a result as you call it, the radiating pain, you did want to get an MRI and wanted to get another one; is that correct?

A. Well it looks like on that visit my plan was to definitely get the x-rays, make sure nothing had changed. Flare up in symptoms. No obviously neuro impingement on the MRI. Placed him on a Medrol Dosepack and see him back.

Q. Okay.

A. I don't --

Q. I'm sorry. So you went back and looked at the old MRI and couldn't see that there was any neuro impingement?

A. Right.

Q. And by neuro impingement, you're talking about whether there's any bone actually pressing on a nerve that would cause this problem that he's complaining about; is that correct?

A. Right, or even potential for it. If there was

involvement of the -- that was just a relook back at the MRI to make absolutely sure there wasn't any involvement in the part of the bone that's near the nerve that could potentially have shifted and it doesn't look like there was. That would actually be a different class of fracture called a burst fracture.

Q. But that was not --

A. It was a relook at the MRI and getting new x-rays to make sure there wasn't a change.

Q. Now the next visit looks like it was about January 27th; is that correct?

A. The next visit after January 10th?

Q. Yes, sir.

A. The next visit here that I have is 3/8. Am I missing one? Okay. I've got a visit January 27th. Is that what you said?

Q. Yes.

A. Yeah.

Q. And at that time does your note indicate that he had had some significant improvement?

A. It does.

Q. All right. Localized pain but no radiation?

A. Yeah. Localized pain off to the left side. Yeah, no radiation.

Q. All right. And he was about fifty percent improved?

A. Right.
Q. Physical exam was generally normal?
A. Right.
Q. And you wanted to start physical therapy at that time?
A. Right.
Q. All right. Then we go to the March 8th visit, I believe.
A. Right.
Q. On March 8th, he indicated that he had continued improvement; is that correct?
A. Right.
Q. He's doing well. The posterior pelvic pain has resolved?
A. Right.
Q. He wanted to — or he indicated to you that he was increasing his activity level; is that correct?
A. Right.
Q. And in fact he was able to do some light jogging — run — able to run and do some light jogging but still in pain at night; is that correct?
A. Right.
Q. At this point you thought he was doing well and he was in therapy. Correct?
A. Correct.
Q. And by therapy, you mean physical therapy; is that

correct?

A. Right.

Q. Now, we didn't go over this, or I didn't hear you go over this in your direct examination, but the last visit was May the 25th of 2011; is that correct?

A. I believe so. Yeah.

Q. And at that time he indicated to you that he had a new problem; is that correct?

MR. MOSS: Excuse me. 2/12 I think you mean, Mitch.

MR. GRIFFITH: You're right. I'm sorry. I misstated that.

Q. May 25th, 2012.

A. Right.

Q. And on that date he indicated to you that he had a new problem; is that correct?

A. Correct.

Q. All right. And actually your note says that he has had a one month history of new complaints of the right lower extremity paresthesis in the right buttocks down to the top of his right foot. Correct?

A. Right.

Q. Now, that is different from his left radiating problems. Now it's on the right side; is that correct?

A. Right.

Q. Hadn't seen anything on the right side before; is that

correct?

A. Right.

Q. He indicated to you it started about a month ago. Correct?

A. Right.

Q. That would have been about April when it started. Correct?

A. Right.

Q. Got another x-ray of the T-12 at that time; is that correct?

A. Yeah. Right. Of the thoracic spine. Yeah.

Q. T-12, the thoracic spine where the compression fracture was located. Correct?

A. Right.

Q. Your impression at that time was that there was a healed T-12 subtle superior endplate compression fracture; is that correct?

A. Right.

Q. All right. Because of the new symptoms, you wanted a new MRI; is that correct?

A. Right.

Q. You obtained an MRI and it showed I believe some degenerative changes at L-4,5; i that correct?

A. So this would be the 6/4/2012 MRI, I believe.

Q. Yes, sir.

A. That showed a mild progression of a left small paracentral disk protrusion at L-4,5 with mild left greater than right lateral recess narrowing at this level so there ---

MADAME COURT REPORTER: Narrow level you said?

A. Narrowing at this level.

Q. Narrowing or getting smaller?

A. Right.

Q. Okay. The finding there is degenerative changes; is that correct?

A. Well that's one of the findings. Yeah.

Q. All right. He also had I believe at the L5,S1 level, which is at the very bottom of the lumbar vertebra, a finding of a Pars defect also; is that correct?

A. Right.

Q. All right. And this was associated with mild facet degenerative change; is that correct?

A. Right.

Q. Now, the degenerative changes, these are most likely chronic or something that had been there for a long time; is that correct?

A. Right.

Q. Not caused by the fall of November 13th, 2011; is that correct?

A. Unlikely, yeah. Well, those actually – those were

present on the last MRI.

Q. Okay. So while those were both present — that's what we asked about earlier. The degenerative changes you mentioned were at the lumbar vertebra. Right?

A. Right.

Q. And again, that is something that has been there for a long time. The Pars defect was probably something from his early childhood or teens?

A. Earlier years, yes.

Q. All right. And the degenerative changes were something that came over the course of time; is that correct?

A. I believe so. Yes.

Q. So not something that was caused by the accident or the incident of November 13th, 2011; is that correct?

A. Correct.

Q. All right. Now you had sent him to physical therapy, I believe; is that correct?

A. Right.

Q. And you get these reports back. Did you look at any of the reports about his activities and his activity level?

A. I don't recall. Probably though, yes.

Q. All right. And, Doctor, you can't say to a reasonable degree of medical certainty that the symptoms you saw from May 2012, May 25th, 2012, were related to his incident on

November the 13th, 2011; is that correct?

A. Right.

Q. And you actually referred him to Doctor Ruben for these new problems; is that correct?

A. That's right.

Q. And at that time, you indicated earlier that a compression fracture can — or the fracture site would heal within about six to eight, maybe even as much as ten, weeks; is that correct?

A. Fracture? Yes.

Q. All right. And you indicated in your last visit or last x-ray or the x-ray on that date, that it was a healed compression fracture; is that correct?

A. Right.

Q. And as I understand, when you have these radicular symptoms, sometimes you can treat them with injections; is that correct?

A. Right.

Q. All right. And do you give injections?

A. I don't. I don't inject spines. No.

Q. Was there — Do you know if there was an injection or would you do an injection for a compression fracture, Doctor?

A. No.

Q. And a bone fracture, the vertebral bone, its like any

other — not any other bone fracture, but it is actually bone; is that correct?

A. Right.

Q. And once the bone heals, it is healed like a broken arm?

A. Right. Yeah.

Q. And actually, in this incident by that time, Doctor, you actually had objective evidence that the T-12 fracture had resolved; is that correct?

A. Right. I felt like it was healed, yes.

Q. That being the latest MRI. Correct?

A. Right. The MRI and x-ray.

MR. GRIFFITH: Thank you, Doctor. No further questions.

REDIRECT EXAMINATION

DOCTOR EDWARD BLOCKER BY MR. MOSS:

Q. Doctor, you treated this individual from December until May; is that correct?

A. Right.

Q. Do you feel that the treatment you gave this individual from December until May was reasonable and necessary treatment?

A. Yes.

Q. As an orthopedic doctor?

A. Yes.

Q. And I believe during that time you had prescribed him with 800 milligrams of Motrin; is that correct?
A. Correct.
Q. And that's a pretty strong dose of Motrin is it not?
A. I think I recommended it twice a day. The maximum strength of Motrin is 800 milligrams three times a day.
Q. So you recommended it two times a day?
A. Right.
Q. Okay. And that will mask or alleviate the pain for the individual during that time?
A. It's an anti-inflammatory. It's semantics, but the masking term I'd apply to a narcotic, that would be a true cover up or mask but an anti-inflammatory can potentially treat inflammation, swelling.
Q. Reduces the inflammation, does it likewise therefore reduce the pain?
A. Correct.
Q. Okay. And that's what you — And you continued to prescribe those for the time you treated him; is that correct?
A. I believe so, yes.
Q. That five to six months. Okay. Now, you referred to a Medrol Dosepak. What is that?
A. That is a course of Prednisone usually about six days. Prednisone is also an anti-inflammatory, so there are two

classes of -- two broad classes of anti-inflammatories. There are non-steroidal anti-inflammatories, which Motrin would be one of. Motrin, Aleve, Advil, Aspirin. Those are non-steroidal anti-inflammatories and Prednisone is a steroid anti-inflammatory so a Medrol Dosepak is about the varying lengths but the ones I usually prescribe are a short six day course of Prednisone.

It's called a pak because it usually comes in a card with a series of pills you take at different times of the day. It usually tapers from eight or ten pills the first day to seven or six to five to four over the course of a period of time.

Q. And how long would he have been taking the Medrol Dosepak?

A. The course of the pak was probably about six days and I think I prescribed -- I might have prescribed -- I think I prescribed two over the course of seeing him.

Q. Two of those? Okay. Now, if you would look at I believe the last day you saw him which was 5/25/12, I believe.

A. Right.

Q. I think it's number 10 I have that marked there for your perusal. Could you read your assessment at that time?

A. Starting with history of T-12?

Q. Yeah.

A. It says history of T-12 compression fracture, those symptoms are doing fairly well. He did have mild intermittent discomfort in that area of his spine but these symptoms are new with new paresthesias down the right lower extremity and right lumbar pain. These symptoms have been present and worsening for the last month, so at this point we are going to obtain a new MRI. We will have him seen and evaluated by Doctor Ruben after that MRI.

I discussed that case with Doctor Ruben as well that day. And I'm also placing him on Medrol Dosepak to see if that will help with his current symptoms in the interim.

Q. Okay. So on that last visit, you prescribed him a Medrol Dosepak; is that correct?

A. Correct.

Q. And that's over a week that you take that?

A. There's two courses.

Q. Several days?

A. One is two weeks; one is one week. I usually prescribe the one week course.

Q. The one week. Okay. So at the time you set him an appointment up with Doctor Ruben's office, you had given him that Medrol Dosepak; is that correct?

A. Right.

MR. GRIFFITH: Your Honor, I'm just going to object to the leading.

THE COURT: Okay.

BY MR. MOSS:

Q. Now, the medications you gave him during the treatment over that five month period, do you have an opinion within a reasonable medical certainty as to most probably they were related to the injuries that he sustained at Fripp Island?

A. Yes.

Q. Okay. And what is that opinion? That they were?

A. That the prescriptions were prescribed due to an injury that he sustained at the Fripp golf course.

Q. Okay. Now, he initially and continued to complain with low back problems in addition to the fracture; is that correct?

MR. GRIFFITH: Your Honor, again I'm going to object to leading.

THE COURT: Okay. Mr. Moss, don't lead him.

MR. MOSS: Okay.

Q. Well, what areas did he complain of the first time you saw him?

A. Neck and low back.

Q. Okay.

A. And I believe left lower extremity.

Q. Okay. Now, the fractures — Where is a posterior lateral fracture of the fifth and sixth ribs?

A. So posterior lateral is sort of a directional term for anatomy. Posterior means behind; lateral mean beside so posterior lateral would be kind of the back corner of your spine — of your rib cage rather.

MR. GRIFFITH: Your Honor, I would object to this because it is not relevant. The doctor says that he can't say that it's related to this incident so there is no reason that we need to be talking about the rib.

MR. MOSS: I just asked him an anatomy question.

THE COURT: All right. You need to wrap it though with Doctor Blocker, sir.

Q. Did you actually review the Doctors Care x-ray that was done?

A. Which — Can you tell me the visit date where we talked about it?

Q. Yeah. Let me show you a copy of it.

A. Did I review this note or the actual images?

Q. Did you review the x-ray or just the note?

A. Well, tell me the — I might be able to tell by — oftentimes I'll say whether I looked at the actual images or just the report, so --

Q. I think that is Number Six on your documents.

A. Okay. That will help. Sometimes they'll send me — yeah. Okay. So I said it right here. So they actually sent me the CD images or digital these days. They can be

put on a CD so I reviewed them and --

Q. Would you have reviewed that document there that I just handed you?

A. Yes.

Q. All right. And what does that document state?

A. So this is the x-ray report from Doctors Care of the chest and right ribs and it says they took four views and that it showed right posterior lateral fifth and sixth rib fractures age, which are age indeterminate. These may be acute. May - in addition they seemed to be additional healed rib fractures, thoracic spondylosis which is degenerative changes.

Q. Not related to this?

A. Right. Some arthritis in his shoulder and no suspicious pulmonary masses.

MR. MOSS: I have nothing further, Doctor. Thank you.

THE COURT: I'm sorry. And no?

A. No suspicious pulmonary masses.

RECROSS-EXAMINATION

DOCTOR EDWARD BLOCKER BY MR. GRIFFITH:

Q. Doctor Blocker, just one last question. Mr. Moss pointed out on the last visit your assessment and plan was, I believe you said history of the T-12 compression fracture; is that right?

A. What was the first part of the question again? I'm

sorry.

Q. The May 25th visit that Mr. Moss pointed out there, your assessment and plan.

A. May 25th. Right.

Q. All right. History of T-12 compression fracture was what you noted. Correct?

A. Correct.

Q. Your next note was these symptoms are doing fairly well. Correct?

A. Right.

Q. And then you go into, he did have mild intermittent discomfort in that area that is gone — that area of his spine — I'm sorry. He did have mild intermittent discomfort in that area of his spine but these symptoms are new with new paresthesis down the right lower extremity and right lower lumbar pain. Correct?

A. Right.

Q. You went on to indicate I believe, I don't know if you read it or not there, but these symptoms have been present and worsening over the last month.

A. Correct.

Q. All right. As a result of that worsening of the new symptoms, that's why you sent him to Doctor Ruben; is that correct?

A. Yeah. Things — New symptoms had arisen and that was

in - this is in a patient with a prior history of a fracture and now he has got right lower extremity, radicular symptoms and yes I referred him on to a spine specialist.

MR. GRIFFITH: Thank you.

THE COURT: Anything further, Mr. Moss?

MR. MOSS: I have nothing further, Your Honor. Thank you.

THE COURT: You are released, Doctor Blocker, thank you very much.

DOCTOR BLOCKER: Thank you.

(WITNESS LEAVING WITNESS STAND.)

THE COURT: Members of the jury, we're gonna take a brief recess. I will tell you also that I did get a note and they are working on the heat and actually it feels like it's getting a little better so I'm hopeful. I'm going to send you back to your jury room. Again do not discuss this case, it wouldn't be appropriate to do so. And again you're also welcome to bring back coffee or whatever you need back to the courtroom. Okay. Thank you all.

(JURY EXITS COURTROOM.)

(COURT IN SIDE BAR WITH LATE JUROR.)

THE COURT: Good morning, ma'am. You had some difficulty coming in this morning?

JUROR THIRTY: Yes, ma'am.

ZUCKER, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

DIRECT EXAMINATION

JOHN ANTHONY ZUCKER BY MR. MOSS:

Q. Give me your full name, please sir, for the jury.

A. John Anthony Zucker.

Q. Now, Mr. Zucker, where do you live, sir?

A. I live at Dataw Island.

Q. And how long have you lived in Beaufort County?

A. Since 1995.

Q. Could you give us a little bit of history about where you are from originally?

A. I was born in the Cleveland, Ohio area and I spent my life up until 1995 in Cleveland.

Q. Okay. You're glad you are not there today I assume.

A. You bet.

Q. Now, what I want you to do if you could, Mr. Zucker, is relate back to November the 13th of 2011. Were you at the Fripp Island Creek Court in Beaufort County, South Carolina?

A. I was.

Q. And what were your duties or job there at the time?

A. Well I was working as a golf cart attendant at the Ocean Creek Golf Course.

Q. Okay. And tell me what your duties were basically as

a cart attendant.

A. Basically to attend to the golfers and make sure that the golf carts were, you know, available, clean, presentable, et cetera.

Q. In other words, as the golfers came in, two would ride to a cart and you would have the carts out front where they paid and then they came down and got the cart and put their clubs on it?

A. That is correct, yes.

Q. Now, were you also responsible for putting the carts up? In other words, when they finished.

A. Yes.

Q. All right. Now were these electric carts or gas carts?

A. These are electric carts.

Q. And so you would have to basically charge them up every evening?

A. We put them in the cart barn and then plug them on charge. Yes.

Q. All right. Now, I have some pictures here of really One through I think actually Twenty-one. I may have skipped over some, but I show you a picture of Number Nine here and ask you if this is the area of the cart barn?

A. Yes, that is it.

Q. Okay. So basically on that Exhibit Nine, the carts

would go in there to be charged at night; is that correct?
A. Yes.
Q. Okay. Now, on that day did you — were you there at the time of the event that this case has been about occurred?
A. Yes.
Q. And would you tell the ladies and gentlemen of the jury what you saw?
A. Well, I was pulling a cart into the barn to put it away and because of the position I was going to put it, I had to drive it through the barn from the other side, pull it slightly outside and then back into the first row. In order to do that, I had to pull slightly outside the building and as I pulled outside the building ready to back in, I witnessed the incident.
Q. Okay. Now, could you tell me what you saw as you witnessed the incident?
A. I saw one man punch another man and knock him down.
Q. Okay. Was the plaintiff here the man that got punched?
A. Yes.
Q. And was the defendant the man that punched him?
A. I think so.
Q. Okay. And could you describe the blow and the fall and where he landed?

A. Well, the blow was the typical right hand punch ---

Q. Uh-huh.

A. --- to the face or the jaw and the person that got punched landed on the concrete.

Q. The plaintiff here?

A. Yes.

Q. Okay. And prior to the punch, did you hear the plaintiff make any statements toward the defendant over there?

A. No. I didn't hear anything.

Q. Okay. Did you see the plaintiff do anything else other than fall?

A. No.

Q. All right. Do you know whether he fell on his back or his side or where?

A. I don't recall.

Q. Okay. All right. And you I believe made a statement at that time to somebody in regards to investigating the matter?

A. Yes. There was a — I think a sheriff's deputy was there.

Q. Mr. Brewton was there who testified previously. You weren't here but --

A. I don't know who it was.

Q. But you talked to him about it?

A. I did.

Q. And did he bring the defendant back to the golf course; do you recall?

A. I don't recall.

Q. Okay.

MR. MOSS: I don't think I have anything further, Mr. Zucker.

MR. GRIFFITH: I'm sorry, Mr. Zucker --

MR. MOSS: Oh, excuse me. One other thing, Mr. Griffith.

Q. You were not a member of the Glover Group or the Blanton Group? You weren't a member of any of those groups?

A. No.

Q. You weren't playing?

A. No. I was being employed at the time. I was working.

Q. And the view you would have had is from outside those doors on Number Nine to where the event occurred or the striking occurred; is that right?

A. I don't exactly understand what you are saying. What do you mean, Number Nine?

Q. Well, --

A. This has nothing to do with hole number --

Q. Not hole number Nine.

A. Okay.

Q. What I'm asking, this is Exhibit Number Nine.

A. Oh, okay. I'm sorry.

Q. You were coming out of those doors is what you are saying?

A. Yes. Absolutely.

Q. And that was the cart. You were going to have to back it in and you'd pulled out there and you saw the blow?

A. Right.

MR. MOSS: I have nothing further. Excuse me. Just wait a minute, wait a minute, wait a minute.

Q. Did you notice anybody or that you believed were intoxicated?

A. Yes, I think so. Yes. The reason I say I think so is, you know, how do you really tell. But a number of people in both groups seemed to be having more fun than they should be.

Q. Okay. So they appeared to be under the influence?

A. I think so, yes.

Q. Okay.

MR. MOSS: I have nothing further.

CROSS-EXAMINATION

JOHN ANTHONY ZUCKER BY MR. GRIFFITH:

Q. Mr. Zucker, Mitch Griffith for Mr. Blanton. I'm going to show you Exhibit Number Twelve since they are passing around Number Nine right now. Can you point for me where

Mr. – where the punch took place?

A. It would be right in here.

Q. All right. Can you make a "X" with that red marker where the punch took place? You saw it. You had a clear view of it you said, right?

(WITNESS MARKED EXHIBIT.)

Q. All right.

MR. GRIFFITH: Judge, may I publish this to the jury?

THE COURT: You may.

A. Certainly. You weren't asking me.

THE COURT: I'm sorry. I did not hear you.

A. Oh, I - he said, may I publish it and I said, oh you weren't asking me.

Q. Mr. Zucker, this might even make things go – on Number Nine, I didn't see that. Is that "X" generally where –

A. I think it's about the same spot.

Q. That's what I was going to say. It looks like about the same spot. But that's not right up by the score wall? What do you call that green thing where you put your score – post scores?

A. Well, I guess score wall sounds good.

Q. Okay. As I understood your testimony, you said it looked like people from both sides were having a pretty good time. Correct?

A. Yes.

Q. You didn't see Mr. Blanton other than at the time he threw the punch; is that correct?

A. Yes.

Q. Okay. And what I understand is you saw one punch and the gentleman went down?

A. That's correct.

Q. And you said that there were a good many people out there, ten or twelve people I believe is what you had testified to earlier. Correct?

A. Yes.

Q. Maybe not today. And as a result, you saw no need for you to go out there. Correct?

A. That's correct.

Q. They were pretty much handling it?

A. Yes.

MR. GRIFFITH: That's all the questions I have. Thank you.

MR. MOSS: Thank you, Mr. Zucker.

THE COURT: Thank you, sir. You are excused.

MR. MOSS: We appreciate your time.

(WITNESS LEAVING WITNESS STAND.)

THE COURT: Call your next witness, Mr. Moss?

MR. MOSS: If I could call Charles Hrabanek.

MADAME CLERK: Please place your left hand on the Bible and raise your right hand.

(WHEREUPON, CHARLES HRABANEK, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

THE COURT: Mr. Hrabanek, will you spell your last name for my court reporter.

MR. HRABANEK: My last name is spelled H-r-a-b-a-n-e-k.

THE COURT: Thank you, sir.

DIRECT EXAMINATION

CHARLES HRABANEK BY MR. MOSS:

Q. Mr. Hrabanek, you live in Beaufort; is that correct?

A. Yes, sir.

Q. And you often play golf with the Glover Group; is that correct?

A. Yes, sir, I do.

Q. Now, when you play with the Glover Group, with whom do you normally play?

A. I typically play with Mr. Allgire and it all depends — we're typically paired together and the other two, very dependent on who's there.

Q. Okay. Now on the day in question, you were not there; is that correct?

A. That is correct. I was in Columbia.

Q. Okay. When did you first find out about what had occurred to Rod?

A. Actually probably about three o'clock that afternoon

I started getting text messages and voice mails and all that asked me what happened.

Q. About what happened?

A. Yes, sir.

Q. Okay. Now, would it be fair that you and Rod are probably best friends?

A. Fairly close I would say.

Q. Okay. Now, do you - What are the type things you all do together?

A. We typically golf together. We hunt together. We fish together. I guess pretty much everything, really.

Q. Okay.

A. I mean, just about any activity that we do, we both do, so.

Q. All right. When you got back to Beaufort, did you go to see your friend Rod?

A. Yes, sir, I did. Actually the next morning. He was at the emergency room I believe when I came back into Beaufort.

Q. Okay. Did you go see him when he got home?

A. When I got home?

Q. No, when he got home.

A. Yes, sir. I was there the next morning at about seven o'clock, I think.

Q. Okay. And what was his condition at that time?

A. In my opinion, I mean, it wasn't good. He was wrapped up in a blanket sitting on a chair and basically immobile.

Q. Okay. How did he improve to your knowledge from that time forward?

A. From then until now?

Q. Well, from then until let's say the first time you all played golf again or did something together.

A. I would have to say that I have seen some improvement. Complete improvement is not there. I can tell you that just from my experiences. There have been multiple times that we've played golf and, you know — the latest was a month ago where he couldn't even finish the round of golf. He stopped after nine holes.

Q. Okay. Now, you and he normally play in a Thursday afternoon round or used to play in it normally; is that correct?

A. Correct.

Q. Do you recall when you first — whether or not that round is 18 holes or 9 holes?

A. The Thursday evening is a 9 hole golf. It's kind of a mini-tournament. There's anywhere probably between five and ten or twelve teams. It's a three man team and it's a captain's choice format.

Q. Now, tell us about — what is a captain's choice format?

A. Captain's choice format? Everyone on your team, you know, you can use anybody's shot at any given time. You always play the best ball all the way through.

Q. So if you had three people on a team, in other words, you get three drives and you take your best drive?

A. Yes, sir.

Q. Three second shot; you take the best second shot?

A. Yes, sir.

Q. You have three shots to the green and you take whichever one you want?

A. Correct. All the way until the hole is finished.

Q. And then you putt and get — everybody decides whichever putt?

A. Yes, sir.

Q. So you get three putts at every hole?

A. Yes, sir.

Q. Okay. Do you recall when the first time you all went back to play the nine hole tournament approximately?

A. It was probably about six months after everything had happened, somewhere in there I would think. Six months; eight months.

Q. Okay. How was he on the course at that time?

A. He's our chipper and putter.

Q. He's the best at chipping and putting?

A. He is hands down. One putt.

Q. Do you know what his handicap was before he got injured?

A. Somewhere I would say between — given the time of the year, somewhere between a seven, nine. Somewhere in there.

Q. Seven or nine. Okay. Did he consistently beat you or not?

A. As much as I hate to admit it, yes.

Q. Okay. Now, after you went back — how many times have you all played that nine hole Thursday since the time he got hurt if you know, approximately, in the last two years?

A. I would say probably ten times.

Q. Ten times? Okay. And now, have you played — When did you get back to playing with the Glover Group. Do you recall?

A. When did I start playing with them again?

Q. No. When did he get back to playing with the Glover Group. Do you recall?

A. I know it was probably late last summer maybe the first time and it's been intermittent since.

Q. Okay. Now, and when you play with the Glover Group, you are playing 18 holes. Correct?

A. Yes, sir.

Q. And you are responsible for your own ball?

A. Yes, sir.

Q. From tee to the green?

A. Yes. Your score is your score.
Q. All right. And how have you observed his play since he started playing back with the Glover Group?
A. Well, as I stated before, I know that there's probably at least four to six times where he has not been able to finish and the latest was just last month at Fripp Island. His back was giving him trouble. He just stopped after nine holes.
Q. After nine holes? Okay. Other times has he indicated displeasure in any particular shots?
A. Yes, multiple times. He has actually — as hard as it is to do, he has actually tried to change his golf swing to accommodate for his back problems.
Q. Okay. And that's his major complaint is his back?
A. Yes, sir.
Q. Now, you and he also hunt together or did hunt together; is that correct?
A. Correct.
Q. Have you all hunted — Did you hunt together the year after this occurred?
A. No, sir. Actually I filled his freezer for him that year.
Q. You filled his freezer with what?
A. With venison.
Q. With venison?

A. Yes, sir.
Q. And he didn't hunt with you at all the first year?
A. No, sir, he didn't.
Q. Okay. Did you and he also fish together?
A. Yes.
Q. Has he fished at all or deep sea fished at all since?
A. He has not been off shore to my knowledge since that happened.
Q. Since that happened. Okay. How is his golf game now? Assuming he was a seven to a ten before or seven to nine before, what is his golf game now would you say?
A. I would think that he is somewhere between a 12 and 14 handicap.
Q. Okay. Has he taken medication for his back in your presence?
A. Yes.
Q. And he still takes that when he plays?
A. Yes, sir, he does before he plays every time.

MR. MOSS: I have nothing further.

Thank you, Mr. Hrabanek. Oh, excuse me. One other thing.

Q. You own a company here in Beaufort; is that correct?
A. Yes, sir, I do.
Q. And what do you do primarily?
A. I am a landscape contractor.

Q. Landscape contractor?

A. Yes, sir.

Q. Okay.

MR. MOSS: Thank you. I have nothing further.

THE COURT: Mr. Griffith?

CROSS-EXAMINATION

CHARLES HRABANEK BY MR. GRIFFITH:

Q. Mr. Hrabanek, you said that you and Mr. Allgire are best friends. Right?

A. Yes, sir. I would think so.

Q. Do about everything together; is that right?

A. Very close.

Q. Now, as I understand you said you pretty much know what his handicap was; know what his handicap is; is that correct?

A. Yes, sir.

Q. Isn't it true that if you post your handicap or if you turn in your score card every time you play you will get a PGA rating and you can pick it up on the internet?

A. I don't have one.

Q. You don't? Do you turn your card in every time you play?

A. No, sir. I have a — I register mine on Yahoo or Hub Golf.

Q. Do you know if he has registered his anywhere?

A. I don't know that he is.

Q. All right. But in any event, if you turn in the card to the pro, he'll actually post it and it will be registered and that would be the easiest way to find out what his handicap was wouldn't it?

A. Yes, sir, it would be.

Q. Now, you also said that you all did a lot of things together and you played golf; is that correct?

A. Yes.

Q. You played golf I believe you said there's a – at the Sanctuary which is actually Cat Island or it used to be Cat Island, now it's called the Sanctuary Golf Course?

A. Correct.

Q. You play in a little Thursday scramble; is that right?

A. Yes, sir.

Q. All right. And you said you think it may have been six or eight months after this incident in November that he started playing golf again?

A. Uh-huh.

THE COURT: Is that a yes? For the record.

A. I'm sorry. Yes.

Q. I'm sorry.

A. I'm sorry.

Q. I should know to wait. You play with a – is it a Josh Landers; is that correct?

A. Yes, sir.

Q. All right. So you, Josh and Mr. Allgire would play together; is that correct?

A. Yeah. That's our typical team. Yes.

Q. You all play in the first flight or you flighted?

A. You flighted after it's all said and done so if you shoot very well you are in the first flight; if you don't shoot well that night you are in the second.

Q. All right. So if on March 20th the Gazette and the Packet would have posted that you, Mr. Landers, and Mr. Allgire were second in the first flight, that would have shown that you all were playing it looks like about March 20th; is that right?

A. If that's — that's probably correct.

Q. All right. And that would have been more about four months after the incident in November; is that correct? Four to five months.

A. If that's the date that was in the paper, yes, sir.

Q. And after that time, were you with him in April when he played golf? If he started in March, did he go back playing these nine hole scrambles in March?

A. He did, but his primary thing is Josh hits the ball about three hundred yards off the tee and Rod like I said is one of the chippers and putters in Beaufort, so whatever he can do helps us out tremendously.

Q. All right. Now, I went through some records that I was given by his lawyer. Do you recall in April – say April – early April – before April 11th do you recall if he went fishing? Did you go fishing with him in April of 2012?

A. To be perfectly honest, I don't remember.

Q. Okay. Would you have gone fishing in early May of 2012 with him if it was indicated in his medical records?

A. Possibly. I mean, to be honest, I can't tell you.

Q. So the time frame really is just sort of a guess was what you were telling us was about six to eight months and never been back fishing again; is that right?

A. I know that to my knowledge he hasn't been off shore fishing since then. Correct.

Q. Do in shore fishing?

A. Do I in shore fish?

Q. Does he in shore fish?

A. Yes.

Q. Fish with him in shore?

A. Yes.

Q. So maybe as early as April of 2012, he could a been fishing in shore; is that correct?

A. Possibly just because the waves aren't as big as they are off shore.

Q. Okay. And as I understand, you do play in the Glover

Group; is that correct?

A. Correct.

Q. And you and Mr. Allgire are playing now; is that correct?

A. Yes.

Q. Did you play day before yesterday?

A. I did.

Q. Play with Mr. Allgire?

A. I did.

Q. How did you all do?

A. Horribly.

Q. Horribly. Somebody told me you are a pretty good golfer, so.

A. Typically I am but Sunday was not a good day for me.

Q. I understand. I believe Mr. Robinson said the weather was bad that day.

A. So was my golf swing.

MR. GRIFFITH: Okay. No further questions.

MR. MOSS: Come down, please.

THE COURT: You may step on down.

MR. MOSS: Thank you.

(WITNESS LEAVING WITNESS STAND.)

THE COURT: I'd like to call Mrs. Allgire to the stand, please.

THE COURT: Come on forward, ma'am.

MADAME CLERK: Place your left hand on the Bible and raise your right hand.

(WHEREUPON, TERRI ALLGIRE, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

DIRECT EXAMINATION

TERRI ALLGIRE BY MR. MOSS:

Q. Give me your full name, please ma'am, for the record.

A. Terri Michelle Allgire.

Q. And you are the wife of Rod Allgire; is that correct?

A. Yes, sir.

Q. And how long did you and Rod date before you got married?

A. Five years.

Q. That's a long time.

A. Yes, sir.

Q. Okay. And how long have you and Rod been married?

A. Twenty-six years.

Q. All right. And is this your first marriage?

A. No, sir. Actually my second.

Q. Okay. And it's his first marriage. Correct?

A. Yes, sir.

Q. And how many children do you all have?

A. Two girls.

Q. Okay. How old are they?

A. Twenty-five and twenty.

Q. Okay. And you all live on Lady's Island; is that correct?

A. Yes, sir.

Q. Now, tell me Rod's condition of health to your knowledge prior to November the 13th of 2011 when he was injured.

A. He was in good health.

Q. Okay. And was he working pretty much every day?

A. And some, yes.

Q. And some. Now, what do you recall about November the 13th? When did you first find out what had occurred in Fripp Island?

A. It was probably about 2:30, three o'clock in the afternoon Rod called me and he said some SOB had sucker punched him and, you know, I asked if he was okay and he was kind of — I don't know, very livid about what had happened and ranting and raving and just kind of — you know. I told him to come on home.

Q. All right. Did he come home subsequent to that?

A. Yes, he did.

Q. And when he got home, what was his condition at that time to your best recollection?

A. He couldn't even get out of the truck.

Q. Okay. And as a result of him not being able to get out of the truck, what did you all do?

A. I made him get over in the seat and I drove him to Memorial, Beaufort Memorial.

Q. You drove him to the hospital?

A. Yes.

Q. Okay. And how long were you all at the hospital that day. Do you recall?

A. We got there probably around four-ish and didn't leave until after midnight.

Q. Okay. And did he receive some medication at the hospital?

A. They gave him a shot and wrote him a couple of prescriptions and sent us home.

Q. And did you drive him home?

A. Yes, sir.

Q. All right. What did he do for the next couple of weeks, if anything?

A. Not a lot. Sat around; laid around.

Q. Okay. And what were the problems he was — where was he having problems to your knowledge?

A. His neck hurt. His back hurt. He was basically for a few days stoved up all over, but then it basically was just like his back mostly.

Q. Okay. And how long was it before he actually went back to work? Do you recall?

A. About three weeks.

Q. Okay. And was he working full-time then or not?
A. No, sir. He would work while he could and then he would come home and take a break.
Q. And was he taking medications during all this?
A. Yes, sir.
Q. Okay. Tell me about what he could not do around the house first of all that he normally did. How was he limited?
A. He couldn't do anything. He couldn't split firewood. He couldn't help me with the yard. Basically he was confined to doing nothing.
Q. Okay. Did some friends come and help do some of his chores?
A. Yes, sir. We had some friends from out of town that were actually staying in a camper at the back part of our property and they split our firewood for us that year.
Q. Okay. As I understand it, you and Rod normally use a lot of firewood; is that correct?
A. Yes, sir. I love a fire.
Q. Well, good. And you keep it going pretty much all winter?
A. Uh-huh.
MADAME COURT REPORTER: Is that a yes?
A. Yes.
Q. And so these individuals split the wood for Rod?

A. Yes.
Q. All right. Now, did he to your knowledge participate in any golf up until March or April?
A. No, sir. Not at all.
Q. Did he go – Did he hunt at all ---
A. No, sir.
Q. --- from March or April?
A. No, sir.
Q. Okay. And hunting season normally starts in September. Did he go back in September and start hunting or do you recall?
A. He attempted a couple of times in 2012, but it didn't happen.
Q. All right. Do you know whether or not he went deep sea fishing any of that time?
A. No. Not at all.
Q. Did he complain of pain, and if he did, where did he complain of the pain?
A. All the time and in his back. Sometimes his neck would bother him, but mostly his lower back.
Q. All right. Now, how did this affect him emotionally? In other words, how was he to live with during this time?
A. After about a month of him not being able to do anything, he would get very agitated. It would get to the point sometimes I would even have to tell my daughters to

go somewhere else, go visit your aunt, do this. Your dad is just mad because he can't do anything and you just got to try to understand, but my husband was not the same man. It got really bad to the point where I was almost ready to divorce him.

Q. But you didn't?

A. No, sir. I love him with all my heart.

Q. And you stuck with him?

A. Yes, sir.

Q. Is he better — a lot better now?

A. Yes, sir.

Q. Okay.

MR. MOSS: I don't have anything further.

MR. GRIFFITH: No questions, Your Honor.

THE COURT: All right. You may step down, ma'am.

(WITNESS LEAVING WITNESS STAND.)

THE COURT: Ladies and gentlemen, I believe the pizza has arrived so we are going to go ahead and break for lunch.

Mr. Foreperson, when you all are finished eating would you just please just knock on the jury room door. We're going to bring you back in and keep on going. Okay? I appreciate it.

Again, do not discuss this case. It wouldn't be appropriate to do so at this time.

MR. MOSS: Your Honor, we - We would introduce - Ask the Court to take judicial notice of 19-1-150 Code of Laws and we would rest at this time. Thank you.

THE COURT: Okay. Well I'll take that up when we talk about the jury charge. Okay?

MR. MOSS: Sure.

THE COURT: All right. Anything further? So you rest at this time; is that correct?

MR. MOSS: Yes, ma'am.

THE COURT: Okay. Ladies and gentlemen of the jury, there is a matter that I need to take up with the attorneys. Again do not discuss this case.

(FIRE ALARM GOES OFF AT 01:42.)

THE COURT: In the mean time we'll find out what's going on and we'll let you know as quickly as possible.

Let's sit tight for a minute. Let's just find out what it is. No reason to put you in your room before all going outside except we will need to get coats.

(OFF THE RECORD AT 01:42 P.M..)

(JURY EXITS COURTROOM AT 01:43 P.M..)

THE COURT: All right. Are there any motions?

Mitch, you got any motions? Let me ask the lawyers while you're looking for that, when we were looking for the DJ action in this case is it actually filed?

MR. GRIFFITH: Yes.

certainly don't have it this far.

MS. SMITH: I'll get Diane to email it to us.

THE COURT: Okay. Thank you. All right.

Okay, Mitch.

MR. GRIFFITH: Judge, at this time the Defendant would make a motion for a directed verdict on the grounds that the evidence taken in the light most favorable to the plaintiff in this matter failed to show that the plaintiff has met the elements to prove a cause of action for assault and battery and or negligence and recklessness in this matter and as such we would ask for a directed verdict on both causes of action.

THE COURT: Respectfully of course that motion is denied. I think there is adequate evidence produced that an assault and battery occurred from which this jury could determine that the assault and battery occurred as well as negligence. Can I talk to the lawyers real quick?

MR. GRIFFITH: Yes, ma'am.

THE COURT: Back in chambers.

MR. GRIFFITH: Sure.

THE COURT: I'm sorry. You go ahead, you have another motion based on punitive damages or anything else, Mitch?

MR. GRIFFITH: Yes, ma'am, I would ask the Court to direct a verdict on the issue of punitive damages based on the grounds that the evidence taken in the light most

favorable to the plaintiff failed to show that there was any reckless, willful, or gross negligence or conduct that would entitle the plaintiff to punitive damages in this matter.

THE COURT: Respectfully I deny that motion as well.

MR. MOSS: Thank you, Your Honor.

THE COURT: All right. Based on - obviously based on the evidence in the light was favorable to the plaintiff I think there enough evidence the jury could find this defendant was grossly negligent. Let me talk to the lawyers real quick.

MR. MOSS: Sure.

(IN CHAMBERS CONFERENCE HAD AT 01:46 P.M..)

(COURT BACK IN SESSION AT 02:18 P.M..)

THE COURT: Bring the jury in.

THE BAILIFF: Yes, Your Honor.

Your Honor, the jury is entering.

(JURY REENTERS COURTROOM AT 02:20 P.M..)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: All right. Welcome back, ladies and gentlemen.

Mr. Griffith, you ready to call your first witness?

MR. GRIFFITH: Yes, ma'am, Your Honor. At this time, we'd call Mr. Gene Miller.

THE COURT: Come on forward, Mr. Miller.

MADAME CLERK: Sir, place your left hand on the Bible, raise your right hand.

(WHEREUPON, JOHN EUGENE MILLER, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

DIRECT EXAMINATION

EUGENE MILLER BY MR. GRIFFITH:

Q. Mr. Miller, would you state your full name for us, please?

A. It is John Eugene Miller.

Q. And, I believe, you go by Gene; is that correct?

A. I do.

Q. Where do you live, Mr. Miller?

A. I live in Conway, South Carolina.

Q. Could you either speak up just a little bit or maybe pull that microphone a little bit closer?

A. Conway, South Carolina.

Q. Okay. And how long have you been in Conway?

A. Since 2001.

Q. All right. Are you married?

A. I am.

Q. You have any children?

A. I have two boys.

Q. All right. What's your occupation?

A. I'm a painting and drywall contractor.

Q. All right. I understand you also might do a little

anyway.

Q. And when everybody comes, do they pay for their own golf?

A. Yes.

Q. They pay for their own overnight accommodations?

A. Yes, everybody is responsible for calling Fripp Island individually and paying for their stay and their golf.

Q. And when ya'll came down, did ya'll come down weekend in November 2011?

A. Yes, sir.

Q. And did everybody stay at Fripp?

A. Yes, sir.

Q. Is that a - the weekend? Would that be Friday, Saturday and Sunday golf?

A. We stay Friday night and Saturday night and we play golf on Saturday and Sunday at Fripp and, typically, we play at a different location on Friday on the way down.

Q. All right. And focusing now on Sunday, which would have been November 13th, 2011, do you recall which group you would have played in?

A. I would have been in most likely the second group.

Q. And you go in -- you go in foursomes. How many foursomes would it have been, four or five?

A. I can't recall exactly. Typically, we will have twenty people. This past November we had twenty-eight so.

Q. And do you remember who you were playing with that day on Sunday?
A. No, I do not.
Q. All right. Now, while you were on the course, were there any incidents that came up at all?
A. Not while I was on the course no, sir.
Q. And then when you finished your round, did you come back into the clubhouse?
A. When we finish, as each group finishes, we typically gather - as we did that day, gather on the back porch of the clubhouse, yes.
Q. All right. And just tally up scores and what-not?
A. Correct.
Q. I believe you told me, actually, that you have a PhD?
A. Well, that's---
Q. Educated --
A. --- why I'm in the second group, because one of the gentlemen in our first group has a PhD in mathematics, so he's our official scorekeeper.
Q. Okay. So when you came in, the group started to gather up on, as I understand, this is a elevated clubhouse somewhat?
A. It's a second-level covered porch.
Q. And they have a deck up there?
A. Yes, sir.

A. Correct.
Q. And so the side over here, is that sort of --
A. That's the back. What I would consider, you know, call the back of it.
Q. Okay. And so what we're - what you were talking about, this is elevated so that - I think they park their carts under there and charge them at night?
A. I think so. I don't.
Q. But, in any event, you were up so that you could look down onto the course?
A. That's right.
Q. All right. And did you have your son with you?
A. My youngest son was there that year yes, sir.
Q. How old was he then?
A. He just turned twenty-one last week, so he was nineteen.
Q. Nineteen. Did he have a friend of his with him?
A. He did.
Q. All right. Did - When the language started, did that sort of cause you to do anything?
A. Actually, when the arguing and the language started - it's getting a little bad. We - you know, I could see the younger guys in our group starting to pay attention, so I asked them to step around the corner of the clubhouse and just sort of disappear for a little bit.

were not pleased about the pace of play and —

Q. And that was brought up in the first point?

A. In the first part of the argument. The second part, I really didn't pay, you know, as much attention to the, you know, what was — what everybody was talking about. It was — you know, we were getting close to wrapping up. We were trying to wrap it up and move on.

Q. All right. And did an incident take place with Mark Blanton and the gentleman from Beaufort?

A. I did not see the incident. All that I can tell you is that after the argument started back the second time, you could tell the — the argument was becoming heated and I didn't hear somebody get hit, but you could tell that something had happened to — that — it caused a ruckus anyway.

Q. All right. And you said a minute ago you all were close to leaving. Did you all leave?

A. Well, after we finished up and told everybody who won and who lost, then we, you know, making our way to the parking lot and head home.

Q. There has been some conversation about your group being drunk. Was there anybody in your group that was obviously drunk?

A. No, sir.

Q. And folks in your group, they take a drink?

Q. You're not?
A. No, sir.
Q. Okay. What business are you in, sir?
A. I do construction, commercial painting and drywall.
Q. I got you.
A. And some acoustical ceiling.
Q. And Mr. Blanton is in the automobile business. Correct?
A. Correct.
Q. How many places does he own up at Myrtle Beach, do you know?
A. I'm not sure, but I think he has dealings at two car lots.
Q. Okay. And does he also own some car lots in Columbia, do you know?
A. Not that I'm aware of.
Q. You're not aware of?
A. No, sir.
Q. Okay. Now, on the day in question now, basically, you did not hear — you hear people arguing and that was it; is that correct?
A. That's correct.
Q. Do you believe that if somebody says something to you, arguing to you, you have a right to strike them?
MR. GRIFFITH: Your Honor, I'm going to object to

Q. Okay. So words alone, no matter what they are, would not give you authority to hit somebody, just strike them?

A. Not necessarily.

Q. Okay. Now, did — Were you aware that Mr. Blanton was drinking Crown Royal that day?

A. I didn't play with Mr. Blanton that day, so I --

Q. Have you talked to him since?

A. Yes.

Q. And did you know he testified that they were drinking Crown Royal on the course?

A. I did not know he testified to that.

Q. Did you know about anybody getting sick on the course?

A. On?

Q. Getting sick, yeah, throwing up?

A. I think we did had one young man to get sick.

Q. Okay. And do you recall what hole that was on?

A. No, sir.

Q. Okay.

A. He wasn't in my group, so.

Q. He wasn't in your group?

A. No, sir.

Q. Did anybody in your group drink?

A. Not that I can recall.

Q. You seem to be a very responsible individual?

A. Yes, sir.

Q. Mr. Cook, where do you live?
A. Summerville, South Carolina.
Q. And what's your occupation?
A. I am general manager at Cook Motor Company.
Q. And do you know Mark Blanton?
A. I do.
Q. How long have you known Mark?
A. Probably close to twenty years.
Q. And when you say Cook Motor Company, is that used car sales?
A. Yes, sir, and service.
Q. And how long have you been with Cook Motor Company?
A. Fourteen years.
Q. Now, you said you've known Mark for quite a while. Do you play golf in a outing that goes to Fripp Island sometimes from Conway?
A. For probably the better part of ten years.
Q. And you play that, that's what, Friday, Saturday, Sunday round?
A. Yes, sir.
Q. And did you come down the weekend of 2011, November of 2011?
A. I did.
Q. And did you play on Sunday?
A. I did play Sunday morning.

Q. Do you normally play with Mark Blanton?
A. I most — One of the two rounds on Saturday or Sunday. We kind of mix it up between, you know, the twenty or so guys.
Q. All right. The date of the incident that we're here about was November 13th, 2011. Did you play with Mark that day?
A. Yes, sir.
Q. And that was Ocean Creek Club, I believe; is that correct?
A. One of the two on Fripp Island yes, sir.
Q. All right. Now, while you were playing golf, did any issues come up while ya'll were on the course?
A. Not in our group no, sir.
Q. And so you all finished the round with no incidences whatsoever?
A. None.
Q. All right. Now, I understand was — let's see, you take a drink on the course before?
A. Have I?
Q. Yes, sir.
A. Yes, sir.
Q. And were you with Mark that day, did you all take a drink that day?
A. We had some Crown Royal. We had a small bottle that

we shared amongst the four guys.

Q. Is that the smallest one you can buy?

A. A pint, I guess.

Q. All right. And so it was four people that had shared a bottle?

A. I know Mark and I were drinking. I'm fairly certain the other two in our group. They rode in a separate cart, so I'm fairly sure we all kind of shared a small bottle.

Q. Have you been with Mark before when he's been drunk?

A. I have.

Q. Was he drunk that day?

A. Not at all. We played. I had one of the best rounds I'd ever played and he helped me line up putts and we — because we were playing a match between — you know, Mark and I and the other two guys, playing the other two guys in our group, so he kind of helped me line up putts and, you know, we kind of coached each other.

Q. Somebody told me you played lights out that day?

A. Played very good that day.

Q. And after you finished the round, did you all go up on the porch balcony at the clubhouse?

A. Yes, sir.

Q. And I'm holding up what's Exhibit Five. I think it's already been seen by the jury, but does that represent sort of the deck we are talking about you all were on?

A. Yes. Yes, sir. Exactly.
Q. All right. Does that overlook somewhat the 18th — the 18th green?
A. From one angle it does yes, sir.
Q. Okay. Now, while you were up there, did an incident come up while you were sitting up there?
A. Yes, sir.
Q. Tell me about — Tell the jury about that incident.
A. Well, we were finished — I think the second to last group to finish playing. We had one other group of guys, four guys that were with us, that had an incident with a group behind them. They came up and made us aware that they were — they were hitting into 'em and there was some confrontation verbally. A lot of profanity on the golf course.
Q. And was one of those individuals that was — Do you recall who was in the last group?
A. I know it was Joey Blythe.
Q. Let me stop you right there. Is Joey a little short fellow?
A. Yes, sir.
Q. Okay.
A. Joey Blythe, Coach Ron, and I do not remember his last name.
Q. If I said Ron Cowan, is that it?

A. Yes.
Q. All right. Is he now deceased?
A. He is deceased, yes.
Q. Okay.
A. And not a hundred percent certain of the other two.
Q. Was there a fellow from West Virginia there?
A. Yes, sir, there was. He was there. I don't know if he played with them, but I know he was Coach's, you know, college roommate buddy.
Q. All right. And, as a result, when the group — your group finished up, did they come on up on the deck?
A. Our group? Yes, sir.
Q. And what about the foursome behind you, the one that included Joey?
A. They came up and Joey was the one that kind of came up and made us aware of there was a confrontation with the group behind them.
Q. Did that foursome behind them, did it ultimately come into the green?
A. They came into the green.
Q. Were you paying any attention to them at that time?
A. At that point no, until they pulled up to the clubhouse.
Q. All right. When they pulled up to the clubhouse, what happened?

A. There was some argumentation between Joey and a couple of those guys.

Q. Words get heated?

A. It got pretty heated. One thing doesn't stand out, but it was — you know, like I said, there was a lot of arguing back and forth.

Q. Do the words, "We'll be back," does that stand out?

A. I have —

MR. MOSS: Objection. Your Honor, I mean, I haven't objected but ---

THE COURT: Okay.

MR. MOSS: --- Counsel is leading. If you'd just ask him —

THE COURT: Don't lead either, Mr. Griffith.

BY MR. GRIFFITH:

Q. What was said?

A. I heard one of the guys in the group mention that he would be back, "Don't worry, buddy, we'll be back."

Q. All right.

A. And then they drove off towards the parking lot.

Q. All right. What happened next after that?

A. I don't know the time frame between that argument and them coming back, but it was five, ten minutes maybe. They came back, and then another argument ensued.

Q. And where was that taking place?

A. Down on the – down on the concrete, the cart path area below the two-story porch.

Q. Could you make out what was being said there?

A. Not one thing stood out. There was a lot of arguing. There was six or eight of them down there arguing back and forth and a lot of chaos.

Q. All right. And then after that, did you actually see any punches thrown?

A. Amongst the back and forth yeah I did.

Q. All right. Tell the jury what you saw?

A. I saw some guys kind of standing off or, you know, circle around or and then --

MR. MOSS: Your Honor, if he can't identify anybody. I mean, he's just saying I saw a group of people and I object. He's got to --

THE COURT: You can – you can cross-examine him.

MR. MOSS: Yeah.

THE COURT: Go ahead. I'm assuming we're getting to where it's going at, but go ahead.

A. Anyway, I saw a lot of confrontation, a lot of guys standing off. You could tell there was some tension, and then I saw Mr. Blanton punch Mr. Allgire.

Q. Mr. Allgire being the gentleman here?

A. Yes, sir.

Q. All right. Do you know – Do you know what led up to

that?

A. I guess just a lot of – a lot of heated arguments. I do know that potentially it could have been the conflict they had between each other, and I don't know if Mr. Blanton felt threatened by Mr. Allgire or any of the guys with them. I, certainly, wouldn't think he would just hit somebody to hit somebody.

Q. Now, after that, did they sort of back the people up? Everybody sort of - folks separated?

A. Well it was more chaos and breaking up and – you know, and then a lot of people on the porch and everywhere else just kind of, you know. Obviously, it was Sunday afternoon and a lot of people were already packed up ready to go and a lot of people just kind of dispersed from there, you know.

Q. And did you ultimately disperse from there?

A. We did, approximately --

Q. You all – I'm sorry. Go ahead. I didn't mean to cut you off.

A. Approximately ten or fifteen minutes. I – around that time frame that the incident took place. Mr. Blanton was riding with me down from Summerville. Our stuff was packed up, the golf clubs were packed up, and I – fifteen, twenty minutes later, a lot of our group was gone, so Mark and I, Mr. Blanton and I, got in our car and proceeded to leave

Q. All right. And did — Were you out there when the conversation was had when Mr. Blanton talked with the security officer?

A. He questioned Mark. I was some ten or twenty feet away, and I'm sure, you know, I didn't get involved with what questions he was asking, no.

Q. All right. Did you overhear any conversation he had with Mr. Allgire or anybody else from the Beaufort Glover Group?

A. I did hear him at one point in the parking lot apologize for what he had done and that was it.

Q. And when you say "he apologized," is that Mark?

A. Mr. Blanton apologized.

Q. All right. And after that, I think, Mr. Blanton was taken by the security officer; is that correct?

A. He was detained yes, sir.

Q. And did you then leave and head on back to Summerville, I guess?

A. I think, on the way out there's a public service building, security building. I stopped there. The security officer or someone there made me aware that he was going to have to stay the night in Beaufort County so at that point, I proceeded home.

MR. GRIFFITH: Answer any questions Mr. Moss may have.

CROSS-EXAMINATION

JARRETT COOK BY MR. MOSS:

Q. You were in the cart that day with Mr. Blanton; is that correct?

A. Yes, sir.

Q. And you all had a pint of Crown Royal with you; is that correct?

A. Yes, sir.

Q. And you and Mr. Blanton drank that while you all were on the course; is that correct?

A. Yes, sir.

Q. And when you got back to the clubhouse, you said that Mr. Blanton went up on this balcony; is that correct?

A. Yes, sir. We - A group of us were up there yes, sir.

Q. All right. Did your foursome or entire foursome go up there on the balcony?

A. Fifteen, sixteen guys, I - you know, I didn't --

Q. Okay. But you and Mr. Blanton went up there. There is no question about that?

A. Yes, sir.

Q. Okay. And so while you all were playing this course and drinking this Crown Royal, you don't recall anybody asking you all to speed up did you?

A. No, sir.

Q. Now, what do you normally do on a course when

A. Yes, sir.
Q. All right. About what time would you all have teed off that morning? Do you recall?
A. My group was the last group. I think probably if I had to guess I'd say around nine o'clock a.m.
Q. All right. And who was in your group if you recall?
A. Ron Cowan who we call Coach, Matt Bullock and Jeff, and I can't never remember Jeff's last name. He's from West Virginia.
Q. All right. And when you all were playing that morning, did you all have any problems on the first nine holes of the course?
A. We lost a lot of golf balls.
Q. And other than that, did you all have any incidents with any other golfers out there?
A. No, sir.
Q. All right. As you came around, you got on the I guess the back nine is what it's called. Is that correct?
A. That's correct.
Q. And on the back nine, did anything happen? Were there any incidents?
A. Well, I'd say probably - it was either 15 or 16. I'm really not sure what hole it first started at. You know, we were playing and the format that we played was - to make people understand. It was a point system where if you got

a birdie you got — an eagle got two points; a birdie got a point.

Anyway, anything more than a boggie was you picked it because you didn't get no points toward your score so you know that kind of makes it's place pretty fast to start with because nobody has got eights, nines and tens on their score and it was about 15 or 16, we were hitting our ball to come onto the green and we heard some people behind us yell at us and me and Coach turned around and we was like, were they yelling at us? And they really started yelling then.

They were like — and I'm not going to use none of the profanity that they said because there are ladies on the jury and in the courtroom, but I mean, they were cursing as hard as they could curse for us to hurry the blank, blank up. Hurry up. What are you doing? Hurry up.

Q. Did you all get back in there, did sort of an argument start? Did you all say words back to them?

A. Honestly when it first happened we were all looking at each other like — we're all decent golfers. Some a little better than others and we were like, are they really yelling at us? So at first we didn't and you know, it quieted down for a few minutes and then you know, a few minutes later it started right back up again, just started screaming at us to hurry the blank, blank up. You know,

Q. All right. But in any event, so you had a conversation with the cart guy?

A. Right.

Q. And then you walked back out to the --

A. No. I waited right there at the carts until they come off the green.

Q. Okay.

A. And when they come off the green, particularly the guy that was doing most of the yelling was wearing a red vest and then --

Q. Do you know who he was?

A. I had never seen the guy before in my life.

Q. Was he about your height?

A. Yeah. He was closer to my height than the rest of the guys. The rest of them were tree top tall to me.

Q. All right. And tell me what you said.

A. Well, when they walked off the green, I apologized to him. I said, you know, I don't really think we were playing slow and I explained to him the format they were using, you know, and, you know, we were fixing to go home. You know, we come down here to have a good time and he was like — he walked so close to me he almost brushed me. He said, get the blank out of my face.

Q. All right. Was that the guy with the red vest on?

A. The guy with the red vest.

Q. All right. And what did you do then?
A. I said something like, I'm not in your face but I can get in your face. He never stopped. He got in his golf cart, him and his guy, and they drove off and I never seen him again.
Q. What did you do next?
A. I walked back to the foot of the steps. Went up the steps and got up to where about my whole group was at and most of the tables were already filled so I took a table right at the top of the steps.
Q. Was Mark at that table?
A. Mark was there. Jarrett Cook was there. Coach was there. Kevin was there, I believe because they were kind of like out of chairs so that was the only table left so that's where I sat.
Q. Were there any words had at that time?
A. Not that exact second. Mark was asking me — Mark and the guys asked me what, you know, what was said and I told them what they did. I think Coach had done told Mark and them how they were treat — how they were talking to us. And at that point, nothing else was said and then the gentleman over here and his partner, they pull up in the cart and stop.
Q. Now were they with the — the guy with the red vest, were they in that foursome?

MR. MOSS: This one right here?

A. Yes, sir.

MR. MOSS: Okay.

A. And we looked at each other like did he just say that to twenty people up here? Twenty grown guys, me being the only little one up there.

Q. Now at that point in time, did you know that they had another group too or did you just think it was a foursome out there having a Sunday round?

A. I never seen nobody with those guys except their — those four people. I never seen another group of people on the golf course except our guys.

Q. At that point in time then after some words were had, did they drive off?

A. Well, after they said it the third time, they pulled their cart up to right at the bottom of the steps and we were like looking right down the steps from them, and that gentleman said, I'll be right back. I've got to go to my car. I'll be right back. Looked right at me just as crystal clear as he could look in my eyes and he said, I'll be right back.

Q. All right.

A. I've got to go to my car and they drove off.

Q. Okay. And what did you do next?

A. Well, the next thing that I said to my guys was, you

know it was kind of not no big deal up until that point. I said, we don't know these guys. We are not with — they are not with our group. We don't know these guys from Adam's house cat. What if that guy is going to the car to get a gun? What if he shoots me or you, Mark? You've got three or four kids. What if he just goes and gets a gun and comes back and shoots us.

Q. What did you do then?

A. I was like — I mean, I really didn't know what to do or say at that point right there. I was like, you know, you all need to pay attention. You know, Mark told the guy right before he drove off, he said, if you come back here, you're looking for trouble, and the guy drove off and went to his car, and I was like, you all better pay attention. I said, you know, this can get real serious real fast. I felt threatened. I mean, somebody tells you they are going to go to their car — I mean, why did he say he was going to go to his car to be right back?

Q. All right. And then did they later come back? Did you see him coming back?

A. Well, it was a few minutes and I do all the cooking for my group being the meat guy. They expect — always expect me to get the best steaks and stuff so I do all the cooking. So I turned my back to the steps this way and I was facing our guys and I was talking — we were talking

THE COURT: Overruled.

You can ask the question, Mr. Griffith. Go ahead.

BY MR. GRIFFITH:

Q. Finish your answer, Mr. Blythe.

A. I felt threatened from the time he said he would be back when he went to his car and when I looked down there, it all happened so fast, I didn't know why he went to his car if he was fixing to shoot Mark, Kevin, me. I felt one hundred percent threatened from that second on. When I seen him even come back behind the clubhouse.

Q. Thank you very much, Mr. Blythe. Answer any questions Mr. Moss has.

CROSS-EXAMINATION

JOEY BLYTHE BY MR. MOSS:

Q. Mr. Blythe, now do you know the individual that was in the red vest?

A. No, sir, I don't know him.

Q. Well is this the individual that was in the red vest?

A. No, sir.

Q. He was not?

A. Huh-uh. Positive of that.

Q. He was not the one in the red vest?

A. He was — No, sir.

Q. All right. Well you had an argument with the one in the red vest didn't you?

A. I had an argument – We had an argument with the whole group after they started cursing at us. It was mainly this gentleman and the guy in the red vest that was doing most of the arguing on the course itself.

Q. Do you know who this gentleman is?

A. I don't know him by name. No, sir.

Q. All right. Well, where was he in the cart?

A. What cart are you talking about?

Q. Well, weren't there four people in this foursome that came up?

A. Right. He was not in the cart with the guy with the red vest.

Q. He wasn't in the cart with the guy in the red vest?

A. No, sir.

Q. All right. Well, whose cart was he in? Another cart?

A. He was in the other cart with the other player.

Q. All right. Was he the passenger or the driver or what was he?

A. You know, I'm not one hundred percent - I'm pretty positive he was the driver, but I'm not one hundred percent positive.

Q. You don't know do you? You didn't know when we took your deposition which one --

A. I'm not positive. Like I said, I'm not positive.

Q. Okay. Now, you all had finished your rounds and you

are up on the balcony. Mr. Blanton is up on the balcony and you said, I can't let it go like that. Right?

A. I never said --

Q. That's what you just testified to this jury. You said, I can't let it go like that and what you meant was, you couldn't let it go. That the man in the red vest had said something to you down on the golf course.

A. I never said that but . . .

Q. You just now testified to the jury.

A. Okay.

Q. That you said, I can't let it go like that. I wrote it down.

A. Okay.

Q. Now, what did you mean, you can't let it go like that? What did you mean?

A. I don't recall saying that but if you said I did, I did.

Q. Okay. Well if you did, what did you mean by it?

A. I didn't say it. That's why I'm not commenting on it.

Q. Okay. So now you are saying you didn't say it?

A. I don't recall saying that.

MR. MOSS: Madame Court Reporter, I won't ask you right now, but I'm going to ask you in a minute to play that back. Okay?

Q. Now, when you said you couldn't let it go like that,

that's when you left the porch and went down to talk to the gentleman in the red vest; is that correct?

A. That's not correct. No.

Q. Were you already down there?

A. I talked to the gentleman in the red vest before I ever went up on the porch, coming off the 18th green.

Q. Okay. Well, you were the last group off the 18th green?

A. Absolutely.

Q. Okay. Now, Mr. Blanton's group had had no problems. Correct?

A. Not that I know of.

Q. It was just your group?

A. Yes, sir. If that's what you are calling a problem, yes, sir.

Q. Well was your group drinking too?

A. Nobody in my group was drinking.

Q. Okay. Was Mr. Blanton's group drinking?

A. I didn't — I can't answer that question. I wasn't with his group.

Q. Did somebody get sick in you all's group that day?

A. Not that I know of.

Q. Not that you know of?

A. No.

Q. Okay. So you are down on the 18th green and the

gentleman with the red vest comes off the green and you had some words with him; is that right?

A. That's correct.

Q. And why did you go to have words with him?

A. I went to apologize.

Q. Apologize for what?

A. I mean, the words that happened, I didn't really think they should have happened and I was kind of trying to say we were sorry if we were playing slow, but he just didn't want to hear no part of that.

Q. In other words, your group had said something back to the red vest guy; is that correct?

A. During the heat of the argument, oh yeah we said stuff back and forth.

Q. Okay. So you all gave back just as much as they gave you; is that right?

A. I wouldn't say that. We weren't yelling at them to start with. They were yelling at us.

Q. Well they asked you to move on, didn't they, just play a little faster?

A. That would have been a nice way for them to have asked it yes, sir.

Q. Well then what did you yell back at them?

A. I think Coach yelled back, if you want to see us play slow, we'll play slow.

Q. Okay. So your testimony is that you went over to see the gentleman in the red vest after you had already decided that you couldn't let it go like that, and we'll get the court reporter to see if she can find that and play it back.

A. Oh, I need to – let me back that up. You're correct. I said that. You said I went upstairs and said that. I said that before I ever went upstairs to myself. You are correct. I'd like to correct myself to the jury and to the court. I said that when I walked over there to talk to the gentleman in the red vest. You said when I was on the deck. I didn't say it was on the deck. Okay.

Q. Well, wherever you were, you said, I can't let it go like that.

A. Right and that's when I went to apologize. You're correct. I'm sorry.

Q. Well, why were you apologizing to him if you felt like they were wrong in calling your team to go - to speed up?

A. I've never seen where somebody is making an apology is something that's really wrong, sir.

Q. Well it isn't wrong. Nothing wrong with it.

A. That's all – Yeah, that's what I was doing.

Q. Why were you apologizing if you didn't think you did anything wrong.

A. Just to defuse the situation. I mean, I didn't – We

didn't go to Fripp Island to get in a fight. We went to Fripp Island to have a good time on a golf vacation.

Q. All right. And at the time you went over and talked to him, you said he talked back to you and was not appreciative or didn't want to get your apology; is that correct?

A. He didn't want to hear too much what I had to say.

Q. Okay.

A. He wasn't very friendly.

Q. And he left; is that correct?

A. Sir?

Q. He left.

A. Yes, sir. He got in his cart with his partner and I never seen the guy in the red vest again.

Q. Okay. Well he left.

A. I assume.

Q. The guy with the red vest and his partner didn't come back?

A. Oh, the guy with – his partner came back with their cart. When the three – when they – the three of them come walking – come around the building of the clubhouse. His partner came back but he didn't never came back.

Q. His partner came back ---

A. Never ---

Q. --- but the red vest man didn't never come back?

A. --- seen his face again.

MADAME COURT REPORTER: I'm sorry. So his partner came back --

MR. MOSS: But the red vest man didn't come back.

MADAME COURT REPORTER: We can't talk over each other.

A. Okay. I'm sorry.

Q. Correct?

A. All right.

Q. Is that correct?

A. Yeah, the guy --

Q. The red vest man did not come back?

A. That's correct. The guy in the red vest never came back.

Q. All right. Now, you went up to the top of the steps, is that right, after you had words with him?

A. Yes, sir.

Q. All right. Now, you are up there and you were sitting at a table with Mr. Blanton and a couple others; is that correct?

A. That's correct.

Q. All right. And nothing else was said; is that correct?

A. At that exact point, not between us and them. For a minute or so, I'd say.

Q. All right. And then you say that somebody in the

other cart that was still there around the green came over to the front of the steps; is that correct?

A. In their cart.

Q. All right. And is this what you're talking about? This is the area. You all are up on this top deck.

A. Yes, sir.

Q. Exhibit Five.

A. Uh-huh.

Q. Where did they come to?

A. They come from this way. We were sitting right there. We were sitting right here and they drove up to right in this area right out in here where we could see them drinking.

Q. Put an "X" to where you think they drove up to.

A. Well there's really not enough paper where I'd say they were at because they were in this area right here.

Q. Well let me see if I can get you some more paper.

A. I can point with an arrow right there if that will help you.

Q. I don't know if this one is a little more, maybe. Got a little more room.

A. I mean, it's --

Q. Just put an arrow to show where they pulled up to.

A. It's a very general area. I'd just say right in here. They were right in this area right here.

Q. Okay.
A. When they were in their cart.
Q. Okay. So that's pretty much right up to the bottom step and you all were sitting at the top step; is that right?
A. Yeah, we were at the top right there. You know, they were a little ways away from us when they stopped the first time.
Q. Okay. Well, wait a minute. Are you saying they stopped twice?
A. Yeah. When they come up to us the last time is when they were going to the park — to take their clubs to their car.
Q. Well, did they up to that time the last time?
A. They come to the bottom of the steps with the cart right by the bottom of the steps and that's when they --
Q. Both times, right?
A. No, sir. The first time is right - we were doing the talking where they said, there's no two people up there that can whip our behinds, is when they were at that - parked at that X parked.
Q. Okay. This is where — this is the first time they came up right here is what you just put an X by; isn't that correct?
A. Right. And that's where we were talking back and

forth.

Q. Talking back and forth?

A. Yes.

Q. And who was doing the talking?

A. This gentleman here was doing ninety percent of the talking.

Q. Rod Allgire you said was doing the talking?

A. Yes, sir.

Q. Are you sure it wasn't the fellow closest to you all on the passenger side?

A. I'm one hundred percent positive he was doing --

Q. Mr. Paul Cole, who said that he admitted telling you --

A. No offense to what he admitted, but that gentleman right there --

Q. You don't know. Okay.

A. Well, I know. I'm positive.

Q. Yeah. Okay. I'm sure you are positive about a lot of things. Okay. You're positive that they sat there for a half an hour. Isn't that what you testified to in your deposition that we took?

A. I told you that the time was the only thing I wasn't real sure about. When you are sitting there doing something like that, you know, I made that clear in my deposition. It could be ---

Q. You testified --

A. --- ten minutes. It could be twenty minutes.

Q. Just a minute. You testified under oath that Mr. Allgire and Paul Cole sat there for a half an hour and told you all that any of you all come down, we'll whip any two of you; isn't that correct?

A. I also made myself crystal clear on my deposition that I wasn't sure exactly how long the time thing was, that it had been totally two years.

Q. Well, you made that clear after I questioned you.

A. Okay.

Q. All right. Now, I want to show you this document here says this is where Mr. Cole and Mr. Allgire supposed to have pulled up where you all were sitting right above them up at the table; is that correct?

A. Correct.

Q. Okay. And is this where they pulled — now you said there were two times that they pulled up. Is this both times? Were they at that location or were they at a different one?

A. When they pulled up that time is when they pulled up and stopped and was doing the jabbering back and forth.

Q. Jabbering back and — who were they jabbering with? You?

A. At us. At everybody at our table.

Q. I know, but who at your table. You always say it's "they" or "us."

A. I don't – there was nobody like saying, Joey I'm talking to you or you the little short guy or you the little fat guy. They were talking to a general group of people at that table.

Q. Well what I'm talking about, who in your group was talking? You said jabbering back and forth.

A. Oh, we all were. Every one of us were.

Q. Okay. You and ---

A. Of course.

Q. --- Mr. Blanton?

A. I never really heard Mark say much of nothing to the guy.

Q. Oh, you didn't. But you were up there and you were jabbering and the other people were jabbering ---

A. Right.

Q. --- but you never say who other than you.

A. I would say everybody up there said something. I don't think – I'm not trying to say nobody wasn't talking back to them. I mean, you know, it was just a bunch of jabbering going on.

Q. Now, you said there were two times that the cart came up to you now.

A. The second time the cart came up was when they left to

go take their clubs to the car and that's when he pulled up and stopped and said, I'll be right back. I've got to go to my car. I'll be right back. Right in that man's eyes right there sitting --

Q. He said, I'll be right back. I've got to go to my car?

A. I've got to go to the car. I'll be right back. He said it twice.

Q. Okay. So to ---

A. Twice.

Q. --- the sixteen or twenty of you all sitting on the porch?

A. I don't understand why he said it.

Q. You don't know why he said it?

A. Not to that many people. No, sir.

Q. Okay. Well, in any event, that's the same spot. He came to the same spot that you drew on this map right here?

A. In that general area.

Q. Okay.

A. Like I say, I mean, I know he just pulled up and stopped. I wasn't — you know, I wasn't — I didn't put an X on it two years ago that that is exactly where he stopped his cart.

Q. So he said, I'll be right back?

A. I've got to go to my car. I'll be right back.

Q. Okay. Now, you recall that Mr. Blanton said that the gentleman he hit didn't have anything in his hand. You knew that didn't you?

A. I never heard him say that.

Q. You never saw Mr. Allgire with anything in his hand, did you, all day?

A. No. I didn't see nothing in his hand. I know he didn't have nothing in his hand when I was trying to help him get up off the ground.

Q. All right. Now, you saw Mr. Blanton hit Mr. Allgire didn't you?

A. No, sir.

Q. Oh, you did not see that?

A. No. I was coming down the — I was running down the steps. I mean, I could hear it and all that part. I looked. They were coming at each other like two bulls in a ring --

Q. Who is the one - Who is the one that said, you hit the wrong guy? Who said that?

A. I never recall hearing that. It wasn't me.

Q. All right. You don't recall hearing that?

A. I don't.

Q. All right. Now, you recall they called the police immediately after that?

A. I never heard nobody said the police were called.

Q. You didn't know that?
A. No, sir, I don't.
Q. Even though Mr. Blanton testified he heard it and knew they were called.
A. I'm just telling you what I heard.
Q. Yeah. Okay.
A. I did not hear nobody say they called the police. I never heard that.
Q. So you never heard anybody say, you hit the wrong man?
A. No, sir, I did not.
Q. All right. Now, did you leave immediately or did you hang around?
A. I left. We were in the process of leaving anyway but me and Kevin, we went straight to the vehicle.
Q. When did you find out that Mr. Blanton had been arrested?
A. Somebody called Kevin's cell phone and said that he'd been pulled over, that Mark had been pulled over, they were taking him to jail.
Q. Did you go back to the clubhouse?
A. No, sir.
Q. And why did Mr. Blanton leave from up on the porch and go down to where these gentlemen were coming back from the clubhouse or coming back from the parking lot?
MR. GRIFFITH: Your Honor, I object. I don't know if

he can answer why Mr. Blanton — his actions.

THE COURT: If he can answer the question.

Q. Yeah. Why did Mr. Blanton leave the porch?

A. I have no idea, sir.

Q. You don't know?

A. I —

Q. But he left the porch?

A. I have no idea.

Q. Nobody was on the porch telling him anything.

A. Like I said, I have no idea. I mean . . .

Q. Okay. But there is no question he left the porch?

A. He got downstairs somehow. Yes, sir.

Q. He got downstairs somehow, but you say you didn't see the punch?

A. No. I did not see — I did not see the punch.

Q. Did you hear the punch?

A. Oh, yeah. I would have seen it if I hadn't been running down the steps because I was running straight at it.

Q. Okay. You didn't see the punch?

A. No, sir. But I was down there before the guy — before he hit the ground. That's how — I was worried about, I guess, falling down the steps because I was kind of running down the steps.

Q. But you heard the punch?

A. Yes, sir.
Q. Why were you running down the steps?
A. I mean, there are three guys down there. Guys are fighting. I mean, I went down there like I said, to break it up. I mean, — I don't know how to answer that question.
Q. What three guys were down there?
A. Well, the three guys that come from the — right there.
Q. Three guys that came from where?
A. From the parking lot. The gentleman that you're representing.
Q. Oh. You mean the people that were coming back from the parking lot that had put their clubs up?
A. Yeah.
Q. You say there was three of them coming?
A. Three.
Q. Were they together?
A. Yes.
Q. In a group?
A. That guy was in the front and the other two were kind of behind him.
Q. Well, I'm saying they weren't together as a group. This guy was in the front and there were two behind him.
A. Three people walking together.
Q. In a row though? Not together.
A. I don't understand what you are asking me, sir.

Q. I'm trying to ask you were all three of them together ---

A. Yes ---

Q. ---- side by side?

A. --- a group.

Q. Side by side?

A. Just like that number right there is how they were walking.

Q. Okay. So it was three of them walking together ---

A. Yeah.

Q. --- and Mr. Allgire, was he on the right or the left or the middle?

A. He was in the front.

Q. Well, wait a minute. They're all three walking beside each other you just testified.

A. Anybody understands what I'm saying. It was a three. These two guys were right behind him and this guy was in the front and they were walking --

Q. Okay. Well the truth is, is they were in line; they weren't together. Are you telling these ladies and gentlemen of the jury that the three were together?

A. It was three men walk - three guys walking together. Yes.

Q. But they weren't side by side?

A. If that's what you call together, then I - whatever

you say. I'm just telling you three of them ---

Q. No, no, no, no.

A. --- were in a group.

Q. I'm asking you were they side by side. I can't testify to what you --

A. No.

Q. Huh?

A. They wasn't in a row. They were not in a row like that. Is that what you're asking me?

Q. Yes.

A. No.

Q. Were they side by side?

A. This guy was in the front and the other two guys were right behind him.

Q. Okay. So he was in the front and there were two people behind him?

A. Yes.

Q. How far behind him?

A. I mean, just a group of people walking in a wad like that right there. A foot - Are you asking me distance?

Q. How far were they behind him? Yes.

A. A foot or two. A couple feet. A foot. Something like that.

Q. Okay. Well was one of them a foot or two behind him and then another one a foot or two?

A. I don't understand what you are asking me now.

Q. I'm trying to find out — it's very simple — whether they were walking in line, one man in front, another second and another one third ---

A. No, sir.

Q. --- in line like the military marches you know.

A. No, sir. They were — Like I explained the number three if you all can understand that. This gentleman was in the front and these two people — these two guys were walking right behind him just like that. If that makes it clear.

Q. Well it doesn't make it clear to me but in any event.

Now, you testified the red vest was there when the altercation occurred?

A. No, sir. I never seen the man --

Q. Okay.

A. No, sir.

Q. Never saw him again?

A. No, sir.

Q. Okay.

MR. MOSS: I have nothing further.

MR. GRIFFITH: Nothing further, Your Honor.

THE COURT: You may step down, sir.

(WITNESS LEAVING WITNESS STAND.)

THE COURT: Call your next witness.

MR. GRIFFITH: We call Todd Osborne.

MADAME CLERK: Please place your left hand on the Bible, raise your right hand.

(WHEREUPON, JOSEPH SCOTT OSBORNE, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:

MADAME CLERK: Please be seated.

THE COURT: Please spell your last name for my court reporter.

A. O-s-b-o-r-n-e.

DIRECT EXAMINATION

JOSEPH SCOTT OSBORNE BY MR. GRIFFITH:

Q. Mr. Osborne would you state your full name for the jury please?

A. Joseph Scott Osborne.

Q. And, Mr. Osborne, where do you live?

A. Conway, South Carolina.

Q. And are you married?

A. I am.

Q. And how long have you been married?

A. Eight years.

Q. What do you do for a living?

A. I'm in the used car business.

Q. Do you know Mark Blanton?

A. I do.

Q. How long have you known Mark?
A. Pretty much all my life.
Q. So you grew up in the Conway/Myrtle Beach area?
A. Yes, I did.
Q. Were you at Fripp Island for a golf weekend the weekend of November 13th, 2011?
A. I was.
Q. And had you all come down on Friday?
A. Yes, we did.
Q. And you stayed until Saturday ---
A. Sunday.
Q. --- excuse me. You stayed until Sunday?
A. Uh-huh.
Q. And is this sort of an annual event?
A. It is. We try to go every year.
Q. And you were with them that year; is that correct?
A. That's correct.
Q. Now, Sunday you all would have played, I guess, Ocean Creek course; is that correct?
A. Yes, sir.
Q. And do you remember who you played with?
A. It was me and Mark, Kevin and Jarrod.
Q. So you were in Mark's foursome then?
A. Uh-huh.
MADAME COURT REPORTER: I'm sorry. Is that yes?

A. Yes.
Q. And Mr. Osborne, if you would just say yes or no instead of nodding.
A. Okay.
Q. I know it's sort of — it's second nature to nod but she needs to write this down. All right?
A. No problem.
Q. Did anything unusual, any events, happen while you all were playing that day?
A. No, sir.
Q. All right. And let me just say there has been some talk about drinking. Did you have anything to drink that day?
A. We did.
Q. All right. And when you say we, who is we?
A. Our foursome.
Q. And you all had — what was it?
A. A small bottle of Crown. I mean, I don't know the — it was just a bottle about yay big.
Q. All right. And the bottle that you all had, was anybody, did anybody get drunk? Have you been with these guys before when they were drunk?
MR. MOSS: Objection.
Q. That was sort of a double question. I'm going to ask it again. I'm sorry. Have you been with Mark before when

he's been intoxicated?
A. Yes.
Q. And you were with him that day?
A. Yes.
Q. Was he intoxicated that day?
A. No, sir.
Q. All right. Was anybody else in your foursome intoxicated?
A. No, sir.
Q. Did you all have a ride home that afternoon?
A. Yes, we did.
Q. And when you got to the end of your round, what did you do?
A. When we finished, we drove the carts to the cart tent and then we put our clubs in the car and then we came back to the deck, the upper deck at the clubhouse.
Q. And you went up there. Who were you with while you were there?
A. Well actually me and Kevin Blanton. I had sat down with him and there was a bunch of us. There was not really a set group that we were sitting with. Everybody was just kind of all over the place. You know, talking and walking back and forth. Gene was counting the scores, so you know everybody was just kind of conversing back and forth. I believe I was sitting at a table with — Mark was there.

Jarrett Cook was there. A guy — I think a guy named Matt was there.

Q. As you all were sitting there, did anything take place?

A. Well, when we — we had finished in front of Joey and Coach, Ron Coward's group. They had come up after they finished and they were explaining some issues that happened on the golf course about somebody, you know, cussing at them, hitting the ball into them and about slow play. So there was — you know, everybody was kind of talking about that.

Q. Then as the foursome behind them came in, did anything happen?

A. When they got to the 18th green Joey said that was the ones and they — where the deck is you — the 18th green is right there so you kind of see everything that goes on. They got in their cart. I mean, they finished the hole up and they got in their carts and then they went by. And then one of them in the cart on the passenger side said, I'll be right back. And they had been — Joey said they had been jawing back and forth, you know, yelling, cussing and all that.

Q. Was there some jawing that went on right there?

A. Yeah, a little bit. Yeah. Like I said, he said he would be right back was what stood out to me and I was

like, well I didn't know what was going on really.

Q. All right. And then after they left, tell me what happened next.

A. We all were just sitting up there and then the three guys come around the cart tent. They come around — you have to walk around it to come back to the deck and I seen three guys coming back towards the deck.

Q. Did words start again?

A. At that time I was talking with Kevin Blanton. We were kind of just talking and the next thing I knew is when it was all going down. We turned around and it was already — had started happening.

Q. Okay. So you were up on the deck with Kevin?

A. Kevin — there was a bunch of us still up there, yes.

Q. Did you see what went on down between Mark and Mr. Allgire?

A. What I seen was them face to face, jawing back and forth and then a punch was thrown.

MADAME COURT REPORTER: A punch was what?

A. A punch was thrown.

Q. Did Mr. Allgire go down?

A. Yes, sir.

Q. Was Joey on the way down?

A. I really don't recall if he was or not.

Q. Did it become chaotic, I guess?

A. Yeah, it did. I know the time that I looked Ron Coward was down there, which he goes by Coach. I remember seeing him down there. Joey may have been down there. You know, it was kind of a shock that it was going on so we -- like I said, I was up on the deck so I really . . .

Q. Did you go down there amongst it?

A. No, I did not.

Q. Okay. After that did people sort of get them separated?

A. Yeah. They got separated and I remember Mark coming back towards the deck and me and Kevin, you know, we were just going to leave. You know, it was over so we were just going to get in our car and head back to the beach.

Q. Did you leave with Kevin then?

A. I did.

Q. Okay.

MR. GRIFFITH: One second, please. That's all the questions I have. Thank you. Answer any questions Mr. Moss may have.

THE COURT: Mr. Moss.

CROSS-EXAMINATION

JOSEPH SCOTT OSBORNE BY MR. MOSS:

Q. How are you doing, sir?

A. Fine. How are you?

Q. Good. I believe I met you at Myrtle Beach; is that

correct?

A. Yes, sir.

Q. And we came up there and took your testimony and I appreciate you testifying. Joey is the first one it sounds like that said, okay that's the group coming up now that was talking to us; is that correct?

A. I don't know exactly who said it but --

Q. Joey Blythwood, that Joey the gentleman that just testified. Right?

A. That's Joey. Yes, sir.

Q. And he said, that's the group that was telling us on the 16th or whatever ---

A. Well --

Q. --- hole To move on.

A. Yeah. Joey and Ron Coward, who you know passed away.

Q. And Coach?

A. Yes, sir.

Q. Okay. So they told you that the group coming up, that is the Robinson red vest, Trogdon who's - were in court - were in cart one and then Rod Allgire and Paul Cole were in cart two. Okay?

A. Okay.

Q. But anyway, he pointed them out. The gentleman right here, Joey, right?

A. Yeah.

Q. Pointed them out and said, that's the group that told us to move on. Okay?
A. And Ron Coward, Coach.
Q. And Coach Coward both told you all.
A. Yes. He said — they both said the group right behind us.
Q. Now, you all were up on the porch when you all were talking about this. Right?
A. That's correct.
Q. Okay. And then Joey, Mr. Blythwood, went on down to talk to somebody; isn't that correct, or did he stay up on the porch?
A. I can't — I don't know.
Q. You don't know?
A. I don't know.
Q. Okay. But in any event, you said one thing that was pretty clear. That the guy on the passenger side of one of the carts told you, I'll be back?
A. Yeah. He yelled it up towards — you know, we're all up on the deck and he said, I'll be right back.
Q. All right. Well he didn't have a red vest did he?
A. I don't recall. No. I would say no. All I remember is he had a hat on.
Q. All right. What I want to show you is cart one was driven by Mr. Robinson, the red vest man, and his passenger

was Doug Trogdon. Okay?

A. Okay.

Q. I made that up so we don't get confused. And cart two was driven by Rod Allgire and Paul Cole was the passenger.

A. Okay.

Q. Okay. So what your testimony is, is that Paul Cole told you, I'll be right back?

A. I do not know who it was.

Q. Well whoever was the passenger told you that. Right?

A. That's correct.

Q. Okay. Well assuming that Paul Cole was the passenger, he has already testified, and said, I'll be right back, that meant he was going to his car. Right?

A. Well, they were jawing back and forth and that's when he said — one of them said. I don't know who it was, said, I'll be right back. Now --

Q. Okay. Well, you all always mention they were jawing back and forth. Who was jawing up on your top? Was Joey jawing or was Mr. Blanton jawing?

A. No. It was Joey. The guy, one of the guys in the group, I don't know who it was, they were jawing back and forth.

Q. That's who was jawing. Okay. Well, Joey didn't tell us about that but he was the one jawing up there.

A. Right, and that's why the guy said that he would be

right back.

Q. I got you. Okay. But it wasn't any question that the passenger is the one that said, I'll be right back?

A. That's correct.

Q. Okay. Now, did you see the punch?

A. I did.

Q. All right. And Mr. Blanton hit Mr. Allgire. Correct?

A. Yes.

Q. All right. Now did Mr. Allgire have anything in his hands?

A. Not that I could see, no.

Q. Okay. And what happened to Mr. Allgire after he got hit?

A. He went down.

Q. He went down?

A. Uh-huh.

MADAME COURT REPORTER: Is that yes?

A. Yes.

Q. Did someone at that point in time say, that's the wrong person?

A. I did not hear that.

Q. You didn't hear it? Nobody on the porch said that?

A. No.

Q. Or did somebody down there say that?

A. No. I didn't hear that.

Q. Did Joey Blythewood say that?
A. No. I didn't hear that.
Q. You didn't hear it?
A. Huh-uh.
Q. Okay. Now, did you hear them say, call the police?
A. No, I did not.
Q. Okay. What did you do at that time? You left or what?
A. Well, they kind of disbursed. I mean, Mark had come back this way so we just decided it was time for us to go. We already had packed up to head back to the beach so me and Kevin, we just decided it was time to go so we left. We were leaving and we left.
Q. Now, you weren't in the car that got stopped by the police obviously?
A. No.
Q. You weren't in Mr. Blanton's car?
A. No.
Q. Okay.

MR. MOSS: Nothing further.

Thank you, Your Honor.

THE COURT: Anything further?

MR. GRIFFITH: Your Honor, how long do plan to go tonight?

THE COURT: I need to talk to you all. The jury told

across the left side of the buttock and the posterior thigh, which would be the back of the leg.

Q. All right. And on the last visit of April the 30th, 2012 which side were his problems primarily on?

A. They were on the right side.

Q. Had they changed sides then?

A. They had.

MR. MOSS: Objection.

Q. And was that the last visit, was that problems on the right side after he indicated he had been fishing in the boat?

A. Yes.

MR. GRIFFITH: That's all the questions I have, Mr. Carlisle. Thank you.

CROSS-EXAMINATION

CHRISTOPHER CARLISLE BY MR. MOSS

Q. Mr. Carlisle, you indicated the dates of treatment of this individual began when?

A. I first saw Mr. Allgire on February 1st, 2012.

Q. And not when you saw him, but when did his treatment start? Did his treatment start before that?

A. He saw a separate therapist on December 1st, 2011.

Q. Okay. So he began treatments on December of '11; is that correct?

A. With a different therapist.

Q. I understand with a different therapist, but that's when he began treatment with your Coastal Therapy group; is that correct?

A. An evaluation was performed on that day. It doesn't look like any followup visits occurred.

Q. Okay, but in any event that's the first time he came in to see your group to do physical therapy; is that correct?

A. That's correct.

Q. Okay. Now, you do this based on a doctor sending you information; is that correct?

A. Typically we have an order from the doctor.

Q. You never mentioned that you all reviewed any medical records on Mr. Allgire. The things you were — you told Mr. Griffith that you did initially with this patient, you said you got histories but you never got any medical records from the doctor did you?

A. Typically when we do — when we see a patient, the doctor just sends an order for the patient's medical diagnosis.

Q. Okay. My question is, did you ever review any medical records from the physicians?

A. They did not provide any. It looks like there was a copy of an x-ray, but that would be the only thing that was provided. Nothing beyond that.

Q. Okay. So you never reviewed the doctor's medical records. Do you know what injuries Mr. Allgire had, if any?

A. The order indicated that he had a thoracic fracture, a T-12 compression fracture.

Q. A fracture at T-12.

A. Correct.

Q. Uh-huh.

A. Which is one of the vertebra in the spine.

Q. Yeah. Did it say anything about the fracture of the ribs?

A. No, it did not.

Q. Did you know he had fractures of the fifth and sixth contra lateral ribs on the right?

A. I did not remember seeing any mention of that in the notes.

Q. You never saw that and didn't know that?

A. Correct.

Q. But that was on the right side?

A. Okay.

Q. Okay. Now, and so basically he came in in December of '11, and when did he finish that series of physical therapy?

A. He was only seen for the evaluation.

Q. I understand December he was seen for the evaluation,

but after that he started having physical therapy with your group did he not?

A. Not until he was evaluated by me on February 1st, 2012.

Q. Okay, but he started with your group on December the 11th. I'm trying to get the time that he began and the time that he finished this series of physical therapy is what I'm trying to get from you.

A. Right. He was seen initially for an evaluation on December 1st and then we did not see him again until February 1st .

Q. I understand that, but when did he stop receiving physical therapy from your group? What date? I believe you said it was around April 2012 or was it April '13, 2013?

A. He was last seen on — for that — for the treatment cycle in which I was involved, he was last seen on April 30th, 2012, but he did return in 2013.

Q. Okay. So he basically came to your group on December of '11?

A. Correct.

Q. Okay. And he was there receiving physical therapy from your group until April 30th of 2012; is that correct?

A. Correct.

Q. And how many visits of physical therapy did he have

between December and April 30th, 2012?

A. It looks like if the numbering is correct twenty-four.

Q. Twenty-four physical therapy visits he had with your group during his first phase?

A. Yes.

Q. Okay. Now, you said he came back on August 12th of 2013; is that correct?

A. That's correct.

Q. And this is the second set of physical therapy orders; is that correct?

A. That's correct.

Q. And which doctor was that from?

A. Let's see.

Q. Doctor Boatwright?

A. That was from Doctor Boatwright.

Q. Now the first order was from a different doctor; is that correct?

A. Let me see. The first order was from Doctor Blocker.

Q. Right. So Blocker was the first and then Boatwright was the second, so we had twenty-four visits from Blocker. How many visits do you have from Doctor Boatwright beginning on August the 12th of 2013?

MR. GRIFFITH: Judge, I'm going to object. There is no testimony that this is related, that this treatment is related in any way to the treatment of the injury in 2011.

MR. MOSS: I think there is testimony in the record amply for that already from the plaintiff.

THE COURT: Go ahead.

Q. Yeah, go ahead.

A. It looks like nine visits.

Q. Nine visits? Okay. And were you involved in any of those visits?

A. No, I was not.

Q. Now, as a physical therapist, you want your clients to become active do you not?

A. We do.

Q. And you would ask for them to do as much as they can do. Correct?

A. Within tolerance.

Q. Within tolerance. Okay.

A. Yes. That's correct.

Q. Now, Mr. Griffith asked you something about he told you he went fishing. You don't know whether that's off shore or in shore do you?

A. I don't remember.

Q. Okay. Now, did you treat him for low back problems along with the thoracic problems?

A. We did treat for the low back pain that he was having.

Q. Okay. So in addition to the thoracic pain, he was having low back lumbar pain further down?

A. He was having lumbar pain. That's correct. That was radiating out into his left leg.

Q. Initially into his left leg and you later on said that he found it was moving to his right leg?

A. That's correct. Later on he had symptoms on the right side.

Q. Does radiation concern you as a physical therapist?

A. Well, it's just an indication that, you know, his function is being impacted. We try to eliminate the lower extremity pain.

Q. Okay. And you were not aware of the fractures to the fifth and sixth ribs on the contra lateral on the right side?

A. No, sir, I was not.

Q. Okay.

MR. MOSS: I have nothing further.

MR. GRIFFITH: Nothing further, Your Honor. May this witness be excused?

THE COURT: He may. Thank you, sir.

(WITNESS LEAVING WITNESS STAND.)

MR. GRIFFITH: Judge, at this time we call Dennis March.

THE COURT: All right. Come on forward, Mr. March.

MADAME CLERK: Place your left hand on the Bible, raise your left hand.

A. Last Sunday.

Q. This past Sunday?

A. Yes.

Q. Did you do that?

A. Yes, I did. I got to the course around 8:30 a.m..

Q. Was his truck out there?

A. Yes his truck was out there.

Q. Did you see Mr. Allgire?

A. I did see Mr. Allgire on the practice range.

Q. This is the gentleman right over here?

A. Yes, sir.

Q. Is that the same gentleman that was in blue that we just saw on the video?

A. Yes, sir.

Q. You didn't stay to surveil him or to do an activities check that day did you?

A. No. I left as soon as I identified him as being at the course.

Q. Thank you.

MR. GRIFFITH: That's all I have. Answer any questions Mr. Moss may have.

CROSS-EXAMINATION

DENNIS MARCH BY MR. MOSS:

Q. He in fact parked next to you — next to you in the golf cart, was he not this weekend?

A. Yes, sir, he did.
Q. And that's when you left?
A. Yes. I left.
Q. I think he recognized you but in any event, this was done in July of 2013?
A. Yes, sir.
Q. Did you know he was actually injured November 11th - November 13th of 2011, a year and a half before you did this?
A. No, I did not.
Q. You didn't know that. And you didn't know he had had a fracture of the T-12 vertebra of the spine?
A. No, sir, I did not.
Q. All right. And you didn't know he had had two fractured ribs on the side, right side?
A. No, sir, I did not.
Q. All right. Now, you play golf. I know you are a pretty good golfer. In fact, I think I've even played with you before if I remember correctly.
A. A few times.
Q. Once or twice out at Paris Island?
A. Yes, a few times.
Q. Now, is the trunk an important part of your body in a golf swing? This part of your body, your trunk?
A. Yes, sir.

Q. Why is it important?
A. To make the turn.
Q. That's your power is it not or part of your power?
A. More or less.
Q. Uh?
A. More or less. Depends.
Q. Okay. So when you saw him — he has acknowledged he was back playing golf in fact I think in April of 2012 he says he went back and played nine holes. They have a Thursday night deal where you can pay a minimum amount, I think $25, and you can play nine holes, and you get a meal afterwards over at Royal Pines. Are you aware of that?
A. I've heard of it.
Q. Yeah. You didn't go over there at any time during 2012 to see how well he was playing or not playing?
A. No.
Q. All right. And then six months into — When were you given this assignment? In June; is that correct?
A. I was called by Mr. Griffith on June 27th — or I spoke to him on June 27th of 2013.
Q. Of 2013?
A. Yes.
Q. And you went to his house and apparently didn't feel like that was a good spot to surveil him; is that correct?
A. Yes, sir.

Q. And then you went to his job?
A. Yes, sir.
Q. And didn't feel like that was — because he was moving around, I guess, you couldn't surveil him?
A. Exactly.
Q. Did you not understand who he was by the time you got to the golf course?
A. Well I don't understand your question.
Q. Did you know who Rod Allgire was — I mean, you'd ---
A. No.
Q. --- been to his house and been to his job.
A. I had never seen him.
Q. Oh, you'd never seen him.
A. Never seen him.
Q. I see. All right. Okay. So when you went out here and you were following this guy in the orange around, you weren't really sure who it was?
A. Exactly.
Q. And at some point in time you said, it's my mistake. What did you mean by that?
A. Because I thought it was the fellow in orange, but it was actually the fellow in blue.
Q. I got you. Okay. And I assume you got paid for the ten hours of surveillance. Which you should have.
A. Yes, sir.

Q. All right. Now, what is your handicap at golf today? What do you play — is your handicap?

A. Ten.

Q. Ten? Okay. And handicap is important because that determines basically how good you are as a general rule?

A. More or less.

Q. More or less. In other words, when you go play in a tournament, you are going to get — suppose to get ten stroke advantage because that's — ten is ten over par; is that correct? When you refer to your handicap, is that over par?

A. Yes.

Q. Okay. In any event, somebody that's a four or five or six handicap is a pretty good golfer; is that correct?

A. Yes. A very good golfer.

Q. Okay.

MR. MOSS: I have nothing further. Thank you, Mr. March.

THE COURT: Mr. Griffith, anything else?

REDIRECT EXAMINATION

DENNIS MARCH BY MR. GRIFFITH:

Q. Mr. March, Mr. Moss asked you about a swing and the trunk being important. Was that a pretty smooth swing you saw on that video, the one you observed?

A. Yes, sir. I thought it was a good swing.

raise your right hand.

(WHEREUPON, MARSHALL CRAIG BLANTON, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

MADAME CLERK: Please be seated.

DIRECT EXAMINATION

MARSHALL BLANTON BY MR. GRIFFITH:

Q. State your full name, please?

A. Marshall Craig Blanton.

Q. And Mark -- I been calling you Mark. Is that what you go by?

A. Yes, sir.

Q. All right. Mr. Blanton, how old are you?

A. Forty-four.

Q. Where do you live?

A. 592 Oxbow Drive in Myrtle Beach, South Carolina.

Q. And how long have you lived in Myrtle Beach?

A. All my life.

Q. Are you married?

A. Yes, sir.

Q. And who's your wife?

A. Cathy Blanton.

Q. Is Cathy here in the courtroom with you today?

A. Yes, sir. That's -- right over there on the front row, that's her.

Q. All right. And you said you -- Do you have any children?
A. Yes, sir, I have four.
Q. What are their ages?
A. Seventeen, fifteen, twelve and two.
Q. Two, okay. What's your occupation?
A. I'm in the car business.
Q. And what's the name - Do you own the business?
A. Me and my wife own the business yes, sir.
Q. All right. What's the name of the business?
A. Myrtle Beach TNT Auto Sales, LLC.
Q. How long have you been in the car business?
A. Twenty-four years.
Q. And did you go to high school in Myrtle Beach?
A. Yes, sir.
Q. And right out of high school, what did you do?
A. Well, right at - in high school, it was varying. I got in a car accident. So right after high school, I didn't do much, but then I got a job with the City of Myrtle Beach.
Q. And that was in Parks and Tourism?
A. Yes, sir.
Q. And how long were you with them?
A. A year.
Q. Then, did you get into the car business after that?

A. Yes, sir. I was supposed to get a job in the Sports and Recreation but that job never came available, so then I went to work in the car business.

Q. All right. And you worked with somebody until, ultimately, you got your own business going?

A. Yes, sir. I worked at Miller Brothers for eight years before me and a partner of mine opened up my own business.

Q. And how long did you have a partner?

A. For seven years.

Q. And then did you, ultimately, buy him out?

A. No, sir. He -- He decided it was best that he went on his own, and he basically left me with nothing, with no cars or anything, and I started from scratch then on my own.

Q. And have you been - And when you started from scratch, was that TNT Auto Sales that you started?

A. Yes, sir.

Q. And that's what you've been in ever since?

A. Yes, sir.

Q. All right. And you said that it is an LLC; is that correct?

A. Yes, sir.

Q. And your wife is a member also?

A. Yes, sir.

Q. You're a golfer; is that correct?

A. A little bit.
Q. How long have you been playing golf?
A. Probably since I was about twenty-two, so twenty-two years.
Q. We've heard a lot about handicap. Are you a pretty good golfer?
A. No, sir.
Q. What's your handicap?
A. Probably a twenty-four.
Q. You play golf frequently?
A. Not any -- not anymore.
Q. And are -- Let's talk about in Myrtle Beach. Are you active in any clubs or associations up there?
A. Yes, sir. I'm on the high school booster club in Myrtle Beach and I'm also --
Q. Is that -- is that also Myrtle Beach High School?
A. Myrtle Beach High School.
Q. Okay. And you've got children at the high school?
A. No, sir, not that school.
Q. Oh, okay. I'm sorry.
A. I went to that school but.
Q. That was the school you went to?
A. Yes, sir.
Q. So you're active in their booster club?
A. Yes, sir.

Q. What other clubs are you active in?
A. I'm just active in the Miracle League baseball in Myrtle Beach, South Carolina.
Q. What's Miracle League baseball?
A. It's for handicapped children and my son actually plays in it, so I help out there some.
Q. You have a handicapped son?
A. Yes, sir.
Q. And which one was that?
A. That's my twelve -- fifteen-year-old.
Q. Okay. Now, we're here about an incident that took place back in 2011. We've heard a lot about it over the past couple of days. Do you remember that incident?
A. Yes, sir.
Q. Do you remember that weekend?
A. Yes, sir.
Q. Was that a golf outing with some guys from Myrtle Beach and Conway and, I guess, several other places it sounds like, Summerville and Sumter?
A. Yes, sir.
Q. Do you know who arranged that?
A. Gene Miller puts the group together.
Q. All right. And when Gene puts it together, what does he do, make a - pick the weekend?
A. He gets everybody's handicaps and, you know, pairs

everybody up together and that's how we play.
Q. Now, when you come down, is everybody responsible for their own golf? I mean, you - does Gene pay for it or do you pay for your own golf?
A. Everybody is responsible. You even have to call in and put a deposit up on your own.
Q. All right. So you're responsible for your own golf?
A. Yes, sir.
Q. Are you responsible for your own room?
A. Yes, sir.
Q. Food?
A. Yes, sir. We all pitch in and usually Joey Blythe does the cooking, but we pay him a - you know, we divide it up.
Q. Joey was the fellow that testified yesterday, he's the meat - meat guy at Food Lion?
A. Yes, sir. He's the meat --
Q. They about to get on me. I think it was Harris Teeter instead of Food Lion.
A. Harris Teeter.
Q. When you came down, where did you stay that weekend?
A. On the island in some condos.
Q. Okay. Did you come down - What day did you come down?
A. Friday night.
Q. And did you play golf at Fripp on Friday?

A. No, sir.
Q. So you just got in late that evening?
A. Yes, sir. I got in later after - pretty much me and Jarrett Cook were the last two there, I think.
Q. And do you know about how many people would have come down with that group?
A. I think it was twenty.
Q. Twenty and you played in foursomes, so about five foursomes?
A. Yes, sir.
Q. Now, did you play on Saturday?
A. Yes, sir.
Q. Were you originally supposed to come with that group or were you a add-on?
A. At first, I was originally supposed to come and I had to back out, and then a couple of days before I told them if somebody backed out that I was available again.
Q. And when you got this backing out, were they trying to keep the groups in pairs of four?
A. Yes, sir. They try to keep them all, you know, all foursomes, so it's all even so they can have two-man teams.
Q. Did you play on Saturday at Fripp?
A. Yes, sir.
Q. All right. And did ya'll -- Were there any incidents on Saturday or was it just a golf weekend?

A. Just a golf weekend.
Q. Did you play on Sunday?
A. Yes, sir.
Q. And do you know about what time you would have started playing, what round -- time your rounds would have started?
A. Somewhere around 8:30.
Q. And do you recall where you were? Were you the first team to tee off or what foursome were you in?
A. We were second to the last.
Q. And who was in your foursome?
A. Jarrett Cook, Kevin Blanton, Scott Osborne and myself.
Q. All right. You said Kevin Blanton, is that your brother?
A. Yes, sir.
Q. All right. Did he come down also?
A. Yes, sir.
Q. And when -- During your round, did anything unusual happen that day?
A. Besides Jarrott Cook playing Lights Out, not really nothing at all.
Q. There has been some talking about drinking while you all were playing. Did you have anything to drink?
A. Yes, sir.
Q. Tell the jury what you had to drink?
A. Well, we had the smallest bottle of Crown. Well, I

say the smallest. I guess there is one smaller, but it was like a little heart-shaped bottle about that big.

(WITNESS DEMONSTRATED.)

Q. All right. Did you drink that yourself or was that shared among the foursome?

A. No, we shared it. The golf course don't offer anything to drink on Sundays or - I don't think they actually offer it anytime. I'm not sure.

Q. All right. And based on the amount you had to drink, how many drinks did you have?

A. Two.

Q. Were you drunk?

A. No, sir.

Q. While you were playing, were there any confrontations between your group and any other groups out there?

A. While I was playing; no, sir.

Q. While you were playing?

A. Yeah, while we were playing, there was no confrontation.

Q. Okay. After you finished your round with your foursome, what did you do?

A. Proceeded up to - Like everybody else, proceeded up the stairway to hand in their scorecard so they -- they were already figuring, you know, writing everybody's scores down and stuff and we just handed it down the line to them

so they could get our scores in.

Q. Did ya'll sit down and start talking about the normal round of golf?

A. Yes, sir. We actually sat at the first table because it was pretty much already filled up to that point, because everybody else was sitting, you know, towards the end and around the corner, so it was the very first table by the stairs.

Q. All right. Who were you - Who was sitting at your table, if you recall?

A. At the time when we came in me and my foursome pretty much sat down at that table which would have been, again, Kevin Blanton, Jarrett Cook, Coach -- Ronnie Cowan is his name - and myself.

Q. All right. Did anything draw your attention to the course as you were sitting up there?

A. Not at that time; no, sir.

Q. And you've mentioned the name "Coach." I've heard Coach Ron Cowan. Is that one in the same?

A. Yes, sir.

Q. All right. Was he in the last group or was he in your group?

A. He was in the last group.

Q. All right. Did he come up there?

A. Yes, sir.

Q. And what happened when he came up?
A. When he came up the stairs, I was sitting on the right and the first thing he said to me was --
MR. MOSS: Objection, Your Honor. Objection. He's getting ready to state what somebody said, and he's not a witness and I understand he's deceased now so.
THE COURT: Okay.
MR. MOSS: I just - There is no way I can cross-examine that.
MR. GRIFFITH: That's fine.
Q. What happened when Mr. Cowan came up? Was a conversation had? Don't tell us what the conversation was.
A. Yeah, a conversation between me and Mr. Cowan.
Q. All right. And as a result, was your attention then focused down on the course?
A. Yes, sir.
Q. Down on the -- where -- You were sitting up on a deck. Did it then focus it down on the 18th green or right there on the green?
A. Because of what he told me, it made me pay attention to what was happening on the green.
Q. Who was down there, was Joey down there?
A. Joey Blythe with our group was the only person with our group down by 18.
Q. All right. And as you were sitting up there, tell the

Jury what happened?

A. Joey Blythe was standing on the opposite - the driver side of one of the golf carts, and a gentleman approached the golf cart in a red vest, which I'll, I think, call Mr. Robinson now.

Q. Okay. Did you see him testify on Monday?

A. Yes, sir.

Q. The gentleman in -- that ultimately was the red vest, that's Mr. Robinson?

A. Yes, sir.

Q. All right. What happened?

A. Him and Joey were having some heated words. You could tell. I couldn't see at first what they were saying, because they were around the back -- the left side of the golf course. They had moved around to the left side of the golf cart. But then the gentleman, Mr. Robinson, kind of had his putter in front of him, basically, walking Joey backwards to the back of the cart. You know, not pushing him or anything, but he just had his putter up in front of him and the - you know, I heard Joey say that, you know, where we're - you - where we're from, you know, we've never - you know talk to people like that on the golf course. Well first, he apologized. He said he wanted to apologize for, you know, the slow play and if we caused you any problems, that we apologize.

Q. All right. And then did you hear - Did the conversation escalate after that?

A. Yes, sir. It got a little more heated, because Mr. Robinson said, you know, I didn't want to hear your --

MR. MOSS: Objection. Did he hear Mr. Robinson?

A. Yes, sir; I heard it.

MR. MOSS: From up on the balcony?

A. Yes, sir.

THE COURT: All right.

A. That's 'cause I said he got a little heated, that's got louder. I couldn't hear it at first, because it wasn't as loud. It got louder when Mr. Robinson said, "I don't want to hear what the heck you got to say."

Q. Okay. And you said "what the heck," was it profanity used?

A. Yes, sir.

Q. All right. And then after Mr. Blythe and Mr. Robinson were having this conversation, what happened next?

A. Mr. Robinson proceeded - you know they -- I don't know what was said right after that, because then his back was to him and Mr. Robinson was looking at him, but I don't think there was much more conversation, and Mr. Robinson got in his cart and left.

Q. All right. Did anybody - Did the rest of Mr. Robinson's group come off the green?

A. Yes, sir.
Q. And as they approached the, I guess, the fringe or the golf carts, tell the jury what happened then.
A. The other ones came off the green, which I think, Mr. Allgire was the first one of the threesome left on the golf course to come off of the green and come to the golf carts.
Q. At that point in time, was anything said?
A. Yes.
Q. Tell the jury what happened, were there any specifics said or - by this time or more people getting into it?
A. Again, I first didn't hear it, because it was a little further away and as it got closer to the golf cart, I heard Joey said, you know, "If you all are looking for any trouble, you know, you don't need to come back around here," and I heard Mr. Allgire say, "I'm not worried about that. There is no two people here that can whip our butts."
Q. Or words to that effect?
A. Yes, sir.
Q. All right. Did they then leave?
A. No, sir. They - Joey was starting to walk back and they, you know, were jabbering back and forth a little more, and then as Joey --
Q. Now, let me stop you. You said there was a jabbering back a little bit back and forth. Was that people on the

deck?

A. No, I never heard anybody say anything from the deck.

Q. All right.

A. I - I was at -- you know, at the time, because again of what somebody had told me, I stood up and stood at the corner of the stairs and paid it more attention probably than anybody else only because I was, you know, told that there might be something to fixing to occur.

Q. All right.

A. So I could hear more than anybody and I was paying more attention than anybody else.

Q. Did you hear -- Other than what you just testified about Mr. Allgire, did you hear him say anything else?

A. I hear him say not to worry about it, that we'll be back.

Q. All right. Do you know if the gentleman that was with him who testified, I believe, maybe yesterday or Monday, Mr. Cole, did he - did you - do you now recognize him as being one of the people that was with Mr. Allgire's group?

A. Yes, sir.

Q. All right. Did he say anything?

A. Not that I can recall.

Q. All right. At this time --

A. Not at that time either. Excuse me, I'm sorry. But not at that time. He did say some stuff, but it was later

on when they came back.

Q. All right. Well then tell me what happened. I believe now you said that there has been some conversation with Joey and words got heated, some profanities were exchanged. You're now still up on the deck; is that correct?

A. Yes, sir.

Q. All right. What happened next then?

A. Joey came -- you know, was coming up the stairs or came up the stairs and, you know, at first we thought - I - we all thought it was kind of comical, because of how big the, you know, the first guy that came off besides Mr. Robinson, Mr. Allgire, how big he was compared to Joey. It look, you know, like a giant compared to a midget, but we were kind of laughing about it and thought it was funny, but Joey didn't think it was too funny, because of the actions. You know, he felt - he said he felt threatened and he asked me, he said, "You know, I guess you going to sit up here and let me get my butt beat?" I said, "No, Joey, but if they come back like they said they were, of course, I'll help you."

Q. All right. And what did you do?

A. At that time, me, and only myself, I went through the clubhouse to - which I walked through the middle of the clubhouse to the front door --

Q. Let me stop you. Before you did that, Joey made a comment yesterday. Do you -- Did Joey make any comments about --

MR. MOSS: Objection, Your Honor.

THE COURT: Basis?

MR. MOSS: He's -- he is stating -- making a statement of somebody who apparently he says has already testified to something.

THE COURT: Well, he testified yesterday. I think he can ask the question.

Go ahead, Mr. Griffith.

MR. MOSS: Okay.

MR. GRIFFITH: Thank you.

Q. It's going back to Joey was up there. Yesterday after Joey made a comment. Did you overhear Joey say anything about we don't know who these people are?

A. Yes, sir. He said - he also said, you know, how are we supposed to know who these people are --

MR. MOSS: Your Honor, he's testifying about what he testified yesterday but now he's saying he also --

THE COURT: He's asking him if he heard that statement.

MR. MOSS: Okay.

THE COURT: Okay? That's what he testifying to is whether or not ---

MR. MOSS: Okay.

THE COURT: --- he heard it.

A. And I -- and I remember it.

Q. Okay.

A. He said that -- At the golf course he said, "You know, we don't know these guys from Adam and, you know, they might be going to get a weapon or a gun from the vehicle. We don't have any idea. You know, this ain't -- this is not a funny matter," 'cause at the time, like I said, we were kind of thought it was comical at first, but then that changed my thoughts to hey, he might, you know, this could be true.

Q. Okay. What did you do then after you had the conversation with Joey and your table?

A. I went through the clubhouse and looked out - I don't know what the front and the back is. I don't know how many ways are in there, but the other way that you could look out towards the parking lot, I went over - over to that spot to see if they were going to leave and hoping they were going to leave and, at that time, I watched them out there for a couple of minutes, and they talked - they talked back and forth to each other, and I witnessed Mr. Robinson, again, the only reason I know him he had a red vest on that day and I heard ya'll call him Mr. Robinson. He got in his car and left, but the other three got in

their carts and were coming back. Just like they said they were earlier, they were going to come back.

Q. What did you do?

A. At - At that time, I went back through the clubhouse, and I informed Joey, I said, "You know, they're coming back, so, I guess, you know, they're looking for trouble."

Q. And what did you do after that?

A. Well, after that, I felt threatened just like Joey did or I felt threatened for my group also, so when they turned the corner around the tent, I proceeded down the stairs.

Q. Okay. And when you say when they turned the corner, what corner do you recall them coming from?

A. From all the way at the end of the tent, coming around the end of the tent.

MR. GRIFFITH: I'm sorry about this. I thought I ...

Q. I'm going to hold up and, hopefully, the jury can see it from here. This is looking down; is that correct?

A. Yeah.

Q. This is Exhibit -- Plaintiff's Exhibit Twenty-one, photograph.

A. Yes, sir.

Q. All right. And when you say - Is this the scoreboard or whatever, for lack of a better word?

A. I never saw that scoreboard at all until these pictures, but that's what they're calling it yes, sir.

Q. All right. And what corner did you see the gentleman coming from, the other three men?

A. Well, they come around this corner, because as you can see, all the golf carts are going this way parking in, so you wouldn't have come through this way. You - Obviously, they would have had to come around here to go in there.

Q. All right. And so they were coming in this direction then down the ---

A. Yes, sir. They come around this corner.

Q. --- and down this sidewalk?

A. And down this -- Well, I'm not a hundred percent sure if they parked their cart and got out and then started coming. I think they were just walking around, if they put their cart somewhere else ---

Q. All right.

A. --- around that corner.

Q. And then as they were walking around that corner, were they headed in your direction?

A. Yes, sir, straight at me.

Q. Was anything said?

A. Yes, sir. At the time I said, "I hope you all are coming back to apologize," and then that's when Mr. Allgire said, "I'm not apologizing to no damn body." Excuse my language. I'm sorry.

Q. Did - did words sort of escalate?

A. Yes, sir. And the other gentleman behind him, I think, was Mr. Cole.

Q. And when you say Mr. Cole, the bigger gentleman?

A. The taller guy.

Q. Okay.

A. He - You know, he was saying a lot more than what - than just what Mr. Allgire said.

Q. All right. And then what happened after the comments between you and Mr. Allgire?

A. We kept coming straight at each other and as we got closer and closer, it was obvious that something was fixing to happen unless we just walked through each other somehow.

Q. And what happened?

A. Well, I felt like that he was getting ready to hit me so - and I felt threatened, and I didn't know what he was fixing to do, because of what he just said and "I'm not - I'm not apologizing to anybody," and so I hit - I struck him.

Q. All right. And was that while he was coming at you?

A. Yes, sir, straight at me, again.

Q. When you hit him, hit him in the jaw or the face area?

A. Yes, sir, in the jaw, I'd say.

Q. Did he go backwards?

A. Yes, sir, he fell backwards on his butt.

Q. Was he - Did he get up?

A. Yes, sir.
Q. All right. And what did he do after he got up? What happened next?
A. He got up and started screaming and hollering and trying to come at me still.
Q. By this time now were people sort of --
A. Yeah, there was a lot of people - his guys and, I guess, some of our - it was some of our guys were all trying to diffuse the situation.
Q. Was there ever more than one punch?
A. No, sir.
Q. Before that punch, was there ever any loud voices?
A. Extremely loud, yes, sir.
Q. Who kept you apart, do you recall?
A. I want to say it was Coach.
Q. Did anybody else throw any punches?
A. No, sir.
Q. After ya'll were separated where did you go?
A. After we were separated and kind of mingled around and they were hollering and cussing, you know, and looked like they was trying to make their way away from us and we were trying to separate each other, 'cause we felt like, you know, that it had been diffused, that the threat was over at that time, so I proceeded to the car.
Q. Did someone suggest you leave?

A. Our group said, you know - you know, which we were already done. We were basically leaving anyway at that time. We had already put our clubs up and everything.
Q. Had you been told the police had been called?
A. No, sir.
Q. If it was said, did you hear that?
A. No, sir.
Q. Who did you leave with?
A. I left with Jarrett Cook.
Q. All right. And Jarrett was driving?
A. Yes, sir.
Q. Were you running from the police?
A. Not whatsoever, no, sir.
Q. Did you even know they had been called?
A. No, sir.
Q. When you were leaving the island, you got to leave the, I guess, the golf course and you go over a bridge. I believe it's called Bonita or Bonita Road. You know the bridge I'm talking about?
A. I know we went across the bridge and that's where we passed the -- an officer with lights on coming across in the opposite direction going towards the clubhouse.
Q. What did you do when -- what -- well, Jarrett was driving. All right. What did ya'll do once he -- you passed him?

A. Well, we figured that he was going there for that incident, so we pulled over. After we took a left, we pulled immediately over on the side of the road and waited on him to come back.

Q. Did he come back ---

A. Yes, sir.

Q. --- to talk to you?

A. Yes, sir.

Q. Asked you to come back?

A. Yes, sir.

Q. And did ya'll do that?

A. Yes, sir.

Q. Did you do it voluntarily or did he make you come back?

A. No, we did it voluntarily.

Q. All right. When you returned, now tell the jury what happened on your return?

A. When we returned, you know, the officer asked us to get out the car and come up to - now, it was on - everybody was on the front side of the clubhouse upstairs, and there was a bunch of them standing up there and, you know, that's - that's when Mr. Cole, you know, he asked me first, you know, they - he asked them some questions if I was the one that had thrown a punch, and then I --

Q. Did you deny you had thrown a punch?

A. No, sir. But that's when Mr. Cole hollered out, "You hit the wrong guy."

Q. All right. And what did you say?

A. I said, "If I hit the wrong guy, I apologize." I was trying to get out of handcuffs which I was fixing to be put in.

Q. All right. At that time, you had not been cuffed, but you were concerned about going to jail?

A. Yes, sir.

Q. And did you apologize?

A. No, sir.

Q. If you had hit the wrong person, you had apologized. Correct?

A. If I would have hit the wrong person?

Q. Yes, sir.

A. Yes, but I didn't hit the wrong person.

Q. Was this the person that you were - the confrontation was taking place with that you hit?

A. Yeah, it was the one that was leading the group of three coming back at us and the biggest one.

Q. After that, did you end up in jail?

A. Yes, sir.

Q. Did the officer take you to the security office on Fripp?

A. Yes, sir. He drove - drove me up front to the

security office and said that they would be calling the county police from Beaufort.

Q. And did they - they do that?

A. Yes, sir.

Q. Now, you got back to Myrtle Beach, I guess, the next day on Monday; is that right?

A. Yes, sir.

Q. Okay. Your wife come and pick you up?

A. Yes, sir.

Q. This incident happened on a Sunday. Wife came and picked you up on a Monday. What happened on Tuesday, November the 15th, 2011?

A. I got served with a lawsuit.

MR. GRIFFITH: Answer any questions Mr. Moss may have.

CROSS-EXAMINATION

MARSHALL BLANTON BY MR. MOSS:

Q. Mr. Blanton, I'm going to give you the original of your deposition. You recall we took your deposition?

A. Yes, sir.

Q. All right. And you testified at that time, under oath, did you not?

A. Yes, sir.

Q. All right. And before I get into that, I want to go over some other things with you quickly, okay?

A. Yes, sir.
Q. How big are you, Mr. Blanton?
A. Big as in wide or big as in tall?
Q. How tall are you?
A. I'm six-foot-two.
Q. Six-two, and how much do you weight?
A. Too much, two forty.
Q. Two forty, okay. Did you play sports in high school or as a child I assume?
A. Just baseball.
Q. Just baseball. Okay. And you were pretty athletic? Do you consider yourself athletic?
A. Other people don't, but a little bit.
Q. Okay. Now, you been in the car business, T&T Auto Sales, for how long, twenty-four years?
A. Not T&T Auto Sales; no, sir.
Q. Okay. But you were with Carpenter for eight years and you been in TNT, then, for seventeen; is that correct?
A. Yes, sir.
Q. Ya'll broke up at some point in time? The original business you were in, you and your partner broke up I believe you testified?
A. Yes, sir.
Q. And so you been in T&T for what, seventeen years?
A. Just let me tell you like this. We started our

business in '98, we split up seven years later, and I've owned it ever since, so, if I can do the math.

Q. Okay. So how many locations do you have?

A. Well, at that time I had one when I opened up.

Q. No, how many locations do you have now, sir?

A. Four.

Q. And where are they located?

A. Myrtle Beach, Conway, Marion and Lugoff, South Carolina.

Q. Lugoff, that's out of Columbia?

A. Yes, sir.

Q. Okay. And is that primarily a used car or is it a new car business?

A. All used cars.

Q. All used cars. Okay. And so you've been there since nineteen, was it 1998, I believe or?

A. Yes, sir.

Q. Okay. Now, you've mentioned that ya'll were drinking on the course, Crown Royal; is that correct?

A. Yes, sir.

Q. Now, you say we had a small bottle. Crown Royal comes in a liter which is a liter which is a big bottle, a pretty big bottle. And then there's a .750 which is a little smaller bottle, .750 milliliters, and then there is a pint bottle which is a little small one. Ya'll weren't drinking

mini-bottles were you?
A. No, sir.
Q. Okay. So you had one of the larger bottles?
A. Yeah, there wasn't bottles. It was one pint.
Q. One bottle.
A. One pint.
Q. Was it a .750 or was it a pint?
A. A pint, one pint.
Q. One pint. Okay. Did ya'll finish it that day?
A. Yes, sir.
Q. All right. And were you the only one drinking or were - who all - who else was drinking in your group?
A. All four of us out of that same bottle.
Q. All right. Now, you had no problem. Nobody pushed you from behind in your foursome, did they?
A. Pushed me physically?
Q. No, no, no. Nobody came up to ya'll in your foursome and said would you play a little faster?
A. No, sir.
Q. So you finished ahead of Mr. Blythe over here who was in the last foursome; is that correct?
A. Yes, sir. Not too far 'cause we could see them behind us but we did finish in front of them.
Q. But you didn't -- you didn't hear anybody on the course having words at that time while ya'll were getting

ready to finish. Ya'll finished okay and you went up on the clubhouse and sat upstairs. Right?

A. Yes, sir.

Q. All right. And --

A. After we put our clubs up. Excuse me.

Q. Yeah, I understand.

A. We went -- we went --

Q. You go to the car.

A. We went to the car, yes, sir.

Q. You put your clubs up. Right?

A. Yes, sir.

Q. And then everybody gathers up on the porch to total your scores and so forth. Right?

A. That's the way we did it that day.

Q. Okay. Well, did you know that other groups did the same thing, the groups finishing behind you come back to the clubhouse and do precisely the same thing?

A. No, sir. I have no other - I don't have any idea what other groups do.

Q. Okay. So you weren't familiar with the Glover group that was behind ya'll. You didn't know they even was a group behind ya'll?

A. Not at all.

Q. Okay. Well, is it unreasonable to think that another group playing behind ya'll would do the same thing ya'll

did, go up and stop on the porch and keep the scores?

A. I honestly can't say what another group would do. I don't - I don't know what you want me to say.

Q. Well, I don't want you to say anything. I want you to tell this jury the truth, and I'll get to that in a minute, okay?

A. Well, the truth is I can't say what another group would do.

Q. Okay. Okay. So ya'll finished your pint of liquor and you say you and Jarrett were the only two drinking or was it more than two?

A. I think I just told you all four of us were drinking it.

Q. All four of you were drinking?

A. Yes, sir.

Q. Okay. And so when you got there, you went upstairs. Right?

A. Yes, sir. After we put our clubs up.

Q. Okay. Now, as a result of the conversation you had with Joey, in other words, Joey was the one that was telling you that something had gone on ahead of ya'll or behind ya'll; is that correct?

A. No, sir. Ron Cowan told me that.

Q. Ron Cowan. Okay. But in any event, Joey was primarily the one that went down and talked to the

gentleman in the red vest. Right?

A. Yes, sir. After Ron Cowan had told me what, you know, happened on the golf course.

Q. Okay. So Joey left the balcony, went down and went out on the course to talk to the gentleman in the red vest?

A. No, sir.

Q. He didn't?

A. No, sir.

Q. Oh, he never talked to a gentleman in a red vest?

A. Yes, sir.

Q. He did?

A. Yes, sir.

Q. Well, when did he do that?

A. He never came up the stairs to start off with. He stayed down there the whole time.

Q. Okay. Well, my point is he went over and talked to the gentleman in the red vest. Correct?

A. Yes, sir.

Q. All right.

A. He didn't - I mean, he was down there the whole time. He did not go anywhere.

Q. Well, but the gentleman in the red vest was finishing on the course. Joey wasn't out on the 18th green with him was he?

A. No, sir.

Q. All right. So the gentleman in the red vest had to come off the 18th green, get to his cart to take his cart out to the parking lot. Correct?

A. I assume, yes, sir.

Q. Well, is that where Joey met him out there on --

A. Yes, sir.

Q. And so Joey met him as he came off the green?

A. Yes, sir.

Q. Is that what you telling me?

A. Yes, sir.

Q. All right. And the gentleman in a red vest left with his carts and went out to the parking lot. Correct?

A. Yes, after they had some heated conversation.

Q. Well, I - that's - that's not my question, but I understand you've already testified that they had a heated conversation.

A. I said yes, so.

Q. Okay. And so then you who are sitting up in the balcony, correct, you're still up in the balcony?

A. Standing up looking down, yes, sir.

Q. Standing up looking down. You ran to the front of the clubhouse. Correct?

A. No, sir. Not at that time.

Q. And not at that time. Okay. Well, when did you run to the front of the clubhouse?

A. After all the other conversation. After Mr. Allgire and the other three came off the group and after some heated words were said and they pulled up to the bottom of the steps and they all - they -- when they - after they went to the clubhouse, all groups went to the - I mean, to the parking lot is when I went through the clubhouse.

Q. Now, you stated you saw Mr. Allgire on the 18th green; is that correct?

A. No, sir. I didn't see him on the green I don't think.

Q. You never saw him on the green?

A. I don't recall, but I don't believe so.

Q. Okay. So he never went to the 18th green; isn't that true?

A. I don't know. I don't recall. I couldn't tell you.

Q. Okay. But any event, you saw him leave the green after Joey Blythe had had a altercation or was words passed between he and the gentleman in the red vest, Mr. Robinson. Correct?

A. Yes, sir.

Q. All right. And then the other two individuals, my client and Mr. Cole, then left and went to the parking lot, too; is that correct?

A. Yes, sir.

Q. Okay. And then you went from your table to where you were standing upstairs, you went running all the way back

through to the front of the clubhouse. Right?

A. No, sir. I did not run.

Q. Well, I mean, you walked or went to the front of the clubhouse. All the way from your table in the back, you went all the way to the front of the clubhouse which is at least from here to over to where Judge Kemmerlin's picture is, isn't it? That's fair to that wall.

A. Yes.

Q. Okay. So you went all the way down there to look at to see what those individuals were doing. Correct?

A. Yes, because I was worried about them coming back and - and starting something.

Q. That's not my question. If you'd listen to my question, we'll be here a lot less time. I'm going to let you - I'm going to read some deposition parts to you in a minute and you can read those back, okay?

A. Yes, sir.

Q. But, in any event, you go to the front of the clubhouse to see what those three are doing. Right?

A. Yes, sir.

Q. And at that time, you saw Mr. Robinson, the red vest individual, who had had words with Joey Blythe, leave?

A. At that time ---

Q. Get in his car and left?

A. --- I watched them have conversation first for about

five minutes, I'd say, and then Mr. Robinson got in his car and left.

Q. Okay. But they had a conversation. That - that's not unusual after you play golf to have a conversation, is it?

A. I wouldn't think so, no.

Q. Okay. So you saw Mr. Robinson, the red vest individual, leave?

A. Yes, sir.

Q. The one Joey had had an argument with. Correct?

A. Not the only one, but one of them, yes, sir.

Q. Or one of them?

A. Yes, sir.

Q. Okay. So, and at that time, what did you do then?

A. I went back through the clubhouse.

Q. Back from the -- where you were looking at 'em?

A. Uh-huh.

Q. Went all the way back to where Joey was. Correct?

A. All the way back. You make it sound like a long way, but it was just -- yeah, that far from there.

Q. But you went back -- already back out on -- well, you had to go inside to go to the clubhouse and look out the window. Then you went all the way back to the porch again to tell Mr. Blythe that they were coming back; is that correct?

A. Yes, sir.

Q. Right?
A. Yes, sir.
Q. All right. Now, you agree with me that Mr. Allgire never had anything in his hands?
A. I never saw anything in his hands.
Q. Okay. And he never said anything to you before you hit him?
A. Yes, sir. He said I was not apologizing to nobody.
Q. Okay. So you're stating now though before these ladies and gentlemen of the jury that he made a statement to you before - I intend to impeach you on this, because that's not what you testified to in your deposition. I just want you to --

MR. GRIFFITH: Your Honor?

THE COURT: Okay. All right. Again, stop with the commentary. Ask him a question, and then if you want to use his ---

MR. MOSS: All right.

THE COURT: --- deposition, you can use it.

MR. MOSS: Right.

Q. All right. So you decided at that time you'd hit him?
A. In that --
Q. Your two hundred and forty pounds, you slugged him, right?
A. You mean as we were approaching each other and coming

towards each other and having words?

Q. Did you hit him?

A. Yes, sir. As we were approaching each other and coming at each other ---

Q. No, no, I ---

A. --- I felt very threatened.

Q. You can answer that.

THE COURT: All right. Mr. Blanton, you need to answer the question yes or no, and then you are free to explain as much as you want.

MR. BLANTON: Okay. Yes, ma'am.

THE COURT: All right. So you need to answer his question first, and then you can explain it.

MR. BLANTON: I apologize. I never been through this.

Q. Did you strike Mr. Allgire in the face at that time and knock him to the pavement?

A. I did, because I felt threatened that he was going to hit me first.

Q. Okay. And he had never raised his arms?

A. I can't recall.

Q. You can't recall now. Okay. Now, at that time, did someone make a statement you hit the wrong guy?

A. No, sir.

Q. Nobody made that statement? You never heard that?

A. I heard that - I told you - earlier, I testified that

Mr. Cole said that after the officer brought me back.

Q. Okay. That you hit the wrong guy?

A. He said - He said that I hit the wrong guy.

Q. Okay. And now you're telling a jury today that you never apologized?

A. To Mr.?

Q. You never apologized ---

A. I said after Mr. ---

Q. --- to Mr. Allgire?

A. --- after Mr. Cole said "You hit the wrong guy," I said, "If I hit the wrong guy, I apologize."

Q. But you -- well, today you're telling the jury is you have - you still don't apologize and you never apologized to Mr. Allgire - - -

A. I just said --

Q. --- contrary to what the police said.

A. I just said after Mr. Cole said, you know, "You hit the wrong guy," I said, "If I hit the wrong guy, I apologize." I assume that that was the guy I hit that I'm apologizing to. Can I say something else to that fact?

Q. No, sir. Unless you're ask a question, your attorney can ask you whatever you want afterwards.

MR. MOSS: Have we got his copy of his deposition?

Q. You've got your deposition up there, okay?

A. Yes, sir.

Q. I want you, If you could - I want you if you could to go to - excuse me just for a minute. I'm trying to save time. Go to page 33, okay. This is the deposition you gave under oath.

A. I was just looking for the date on here. I didn't know. 33?

Q. Page 33. It's at the top. This was the 2nd day of August of 2012 when you gave your testimony.

A. Yes, sir. Which was - I'm not sure how long ago. What - I guess on August the 2nd, yes, sir, 2012.

Q. Now, you recall - go down to on page - excuse me, page 33. I want you to go down to line 14 and I asked you, "He didn't have nothing in his hands, did he?" Talking about Mr. Allgire.

A. And I said the same thing I said a minute ago, "No, sir."

Q. "No, sir. I don't think so. I didn't see." Is that what you said?

A. Yes, sir.

Q. Okay. So there's no question about it, Mr. Allgire had nothing in his hands. Correct?

A. Correct.

Q. All right. And then the next question on page - on line 18 I asked you, "All right. Well, what happened then?" You said, "I guess, you are looking for trouble,"

and "What happened then?" That's what you said, right, "I guess you're looking for trouble?"

MR. GRIFFITH: Your Honor, if he's going to read the deposition to impeach him, he needs to read the question.

Q. Well, the question is, "All right --

THE COURT: Does he have a copy of it? Does Mr. Blanton have a copy of the deposition?

MR. MOSS: Yeah, he's got it with him. He's got the original.

THE COURT: Okay. All right.

MR. MOSS: Excuse me.

THE COURT: You need to ask the question, and then his answer, okay?

MR. MOSS: All right.

Q. I asked you the question, "All right. Well, what happened then?" You said, "I guess you're looking for trouble," talking about you. "And what happened then?" What's your answer?

A. "He went to respond and the other guy, one of them behind him was hollering something, and the guy that was here today, which was Mr. Cole, I guess, was hollering something over the top of all of them, you know."

Q. Okay. And then I asked you on the next Page 34, "So Paul Cole was -- was saying something, but Mr. Allgire wasn't saying anything?"

A. And then I said, "He did say something when he went to say something."

Q. Who said something?

A. Mr. Allgire. When he went to say something is when I hit him.

Q. So you never said he said anything. When he went to say something is when you hit him?

A. Yes, sir. But since the --

Q. But Mr. Cole was the one talking?

A. Since the incident, you know, you think back and you recall other stuff and the truth is, is what I said earlier is what he said.

Q. "When he went to say something is when I hit him."

A. That's what it says in my deposition; yes, sir.

Q. That's what you said in your deposition?

A. Uh-huh.

Q. You didn't say a word about him saying anything before that?

A. Not at that time, no, sir.

Q. All right. Now, you said Mr. Cole did who was some distance behind Mr. Allgire; is that correct?

A. He said something also. Like I said earlier, he was saying more.

Q. How far was Mr. Cole behind Mr. Allgire?

A. Two or three feet.

Q. Okay. Now, you stated that you didn't - on Page 35 - go on to Page 35. Okay. Down to question nine, "Well, I mean, he didn't have his hands up. He didn't have anything in his hands. He's just standing there getting ready to say something and you hit him," and what was your answer to that?

A. "I don't ---

Q. "I don't?"

A. --- I don't call it a sucker punch. He had -- I don't know where -- plenty of opportunity to leave and he was warned."

Q. All right. Now, you are saying he had an opportunity to leave, I guess you mean he should have left like the fellow in the red vest?

A. Yes, sir. I would have if I, you know, there was twenty-some people back around on the porch that just asked him not to come back around there, yes, sir.

Q. And you said he was warned. Who warned him?

A. Mr. Blythe.

Q. Mr. who?

A. Blythe.

Q. Mr. Blythe?

A. Uh-huh.

Q. That's Joey Blythe over here. Now, you recall on page thirty -- let's go to page 36 of your testimony back in

August of 2012, and I asked you the question on line 3, "Now, what happened then after he got up, did they call the police," and your testimony was - your answer was what?

A. "Yes, sir."

Q. Right. So you telling the jury today that you didn't know anybody called the police is not true?

A. No, I did know after he got there. After he - after he came back and pull -- you know, we were pulled over. He came up. We went back. So yes, sir, I knew the police was called then.

Q. Okay. So you knew the police were called. In other words, you told the jury today you didn't know the police were called?

A. I didn't know the police were called at the time before we left the golf course.

Q. Well, it sounds like to me you testified in your deposition that you did?

A. It don't say before I left the golf course.

Q. Okay.

A. Does it? Now, maybe I misread it.

Q. Now, I want you to go to Page 37, and I asked you, "What happened when you got back to the clubhouse or when you got back there?" Could you read your answer?

A. What line is that?

Q. On Page 37, line 17 would be your answer.

A. "The officer asked us to walk up, you know, asked me to walk up to the edge and Mr. Allgire was at the top of the stairs. You know, he walked up and down the stairs on the back and then up and down the stairs on the front, and then, you know, he was screaming back and forth the whole time after I hit him, and I didn't hit anybody else, you know, but the officer asked both parties, I guess, what had happened, you know, did anybody else hit anybody besides me and I answered no, and then he told me I was under arrest."

Q. And I asked you the next question, "Did you apologize to Mr. Allgire?"

A. And my answer is, "I said if I hit the wrong person, I apologize, but that's how I said it."

Q. Okay. So you seriously don't apologize today then do you?

A. Today?

Q. Today?

A. No, sir. The only reason I apologized is I was trying to keep from going to jail.

Q. All right. And then I believe you - That would not be a sincere apology, correct, and the only reason you tell a lie is you didn't want to go to jail?

A. No, sir. Because I felt really threatened and especially about Joey saying the part about the gun had us all scared.

Q. Well, this wasn't the first time you ever been arrested for assault was it?

A. No, sir.

Q. You'd previously been arrested for assaults hadn't you - assault and battery?

A. You said assaults?

Q. Assault and batteries. Striking someone?

A. Yeah, that was after we got beat up really bad and it wasn't our fault and ended up finding out it as a rugby team.

Q. But you got arrested for it?

A. When I was twenty years old, I think.

Q. Okay. Well.

MR. MOSS: I have none further, Your Honor.

THE COURT: Mr. Griffith?

MR. MOSS: Wait a minute. One other thing.

Q. I notice on your driver's license the policeman said you were from Camden. Do you use a Camden address on your driver's license?

A. I did at that time.

Q. It's not on it now?

A. No, sir.

Q. Okay. You own a house in Camden?

A. Yes, sir.

Q. And is that the address you used in Camden?

A. Yes, sir.

Q. And you own houses at -- or a house in Myrtle Beach?

A. One house in Myrtle Beach.

Q. Okay. And --

A. I don't own them. I owe money on them but.

MR. MOSS: I don't have anything further, Your Honor.

REDIRECT EXAMINATION

MARSHALL BLANTON BY MR. GRIFFITH:

Q. You were asked the last on Page 38 a question about hitting the wrong person. I want to go back and read Mr. Moss' question on line 13, and then I want you to read the answer that he published this. I asked that it be published: "You just said that generally, in other words, if I hit the wrong person I apologize." What was your answer then when you gave your deposition. Read it out loud.

A. So I read from what, line 12?

Q. 16.

A. 16?

Q. Yes, sir.

A. "Well, I apologize. I didn't want to go to jail, which I knew was probably fixing to happen."

Q. "Okay. And what was the reason you apologized, 'cause e you didn't want to go to jail. That's logical."

Answer?

A. "Well, yeah, because I felt threatened. I mean, he could have got a gun out of his car."

MR. GRIFFITH: No further questions.

THE COURT: Anything further?

RECROSS-EXAMINATION

MARSHALL BLANTON BY MR. MOSS:

Q. You just testified in here and before the jury today he didn't have anything in his hands?

A. I didn't say he had anything in his hand then.

Q. And you were getting prepared to fight by running back and forth up in the clubhouse?

A. I wasn't running. Again, I was walking.

Q. Well, walking.

A. Yes, sir.

MR. MOSS: All right. I have nothing further, Your Honor.

MR. GRIFFITH: Nothing else, Your Honor.

THE COURT: You may --

MR. MOSS: Thank you.

(WITNESS LEAVING WITNESS STAND.)

MR. GRIFFITH: Your Honor, Defense rests.

THE COURT: Ladies and gentlemen of the jury, there is a matter of law I need to take up with the attorneys. What I believe we have left to do is to hear the closing statements from the attorneys, as well as my charge on the

fault and bringing upon the difficulty, and I think these are questions that this jury is going to have to determine.

I think there is self-evidence, so I am going to submit it to the jury. You're not going to be putting any rebuttal testimony up are you, Mr. Moss?

MR. MOSS: No, ma'am.

THE COURT: Okay. But can we go ahead and -

Sir, respectfully, I am denying your motion for a summary -- or for a directed verdict, and I'm assuming you made one as well or do it for the record, how about that?

MR. GRIFFITH: I will do that, Your Honor.

THE COURT: And I'm going to deny it again, as you understand I do think that there is ample evidence that taking it in the light most favorable to the Plaintiff. If you're looking at it, they can determine that your client, Mr. Blanton, was either negligent or committed assault and battery on Mr. Allgire, so I respectfully deny that motion.

We have looked at ya'll's -- I think you've given us -- yes, sir? I'm sorry.

MR. GRIFFITH: And may I just simply state it for the record, Judge?

THE COURT: Yeah. Please.

MR. GRIFFITH: Judge, the Defendant would move for a directed verdict based on the grounds that the evidence taken in a light most favorable to the Plaintiffs in this

case failed to show that they have proved an actual cause for negligence and or assault and battery.

THE COURT: Okay.

MR. GRIFFITH: Thank you.

THE COURT: Again, I'll respectfully deny that and, additionally, you are also moving on the grounds - as far as to exclude punitive damages, we'll go ahead and make that motion and we'll note it for the record that you've made that motion, and I'm going to go ahead and deny it. It's certainly taken in a light most favorable to the Plaintiff, you know, taking his story, your client came up and, you know, cold-cocked him and, again, I think that would definitely go to punitive damages if the jury were to determine that so, respectfully, I'm denying your motion to exclude punitive damages.

MR. GRIFFITH: Okay.

THE COURT: Okay.

MR. GRIFFITH: For the record, Defendant would move for a directed verdict on the issue of punitive damages and on the grounds that the evidence taken in the light most favorable to the Plaintiff failed to show that there was any reckless, willful, wanton conduct that would entitle the Plaintiff to punitive damages. Thank you, Your Honor.

THE COURT: Respectfully denied as previous stated.

Okay. I think we're covered. Okay. All right.

don't go around on golf courses hitting people and, in any event, I would ask for a substantial award in punitive damages so that, as Judge Elstroth used to say, don't do it again.

Now, I want to thank you all. I didn't go get lunch. I know ya'll have had some lunch and that's good, but Her Honor is going to charge you, I think, right now. And I think what she's going to tell you is basically everything I hope I have explained to you, and I'm sure ya'll will understand it and I want to, again, thank you on behalf of Mr. Rod Allgire. He can't come back into court next week and say, oh, my goodness gracious, I want this and that and the -- I mean, it's over. When it's over here, it's over. I don't ever see many civil cases that get appealed, so. But we ask for a substantial verdict of both actual and punitive or compensatory and punitive damages. Thank ya'll very much.

THE COURT: Thank you, Mr. Moss. Thank you guys.

Mr. Foreperson, members of the jury, you've heard the evidence and the arguments of both parties. I will now explain to you the law that applies to this case.

The plaintiff, Mr. Allgire, claims that he has been injured or damaged by the actions of the defendant, Mr. Blanton. In bringing this lawsuit, the Plaintiff claims the Defense should compensate him for his injuries or

damages. Under our Constitution and Code of Laws, only you, the jury, can make the findings of fact of this case. I am not permitted to tell you how I feel about the evidence which has been presented, and throughout this trial I intended to be fair and impartial to both parties.

Ladies and gentlemen, to determine the facts of this case, you will have to evaluate the credibility or the believability of the witnesses. I've already discussed with you some of the things that you may consider as you decide whether or not to believe a witnesses' testimony about a particular matter.

You can believe as much or as little as each witnesses' testimony as you think proper. You may believe the testimony of a single witness against that of many witnesses or just the opposite. You may believe a part of a witness' testimony and disbelieve the rest. You should not determine it true merely by counting the number of witnesses presented by each side. And throughout this trial, ladies and gentlemen, you have but one objective and that is to seek the truth, regardless of its source.

Now, ladies and gentlemen, normally in a case a person cannot give what we call opinion testimony. Normally, when a person testifies, they must testify as to what they either saw, heard, or sensed by smell or something of that nature.

CHARGE ON THE LAW:

However, there is an exception when someone is qualified because of education or experience. They are permitted to give their opinion in certain areas if the Court qualifies them that way. That does not mean that you must accept the opinion, but it is evidence for you to use in any way you see fit.

Now, ladies and gentlemen, in a trial evidence may be either direct or circumstantial. Direct evidence is testimony by a witness about what the witness personally saw, heard, or did. Circumstantial evidence is indirect evidence. That is, it is proof as one or more facts from which you can find another fact. You are to consider both direct and circumstantial evidence in this case. The law permits you to give equal weight to both but, again, ladies and gentlemen, it is for you, the jury, to decide how much weight to give any evidence.

Now, the same Constitution and laws which designate and make you the jury the finders of fact make me the instructor of the law. You must accept the law as I give it to you. If I am wrong, there is another time and another place for that error to be considered and, if necessary, correct it. But for now, ladies and gentlemen, you must accept the law as I give it to you. This means that you shouldn't be concerned with what you think the law should be, but only with what I charge you the law is.

CHARGE ON THE LAW:

Now, ladies and gentlemen, the Plaintiff has the burden of proving his claim in this case and the burden of proof is by what we call a preponderance of the evidence and a preponderance of the evidence simply means the greater weight of the evidence which, as a whole, shows that the facts sought to be proved is more likely true than not true.

Now, ladies and gentlemen, this can be imagined or illustrated by - imagine a set of scales. When a case begins, the scales are even and after all the evidence has been presented, if the scales should remain even, or if they should tip even slightly in favor of the Defendant, then the Plaintiff will have failed to meet his burden and you would not - and he would not be entitled to recover in the case and your verdict would be for the Defendant.

If on the other hand those scales should tip even slightly in favor of the Plaintiff, then he will have met his burden of proof and you should return a verdict for the Plaintiff.

Now, ladies and gentlemen, the causes of action alleged in this case are assault and battery and negligence, and I will define for you battery or assault and battery first.

Ladies and gentlemen, a battery is the unlawful touching of another person by a person who has committed an

assault. Now, the assault occurs when a person unlawfully attempts, or offers, to commit a violent injury upon another person and has the present ability to complete the attempted injury.

Ladies and gentlemen, an assault is the intentional creation of a reasonable fear of immediate bodily harm. For example, ladies and gentlemen, if I walk up to you and you are within arm's reach, and I draw back to hit you, that would be an assault.

Ladies and gentlemen, a battery is the unlawful touching and it can be caused by a part of the Defendant's body or by any object that the Defendant puts in motion.

Ladies and gentlemen, a battery is the completion of the assault by using or applying force to another person; however, slight, in a rude, angry or resentful manner without legal justification for doing so.

Ladies and gentlemen, the touching is not required to cause a physical injury. The least touching is sufficient if it would be offensive as to personal dignity to an ordinary person who is not overly sensitive. Although the Defendant must intend to touch the Plaintiff, there is no requirement that the Defendant intend to harm the Plaintiff.

Ladies and gentlemen, mere words, no matter how abusive, insulting, vexatious, or threatening they may be,

ladies and gentlemen, will not justify a battery unless accompanied by an actual offer and effectuation of physical violence.

Now, ladies and gentlemen, a battery directed toward one person that is miscarried and lands on another harming another is malicious as to the harmed individual even though the Defendant meant otherwise. A battery may be committed, although the person struck or hit by the Defendant is not the one whom he intended to strike or hit. This is the Doctrine of Transferred Intent.

Now, ladies and gentlemen, in this case, the Defendant has raised the defense of self-defense. The Defendant has the burden of proving self-defense by a preponderance or greater weight of the evidence. And, ladies and gentlemen, the following elements are required to established self-defense and there are four elements.

The first is without fault. Ladies and gentlemen, the Defendant must be without fault in bringing on the difficulty. Ladies and gentlemen, self-defense is not available to a person who uses language which is so contemptuous that a reasonable person would expect it to bring on a physical encounter and which did actually contribute to the physical encounter.

There must also be imminent danger. The second element of self-defense is if the Defendant was actually in

imminent danger of death or serious bodily injury or that the Defendant actually believed he was in imminent danger of death or serious bodily injury.

Ladies and gentlemen, if the Defendant was actually in imminent danger, it must be shown that the circumstances would have warranted a person of ordinary firmness and courage to strike the blow to prevent serious bodily injury.

Ladies and gentlemen, if the Defendant believed he was in imminent danger of serious bodily injury, it must be shown that a reasonably prudent person of ordinary firmness and courage would have had the same belief. In deciding whether the Defendant actually was, or believed he was in imminent danger of serious bodily injury, you should consider all the facts and circumstances surrounding the assault and battery including the physical condition and characteristics of the Defendant and the victim.

Ladies and gentlemen, the Defendant does not have to show that he was actually in danger. It is enough if the Defendant believes he was in imminent danger and a reasonably prudent person of ordinary firmness and courage would have had the same belief.

Ladies and gentlemen, the Defendant has the right to act on appearances even though the Defendant's beliefs may have been mistaken. Again, it is for you to decide whether

Defendant's fear of immediate danger of death or serious bodily injury was reasonable and would have been felt by an ordinary person in the same situation.

Ladies and gentlemen, words accompanied by hostile acts may, depending on the circumstances, establish self-defense. Threats made by a Plaintiff, if you find threats to have been made, may be considered in determining whether the Defendant actually was or believed he was in imminent danger.

Ladies and gentlemen, evidence of prior difficulties between a Defendant and a Plaintiff may be considered in deciding whether a threat existed whether a Defendant had a reason to believe a threat existed and how serious that threat was.

Ladies and gentlemen, again, the relative sizes, ages and weights of each of the parties may be considered in deciding the apparent or actual need for force in self-defense and the amount of force necessary.

Now, ladies and gentlemen, finally, the fourth element is there must be no other way to avoid the danger. Ladies and gentlemen, again, the final element of self-defense is the Defendant had no other probable way to avoid the danger of serious bodily injury and to act as the Defendant did in this particular instance.

Ladies and gentlemen, a person cannot be required to

make an exact calculation as to the degree or amount of force which may be needed to avoid serious bodily injury. Therefore, in self-defense, the Defendant has the right to use the force needed to avoid serious bodily injury.

Ladies and gentlemen, the force used in self-defense does not have to be limited to the degree or amount of force used by a victim. The Defendant has the right to use so much force as appeared to be necessary or complete self-protection in which a person of ordinary reason and firmness would have believed to be needed to prevent death or serious bodily injury.

Now, ladies and gentlemen, the Plaintiff also claims the Defendant was negligent and that the Defendant should compensate him for the injuries the Plaintiff suffered as a result of the Defendant's negligence. In order to prove that the Defendant was negligent, the Plaintiff must prove by a preponderance or greater weight of the evidence four elements.

First, the Plaintiff must prove again by the preponderance or greater weight of the evidence that the Defendant owed the Plaintiff a duty of care. Next, the Plaintiff must prove by the preponderance or greater weight of the evidence that the Defendant breached that duty by a negligent act or omission.

Ladies and gentlemen, negligence means that a person

has done something that a reasonable person would not have done, or, has failed to do something that a reasonable person would have done in the same situation.

Third, ladies and gentlemen, the Plaintiff must prove as a result of the Defendant's - excuse me - must prove by a preponderance or greater weight of the evidence that he suffered damages as a result of the Defendant's breach of duty.

And, lastly, ladies and gentlemen, the Plaintiff must prove by a preponderance or greater weight of the evidence that the damages were proximately caused by the Defendant's breach.

Ladies and gentlemen, proximate cause is something that produces a natural chain of events which in the end brings about the injury. Is the direct cause of the injury. To prove the Defendant's negligence proximately caused the Plaintiff's injury, the Plaintiff must prove causation and fact. This is proven by showing that the injury would not have occurred but for the Defendant's negligence.

Now, ladies and gentlemen, the Plaintiff must also prove legal cause. Legal cause is proven by showing that the injury was foreseeable, but does not have to prove that the particular injury that occurred was foreseeable; however, the Defendant cannot be held responsible for

things which could not be expected to happen.

Ladies and gentlemen, proximate cause does not mean the only cause. The Defendant's act and the approximate cause of the Plaintiff's injury if it was at least one of the direct concurring causes of the injury.

Now, ladies and gentlemen, if you decide that the Plaintiff is entitled to a verdict, your next step would be to decide how much money the Defendant should be required to pay.

Ladies and gentlemen, actual damages which are also called compensatory damages are to compensate a Plaintiff for the Plaintiff's injuries, or loss, and to put the Plaintiff in near as possible the same position the Plaintiff was in before the accident occurred. In other words, actual damages would be the actual losses and expenses which the Plaintiff has suffered because of the Defendant's negligence.

Ladies and gentlemen, I remind you that while two separate causes of action have been alleged, that is assault and battery and negligence, there is only one calculation of actual damages to be made. Ladies and gentlemen, the verdict form will instruct you.

Now, ladies and gentlemen, the following are actual damages for you to consider in this case: Medical bills, lost wages, pain and suffering, mental anguish, impairment,

loss of family services and loss of enjoyment of life.

Now, ladies and gentlemen, in personal injury actions, the general rule is that the Plaintiff may recover for the necessary and reasonable expenses caused by the injury such as now is necessarily incurred for medicine, medical services and treatment.

If you determine from the evidence and under the law as I have instructed you that the Plaintiff is entitled to damages including medical or other healthcare costs, then the Plaintiff can only recover such sums as you determine from the evidence to be both reasonable and necessary. And while the amount actually charged and incurred may be considered by you, you are not bound by that amount. You must find only such sum as is reasonable and necessary.

Now, ladies and gentlemen, pain and suffering compensates a Plaintiff for physical discomfort and emotional response to the sensation of pain that's caused by the injury itself.

Now, ladies and gentlemen, there is no definite standard by which to compensate a Plaintiff for pain and suffering.

Ladies and gentlemen, you the jury have the authority to determine the amounts, if any, to be allowed for pain and suffering using calm and reasonable judgment to ensure that the damages are just and reasonable in light of the

testimony and the evidence that was presented in this case.

Now, ladies and gentlemen, again, actual damages for a Plaintiff who has been physically injured include pain and suffering, both past and future, as well as mental anguish, impairment of health or physical condition.

Ladies and gentlemen, in determining the amount of compensation for personal injury, it is proper to consider past and present aspects of the injury and this would include physical and mental pain and suffering again. Again as I told you, expenses incurred for necessary medical treatment, again, the loss of enjoyment of life suffered as a result of the injury and any other losses which are reflected by the character of the injury.

Ladies and gentlemen, I remind you that the Plaintiff has the burden of proving his actual or compensatory damages by the greater weight of the evidence, And, again, the greater weight of the evidence simply means you must find that is it more likely true than not that the Plaintiff suffered the actual damages complained of. That would be the fifty-one percent on the scales.

Ladies and gentlemen, a Plaintiff is never entitled to recover conjectural or speculative damages. But if you find the Plaintiff is entitled to a verdict for actual damages, your verdict should include an amount to cover any damages which were proximately caused by the Defendant.

Ladies and gentlemen, actual damages need not be proven to a mathematical certainty or be based on evidence as the precise amount of damages that the Plaintiff has suffered.

Ladies and gentlemen, instead the evidence must allow you to determine what amount of damages is fair, just and reasonable.

Now, ladies and gentlemen, if you find that the plaintiff, Mr. Allgire, was permanently injured as a result of the Defendant's actions, you must then decide how, if at all, that injury will affect the result of Mr. Allgire's life.

A person's life expectancy is determined by a Life Expectancy Table which is a part of the laws of this state. The Life Expectancy Table is only an estimate of the probable average remaining length of the life of all persons in our state of a given age and sex.

Ladies and gentlemen, the Plaintiff is a fifty-year-old male with a life expectancy of 29.18 years. This fact is to be considered by you, along with any other facts and circumstances in evidence bearing on the Plaintiff's life expectancy, including his occupation, habits and health at the time of the injury in deciding the amount of damages to be awarded to the Plaintiff.

Now, ladies and gentlemen, under the Collateral Source

Rule, if an injured plaintiff receives compensation for his injuries from a source wholly independent of a defendant, the payment should not be deducted from the damages which he would otherwise collect from a defendant.

A defendant is not entitled to have the damages for which the defendant is liable reduced by proving the Plaintiff has received or received compensation or indemnity for the loss from a collateral source wholly independent of the Defendant. The Defendant may not benefit from the fact that the Plaintiff has received money from other sources as a result of the Defendant's wrongful conduct.

Ladies and gentlemen, a source is wholly independent of the wrongdoer when the wrongdoer has not contributed to it and when payments to the injured party were not made on behalf of the wrongdoer.

Now, ladies and gentlemen, in this case, the Plaintiff seeks punitive damages in addition to actual or compensatory damages.

Ladies and gentlemen punitive damages are imposed as punishment. They are not intended to compensate. Punitive damages are allowed in the interest of society in the nature of punishment and serve at least three important purposes: Punishment of the Defendant's reckless, willful, wanton or malicious conduct; deterrents of similar future

conduct by the Defendant or others, and compensation for the reckless or willful invasion of the Plaintiff's private life.

Ladies and gentlemen, what is justified in an award of punitive damages? As you consider the issue of punitive damages, the highest burden of proof known to civil law is applicable. Our State's Code of Laws provides that in any civil action where punitive damages are claimed, the Plaintiff has the burden of proving such damages by clear and convincing evidence.

Ladies and gentlemen, punitive damages can only be awarded, again, when the Plaintiff proves by clear and convincing evidence that the Defendant's actions were willful, wanton or reckless.

Now, the words willful, wanton or reckless are synonymous, ladies and gentlemen. These are terms used to describe a conscious failure to exercise and observe reasonable or due care.

Now, ladies and gentlemen, the Plaintiff cannot recover punitive damages based on mere negligent conduct. Again, negligence is the failure to use due care or is carelessness. Recklessness or wantonness, ladies and gentlemen, is a higher degree of culpability or responsibility. Recklessness is a conscious indifference to the right of a Plaintiff or a reckless disregard of the

rights of a Plaintiff. Ladies and gentlemen, recklessness is an awareness of wrongful conduct and a continuation to act regardless of consequences.

Now, in determining an appropriate amount of punitive damages, you should consider the nature of the Defendant's actions. The punishment, if any, which should be given for those actions and the ability of the Defendant to pay. You may also consider whether the Defendant was provoked in a legal way by something that had happened when acting under a sudden impulse, the Defendant struck the Plaintiff.

Now, Mr. Foreperson, members of the jury, as you retire to begin your deliberations in this case, I wish to express the hope that each of you will be mindful of the importance of your duty here today. You're not called upon very often to serve as jurors and the proper performance of that duty requires each of you to reach the height of freeing your mind of all improper influences.

Ladies and gentlemen, as the Presiding Officer of this Court, I am vitally concerned that whatever verdict you reach will be the result of you going back into your jury room and confining your deliberations to the evidence that you've heard here in this courtroom and weighing it fairly and impartially.

Additionally, ladies and gentlemen, as I instructed you, the law does not allow me to have an opinion on the

facts of this case. So, again, ladies and gentlemen, if from anything I said during the course of this trial or in my charge, you think I've conferred in any way my feelings about the facts of this case, again, the law does not allow me to have an opinion as to the facts of the case. Again, that is for you solely to determine.

Ladies and gentlemen, I remind you, you owe no support or sympathy to anyone. Now, I want to make sure you understand that, that the proper portion of your job here is to go back and fairly and rightfully weigh the evidence, ladies and gentlemen, and from there render a true and just verdict under the oath you took on Monday when we began this case.

Mr. Foreperson, and members to the jury, to that effect, my law clerk has prepared a verdict form and it simply has the case caption here. It says, Rodney Allgire versus Marshall Blanton and, ladies and gentlemen, there are two questions on it. The first is, "We the jury by unanimous consent find," and it either says "for the plaintiff, Rodney Allgire, in the amount of (blank) actual damages," where you would put a dollar amount in or, "for the defendant, Marshall Blanton."

Ladies and gentlemen, if you do find for the Plaintiff in question number A, you would then go on to question B, which allows you to consider punitive damages and, again,

it reminds you that you are only to award punitive damages if they have been proven to you by clear and convincing evidence. And then as well, ladies and gentlemen, there is a line for you to fill in that dollar amount if you deem appropriate.

After that, there is a signature line for the foreperson. Mr. Foreperson, once the jury has reached a unanimous verdict, a verdict of all twelve of you, you would go ahead and sign that, sir, date it and knock on the jury room door, and we are going to accept you back into the jury room to receive your verdict, all right?

Ladies and gentlemen, I appreciate your patience. For the very last time, I am going to send you back to your jury room and I am going to tell you not to discuss this case. There might be something further on the law that the lawyers want me to instruct you. If there is, I'm going to bring you back out here, and I'm going to instruct you further. If not, ladies and gentlemen, I am going to send a verdict form, as well as all the evidence that's been entered into this case and that's going to be your signal to begin your deliberations.

Additionally, ladies and gentlemen, I want to let you know that while you have seen my court reporter taking down a transcript right here. This is Wanda taking down a transcript, we do not have a typed version of the

transcript to-date. If there is testimony that you want to hear, what I can do is bring you back in and we can replay the audio of that testimony, but please understand if you request certain testimony, I am required to give you all of that witnesses' testimony so that would be both the direct exam, the cross exam and any redirect, recross, all right?

But, certainly, sir, if you do need to hear that, please just send a note out to the bailiffs and we are happy to accommodate. It usually takes us a little bit of time to find it, but we can certainly cue it up and bring you back here to hear that. All right?

Ladies and gentlemen, again, thank you. Do not discuss this case until I either bring you back out here or I send you the verdict form and the evidence. Thank you.

THE BAILIFF: Thank you, Your Honor.

(JURY EXITS THE COURTROOM TO START DELIBERATIONS AT 02:50 P.M..)

THE BAILIFF: The jury is clear, Your Honor.

THE COURT: Thank you.

MR. MOSS: No additions, Your Honor. I would take exception to the self-defense. I don't think they were entitled to that, but I understand your ruling.

THE COURT: All right. Mr. Griffith?

MR. GRIFFITH: The only objection I have, Your Honor, is to the charge on the collateral source ruling. I just

PREVIOUSLY IDENTIFIED AND MARKED, RECEIVED INTO THE RECORD.)

(COURT BACK IN SESSION AT 04:28 P.M..)

THE COURT: You all be seated.

Is the Plaintiff ready?

MR. MOSS: Yes, ma'am.

THE COURT: Is the Defense ready?

MR. GRIFFITH: Yes, ma'am, Your Honor.

THE COURT: All right. Let's bring them in, Norman.

THE BAILIFF: Yes, Your Honor.

Your Honor, the Jury is entering.

(JURY REENTERS COURTROOM AT 04:30 P.M..)

THE BAILIFF: Thank you, Your Honor.

THE COURT: Thank you.

Mr. Foreperson, I understand the jury has reached a verdict.

MR. FOREPERSON: Yes, ma'am.

THE COURT: Will you please hand it to the bailiff, sir.

(VERDICT RECEIVED UP BY THE COURT.)

THE COURT: In the case of Rodney Allgire versus Marshall Blanton we the jury by unanimous consent find for the Plaintiff Rodney Allgire in the amount of Four Hundred Thousand Dollars.

Ladies and gentlemen, if this is your verdict will you

please indicate by raising your right hand?

Now every member of the jury has raised their hand.

Would you like me to poll them individually?

MR. GRIFFITH: Yes, ma'am.

THE COURT: All right.

Ladies and gentlemen, I am going to go through and ask you individually if you would when I call your name just signal to you and I'm personally gonna ask is this your verdict and yes or no and is this still your verdict. All right.

So the first one, Mr. Michael Rivers. Sir, is this your verdict?

MR. RIVERS: Yes, ma'am.

THE COURT: And is this still your verdict?

MR. RIVERS: Yes, ma'am.

THE COURT: Thank you, sir.

Melinda Mitchell. Ma'am, is this your verdict?

MS. MITCHELL: Yes, ma'am.

THE COURT: Is this still your verdict?

MS. MITCHELL: Yes, ma'am.

THE COURT: Scott Ciccarelli.

MR. CICARRELLI: Yes.

THE COURT: Sir, is this your verdict?

MR. CICARRELLI: Yes, ma'am.

THE COURT: And is this still your verdict?

MR. CICARRELLI: Yes, ma'am.

THE COURT: Annie Mae Gibbs.

MS. GIBBS: Yes, ma'am.

THE COURT: Thank you. Ma'am, is this your verdict?

MS. GIBBS: Yes, ma'am.

THE COURT: And is this still your verdict?

MS. GIBBS: Yes, ma'am.

THE COURT: Thank you. Tyler Kanoski.

Sir, is this your verdict?

MR. KANOSKI: Yes, ma'am.

THE COURT: And is this still your verdict?

MR. KANOSKI: Yes, ma'am.

THE COURT: Kathleen Norton. Is your verdict?

MS. NORTON: Yes, ma'am.

THE COURT: Is this still your verdict?

MS. NORTON: Yes, ma'am.

THE COURT: Lynn Christy. Sir, is this your verdict?

MR. CHRISTY: Yes, Your Honor.

THE COURT: Is this still your verdict?

MR. CHRISTY: Yes, Your Honor.

THE COURT: Did I loose - is it Ms. Burns that we excused?

MR. MOSS: Correct.

THE COURT: Let me make sure. All right.

Jamaica Gardner. Is this your verdict, sir?

MR. GARDNER: Yes, ma'am.

THE COURT: Is this still your verdict?

MR. GARDNER: Yes, ma'am.

THE COURT: Thank you, sir.

Chorion Mullarkey. Is this your verdict?

MS. MULLARKEY: Yes, Your Honor.

THE COURT: Is this still your verdict?

MS. MULLARKEY: Yes, Your Honor.

THE COURT: Ken Copley. Sir, is this your verdict?

MR. COPLEY: Yes, ma'am.

THE COURT: Is this still your verdict?

MR. COPLEY: Yes, ma'am.

THE COURT: Cindy Chiacchiero. Is this your verdict?

MS. CHIACCHIERO: Yes, Your Honor.

THE COURT: And is this still your verdict?

MS. CHIACCHIERO: Yes, Your Honor.

THE COURT: And finally, Mr. Randle White. Is this your verdict?

MR. WHITE: Yes.

THE COURT: And is this still your verdict, sir?

MR. WHITE: Yes it is.

THE COURT: Is there anything further required from this jury from the Plaintiff?

MR. MOSS: None from the Plaintiff, Your Honor.

THE COURT: From the Defense?


PLAINTIFF'S
EXHIBIT
1
1-6-14

PLAINTIFF'S
EXHIBIT
2 WLR
1-6-14

PLAINTIFF'S
EXHIBIT
3 WHR
7-6-14


EXHIBIT
4 WHR
7-6-14
depobook.com

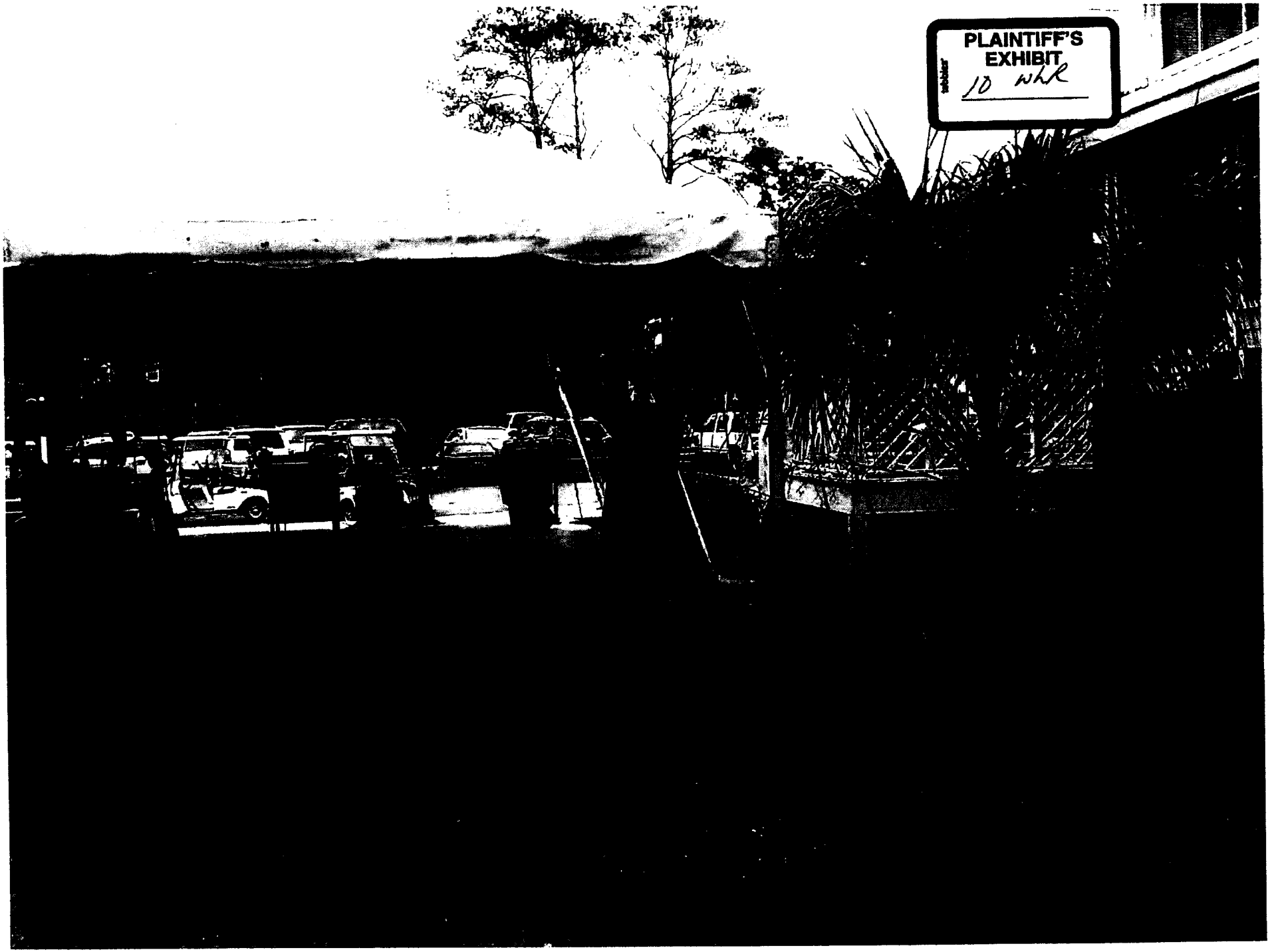
PLAINTIFF'S
EXHIBIT
5 WHR
7-6-14

PLAINTIFF'S
EXHIBIT
6 WHR
1-6-14

PLAINTIFF'S
EXHIBIT
7
7-6-14

PLAINTIFF'S
EXHIBIT
8 WAK
1-6-14

PLAINTIFF'S
EXHIBIT
9 whR
1-6-14


PLAINTIFF'S
EXHIBIT
10 WHR

PLAINTIFF'S
EXHIBIT
11 WRX

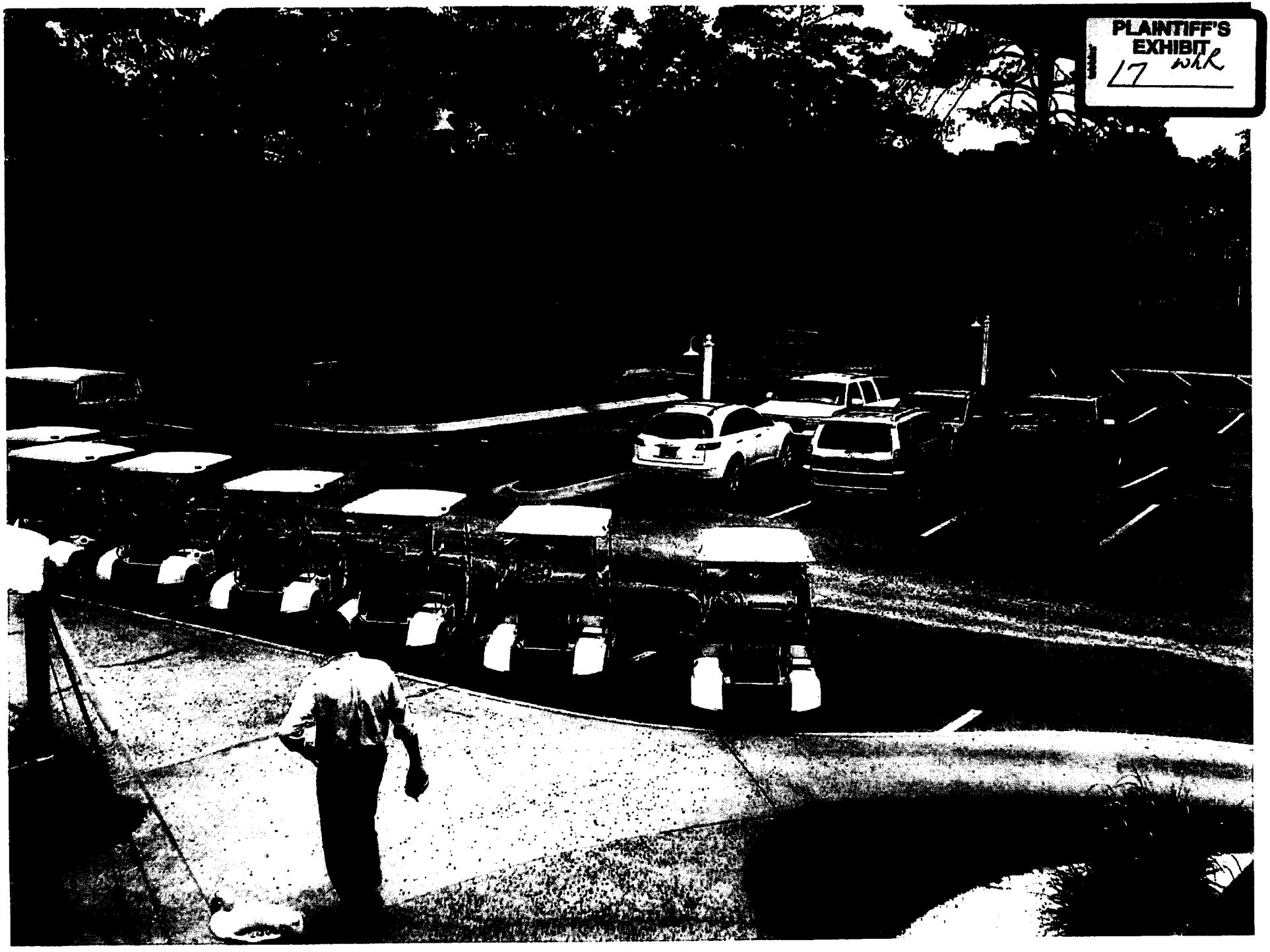
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EXHIBIT
12 NHR

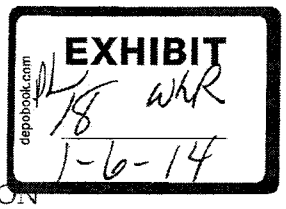
PLAINTIFF'S
EXHIBIT
13 WR

EXHIBIT
14 PL WHR
1-6-14
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PLAINTIFF'S
EXHIBIT
15 WKR

PLAINTIFF'S
EXHIBIT
16 WAR


PLAINTIFF'S
EXHIBIT
17 WHR



REVISED - 01/06/2014 - CET

STATEMENT OF DAMAGES
RE: RODNEY J. ALLGIRE v. MARSHALL C. BLANTON
Date of Incident: 11/13/2011

PERSONAL INFORMATION:
Name: Rodney J. Allgire
Date of Birth: rs of age at time of incident

A. OUT-OF-POCKET SPECIALS:

1.	Beaufort Emergency Medicine:	
	Account No.: 210516-1 Date of Service: 11/13/11	185.00
2.	Beaufort Memorial Hospital:	
	Account No.: H01986461 Date of Service: 11/13/2011	11,039.23
3.	Lowcountry Medical Group:	
	Account No.: 42761 Dates of Service: 11/22/11-07/31/13	4,825.00
4.	Coastal Physical Therapy:	
	Account No.: 4569 Dates of Service: 12/01/11-04/30/12	4,176.10
	Dates of Service: 05/14/12	34.90
	Dates of Service: 08/12/13	254.00
5.	Doctor's Care:	
	Account No.: 295298 Date of Service: 12/19/11	240.00
6.	Beaufort Memorial Orthopedic Specialists:	
	Account No.: 14021 Dates of Service: 11/22/11-01/10/12	553.00
7.	Reuben Spine Specialists:	
	Account No.: 85740 Dates of Service: 06/19/12, 06/27/12, 06/28/12, 07/18/12, 09/19/12, 12/19/12 01/03/13, 01/29/13, 07/31/13, 08/14/13	4,723.83
8.	Walgreen's Pharmacy:	
	Rx No.: 0728638 Date of Service: 11/14/11	2.34
	Rx. No.: 0728639 Date of Service 11/14/11	3.10
	Rx No.: 0741401-06597 Date of Service: 01/10/12	21.90
	Rx. No.: 798063-6597 Date of Service: 10/11/2012	5.29

TOTAL OUT OF POCKET SPECIALS: $26,063.69

BEAUFORT EMERGENCY MEDICINE
P.O. BOX 884
COLUMBIA SC 29202-0884

PATIENT NAME
RODNEY J. ALLGIRE

RODNEY J ALLGIRE

CARD NUMBER

SIGNATURE | EXP. DATE

STMT DATE	PAY THIS AMT	ACCOUNT #
01/03/12	$115.00	210516-I

SHOW AMT PAID HERE $

BEAUFORT EMERGENCY MEDICINE
P.O. BOX 884
COLUMBIA SC 29202-0884

STATEMENT

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

☐ Please check box if address is incorrect or insurance information has changed, and indicate change(s) on reverse side.

DATE	SERVICE	CHARGES	PAYMENTS	BALANCE
11/13/11	ED LEVEL4	185.00		185.00

PRODUCED BY MKF FEB 2 9 2012

Acct: R01985451
ALLGIRE,RODNEY JAY

BEAUFORT, SC 29907
843-524-0758 (H) 843-812-5381 (W)

Guar: 282-76-7832
ALLGIRE,RODNEY JAY

BEAUFORT, SC 29907
843-524-0758 (H)

Bill		Count	Amount
1	FINAL PRINTED 11/18/11	11	11039.23

Date	Procedure	User	Description	Bch Date	Nom Journal	Amount
11/13/11	4400080416	BKG	DAEMON FEXERIL 10MG TAB - Cyclobenzaprine 10 MG TAB	11/13/11	11 A PHA	5.23
11/13/11	4400081025	BKG	DAEMON TORADOL 60MG 2ML - Ketorolac Inj 30 MG/ML 2 ML VIAL	11/13/11	11 A PHA	5.00
11/13/11	4230094012	BKG	DAEMON HEAD WO CONT	11/13/11	12 A RAD	2061.00
11/13/11	4230901071	BKG	DAEMON COR SAG OBL 3D RECON - |FROM 4230094082	11/13/11	12 A RAD	590.00
11/13/11	4230901082	BKG	DAEMON MAX FACIAL WO CONT - |FROM 4230094082	11/13/11	12 A RAD	2006.00
11/13/11	4230901076	BKG	DAEMON CERVICAL SPINE WO CONT - |FROM 4230094076	11/13/11	12 A RAD	2218.00
11/13/11	4230901071	BKG	DAEMON COR SAG OBL 3D RECON - |FROM 4230094076	11/13/11	12 A RAD	590.00
11/13/11	4230901074	BKG	DAEMON LUMBAR SPINE WO CONT - |FROM 4230094074	11/13/11	12 A RAD	2325.00
11/13/11	4230901071	BKG	DAEMON COR SAG OBL 3D RECON - |FROM 4230094074	11/13/11	12 A RAD	590.00
11/13/11	3400450640	BKG	DAEMON EMERGENCY DEPT VISIT 3 MOD 25 - Level III	11/14/11	153 A OVER	553.00
11/13/11	3400450623	BKG	DAEMON INJECTION, SC/IM - IM Injection	11/14/11	153 A OVER	96.00

PRODUCED BY: MK & F
MAR 19 2012

received
3 4 12

Beaufort Memorial Hospital
955 Ribaut Road
Beaufort, SC 29902
843-522-5150

1

FINAL

ALLGIRE, RODNEY JAY H01986461 11/13/11 11/13/11 11/20/11

ALLGIRE, RODNEY JAY

		*** DRUGS OTHER/SELF ADM MCR ***		
11/13/11	4400080416	FEXERIL 10MG TAB; Cyclobenzaprine 10 MG TAB	1	5.23
				5.23
		*** CAT SCAN GENERAL ***		
11/13/11	4230901071	COR SAG OBL 3D RECON	1	590.00
11/13/11	4230901071	COR SAG OBL 3D RECON	1	590.00
11/13/11	4230901071	COR SAG OBL 3D RECON	1	590.00
				1770.00
		*** CAT SCAN HEAD ***		
11/13/11	4230094012	HEAD WO CONT	1	2061.00
11/13/11	4230901082	MAX FACIAL WO CONT	1	2006.00
				4067.00
		*** CAT SCAN BODY ***		
11/13/11	4230901076	CERVICAL SPINE WO CONT	1	2218.00
11/13/11	4230901074	LUMBAR SPINE WO CONT	1	2325.00
				4543.00
		*** EMERGENCY ROOM ***		
11/13/11	3400450640	EMERGENCY DEPT VISIT 3 MOD 25; Level III	1	553.00
11/13/11	3400450623	INJECTION, SC/IM; IM Injection	1	96.00
				649.00
		*** 636 DRUGS/DETAIL CODE ***		
11/13/11	4400081025	TORADOL 60MG 2ML; Ketorolac Inj 30 MG/ML 2 ML VIAL	1	5.00
				5.00

ALLGIRE,RODNEY JAY H01986461 11/13/11 11/13/11 11/20/11

ALLGIRE,RODNEY JAY

MAKE CHECKS PAYABLE TO:

Lowcountry Medical Group LLC
300 Midtown Drive

Beaufort, SC 29906-5200

STATEMENT DATE	PAY THIS AMOUNT	ACCOUNT NBR
11/04/13	CONTINUED	42761
	SHOW AMOUNT PAID HERE	$

STATEMENT

ADDRESSEE:

Allaire, Rodney J.

USA

REMIT TO:

Lowcountry Medical Group LLC
300 Midtown Drive
Beaufort, SC 29906-5200

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

DATE	DESCRIPTION OF SERVICE	AMOUNT	INSUR BALANCE	PATIENT BALANCE	BALANCE
11/22/11	ENCOUNTER 2895553 FOR RODNEY WITH STODDARD, L	$36.00			
11/22/11	72170TC - X-RAY EXAM OF PELVIS	$0.00			
11/22/11	72100TC - X-RAY EXAM OF LOWER SPINE	$50.00			

ACCOUNT NBR	CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	TOTAL ACCOUNT BALANCE
42761						

MESSAGE:
If You Have Any Questions Regarding This Statement Or Would Like To Discuss Your Payment, Please Call Us At (843) 770-0236

PLEASE PAY THIS AMOUNT »»» CONTINUED

** PAYMENT DUE UPON RECEIPT * THANK YOU **

STATEMENT

PAGE: 1

MAKE CHECKS PAYABLE TO:
Lowcountry Medical Group LLC
300 Midtown Drive
Beaufort, SC 29906-5200

STATEMENT DATE	PAY THIS AMOUNT	ACCOUNT NBR
11/04/13	CONTINUED	42761
	SHOW AMOUNT PAID HERE $	

STATEMENT

ADDRESSEE
[redacted]
Allgire, Rodney L

REMIT TO:
[redacted]
Lowcountry Medical Group LLC
300 Midtown Drive
Beaufort, SC 29906-5200

USA

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

DATE	DESCRIPTION OF SERVICE	AMOUNT		PATIENT BALANCE	BALANCE
11/22/11	72040TC - X-RAY EXAM OF NECK SPINE	$45.00	$0.00		
12/02/11	ENCOUNTER 2898998 FOR RODNEY WITH STODDARD, L	$1,280.00			
12/02/11	72141 - MRI NECK SPINE W/O DYE				
12/02/11	72148 - MRI LUMBAR SPINE W/O DYE	$1,400.00			

ACCOUNT NBR	CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	TOTAL ACCOUNT BALANCE
42761	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

MESSAGE:
If You Have Any Questions Regarding This Statement Or Would Like To Discuss Your Payment, Please Call Us At (843) 770-0236

PLEASE PAY THIS AMOUNT »»» CONTINUED

** PAYMENT DUE UPON RECEIPT * THANK YOU **
STATEMENT

PAGE: 2

MAKE CHECKS PAYABLE TO:
Lowcountry Medical Group LLC
300 Midtown Drive
Beaufort, SC 29906-5200

STATEMENT DATE	PAY THIS AMOUNT	ACCOUNT NBR
11/04/13	CONTINUED	42761
	SHOW AMOUNT PAID HERE $	

STATEMENT

ADDRESSEE:
[redacted]
Allaire, Rodney L

REMIT TO:
[redacted]
Lowcountry Medical Group LLC
300 Midtown Drive
Beaufort, SC 29906-5200

USA

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

DATE	DESCRIPTION OF SERVICE	AMOUNT		PATIENT BALANCE	BALANCE
12/08/11	ENCOUNTER 2901618 FOR RODNEY WITH STODDARD, L				
12/08/11	72080TC - X-RAY EXAM OF TRUNK SPINE	$50.00			
[redacted]					
12/22/11	ENCOUNTER 2905821 FOR RODNEY WITH STODDARD, L				
12/22/11	72070TC - X-RAY EXAM OF THORACIC SPINE	$45.00			
[redacted]					
01/10/12	ENCOUNTER 2913478 FOR RODNEY WITH STODDARD, L				
01/10/12	72170TC - X-RAY EXAM OF PELVIS	$36.00			
[redacted]					
01/10/12	72080TC - X-RAY EXAM OF TRUNK SPINE	$50.00			
[redacted]					
03/08/12	ENCOUNTER 2938348 FOR RODNEY WITH STODDARD, L				
03/08/12	72080TC - X-RAY EXAM OF TRUNK SPINE	$50.00			

ACCOUNT NBR	CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	TOTAL ACCOUNT BALANCE
42761						

MESSAGE:
If You Have Any Questions Regarding This Statement Or Would Like To Discuss Your Payment, Please Call Us At (843) 770-0236

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** PAYMENT DUE UPON RECEIPT * THANK YOU **
STATEMENT

PAGE: 3

MAKE CHECKS PAYABLE TO:

Lowcountry Medical Group LLC
300 Midtown Drive
Beaufort, SC 29906-5200

STATEMENT DATE	PAY THIS AMOUNT	ACCOUNT NBR
11/04/13	CONTINUED	42761

SHOW AMOUNT PAID HERE $

STATEMENT

ADDRESSEE:

Allgire, Rodney J

USA

REMIT TO:

Lowcountry Medical Group LLC
300 Midtown Drive
Beaufort, SC 29906-5200

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

DATE	DESCRIPTION OF SERVICE	AMOUNT	PATIENT BALANCE	BALANCE
[illegible]	[illegible]	[illegible]		
05/25/12	ENCOUNTER 2970902 FOR RODNEY WITH STODDARD, L	$38.00		
05/25/12	72170TC - X-RAY EXAM OF PELVIS			
05/25/12	72100TC - X-RAY EXAM OF LOWER SPINE	$50.00		
06/04/12	ENCOUNTER 2973996 FOR RODNEY WITH STODDARD, L	$1,400.00		
06/04/12	72148 - MRI LUMBAR SPINE W/O DYE			
06/19/12	ENCOUNTER 2980465 FOR RODNEY WITH STODDARD, L	$50.00		
06/19/12	72100TC - X-RAY EXAM OF LOWER SPINE			
07/20/12	ENCOUNTER 2993269 FOR RODNEY WITH STODDARD, L	$88.00		
06/28/12	77003TC - Fluoroguide For Spine Inject			

ACCOUNT NBR	CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	TOTAL ACCOUNT BALANCE
42761	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

MESSAGE:
If You Have Any Questions Regarding This Statement Or Would Like To Discuss Your Payment, Please Call Us At (843) 770-0236

PLEASE PAY THIS AMOUNT »»» CONTINUED

** PAYMENT DUE UPON RECEIPT ** THANK YOU **
STATEMENT

PAGE: 4

MAKE CHECKS PAYABLE TO:

Lowcountry Medical Group LLC
300 Midtown Drive

Beaufort, SC 29906-5200

STATEMENT DATE	PAY THIS AMOUNT	ACCOUNT NBR
11/04/13	$22.50	42761

SHOW AMOUNT PAID HERE $

STATEMENT

ADDRESSEE:

[redacted]
Allaire, Rodney J

USA

REMIT TO:

[redacted]
Lowcountry Medical Group LLC
300 Midtown Drive
Beaufort, SC 29906-5200

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

DATE	DESCRIPTION OF SERVICE	AMOUNT		PATIENT BALANCE	BALANCE
[redacted]					
01/07/13 12/19/12	ENCOUNTER 3058996 FOR RODNEY WITH STODDARD, L. 77003TC - Fluoroguide For Spine Inject	$68.00			
[redacted]					
07/31/13 07/31/13	ENCOUNTER 3140661 FOR RODNEY WITH STODDARD, L. 72070TC - X-RAY EXAM OF THORACIC SPINE	$45.00			
[redacted]					

Questions? Please Call (843) 770-0236
Failure to call our office or remit payment may result in collection efforts.

ACCOUNT NBR.	CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	TOTAL ACCOUNT BALANCE
42761	[redacted]					

MESSAGE:
If You Have Any Questions Regarding This Statement Or Would Like To Discuss Your Payment, Please Call Us At (843) 770-0236.

PLEASE PAY THIS AMOUNT »»»» $22.50

** PAYMENT DUE UPON RECEIPT * THANK YOU **
STATEMENT

PAGE: 5

****** INSTANT BILL ****** ACCT:4569 DATE:08/19/13 PAGE 1 OF 12

CORSTAL PHYSICAL THERAPY
18 PROFESSIONAL VILLAGE CIRCLE
BEAUFORT, SC 29907-1570

OFFICE PH:843-986-9670 HOME PH:812-5361 BUSINESS PH:843-987-2020 EXT:

	PAT NAME	APPOINTMENT
MR. RODNEY J. ALLGIRE	RA RODNEY J. ALLGIRE	

DIAGNOSIS

1-847.2
2-733.13
3-724.2

NUM	DOCTOR	TAX ID
1	THOMAS KETHERINGTON,P	57-1103227
10	ERNEST CHRIS CARLISLE	57-1103227
11	ASHLEY LANGFORD	57-1103227

DATE	DR PAT	DIAGPTRS	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
12/01/11	11 RA	1	97001		*PT EVALUATION	116.00		[redacted]
[redacted]								
12/01/11	11 RA	1	97110		*THERAPEUTIC E	138.00		[redacted]
					(DAYS/UNITS = 3)			
[redacted]								
12/01/11	11 RA	1	97014		*ELECTRICAL ST	35.00		[redacted]
[redacted]								
12/01/11								
02/02/12	1 RA	1	97110		*THERAPEUTIC E	184.00		[redacted]
					(DAYS/UNITS = 4)			
[redacted]								
02/01/12	10 RA	23	97001		*PT EVALUATION	116.00		[redacted]
[redacted]								
02/01/12	10 RA	23	97110		*THERAPEUTIC E	138.00		[redacted]
					(DAYS/UNITS = 3)			
[redacted]								
02/01/12	10 RA	123	99070		*SUPPLIES	5.00		[redacted]
[redacted]								
02/08/12	1 RA	123	97110		*THERAPEUTIC E	184.00		[redacted]

CONTINUED ON NEXT FORM

COASTAL PHYSICAL THERAPY
18 PROFESSIONAL VILLAGE CIRCLE
BEAUFORT, SC 29907-1570

OFFICE PH:843-986-9670 HOME PH:812-5381 BUSINESS PH:843-987-2028
EXT:

	PAT NAME	APPOINTMENT
MR. RODNEY J. ALLGIRE	RA RODNEY J. ALLGIRE	

DIAGNOSIS
1-847.2
2-733.13
3-724.2

NUM	DOCTOR	TAX ID
1	THOMAS HETHERINGTON,P	57-1103227
10	ERNEST CHRIS CARLISLE	57-1103227
11	ASHLEY LANGFORD	57-1103227

DATE	DR PAT DIAGPTRS	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
				(DAYS/UNITS = 4)			
[redacted]							
02/02/12							
02/13/12	1 RA 123	97110		*THERAPEUTIC E	138.00		
				(DAYS/UNITS = 3)			
[redacted]							
02/15/12	10 RA 123	97110		*THERAPEUTIC E	184.00		
				(DAYS/UNITS = 4)			
[redacted]							
02/16/12	10 RA 123	97110		*THERAPEUTIC E	184.00		
				(DAYS/UNITS = 4)			
[redacted]							

CONTINUED ON NEXT FORM

COASTAL PHYSICAL THERAPY
10 PROFESSIONAL VILLAGE CIRCLE
BEAUFORT, SC 29907-1570

LAST PAYMENT		YTD PAY
08/14/13	$600.00	$1122.83

OFFICE PH:843-986-9670 HOME PH:812-5381 BUSINESS PH:843-987-2028 EXT:

MR. RODNEY J. ALLGIRE

PAT NAME		APPOINTMENT
RA	RODNEY J. ALLGIRE	

DIAGNOSIS

1-847.2
2-733.13
3-724.2

NUM	DOCTOR	TAX ID
1	THOMAS HETHERINGTON,P	57-1103227
10	ERNEST CHRIS CARLISLE	57-1103227
11	ASHLEY LANGFORD	57-1103227

DATE	DR	PAT	DIAGPTRS	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
[redacted]									
02/20/12	10	RA	123	97110		*THERAPEUTIC E (DAYS/UNITS = 4)	184.00		[redacted]
[redacted]									
02/27/12	1	RA	123	97110		*THERAPEUTIC E (DAYS/UNITS = 3)	138.00		[redacted]
[redacted]									
02/29/12	11	RA	123	97110		*THERAPEUTIC E (DAYS/UNITS = 2)	92.00		[redacted]
[redacted]									

CONTINUED ON NEXT FORM

COASTAL PHYSICAL THERAPY
18 PROFESSIONAL VILLAGE CIRCLE
BEAUFORT, SC 29907-1570

OFFICE PH:843-986-9670 HOME PH:812-5381 BUSINESS PH:843-987-2020
EXT:

	PAT NAME	APPOINTMENT
MR. RODNEY J. ALLGIRE	RA RODNEY J. ALLGIRE	

DIAGNOSIS

1-847.2
2-733.13
3-724.2

NUM	DOCTOR	TAX ID
1	THOMAS HETHERINGTON,P	57-1103227
10	ERNEST CHRIS CARLISLE	57-1103227
11	ASHLEY LANGFORD	57-1103227

DATE	DR	PAT	DIAGPTRS	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
[redacted]									
03/02/12	1	RA	123	18		MEDICAL RECORD	40.10		[redacted]
03/07/12	1	RA	123	97110		*THERAPEUTIC E	184.00		
						(DAYS/UNITS = 4)			
[redacted]									
03/08/12	11	RA	1	97110		*THERAPEUTIC E	138.00		[redacted]
						(DAYS/UNITS = 3)			
[redacted]									
03/12/12	11	RA	123	97110		*THERAPEUTIC E	138.00		[redacted]
						(DAYS/UNITS = 3)			
[redacted]									
03/14/12	1	RA	123	97110		*THERAPEUTIC E	138.00		[redacted]
						(DAYS/UNITS = 3)			
[redacted]									
03/19/12	10	RA	123	97110		*THERAPEUTIC E	138.00		[redacted]

CONTINUED ON NEXT FORM

COASTAL PHYSICAL THERAPY
10 PROFESSIONAL VILLAGE CIRCLE
BEAUFORT, SC 29907-1570

OFFICE PH:843-986-9670 HOME PH:812-5381 BUSINESS PH:843-587-2028
EXT:

	PAT NAME	APPOINTMENT
MR. RODNEY J. ALLGIRE	RA RODNEY J. ALLGIRE	

DIAGNOSIS

1-847.2
2-733.13
3-724.2

NUM	DOCTOR	TAX ID
1	THOMAS HETHERINGTON,P	57-1103227
10	ERNEST CHRIS CARLISLE	57-1103227
11	ASHLEY LANGFORD	57-1103227

DATE	DR	PAT	DIAGPTRS	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
						(DAYS/UNITS = 3)			
[redacted]									
03/21/12	10	RA	123	97110		*THERAPEUTIC E	92.00		[redacted]
						(DAYS/UNITS = 2)			
[redacted]									
03/21/12	10	RA	123	97014		*ELECTRICAL ST	35.00		[redacted]
[redacted]									
03/28/12	10	RA	123	97110		*THERAPEUTIC E	184.00		[redacted]
						(DAYS/UNITS = 4)			
[redacted]									
04/02/12	10	RA	123	97110		*THERAPEUTIC E	138.00		[redacted]

CONTINUED ON NEXT FORM

COASTAL PHYSICAL THERAPY
18 PROFESSIONAL VILLAGE CIRCLE
BEAUFORT, SC 29907-1570



OFFICE PH:843-986-9670 HOME PH:812-5381 BUSINESS PH:843-987-2028
EXT:

	PAT NAME	APPOINTMENT
MR. RODNEY J. ALLGIRE	RA RODNEY J. ALLGIRE	

DIAGNOSIS
1-847.2
2-733.13
3-724.2

NUM	DOCTOR	TAX ID
1	THOMAS HETHERINGTON,P	57-1103227
10	ERNEST CHRIS CARLISLE	57-1103227

DATE	DR	PAT	DIAGPTRS	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
[redacted]						(DAYS/UNITS = 3)			
04/04/12	10	RA	123	97110		*THERAPEUTIC E (DAYS/UNITS = 3)	138.00		[redacted]
[redacted]									
04/04/12	10	RA	123	97014		*ELECTRICAL ST	35.00		[redacted]
[redacted]									
04/09/12	1	RA	123	97014		*ELECTRICAL ST	35.00		[redacted]
[redacted]									
04/09/12	1	RA	123	97035		*ULTRASOUND	30.00		[redacted]
[redacted]									
04/09/12	1	RA	123	97110		*THERAPEUTIC E (DAYS/UNITS = 2)	92.00		[redacted]
[redacted]									
04/11/12	10	RA	123	97035		*ULTRASOUND	30.00		[redacted]
[redacted]									
04/11/12	10	RA	123	97110		*THERAPEUTIC E (DAYS/UNITS = 3)	138.00		[redacted]
[redacted]									
04/16/12	10	RA	123	97110		*THERAPEUTIC E	138.00		[redacted]

CONTINUED ON NEXT FORM

COASTAL PHYSICAL THERAPY
18 PROFESSIONAL VILLAGE CIRCLE
BEAUFORT, SC 29907-1570

OFFICE PH:843-986-9670 HOME PH:812-5351 BUSINESS PH:843-987-2028
EXT:

	PAT NAME	APPOINTMENT
MR. RODNEY J. ALLGIRE	RA RODNEY J. ALLGIRE	

DIAGNOSIS

1-847.2
2-733.13
3-724.2

NUM	DOCTOR	TAX ID
1	THOMAS RETHERINGTON,P	57-1103227
10	ERNEST CHRIS CARLISLE	57-1103227

DATE	DR	PAT	DIAGPTRS	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
						(DAYS/UNITS = 3)			
[redacted]									
04/16/12	10	RA	123	97014		*ELECTRICAL ST	35.00		[redacted]
[redacted]									
04/18/12	10	RA	123	97110		*THERAPEUTIC E	138.00		[redacted]
						(DAYS/UNITS = 3)			
[redacted]									
04/18/12	10	RA	123	97035		*ULTRASOUND	30.00		[redacted]
[redacted]									
04/23/12	10	RA	123	97110		*THERAPEUTIC E	138.00		[redacted]
						(DAYS/UNITS = 3)			
[redacted]									

CONTINUED ON NEXT FORM

COASTAL PHYSICAL THERAPY
18 PROFESSIONAL VILLAGE CIRCLE
BEAUFORT, SC 29907-1570

OFFICE PH:843-986-9670 HOME PH:812-5381 BUSINESS PH:843-987-2028
EXT:

	PAT NAME	APPOINTMENT
MR. RODNEY J. ALLGIRE	RA RODNEY J. ALLGIRE	

DIAGNOSIS

1-847.2
2-733.13
3-724.2

NUM	DOCTOR	TAX ID
1	THOMAS HETHERINGTON,P	57-1103227
10	ERNEST CHRIS CARLISLE	57-1103227

DATE	DR	PAT	DIAGPTRS	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
[redacted]									
04/30/12	10	RA	123	97110		*THERAPEUTIC E	138.00		
						(DAYS/UNITS = 3)			
[redacted]									

CONTINUED ON NEXT FORM

COASTAL PHYSICAL THERAPY
18 PROFESSIONAL VILLAGE CIRCLE
BEAUFORT, SC 29907-1570

[redacted]

OFFICE PH:843-986-9670 HOME PH:812-5381 BUSINESS PH:843-987-2028
EXT:

	PAT NAME	APPOINTMENT
MR. RODNEY J, ALLGIRE	RA RODNEY J, ALLGIRE	

DIAGNOSIS

1-847.2
2-733.13
3-724.2

NUM	DOCTOR	TAX ID
1	THOMAS RETHERINGTON,P	57-1103227
10	ERNEST CHRIS CARLISLE	57-1103227
11	ASHLEY LANGFORD	57-1103227

DATE	DR	PAT	DIAGPTRS	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE

[redacted]

05/14/12	10	RA	123	18		MEDICAL RECORD	34,50		

[redacted]

CONTINUED ON NEXT FORM

COASTAL PHYSICAL THERAPY
18 PROFESSIONAL VILLAGE CIRCLE
BEAUFORT, SC 29907-1570

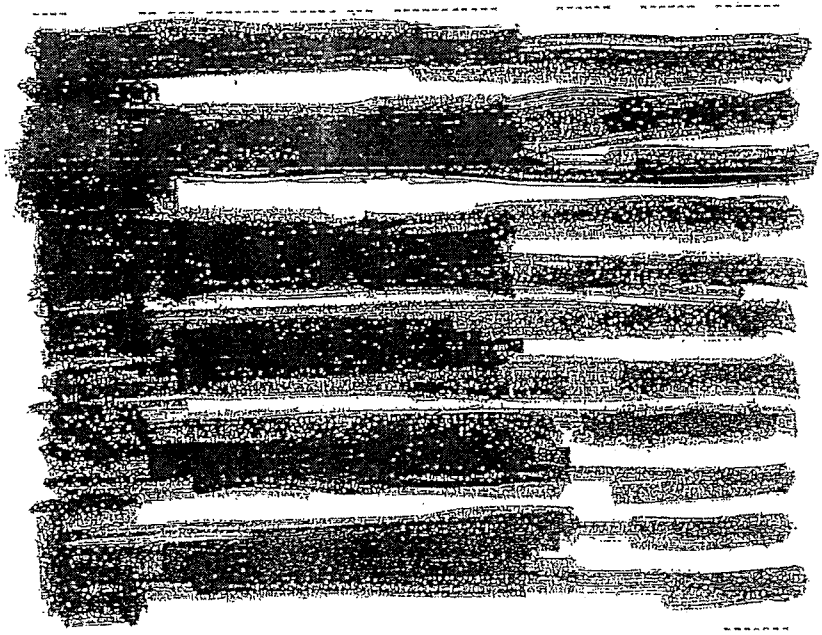
OFFICE PH:843-986-5670 HOME PH:812-5381 BUSINESS PH:843-987-2028
EXT:

PAT NAME	APPOINTMENT
MR. RODNEY J. ALLGIRE	RA RODNEY J. ALLGIRE

DIAGNOSIS

NUM	DOCTOR	TAX ID
1	THOMAS HETHERINGTON,P	57-1103227
10	ERNEST CHRIS CARLISLE	57-1103227

DATE	DR	PAT	DIAGPTRS	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE



CONTINUED ON NEXT FORM

COASTAL PHYSICAL THERAPY
18 PROFESSIONAL VILLAGE CIRCLE
BEAUFORT, SC 29907-1570

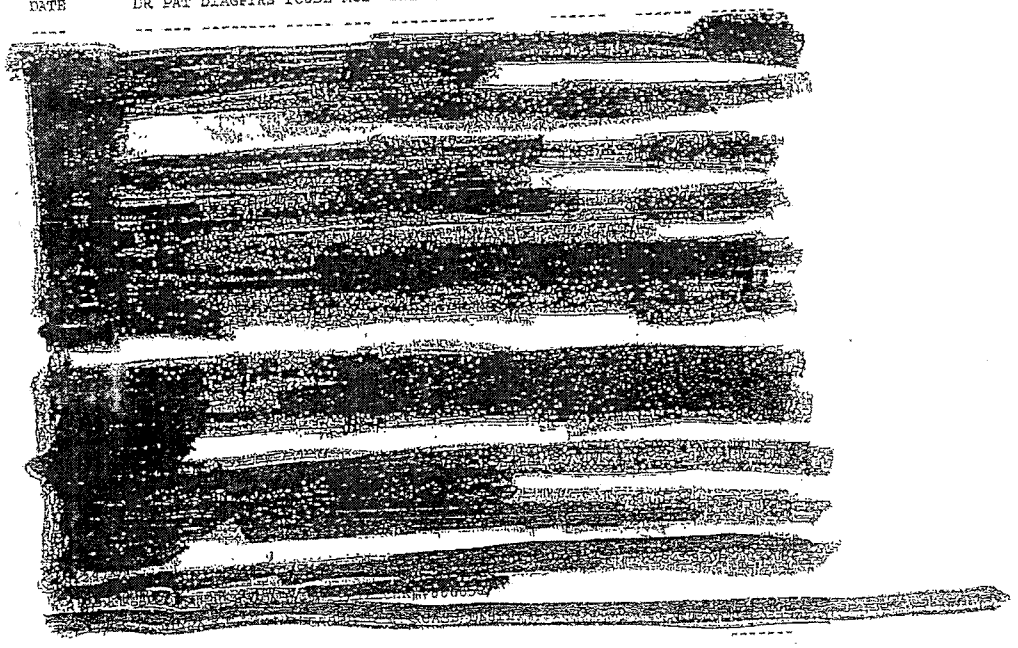
OFFICE PH:843-986-9670 HOME PH:812-5381 BUSINESS PH:843-987-2028
EXT:

	PAT NAME	APPOINTMENT
MR. RODNEY J. ALLGIRE	RA RODNEY J. ALLGIRE	

DIAGNOSIS

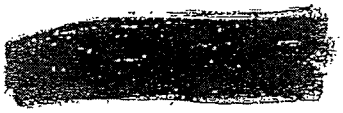
NUM	DOCTOR	TAX ID
1	THOMAS BETHERINGTON,P	57-1103227
10	ERNEST CHRIS CARLISLE	57-1103227
11	ASHLEY LANGFORD	57-1103227

DATE	DR	PAT	DIAGSTRS	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE



CONTINUED ON NEXT FORM

****** INSTANT BILL ****** ACCT:4569 DATE:08/19/13 PAGE 12 OF 12



COASTAL PHYSICAL THERAPY
18 PROFESSIONAL VILLAGE CIRCLE
BEAUFORT, SC 29907-1570

OFFICE PH:843-986-9670 HOME PH:812-5381 BUSINESS PH:843-987-2028
EXT:

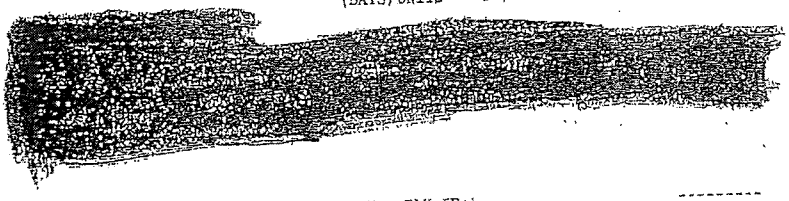
	PAT NAME	APPOINTMENT
MR. RODNEY J. ALLGIRE	RA RODNEY J. ALLGIRE	

DIAGNOSIS

1-724.1

NUM		TAX ID
1	THOMAS HETHERINGTON,P	57-1103227
10	ERNEST CHRIS CARLISLE	57-1103227
11	ASHLEY LANGFORD	57-1103227

DATE	DR	PAT	DIAGPTRS	TCODE	MOD	DESCRIPTION	CHARGE	CREDIT	BALANCE
[redacted]									
08/12/13	1	RA	1	97001		*PT EVALUATION	116.00		1238.83
08/12/13	1	RA	1	97110		*THERAPEUTIC E	138.00		1376.83
						(DAYS/UNITS = 3)			



REF PHYS : BOATRIGHT, KARL C. TAX ID:
LIC # :

TOT: $254.00

MESSAGES REF STATE: SC

THANK YOU FOR YOUR BUSINESS!

DOCTORS CARE - CHARL.AR
1818 HENDERSON STREET
COLUMBIA, SC 29201

34496*TEJ07IME0004689

12561 0101

TRANSACTIONS AFTER THE CLOSING DATE
WILL APPEAR ON YOUR NEXT STATEMENT

RODNEY ALLGIRE

PAGE	STATEMENT DATE
1	01/06/12

☐ MASTERCARD ☐ VISA ☐ AM EXP ☐ DISCOVER

PAY THIS AMOUNT $ [redacted] AMOUNT ENCLOSED $

IF PAYING BY CREDIT CARD, PLEASE SEE REVERSE SIDE

6529805

DOCTORS CARE
PO BOX 890741
CHARLOTTE, NC 28289-0741

STATEMENT OF ACCOUNT

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

DATE	DESC	CHARGE	PATIENT BALANCE
12/19/11	OFFICE OUTPATIENT VISIT, EST	132.00	[redacted]
12/19/11	X-RAY EXAM OF RIBS CHEST	108.00	

PROCESSED BY MSF FEB 29 2012

NEW FEATURE TO PAY YOUR BILL ONLINE, VISIT
HTTP://WWW.DOCTORSCARE.COM FOR BILLING INQUIRIES, PLEASE CALL
800-858-1329 X 280.

MAKE CHECKS PAYABLE TO: DOCTORS CARE

PROVIDER/PRACTICE NAME: DOCTORS CARE - CHARL.AR

FOR BILLING INQUIRIES, CALL: 800-858-1329 X

ACCOUNT NUMBER: 295298 ALLGIRE,

DATE OF LAST PAYMENT: 12/19/11

PAYMENT DUE DATE: 01/21/12

01/06/12 STATEMENT DATE	138.35 CURRENT	0.00 Over 30 Days	0.00 Over 60 Days	0.00 Over 90 Days	0.00 Over 120 Days	138.35 PLEASE PAY THIS AMOUNT

TRANSACTIONS AFTER THE CLOSING DATE WILL APPEAR ON YOUR NEXT STATEMENT

printed 12/29/2011 09:06 AM

BEAUFORT MEMORIAL ORTHOPAEDIC SPECIALISTS

BEAUFORT MEMORIAL HOSPITAL
(BMSS/BMOS)
PO BOX 9011
BELFAST, ME 04915-9011
billing phone: (843) 522-7100

GUARANTOR NAME AND ADDRESS	PATIENT #	PATIENT NAME
RODNEY ALLGIRE	14021	RODNEY ALLGIRE
	DOB	HOME TELEPHONE
	03/21/1961	(843) 524-6768

Billing Summary

Claim ID	Procedure	Date of Service	Post Date	Type	Reason	Plan	Supervising Provider		Patient
Claim ID 56990									
56990	99203	11/22/2011	11/22/2011	CHARGE	99203		EDWARD BLOCKER	$146.83	
							EDWARD BLOCKER		
							EDWARD BLOCKER		
							EDWARD BLOCKER		
Claim ID 57048									
57048	72040,26	11/22/2011	11/23/2011	CHARGE	72040,26		EDWARD BLOCKER	$24.00	
57048	72100,26	11/22/2011	11/23/2011	CHARGE	72100,26		EDWARD BLOCKER	$24.00	
57048	72170,26	11/22/2011	11/23/2011	CHARGE	72170,26		EDWARD BLOCKER	$16.50	
Claim ID 57272									
57272	99213	11/29/2011	11/29/2011	CHARGE	99213		EDWARD BLOCKER	$98.89	
							EDWARD BLOCKER		
							EDWARD BLOCKER		
Claim ID 58049									
58049	99213	12/08/2011	12/08/2011	CHARGE	99213		EDWARD BLOCKER	$98.89	
Claim ID 58073									
58073	72080,26	12/08/2011	12/09/2011	CHARGE	72080,26		EDWARD BLOCKER	$21.00	
Claim ID 58895									
58895	99213	12/22/2011	12/22/2011	CHARGE	99213		EDWARD BLOCKER	$98.89	
Claim ID 59007									
59007	72070,26	12/22/2011	12/23/2011	CHARGE	72070,26		EDWARD BLOCKER	$24.00	

PRESIDENT FEB 2012

BEAUFORT MEMORIAL ORTHOPAEDIC SPECIALISTS

Please send payments to:
BEAUFORT MEMORIAL HOSPITAL
(BMSS/BMOS)
PO BOX 9011
BELFAST, ME 04915-9011
billing phone: (843) 522-7100

BMOS_BEAUFORT
300 MIDTOWN DRIVE
BEAUFORT, SC 29906-5200
dept phone: (843) 522-7100

printed 12/08/2011
01:38 PM

GUARANTOR NAME AND ADDRESS	PATIENT #	PATIENT NAME	PROVIDER	DATE	DEPARTMENT
RODNEY ALLGIRE	14021	RODNEY ALLGIRE	EDWARD R. BLOCKER	12/08/2011	BMOS_BEAUFORT

DOB	TELEPHONE	AUTH#
	[redacted]	

PAYMENTS ON 12/08/2011

Post Date	Date of Service	Diagnosis Codes	Procedure Code	Original Plan	Supervising Provider	Reason For Payment	Method of Payment	Amount
12/08/2011				[redacted]		[redacted]		

[redacted]

Total Payment Amount

PRODUCED BY MIF FEB 29 2012

BEAUFORT MEMORIAL ORTHOPAEDIC SPECIALISTS

please send payments to:
BEAUFORT MEMORIAL HOSPITAL
(BMSS/BMOS)
PO BOX 9011
BELFAST, ME 04915-9011
billing phone: (843) 522-7100

BMOS_BEAUFORT
300 MIDTOWN DRIVE
BEAUFORT, SC 29906-5200
dept phone: (845) 522-7100

printed 01/10/2012
03:14 PM

GUARANTOR NAME AND ADDRESS	PATIENT #	PATIENT NAME	PROVIDER	DATE	DEPARTMENT
RODNEY ALLGIRE	14021	RODNEY ALLGIRE	EDWARD R. BLOCKER	01/10/2012	BMOS_BEAUFORT
	DOB.	TELEPHONE			AUTH#
	03/21/1961	(843) 524-6768			

PAYMENTS ON 01/10/2012

Post Date	Date of Service	Diagnosis Codes	Procedure Code	Original Plan	Supervising Provider	Reason For Payment	Method of Payment	Amount
01/10/2012				[redacted]		[redacted]	[redacted]	
Total Payment Amount								[redacted]

PRODUCED BY MCF FEB 29 2012

Spine Institute of the Carolinas

Spine Suite PO Box 670 Port Royal SC 299350670
Tel: (843) 378-7748 Fax: (843) 522-1275

ACCOUNT INQUIRY

08/14/2013 5:01 PM

Account# 85740

Guarantor Information:

Rodney Allgire

Home Tel#: (843) 524-6768
Work Tel#: (843) 812-5381 Ext BEST

Patient Information:
Patient# 85740

Rodney Allgire

Home Tel#: (843) 524-6768
Work Tel#: (843) 812-5381 Ext BEST

Service Date	Voucher#	Provider	Chg Amt	Pmts/Adjs	Balance	Payor	Billed Date	Age	Patient
06/19/2012	670530	KCBeaut	$462.00				06/26/2012	0	Rodney Allgire

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
06/19/2012	99244		Office Consultation	729.5	Pain in limb	CONSULT	1.00			

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
06/19/2012	72050	26	X-Ray Exam Of Neck Spine							

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
06/19/2012	72170	26	X-Ray Exam Of Pelvis	719.45	Pain in joint, pelvis/thigh	XRAY				

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By

07/21/2012 0000418467 Medical	SCBCBS	BCBS Payment	$19.00		7.21.12 TG BCBS 8467	Updated 08/01/2012	
07/21/2012 0000418467 Medical	SCBCBS	BCBS Adjustment (CO-45)	$41.00		7.21.12 TG BCBS 8467	Updated 08/01/2012	

Service Date	Voucher#	Provider	Chg Amt	Pmts/Adjs	Balance	Payor	Billed Date	Age	Patient
06/27/2012	683600	KCBostrt	$37.40	[redacted]		[redacted]		0	Rodney Allgire

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
06/27/2012	S9981	[redacted]								

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By
[redacted]													

Service Date	Voucher#	Provider	Chg Amt	Pmts/Adjs	Balance	Payor	Billed Date	Age	Patient
06/28/2012	671350	KCBostrt	$1,895.00	$1,895.00		[redacted]			

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
06/28/2012	77003	26	Fluoroguide For Spine Inject	724.4	Neuritis, lumbosacral NOS	XRAY	[redacted]			

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By
08/10/2012 adj		Medical	[redacted]										

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
06/28/2012	64483	[redacted]								

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By
[redacted]													

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
06/28/2012	64484		Inj Foramen Epidural Add-On	724.4	Neuritis, lumbosacral NOS	SURGICAL	[redacted]			

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By
[redacted]													

[redacted]

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
06/28/2012	J0702		Betamethasone Acet&sod Phosp	724.4	Neuritis, lumbosacral NOS	OTHER	[redacted]			

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By

[redacted]

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
06/28/2012	Q9965		Omnipaque 180	724.4	Neuritis, lumbosacral NOS	OTHER	[redacted]			

Payment Date	Reference	Coverage Type	Insurance	Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By

[redacted]

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
06/28/2012	S0020		Injection	724.4	Neuritis, lumbosacral NOS	OTHER	1.00	[redacted]		

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
06/28/2012	A4550		Surgical Trays	724.4	Neuritis, lumbosacral NOS	OTHER	1.00	[redacted]		

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By

[redacted]

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
06/28/2012	A4215		Sterile Needle	724.4	Neuritis, lumbosacral NOS	OTHER	[redacted]			

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By

[redacted]

Service Date	Voucher#	Provider	Chg Amt	Pmts/Adjs	Balance	Payor		Billed Date	Age	Patient

Service Date	Voucher#	Provider	Chg Amt	Pmts/Adjs	Balance	Payor		Billed Date	Age	Patient
07/18/2012	676750	KCBostrt	$145.00	[redacted]					0	Rodney Allgire

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
07/18/2012	99213		Office/Outpatient Visit, Est	724.2	Lumbago	[redacted]				

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By
[redacted]													

Service Date	Voucher#	Provider	Chg Amt	Pmts/Adjs	Balance	Payor		Billed Date	Age	Patient
09/19/2012	685980	KCBostrt	$145.00	[redacted]					0	Rodney Allgire

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
09/19/2012	99213		Office/Outpatient Visit, Est	724.2	Lumbago	MEDICAL	1.00	[redacted]		

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By
[redacted]													

Service Date	Voucher#	Provider	Chg Amt	Pmts/Adjs	Balance	Payor		Billed Date	Age	Patient
12/19/2012	757820	KCBostrt	$1,725.00	$1,725.00	$0.00	SCBCBS	Medical	01/03/2013	0	Rodney Allgire

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
12/19/2012	64483		Inj Foramen Epidural L/S	722.10	Displcmnt, lumbar disc w/o myelpy	SURGICAL	1.00	[redacted]		

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By
[redacted]													

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
12/19/2012	64484		Inj Foramen Epidural Add-On	722.10	Displcmnt, lumbar disc w/o myelpy	SURGICAL	1.00	[redacted]		

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
12/19/2012	J0702		Betamethasone Acet&sod Phosp	722.10	Displcmnt, lumbar disc w/o myelpy	OTHER	6.00			

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
12/19/2012	Q9965		Omnipaque 180	722.10	Displcmnt, lumbar disc w/o myelpy	OTHER	3.00			

Payment Date	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By

Service Date	Voucher#	Provider	Chg Amt	Pmts/Adjs	Balance	Payor		Billed Date	Age	Patient
01/03/2013	768680	MHubbard	$25.15							Rodney Allgire

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
01/03/2013	S9981		Med Record Copy Admin	999.99	UTILITY ICD-9	OTHER	1.00			

Payment Date	Reference	Coverage Type	Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By

Service Date	Voucher#	Provider	Chg Amt	Pmts/Adjs	Balance	Payor		Billed Date	Age	Patient
01/29/2013	784340	MHubbard	$23.52						0	Rodney Allgire

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
01/29/2013	S9981		[redacted]						[redacted]	

Payment Data	Reference	Coverage Type		Transaction	Pmt Amt	Transfer To	Trsf Amt	Batch#	Status	Date Updated	Void Batch#	Date Voided	Voided By
[redacted]													

Service Date	Voucher#	Provider	Chg Amt	Pmts/Adjs	Balance	Payor		Billed Date	Age	Patient
07/31/2013	877120	KCBoabt	$215.00							

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
07/31/2013	99213		Office/Outpatient Visit, Est	724.1	Pain in thoracic spine	MEDICAL	1.00	[redacted]		

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
07/31/2013	72070	26	X-Ray Exam Of Thoracic Spine	724.1	Pain in thoracic spine	XRAY	1.00	[redacted]		

Service Date	Voucher#	Provider	Chg Amt	Pmts/Adjs	Balance	Payor		Billed Date	Age	Patient
08/14/2013	891250	MHubbard	$50.76	[redacted]					[redacted]	

Dates of Service	Procedure	Mods	Description	Diag1	Description	TOS	Units	Fee Amt	Pmts/Adjs	Amt Due
[redacted]										

PAT LAST NAME FIRST PAT ADDRESS PAT PHONE# BIRTH DATE

RX NUMBER DRUG NAME DRUG MFR CTL PLAN RX IMAGE ID
DOC NAME DOC ADDRESS DOC PHONE# DEA#
ORIG DATE QTY REFILLS DAYS SUPPLY RX COMMENTS
ENTER DATE CIND ENT/VER FILL QTY REFILL COST AMT TOT AMT. FILL SOLD DATE PARTIAL CODE PLAN
AUTH NBR AUTH BY

ALLGIRE , RODNEY 9 HONEY SUCKLE LANE BEAUFORT, SC 29907 - (843)524-6768 03/21/1961

RX 0728638 CYCLOBENZAPRINE 10MG TABLETS CADISTA RX APM 06597701321308759l6
DUFF, T 955 RIBAUT RD BEAUFORT, SC 29907 (843)522-5101 BD8937091
SIG: TK ONE T PO Q 8 H PRN
11/14/2011 15 0 5

REPORT: RX0920 06/05/13 SC WALGREENS PURGED DATA FOR STORE 06597 PAGE: 58899

PAT LAST NAME FIRST PAT ADDRESS PAT PHONE# BIRTH DATE

RX NUMBER DRUG NAME DRUG MFR CTL PLAN RX IMAGE ID
DOC NAME DOC ADDRESS DOC PHONE# DEA#
ORIG DATE QTY REFILLS DAYS SUPPLY RX COMMENTS
ENTER DATE CIND ENT/VER FILL QTY REFILL CUST AMT TOT AMT FILL SOLD DATE PARTIAL CODE PLAN
AUTH NBR AUTH BY

11/14/2011 MKB/MKB 15 ORIG 2.34 0.00 11/14/2011 113185851552021999 APM
RX 0728639 HYDROCODONE/ACETAMINOPHEN 7.5-500 T WATSON C3 APM 0659770132130875916
DUFF, T 955 RIBAUT RD BEAUFORT, SC 29907 (843)522-5101 BD8937091
SIG: TK 1 T PO Q 6 H PRN FOR PAIN
11/14/2011 20 0 5
11/14/2011 MKB/MKB 20 ORIG 3.10 0.00 11/14/2011 113185853389048999 APM
RX 0741401 METHYLPREDNISOLONE 4MG DOSPAK 21'S CADISTA RX APM 0659714132623293315
BLOCKER, E 300 MIDTOWN DRIVE BEAUFORT, SC 29907 (843)522-7100 BB3846966
SIG: TK PO AS DIRECTED ON PACKAGE INSTRUCTIONS
01/10/2012 21 0 6
01/10/2012 WBJ/MKB 21 ORIG 21.90 0.00 01/10/2012 120105773378088999 APM

Walgreens There's a way

CUSTODIAN OF RECORDS
1901 EAST VOORHEES STREET
DANVILLE, IL 61834

DATE PRINTED: 08/08/2013

INSURANCE PROFILE

01/01/2006 through 08/08/2013

RODNEY ALLGIRE

Patient Phone:
Date of Birth: Gender: M

Allergy Conditions: None on file
Health None on file

Rx-Store	Medication	Instructions	Drug Mfr	NDC	Class	Days Supply	Entered Date	Fill Qty	Fill Nbr	RPH	Pbr Name	DEA#	Pbr Phone	Plan	Cust Amt
769816-6597	METHYLPREDNISOLONE 4MG DOSPAK 21'S	TAKE AS DIRECTED	CADISTA	59746-0001-03	RX	6	05/25/2012	21		MKB	BLOCKER, EDWARD	BB3846966	(843)522-7100	APM	0.00
								Total	1	Subtotal:	21				$ 0.00
774712-6597	GABAPENTIN 300MG	TAKE 1 CAPSULE BY MOUTH TWICE DAILY	AMNEAL	53746-0102-05	RX	30	06/19/2012	60		KBW	BOATRIGHT, KARL	BB6292407	(843)379-7746	APM	0.00
								Total	1	Subtotal:	60				$ 0.00
774714-6597	DIAZEPAM 10MG TABLETS	TAKE 1 TABLET BY MOUTH 30 MINUTES PRIOR TO	MYLAN	00378-0477-05	C4	10	06/19/2012	10		KBW	BOATRIGHT, KARL	BB6292407	(843)379-7746	APM	0.00
								Total	1	Subtotal:	10				$ 0.00
774716-6597	OXYCODONE/ACETAMINOPHEN 5-325MG TAB	TAKE 1 TABLET BY MOUTH 30 MINUTES PRIOR TO	WATSON	00591-0749-05	C2	10	06/19/2012	10		KBW	BOATRIGHT, KARL	BB6292407	(843)379-7746	APM	0.00
								Total	1	Subtotal:	10				$ 0.00
798063-6597	IBUPROFEN 800MG TABLETS	TAKE 1 TABLET BY MOUTH THREE TIMES DAILY AS NEEDED	AMNEAL	53746-0456-05	RX	30	10/11/2012	90		JJH	BOATRIGHT, KARL	BB6292407	(843)379-7746	APM	[illegible]5.29

*****THIS REPORT CONTAINS PATIENT HEALTH INFORMATION WHICH IS LEGALLY PROTECTED UNDER HIPAA LEGISLATION*****
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LPL Encl 19 1-6-14

Agency I.D. SC0 070000 2663

BC case number 2011111 3505

FI case number 2011663

NCIC

TYPE VICTIM: ✓ INDIVIDUAL, BUSINESS, FINANCIAL, GOVERNMENT, RELIG ORG, SOC/PUBLIC, OTHER, UNKNOWN, POLICE OFF.

EVENT

Incident Report

Assault and Battery 3rd

COMPLETED Y ✓ N | FORCED ENTRY | PREMISE TYPE ✓ Golf Course | UNITS ENTERED

INCIDENT LOCATION (SUBDIVISION,APARTMENT,AND NUMBER,STREET NAME AND NUMBER)
83 Ocean Creek Blvd. - Fripp Island,SC

ZIP CODE 29920 | WEAPON TYPE Hands,

INCIDENT REPORT 24 hr CLOCK | TO DATE 11/13/2011 | 24 hr CLOCK 14:10

DISP. DATE 11/13/2011 | DISPATCH DATE/TIME 24 HR CLOCK: DISP. TIME 14:10, TIME ARRIVED 14:13, DEPART TIME 15:20 | LOCATION 07

NOT

Complainant Name (LAST,MIDDLE,FIRST): Same As Victim | RELATIONSHIP TO SUBJECT | RESIDENT * JSOU | RACE | SEX | AGE | ETH | DAYTIME PHONE | EVENING PHONE

0 H B | H B

Complainant Address | CITY | STATE | ZIP CODE | LOCATION NO.

VICTIM

VICTIM'S NAME (LAST,MIDDLE,FIRST): Allgire, Rodney J. | RELATIOSHIP TO SUBJECT: Slr | RESIDENT * JSOU: S | RACE: W | SEX: M | AGE: 50 | ETH: N | DAYTIME PHONE: 8438125381 H B | EVENING PHONE: 8435246768 H B

HEIGHT: 602 | WEIGHT: 240 | HAIR: Brn | EYES: Brn | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS: 9 Honey Suckle Ln. | CITY: Beaufort | STATE: SC | ZIP CODE: 29920 | LOCATION NO.: 07

NOT 1

VISIBLE INJURY (VICT. 1): YES | EXPLAIN - Red Irritation on Face

VICTIM USING ALCOHOL: YES | COMPLAINT OF ANY NON-VISIBLE INJURES: NO

TWO MAN VEH. | ONE MAN VEH. | DETECTIVE/SPLASMT | OTHER | ALONE: NO | TYPE: | ASSISTED

SUBJECT

✓ Suspect | Runaway | Wanted | Warrant | ✓ Arrest | ✓ Jail | ✓ Summons

NAME (LAST, FIRST, MIDDLE): Blanton, Marshall, C.

* J-This Jurisdiction S-State O-Out of State U-UNKNOWN

RACE	SEX	AGE	ETH.	DATE OF BIRTH	HGT	WGT	HAIR	EYE
W	M	42	N	2/14/1969	602	230	Brn	Blu

FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS: 2543 Harbor View Rd. | CITY: Camden | STATE: SC | ZIP CODE: 29020 | LOCATION NO.

SUBJECT (NO 1) USING ALCHOHOL: YES | DRUGS: NO | TYPE | ARRESTED NEAR OFFENCE SCENE: ✓ YES NO | TOTAL # ARRESTED: 1 | DATE/TIME OF OFFENSE: /13/2011 2:10:00 PM | DATE/TIME OF ARRES: 3/2011 2:26:00 PM

NARRATIVE

Synopsis

At the above date and time I responded to an Assault and Battery Incident that occurred at 83 Ocean Creek Blvd.

See Supplemental Form

Provided by: Beaufort County Sheriff's Office
Criminal Records Division
Released by: _____ Date 1-10-12

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY | JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County.
Michael M. Hatfield
Chief Deputy, Beaufort County Sheriff's Office

PROPERTY

TYPE (GROUP)						Totals
Stolen	0	0	0	0	0	0
Damaged	0	0	0	0	0	0
Burned	0	0	0	0	0	0
Recovered	0	0	0	0	0	0
Seized	0	0	0	0	0	0

SUBJECT IDENTIFIED: YES NO | SUBJECT LOCATED: YES NO | ACTIVE | UNFOUNDED | ADM CLOSED | ✓ ARRESTED UNDER 18 ARRESTED 18 AND OVER | EX-CLEAR UNDER 18 EX-CLEAR 18 AND OVER

Reason for Exceptional Clearance | OFFENDER DEATH | NO PROSECUTION | EXTRADITION DENIED | VICTIM DECLINES COOPERATION | JUVENILE-NO CUSTODY

Reporting Officer(s)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
Brewton, M.L.	11/13/2011	13			

FOLLOWUP INVESTIGATION | OFFICER | YES | NO

AGENCY I.D.
SCO 070000

SUPPLEMENTARY REPORT

POLIC

CASE NUMBER
20111113505

FI case 2011663

NCIC INQ. ENTD

ORIGINAL REPORT | SUPPLEMENTAL REPORT | ADDITIONAL VICTIMS | ADDITIONAL STOLEN PROPERTY | PAGE 1 of 1 PAGES
MODIFIES ORIGINAL | CASE STATUS CHANGE | ADDITIONAL OFFENDERS | ADDITIONAL RECOVERED PROPERTY

Narrative

Interview of Victim - Rodney Allgire:

Allgire stated that he and some friends were on the golf course and an argument started between his group and another group of golfers that the subject was playing with. Allgire stated that,his group left and went to the pro shop (incident location) and when they arrived the other group of golfers were there and another argument started. Allgire stated that he did not say anything to the subject but as he was walking up the pro shop stairs the subject came at him and started yelling at punched him in the face twice.

Allgire stated that he told the subject that he did say anything that it was his friend that was on the golf cart riding with him. Allgire stated that the subject walked away and that's when he told someone to call the police. Allgire finally stated that he wanted to press charges on the subject.

Interview of Subject - Marshall Blanton:

Blanton stated that an argument occurred on the golf course and continued to the pro shop where he confronted the victim. Blanton stated that he punched the victim in the face because of the argument that happen. Blanton later stated that he learned that the victim did not say anything to him but it was a fellow golfer that was with the victim Blanton Apologized to the victim for the incident and also stated that he was wrong for what he did to the victim.

Officer Actions:

Upon Arrival I spoke with all parties to obtain the incident events, all neded information was gathered to complete a F.I.S.D. Incident report. While speaking with the victim, I was able to observe a large area of red irritation on the face of the victim to support that the victim was punched, no facial swelling was present at the interview time.

After determining the subject's involvement into the incident the subject was placed under arrest for the offense of Assault and Battery. The subject is set to appear in central court on 12-06-2011 at 0900 to answer to the said charge. The victim was notified of the bond date and time and a BCSO victims form was completed. The subject was then transported to the Beaufort County Detention Center by the BCSO without incident.

See Attached:
BCSO Victims Form
BCSO Booking Report



Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County.
Marshall M. Heathfield
Chief Deputy, Beaufort County Sheriff's Office

SUBJECT IDENTIFIED YES NO | SUBJECT LOCATED YES NO | ACTIVE UNFOUNDED | ADM CLOSED | ARRESTED UNDER 18 | ✓ ARRESTED 18 AND OVER | EX-CLEAR UNDER 18 | EX-CLEAR 18 AND OVER

Reason for Exceptional Clearance: OFFENDER DEATH | NO PROSECUTION | EXTRADITION DENIED | VICTIM DECLINES COOPERATION | WARRANT/NO CUSTODY

Reporting Officer(s)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
Brewton, M.L.	11/13/2011	13			
			FOLLOWUP INVESTIGATION OFFICER	YES NO	

PRODUCED BY MOT FEB 29 2012

PLAINTIFF'S
EXHIBIT
20

PLAINTIFF'S
EXHIBIT
24

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

RODNEY J. ALLGIRE,

Plaintiff,

vs.

CIVIL ACTION NUMBER
2011-CP-07-4796

MARSHALL C. BLANTON,

Defendant.

----------/

The deposition of DENNIS ROBINSON, a witness in the above-entitled cause, taken pursuant to Notice and Agreement, before Pam Mizell, Court Reporter, at the Law Offices of Moss, Kuhn & Fleming, 1501 North Street, Beaufort, South Carolina, on the 12th day of March, 2013, commencing at or about the hour of 2:07 p.m.

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

JAMES H. MOSS, ESQUIRE
Moss, Kuhn & Fleming
1501 North Street
Beaufort, South Carolina 29902
(843) 524-5373

FOR THE DEFENDANT:

E. MITCHELL GRIFFITH, ESQUIRE
Griffith, Sadler & Sharp
600 Monson Street
Beaufort, South Carolina 29902
(803) 521-4242

- - -

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MR. MOSS: This deposition is taken pursuant to notice. All objections except to the form of the question reserved until the time of trial. The witness has got a right to read and sign it.

Mr. Robinson, you probably can waive that. I don't think you want to read it unless you want to for a particular reason. I don't care what you do, but you've got a right to do that. And if you want to waive it, you can waive it. So you might determine it at the end, okay?

THE WITNESS: Yes, sir.

DENNIS ROBINSON,

having been produced and first duly sworn as a witness, testified as follows:

DIRECT EXAMINATION

BY MR. MOSS:

Q All right. State your full name, please, sir, for the record?

A John Dennis Robinson.

Q And, Mr. Robinson, where do you live,

sir?

A I live at 11 Ship watch on Harbor Island, South Carolina.

Q All right. And how long have you been a resident of Beaufort County? Approximately how many years?

A Twenty.

Q Okay. Now, where do you work at this time?

A Fripp Island Real Estate Company.

Q And how long have you been employed with Fripp Island Real Estate Company? Approximately how long?

A With the real estate, nine years. With the Fripp company, twenty.

Q Okay. So would it be fair to say that you have a pretty good knowledge of Fripp Island, its location as well as where the property is located and the golf courses, et cetera?

A I built it.

Q Okay. Good. All right. Now, what I want you to do, if you can, is direct your attention back to November the 13th of 2011

MOSS - ROBINSON (DIRECT EXAMINATION)

which is the date you were apparently playing golf on Fripp Island here in Beaufort County on what we call the Davis Love Course. Do you recall that day?

A Yes, sir.

Q All right. And with what group or with whom were you playing, if you recall?

A Rod.

Q Rod Allgire, the plaintiff here?

A Correct.

Q Uh-huh?

A Paul Cole with -- he's an architect --

Q Sure?

A -- or designer.

Q Uh-huh?

A And the surveyor --

Q Trogdon, Mr. Trogdon I think. Doug Trogdon?

A Doug Trogdon --

Q Okay?

A -- the surveyor.

Q All right. Now, could you tell me if anything unusual happened while you were playing that round of golf, and if so, what side you

MOSS - ROBINSON (DIRECT EXAMINATION)

were on when you began to observe the situation?

A Normal day, we played nine holes. Didn't see anyone in front of you for the first nine holes of golf, and then we made the turn at the clubhouse and went to Hole Number 10, tee box, and started to hit, and we noticed a group over the hill, and so we waited.

Q They were within range?

A Yes, sir.

Q Yeah. And then what happened as y'all teed off there?

A Well, they -- basically, from there to the rest of the round was -- it was almost a nightmare or a joke or slow play. It looked like they didn't know what they were doing. It looked like the Fireman's Frolic or ---

Q Did they -- did they hold up y'all substantially from playing?

A Nine holes.

Q Nine holes, they did?

A Yes, sir.

Q Okay. And during those nine holes, did anything happen in regards to anyone admonishing or telling them or asking them to move up or get

MOSS - ROBINSON (DIRECT EXAMINATION)

things going?

A Yes, sir, on Hole Number -- Hole Number 14, I asked them to please move up. They were out of position.

Q And what happened as a result of that?

A It didn't get any faster.

Q It didn't get any faster? It didn't get any slower?

A No. In fact, it was comical. The guy ran off the green holding the flag stick in his hand. It was --

Q In other words, after they had finished the hole, he ran off the green with the flag stick in his hand?

A Yeah, he had to come back and put it in the ground.

Q He had to go back and put it back in. Okay?

A It was -- it was always hit, and then go to the ball, come back and get a club, and then go hit. I mean, it was -- I had never seen anything like it.

Q Okay. Now, you've been playing golf how many years, Mr. Robinson?

MOSS - ROBINSON (DIRECT EXAMINATION)

A I'm sixty-three.

Q Approximately?

A Fifty years.

Q And what is your handicap, normal handicap, as a golfer? I know you're pretty good at it?

A Six or seven, something like that.

Q Six or seven strokes? Okay. All right. Tell me what happened after 14, if anything. Did you -- did you at anytime talk to them or tell them -- ask them if they could move it along faster?

A I just asked them the one time, and then they kept hitting and looking back. They seemed disoriented. They seemed drunk.

Q Okay. All right. And did it appear that they were drinking also while on the course?

A Without question.

Q Okay. And as you got past 14, what happened as you go closer to the clubhouse, if anything?

A We just waited.

Q You just kept waiting to hit?

MOSS - ROBINSON (DIRECT EXAMINATION)

A Every shot.

Q All right. Now, when you got to the clubhouse, you finally finished; is that correct?

A That is correct.

Q When you -- when you got there on 18, were there any words from the guys that were in front of you when you got to the clubhouse?

A Yes, sir.

Q Tell me what -- what they said, if anything, or what who said?

A I do not know his name.

Q I understand that?

A Some fellow came down from the -- the porch area of the 19th hole and just said, I'm very sorry if I -- if we slow played you -- I apologize if we slow played you, but I don't much -- I don't much appreciate being called out on the golf course, and I understand you're the one that runs the real estate division, and I wouldn't buy a -- you want me to say the word.

Q Yeah, say the word, yeah?

A I wouldn't buy a fucking thing on this island.

MOSS - ROBINSON (DIRECT EXAMINATION)

Q Okay?

A And if you don't like that, I'll whoop your ass, or I've got two or three up the stairs who would love to whip your ass.

Q If you don't like that, if you don't like it, I'll whip your ass?

A Yes, sir.

Q Okay. As a result of that, did you tell him anything or not?

A No, sir. I just said please get out of my face, and I gathered my stuff and went to the car.

Q Okay. Could you describe the individual that came out?

A I -- I can't remem -- about my height.

Q White? In other words, white man?

A Sure.

Q Uh-huh?

A Caucasian.

Q Right. Now, had anybody called him out before other than asking them to move on one hole, on the 14th hole?

A No, sir.

Q Okay. Do you know what he meant by

MOSS - ROBINSON (DIRECT EXAMINATION)

call out, that he was mad at all for calling him out or, I guess, telling them to move on?

A I don't know what his -- I don't know.

Q Okay?

A I was just -- once you're out of position on the golf course, it's a simple matter of moving up. You're a half a hole or certainly a hole behind.

Q Okay. After he said that, you say you went and -- to your -- was going to take your clubs to the car?

A I did.

Q What happened at that time or around that time? Anything else happen that you were aware of after he had made these statements to you?

A No. We -- we had them stacked there like cordwood. We had -- like our four groups are right -- we had five groups on one hole. I mean, it was that stacked.

Q That's how bad it was? The other groups were catching up to y'all?

A So as we finished, you know, it wasn't three or four minutes that those folks were

MOSS - ROBINSON (DIRECT EXAMINATION)

stacked up, so we all kind of finish hurriedly on the 18th hole.

Q Okay. Were you there when this individual went into the parking lot and challenged people other than the time he did with you?

A No. I had left to -- I was supposed to meet those guys for lunch --

Q Right?

A -- and I had left to go meet them for lunch.

Q Where were y'all going, to JCT?

A Yes.

Q Johnson Creek Tavern?

A And then as I was exiting, I saw the Fripp Island security with the -- he had the blue light on, and he was pretty -- going at a pretty good rate of speed.

Q Where did you pass him; do you recall?

A It was probably somewhere right there on the -- at the bridge on Bonita.

Q At the bridge?

A At the corner of Bonita and Tarpon Boulevard.

Q Okay. Did you then go back to the scene?
A I did not.
Q Okay. Let me ask you this. You know Rod Allgire, and you've played with him?
A Sure.
Q He's a pretty good golfer, isn't he?
A Yes, sir.
Q Did Rod Allgire at anytime from Number 10 until y'all finished say anything to anybody?
A No, sir.
Q Okay. Did he say anything to anybody when y'all were leaving 18 and going to your cars?
A No, sir.
Q Okay. Did you go back to the clubhouse afterwards, after you saw the police, or not?
A I did not.
Q Okay. All right. You did not actually see the punch or anything like that, in other words?
A No, sir.
Q Okay. Who came to eat with you that day; do you recall?

A I think it was Brent Cooper, and were you there.
Q No, I wasn't there that today, no, unh-unh?
A You know, I -- I can't --
Q Probably Randy Glover. I mean, Mr. Glover was there? Did he come; do you know?
A Probably --
Q Probably, Randy and Brent?
A -- because we all --
Q Yeah. Okay. All right?
A We all generally break bread somewhere after we --
Q Yeah, right?
A -- after we go through.
Q And I usually go with y'all, too. Did -- the gentleman that came up to you and made those statements that you gave us, did he appear to be intoxicate?
A Yes, sir.
Q Okay. And you've been around people that are intoxicated for a number of years having been a Carolina graduate, right?
A Fripp Island is certainly a vacation

spot.
Q Right?
MR. MOSS: I don't think I have anything further.
MR. GRIFFITH: I just have a few questions then.

CROSS-EXAMINATION

BY MR. GRIFFITH:
Q Dennis, you said you were what, 63 years old?
A I am.
Q And you're a seven handicap?
A Somewhere in there.
Q Somewhere in there?
MR. MOSS: Probably less than that if you'll remember the truth.
BY MR. GRIFFITH:
Q And you were playing with this group that's called the Randy Glover Group?
A That's correct. We play every -- we generally play ever Sunday, and we rotate different courses in Beaufort County.
Q All right. And how many people would have been playing that day?

A We generally have between 16 to 28 generally on a weekend, on a Sunday morning. It depends on who shows up.
Q Do you remember how many were there that day?
A The exact count.
Q Approximate?
A Twenty.
Q How do you get the group that you play with? Do you always play with -- well, let me ask you. You played with who that day?
A I played with Rod Allgire, Paul Cole, Doug Trogdon and myself.
Q And who rode in your cart?
A Doug Trogdon.
Q And would that foursome be playing against the rest of them, or are y'all playing two?
A No, it's all individual.
Q Individual play? So you and Doug rode together that day?
A Correct.
Q And what time did y'all start?
A Our first tee time was around 9:30,

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

9:38, somewhere in there. We run on eight-minute intervals.

Q All right. And when you got there to the first tee, was anybody in front of you?

A No, sir.

Q And you didn't see anybody on the first nine holes in front of you?

A No, sir. From the first tee box -- excuse me. When I walked down the steps from the clubhouse to go walk to the first tee box, I can see the first four holes.

Q Okay?

A Nobody was there.

Q And then you said when you made the turn. Did y'all stop for anything?

A (Moves head from side to side.)

Q Didn't stop at the clubhouse? Nobody went in?

A I mean, no, I don't -- I can't remember anybody other than, you know, that might go to the restroom or grab a Coke, but it wasn't any -- I mean, any stop for lunch or anything.

Q Did anybody in your foursome have anything to drink that day?

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

A I don't think so.

Q Did you have anything to drink?

A No, sir.

Q Would there be any reason that Doug thought you had something to drink?

A Doug.

Q Trogdon?

A No.

Q And you said that it was a nightmare after the tee. I guess that would be the 10th hole, after y'all teed off on the 10th hole?

A (Moves head up and down.)

Q Is that a yes? You need to say yes or no, so she can write it down?

A I understand. Which hole are you talking about.

Q Well, you said on the 10th hole --

A Right, we went -- the 10th hole is when --

Q Y'all had to wait?

A That's correct. We waited from there on.

Q Every -- every shot from there on?

A Every shot.

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

Q And you said at 14, you asked them to please move up; is that correct?

A That is correct.

Q Those are word -- the exact words you used?

A Please move up; you're out of position.

Q And what do you mean by you're out of position?

A Relative to when you started or when you say you started or when their tee times were, you're way out of position, or at least have -- if you're going -- if you know you're lagging behind, at least move up a hole or --

MR. MOSS: Skip a hole.

THE WITNESS: Skip a hole or play ready golf. You need -- and move on, and then no one's -- everyone's happy at that point. It's a ---

MR. MOSS: Golf etiquette.

THE WITNESS: Right. It's common.

BY MR. GRIFFITH:

Q All right. And that happened on the 14th hole?

A When I said something to --

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

Q Right?

A Yes, sir.

Q Was anything said back to you?

A I don't remember. I don't think so, sir.

Q All right. And did you say anything else the rest of the round?

A No, sir.

Q All right. Did anybody in your group say anything the rest of the round?

A No, sir.

Q And did anybody in the group ahead of you say anything back to you during the round?

A No, sir.

Q All right. So there was no conversation other than the one time on 14 where you said, please move up; you're out of position?

A That is correct.

Q That's the only conversation between the two groups?

A Yes, sir.

Q All right. And then you said that on the 18th, I guess you came in, and you had to

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

wait to, what, hit into the green; is that correct?

A It's a Par 3. You wait in three different positions.

Q All right. And --

A Par 5, sorry, you wait in three different positions.

Q All right. And I'm not -- you wait in three different positions?

MR. MOSS: You drive, second shot, yeah. Okay.

MR. GRIFFITH: Let Dennis explain it to me. I mean, I'm learning something about the term of art here.

MR. MOSS: Oh, good. Okay.

MR. GRIFFITH: I might want to be -- I might want to use these words.

MR. MOSS: You might want to, that's right.

THE WITNESS: Your tee shot, your second and your approach --

BY MR. GRIFFITH:

Q Okay?

A -- you wait at every shot.

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

Q All right. Well, I don't have to worry about that, because I have three or four before I ever get to that approach?

All right. So you said you waited at all three positions on the 18th; is that correct?

A I waited in every position from the 10th hole to the 18th hole.

Q Okay. And then when you finished your round, you had finished up on the green, and were y'all all together, all four of you together: Doug, Paul, you and Mr. Allgire?

A Our carts were behind, yeah, stacked -- I mean, one in front.

Q All right. Did y'all leave the green at the same time?

A Approximately. I mean, you gather your stuff and move on. You get out of the way before you -- you've got a group behind you.

Q Sure?

A You -- you don't keep your score at the green. I'll put it that way.

Q I understand. But y'all all put it out together?

A Yes, sir.

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

Q Waited for them etiquette-wise to leave the green together. I assume exchanged some pleasantries of a nice round as you're walking off the green?

A With the group I'm playing with.

Q Yeah?

A Yeah.

Q Okay. And so you walk over to your cart, and you got in your cart. And then where did you go from there?

A Well, that's when the guy said something to me. He came to my cart.

Q Okay. And could you describe the man. Mr. Moss had you describe him as a white man about your height?

A Correct.

Q Okay. Is that all you can describe him as?

A Stocky. I -- yeah.

Q All right. Do you know that person's name?

A No.

Q Do you know if it's Marshall Blanton, the person that Mr. Allgire has sued in this

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

case?

A I do not know.

Q Okay. And while you were there at your cart, was Mr. Trogdon also with you?

A I don't know. You pull your cart up, and you -- you know, you gather your head covers and your balls and your range finders or whatever, and you put them away and --

Q Sure?

A -- go put your clubs in the trunk.

Q Right. And you'd have had both your bag and his bag in the same cart?

A That is correct.

Q So when you leave the green, did y'all leave the green in the cart? I mean, go to the cart, both of you --

A Well, we --

Q -- approximately the same time?

A Well, you only pull the cart about from me to that TV, and you unload it.

Q Unload it from where?

A Unload it. You take your bag off the cart.

Q Okay. Did you take your cart around to

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

your car, and then drop your bag in the car?

A No.

Q Okay. So instead you would have unloaded the bag?

A I'll show you.

THE WITNESS: You got that aerial?

MR. MOSS: Yeah, I do. I've got an aerial here, yeah.

THE WITNESS: This is where you end up right here on 18. You drive your cart underneath the tent.

BY MR. GRIFFITH:

Q Okay?

A It's not very far, and then you walk over to your car.

Q Okay. So you didn't drive the cart over to the car, unload it, and then bring it back to the tent?

A No, sir.

Q Okay. So the man came up to you. You came --

A Right here. I'm -- I just finished.

Q You're on -- on the cart path?

A I'm on the cart path.

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

Q All right. And was there anybody else around?

A Sure.

Q Who?

A Doug, Rod, Paul, and then they had their group. They with were, I think, a group. I don't know the name of the golf group. I think it was the Miller Golf Group. I'm not sure.

Q The Miller Golf Group?

A Uh-huh.

Q You talking about this -- the other -- the crowd in front of you?

A Yes, sir.

Q Okay. Do you know if -- the gentleman that came up to you, could you identify him as being one of the people in front of you?

A No, sir.

Q And when he approached you and said, sorry he slowed you down but he doesn't like being called out, was he --

A I apologize if we slow played you.

Q Okay. And by that, do I understand you mean that he -- by slow played you, that means

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

they intended to slow you down?

A I don't know if it was intended, or they didn't know any better. I don't -- I can't answer that.

Q Okay. I didn't know if you drew some term of art -- golf term of art from slow played you or not. I'm -- I don't know?

A Let me put it this way. They weren't the best golfers I've ever seen in my life.

Q And --

A Not that it has anything to do with it, but there's a difference between slow play and ready golf. I don't care if you hit it 100 times or if you play ready golf, you get out of the way.

MR. MOSS: You move.

THE WITNESS: You know, big difference.

BY MR. GRIFFITH:

Q Now, the gentleman that challenged you, was anybody else around? Was Doug close to you when that conversation took place?

A I would imagine. I mean, he came to my cart.

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

Q Okay. Do you remember where Doug was?

A Not exactly, but we all four finished about the same time. He had to be, I think, in close proximity.

Q Okay. And do you know -- since that time, have you talked to Doug, that he said I overheard that?

A No. Doug was -- I talked with Doug afterwards I think. He was still there when the incident -- when the fisticuffs were -- or when the guy -- when Rod got hit.

Q Okay. Have you ever talked with Rod about what happened?

A He's a friend, and he builds houses. I'm in the real estate business. He is a general foreman for Allen Patterson, a dear friend, so, I mean, certainly we have chatted.

Q All right. Well, what did he tell you happened?

A He got sucker punched.

Q All right. Did he tell you that he had the gentleman arrested that hit him?

A That's my understanding.

Q From Rod?

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

A Yes, sir.

Q Now, how shortly after this incident did Rod tell you about what happened to him?

A I didn't know anything un -- all I -- I didn't talk to Rod because he went -- I think he went to the doctor, I'm not sure, or the emergency room. I didn't talk with Rod for -- personally, I didn't talk with him probably for many days.

Q Okay. All right. And then after that, he told you what happened?

A Other than he -- hell, he didn't know what happened. All he knows is he got sucker punched. I mean, what -- he didn't -- I think he lost consciousness. I -- here, again, I don't know. I wasn't there, but that's my understanding.

Q Okay. And that is from Rod? That's what he told you?

A And also talking with Doug and -- Doug Trogdon.

Q All right. And do you see Rod anymore now? You say he's building houses for Allen; is that right?

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

A I saw him -- I saw him probably in the last week to ten days.

Q And what was he doing?

A Building a house. Building houses on Fripp Island.

Q And, again, I want to make sure. He's still with Allen then?

A It's my understanding he's Allen's foreman.

Q All right. Have you seen him playing golf since then?

A We have played once since the incident. We played at Dataw.

Q When was that?

A It's been a few months ago.

Q Was that the morning group, the Sunday morning group?

A No, no. He had invited me -- he and his friends, Charles Havranek (phonetic) and Jim Ware and myself, we played out at Dataw one afternoon.

Q And what does -- do you know Charles Havranek?

A Sure.

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

Q What does he do?

A He owns his own landscaping firm.

Q Do you know the name of it?

A I do not.

Q Okay. What about Jim Ware?

A I've known Jim for many years. Jim, I think, currently is with Henry Chambers at Beaufort Realty.

Q And he sells real estate?

A That is correct.

Q Have you seen Rod back in the, what is it, the Randy Glover Group?

A No. The last time I talked with Rod was about ten days ago. He told me that after he gets through with the round of golf, it's extremely painful after that, so his golf has certainly been curtailed tremendously.

Q Did he tell you that he does not play anymore?

A Pretty much.

Q Those were the words, that he just doesn't play at all?

A Well, he says if he's feeling good, but he says the pain is so bad afterwards, it's not

GRIFFITH - ROBINSON (CROSS-EXAMINATION)

worth the effort.

Q And he's not played, to your knowledge, in the Glover Group at all since then?

A I don't play every week, but I cannot remember him playing. If so, maybe once since the incident.

Q Okay. And when y'all play a round, what clubs do y'all play at?

A Lady's Island, Cat Island, Fripp, Parris Island, and sometimes we'll go to --

THE WITNESS: That's about it, isn't it?

MR. MOSS: Yeah. Well, we'll --

THE WITNESS: Sometimes we'll --

MR. MOSS: -- go to Oldfield or something like that.

THE WITNESS: Sometimes we'll go to Oldfield, or we'll pick something out down in --

MR. MOSS: Right.

THE WITNESS: -- the Okatie or Bluffton area. That's generally not the norm.

BY MR. GRIFFITH:

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IN THE COURT OF COMMON PLEAS
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

RODNEY J. ALLGIRE,
Plaintiff,

vs. CIVIL ACTION NUMBER
2011-CP-07-4796

MARSHALL C. BLANTON,
Defendant.
----------/

The deposition of OFFICER MICHAEL BREWTON, a witness in the above-entitled cause, taken pursuant to Notice and agreement, before Kyle J. Saniga, Certified Court Reporter and Notary Public, at Fripp Island Patrol Department, 225 Tarpon Boulevard, Fripp Island, South Carolina, on the 22nd day of June 2012, commencing at or about the hour of 12:30 p.m.

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MOSS - BREWTON (DIRECT EXAMINATION)

MICHAEL L. BREWTON JR.,
having been produced and first duly sworn as a witness, testified as follows:

DIRECT EXAMINATION

BY MR. MOSS:

Q Give me your full name, please, for the record, Mr. Brewton.

A Michael L. Brewton Junior.

Q And where are you currently employed?

A With the Fripp Island Patrol Department.

Q And how long have you been with the Fripp Island Patrol Department?

A Since August of 2010.

Q Okay. And prior to that, could you give me a little bit of your work history, where -- your law enforcement schools and Criminal Justice Academy and those type things.

A Certainly. To just kind of start off; in 2001 I was hired by the Yemassee Police Department. I attended the Criminal Justice Academy through their agency. I left there in early 2002 and went to the Allendale Police Department. I spent a little time there and

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MOSS - BREWTON (DIRECT EXAMINATION)

then went to the Beaufort County Sheriff's Office and went back to the Allendale Police Department in 2006. Spent some time there; actually served as Lieutenant, First Sergeant and Interim Chief of Police for about six months.

Q For the Allendale Police Department?

A Yes, sir.

Q Very good.

A And then I had a friend that worked at the Yemassee Police Department and he kind of offered me a position back there so I rejoined them.

Q Right.

A And stayed with them from 2007 to March of 2010.

Q All right. And then you got an offer out here, I assume?

A Later on.

Q Yeah.

A Yes, sir.

Q Okay. And so you've been at Fripp Island since that time?

A Yes, sir.

MOSS - BREWTON (DIRECT EXAMINATION)

Q Now, I want you, if you could, to direct your attention back to I believe it's November the 13th of 2011 and ask you if you received a call concerning a 9-1-1 call or a relay call from the sheriff's office. How would that have occurred?

A Generally we receive the transfer calls from the sheriff's office. Once they receive any type of incident call they'll contact us through our dispatcher or gate person at the time.

Q Okay. And is that how you got this call?

A Yes, sir.

Q From 9-1-1, originally?

A From Beaufort County Dispatch.

Q Okay. And as a result of the -- what did you find out about the call, if anything?

A Sure. We had received a call that there was supposedly a fight that went on at the Ocean Creek Golf Course.

Q Uh-huh.

A And while in route we received another call that the gentleman that supposedly was a

MOSS - BREWTON (DIRECT EXAMINATION)

party to the fight left and was heading towards the beach club area.

Q I got ya.

A And I actually intercepted the vehicle that the gentleman was supposed to be traveling in near the Captain John Villas, which is right next to the beach club area.

Q You pulled them over there?

A Yes, sir.

Q Okay. And what happened then, did you go to the car?

A I spoke with Mr. Blanton who was actually in the passenger side of the vehicle and I approached him and I said, 'you know, hey, we just word that there was some type of incident or fight at the golf course and that there was a gentleman in this car that was supposedly involved in it' and he told me that he was part of it and I said, 'well, could you tell me what happened?' And he said, 'well, I got into an argument with a golfer that was with another party and I punched him.'

Q Uh-huh.

A And I said, 'okay, well, how about

MOSS - BREWTON (DIRECT EXAMINATION)

following me back down to the golf course where I can speak with the other gentleman and we'll sort out happened.'

Q Okay. And did you do that? Did you go down there?

A Yes, sir, and he freely followed me back to the golf course.

Q Okay.

A And I actually met with the victim down there at the golf course.

Q Okay. Did you find out that the individual that got hit was really the wrong individual?

A Through speaking with the victim and through -- there was a gentleman that was with him, evidently there had been an argument that started on the golf course.

Q Uh-huh.

A I cannot remember exactly what the reason was for it but some type of argument and some words were exchanged between groups and when they got back to the pro shop Mr. Blanton -- correct, Mr. Blanton actually confronted the victim and punched him and later

MOSS - BREWTON (DIRECT EXAMINATION)
found out that it was actually Mr. --
Q Dennis?
A It was Al --
Q Mr. Allgire?
A Allgire, it was one of his friends that was actually the person who said something to the other golfing group and not the victim.
Q Not Mr. Allgire?
A Correct.
Q Okay. As a result of that, did -- did was Mr. Blanton arrested at that time?
A He was; after his own admission and, you know, learning what happened he was placed under arrest.
Q What kind of admission did he make to you?
A Basically from the start of when I first made contact with him that he said that he had punched someone and -- also, there at the scene, as well. He apologized to the victim and said that he was wrong for what he did, so with all those circumstances he was placed under arrest.
Q And in your presence?

MOSS - BREWTON (DIRECT EXAMINATION)
A Yes, sir.
Q All right. And what was the next action you took? Did you turn him over to the sheriff's department or did you actually take him to jail?
A No, sir. What we do after a pat-down and handcuffing him I transported him back here to our office and then at that time --
Q Security Office here on Fripp?
A That's correct.
Q Yeah.
A And then at that time we were -- we had already made contact with the Sheriff's Office to have them on the way out here since it takes them a good little bit to come out here.
Q Right.
A We were in a waiting stage until the Sheriff's Office could get here and then he was turned over to the Sheriff's Office --
Q Okay.
A -- for transport to the jail only because we cannot transport off island.
Q All right. And this was a report you made contemporaneous with those events?

MOSS - BREWTON (DIRECT EXAMINATION)
A Yes, sir.
Q All right. Which ones are these reports now? I have some reports here together and I want to make sure I got them correct.
A Okay. You have the first, one, two, three pages. The first two are the actual report. The third page would be the booking report that we fill out as an attachment that goes with the Beaufort -- that we turn into Beaufort County Sheriff's Office.
Q I see.
A If you skip over to five, that's the actual victim's notification form --
Q I got ya.
A -- that we fill out, and then six is a copy of the actual citation that I wrote that charged him with the assault and battery.
Q Okay.
A As far as everything else, it looks like these are just --
Q Beaufort County?
A Sheriff's Office, I guess with the exception of the last two pages. This is the victim's form, again.

MOSS - BREWTON (DIRECT EXAMINATION)
Q Okay, all right. So basically -- let me see if I get this right.
Looks like page one, page two, page three, page five and it looks like page six; are these the ones that you just referred to that I believe are in your reports?
A Yes, sir.
Q Okay. And that includes the victim's report, also?
A The victim's notification report.
Q Notification?
A Yes, sir.
Q Okay, all right. I'd like to put those in as one exhibit.
MR. GRIFFITH: My question would be to Jim, you got highlights on that particular one. Do we have a clean copy?
MR. MOSS: I think I do. Let me look here, let me see.
MR. GRIFFITH: If not I got one is all I was going to say.
MR. MOSS: Yeah.
MR. GRIFFITH: For some reason --

GRIFFITH - BREWTON (CROSS-EXAMINATION)

(Whereupon, Plaintiff's Exhibit Number 1 was marked for identification.)

CROSS-EXAMINATION

BY MR. GRIFFITH:

Q Is it Lieutenant Brewton?

A Officer.

Q Officer Brewton, okay. Officer Brewton, my name's Mitch Griffith. I represent Mr. Blanton who's been sued in this incident. Let me go back. You've been with Fripp Island for how long?

A Since August of 2010.

Q August 2010. And this incident took place November of last year. Is that right?

A Yes, sir.

Q Okay. And you said that you got a call from Dispatch. Correct?

A Yes, sir.

Q And if I look at this it looks like maybe the dispatch time was 1410, so that's, what, about 2:10 in the afternoon?

A 2:10.

Q Okay. Took you a minute or two to get

GRIFFITH - BREWTON (CROSS-EXAMINATION)

there. Right?

A Yes, sir.

Q All right. Now, when you got there, you said you met or at least were able to get a car or a SUV I think it was over at near John Fripp Villas to stop?

A That's correct.

Q Because you heard that was the person that was involve in the altercation?

A Yes, sir, the vehicle matched the altercation of what another called had called in directly to our office.

Q Okay. Did that vehicle, did it have more than one person in it?

A Yes, sir, there was also a gentleman that was driving the vehicle that I believe was one of Mr. Blanton's friends.

Q Okay. And was anybody in the back, to your knowledge?

A I do not recall. I believe those were the only two occupants of that vehicle.

Q Okay. And you talked to Mr. Blanton right there, is that correct?

A That's correct.

GRIFFITH - BREWTON (CROSS-EXAMINATION)

Q And Mr. Blanton I believe told you that -- said that there was an argument with another party or group of people. Is that right?

A Yes, sir.

Q And that he punched a guy?

A Yes, sir.

Q Was -- he freely acknowledge that or did you have to -- I mean, is that what he told you?

A Yes, sir. After just asking him, you know, 'can you tell me what happened over there?' He said, 'well, I kind of got in an argument with a guy at the golf course and I punched him.'

Q Okay. And then you asked him to go back to the golf course?

A Yes, sir.

Q Did he cooperate with you?

A Fully; he was more than willing to go back to the golf course with me.

Q Okay. And when you got back to the golf course did you, I guess, continue your investigation there?

A Yes, sir, I actually met with the

GRIFFITH - BREWTON (CROSS-EXAMINATION)

victim at that time.

Q Okay. And that was Mr. Allgire, is that correct?

A That's correct.

Q Do you know Mr. Allgire?

A Not personally, no, sir.

Q Okay. Only through this incident?

A That's correct.

Q All right. And you didn't know Mr. Blanton, either, I take it?

A No, sir.

Q You wrote up, afterwards, your summary of your investigation. Is that correct?

A Yes, sir.

Q All right. Mr. Blanton told you that an argument had occurred on the golf course and continued to the pro shop where he confronted the victim. Is that correct?

A Correct.

Q All right. Did you make these notes pretty much close in time to when the incident took place?

A Yes, sir.

Q You come in after the incident and/or

after your shift's over and then you write-up what you -- what was told to you?

A Yes, sir.

Q In that regard he told you that he did punch the person in the face. Is that right?

A That's correct.

Q When he got back it says, 'he learned that the victim did not say anything to him but it was a fellow golfer that was with the victim'. Is that right?

A Correct.

Q Did that -- how did that information come out?

A Both the victim stated it and there was also a gentleman that was with the victim kind of making sure because -- kind of looking over the victim. The victim felt kind of weak and disoriented so he was kind of with them. He said he was part of the party that was golfing and he said, you know, 'look', Mr. Allgire didn't say anything to him; it was me.'

Q Oh, so the other gentleman that was there said that he was the one that said something?

A Correct and I believe his name was Dennis.

Q Okay. Do you know Dennis?

A No, sir.

Q Okay.

A And I actually didn't include him in the report because other than him just saying something he didn't really have any reflection on the case.

Q Okay. At that time, your report indicates Mr. Blanton apologized to the victim. Is that correct?

A Yes, sir.

Q And did acknowledge that it was the wrong person?

A Yes, sir.

Q All right. Now backup. You interviewed Mr. Allgire, also. Is that correct?

A Correct.

Q It says here, 'Allgire stated there was some friends and it was -- he and some friends were on the golf course and an argument started between his group and another group'?

A (Witness nods head.)

Q Was it characterized as an argument by Mr. Allgire?

A The -- to an extent they were just arguing back and forth about something and I can't exactly call -- recall why.

Q Okay. It goes onto indicate that another -- another argument started. Do you recall what that was?

A Just a slight back and forth. Mr. Allgire said, you know, 'you need to be careful about who you're just walking up to and doing stuff to.' He was just really mad and kind of ticked off about the fact that he got hit for no reason.

I actually kind of separated the two for a little bit. I had Mr. Blanton go back out in the parking lot with his friend that was still out there and then after learning Mr. Allgire's side of the events that's when I made recontact with Mr. Blanton because I was trying to separate them as much as possible where nothing would start-up again.

Q Sure. It goes onto say that they started yelling and he got punched twice in the

face or in the face twice is the way it reads. Who told you that they -- that he was punched twice?

A Victim.

Q Okay. But the victim characterized it as an argument between the two golfing groups?

A Yes.

Q Okay. And let me ask you, was there any alcohol involved? I know this is about 2:00 in the afternoon.

A Mr. Blanton had a slight smell of alcohol from his presence.

Q Right.

A And he also stated to me that he was or had been drinking a couple beers.

Q Mr.?

A Mr. Blanton.

Q Mr. Blanton told you that?

A Yes, sir.

Q Okay. What about Mr. Allgire?

A I have a notation on here that -- you know, it's one of our boxes that we check, yes, and usually I would not check that unless there was some presence but right here I do not

GRIFFITH - BREWTON (CROSS-EXAMINATION)

recall --

MR. MOSS: It says no in that box, doesn't it?

THE WITNESS: No, we're looking at this one right here.

MR. MOSS: Yeah, I understand that but isn't that box you mark for no?

THE WITNESS: I believe that one's actually for -- for some reason some of these things do not print too well.

MR. MOSS: Because he wasn't drinking, but anyway.

MR. GRIFFITH: That's your story. I'm trying to find out what he knows.

MR. MOSS: Yeah.

BY MR. GRIFFITH:

Q Did you checkoff that he had -- the victim using alcohol?

A Let me backup if I may just for one second. This box here I believe actually describes drugs where it's highlighted is no.

Q Okay.

A Okay? And if you go over to the side it has victim using alcohol and I have checked

MOSS - BREWTON (REDIRECT EXAMINATION)

yes. Obviously, for some reason, I noted some form of alcohol about him.

Q Okay.

A Or I would not have checked that.

Q Right. And the same thing for Mr. Blanton you put down there using alcohol, yes; using drugs, no.

A Correct.

Q And Mr. Allgire you put using alcohol, yes, and you believe that's -- the no is for using drugs. Is that correct?

A Correct.

Q Okay.

A These do not show up as well sometimes, Beaufort County forms.

Q Okay.

MR. GRIFFITH: That's all the questions I got. Thank you.

THE WITNESS: Yes, sir.

REDIRECT EXAMINATION

BY MR. GRIFFITH:

Q You put down there it says, 'visible injury to the victim', you put, yes?

A Yes, sir.

MOSS - BREWTON (REDIRECT EXAMINATION)

Q Okay. And I assume you could see something on him, red face or red something or?

A Yes, sir, he did have -- I mean he was -- he was not beginning to bruise but he did have --

Q Yeah.

A -- an irritation on his face.

Q Yeah, okay.

MR. MOSS: I don't have anything further.

(Whereupon, the deposition of Michael L. Brewton Jr.,was concluded at approximately 12:50 p.m.)

CERTIFICATE

STATE OF GEORGIA:
CHATHAM COUNTY:

I, Kyle J. Saniga, Court Reporter and Notary Public in and for the above county and state, do hereby certify that the foregoing testimony was taken before me at the time and place herein-before set forth; that the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth, that thereupon the foregoing testimony was later reduced by computer transcription; and I certify that this is a true and correct transcript of my stenographic notes so taken.

I further certify that I am not of counsel to either party, nor interested in the event of this cause.

_____

Kyle J. Saniga, CCR
Notary Public, B-2038
Savannah, Georgia

IN THE COURT OF COMMON PLEAS
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

RODNEY J. ALLGIRE,
Plaintiff,

vs. CIVIL ACTION NUMBER
2011-CP-07-4796

MARSHALL C. BLANTON,
Defendant.
----------/

The deposition of RODNEY ALLGIRE, a witness in the above-entitled cause, taken pursuant to Notice and agreement, before Kyle J. Saniga, Certified Court Reporter and Notary Public, at the Law Offices of Moss, Kuhn & Fleming, 1501 North Street, Beaufort, South Carolina, on the 22nd day of June 2012, commencing at or about the hour of 9:00 a.m.

APPEARANCES OF COUNSEL:

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GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

RODNEY ALLGIRE,
having been produced and first duly sworn as a witness, testified as follows:

DIRECT EXAMINATION

BY MR. GRIFFITH:

Q Would you state your full name please for the record.
A Rodney J. Allgire.
Q Mr. Allgire, where do you live?
A 9 Honeysuckle Lane, Lady's Island.
Q And what's your date of birth?
A 3-21 1961.
Q And you are married?
A Yes.
Q Your wife's name?
A Terry.
Q What's her maiden name?
A Apperson.
Q Spell that for me.
A A-p-p-e-r-s-o-n.
Q Is she from Beaufort?
A No, she's from Georgia.
Q Do you have any children?
A Two.

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

Q And what are their names and ages?
A Samantha Allgire 18 and Melanie Allgire 23.
Q And where does Samantha live?
A At home.
Q Does she go to school?
A She just graduated.
Q Beaufort High?
A Yes.
Q And what about Melanie, where does she live?
A She lives at Pigeon Point.
Q And is she married?
A No.
Q Live -- any roommates?
A Yeah, Brittany, I don't know her last name and her husband and I don't really know his name; Patrick, that's his first name. I couldn't tell you their last name.
Q Do you know where in Pigeon Point she lives?
A She lives -- there's an apartment building back there when you turn at the Thai restaurant on Belamy curve.

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GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

Q Right.
A Down there on the left. I couldn't even tell you the name of the road I just know where the apartments are at, just before the boat landing on the left.
Q Okay.
A There's some brick apartments there.
Q Where are you originally from?
A Toledo, Ohio.
Q And how far did you go in school?
A Graduate.
Q Graduate high school?
A Uh-huh.
Q And that would have been about '78, '79?
A Well, I graduated one year early in '78. I should have graduated '79 but I went in the Marine Corps on an early enlistment program. I already had enough credits to graduate as a junior, so.
Q Okay. And so after, right after high school you went into the Marine Corps?
A Went in the Marine Corps.
Q How many years were you in --

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

A Five years active duty.
Q And when you say -- you were discharged, honorably?
A Honorably discharged.
Q And where did you live after you went into the Marine Corps?
A Beaufort, right here. I mean I was overseas a lot but when I got out, right here in Beaufort; stayed here ever since.
Q Sure. What was your MOS in the Marine Corps?
A It was an 0331, which is a Machine Gunner but I shot on the Marine Corps Rifle and Pistol Team is pretty much what what I did. I was a competitive shooter.
Q All right. Were you married when you were in the Marine Corps?
A No.
Q Okay. So you met your wife --
A Here.
Q -- here? And when were y'all married?
A 23 years ago.
Q Okay. Is Beaufort the only place you've lived since you've --

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

A That's it.
Q Okay, all right. And when you came out of the Marine Corps what did you do?
A I took a couple of carpentry courses when I was getting out of the Marines Corps and I went to work with Bay Point Contractors, David Farrier, and I worked there for 25 years until he slowly was going out of business.
Q All right. So you worked with Dave for 25 years?
A Yes.
Q And when did you last work for him?
A Six years ago when I started with Allen Patterson Residential, could be seven, somewhere right in that area.
Q What did you do for Dave?
A I was a superintendent. I started out as a laborer and worked my way up to a superintendent and then I went to work for Allen as a superintendent.
Q And have you been with Allen ever since?
A Yes.
Q Are those the only two jobs you've had

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

since you've been to Beaufort?
A That's it.
Q Okay. Are you currently working with Allen?
A Yes.
Q And what projects are y'all working on now? I know Allen's got a lot of stuff going on.
A Doing the Midtown projects right here.
Q Right across the street here?
A Uh-huh.
MR. MOSS: We're going to get you a lost wages thing, we haven't got it for you yet but we'll get that.
MR. GRIFFITH: That's fine. We'll just leave the deposition open to ask him about that if you don't mind since we ain't got it.
MR. MOSS: Yeah.
BY MR. GRIFFITH:
Q And you've been over on the Midtown project since it started?
A Yes.
Q All right. Let me just go through a

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

few things with you. Have you ever been arrested?

A Never.

Q Have you ever had a lawsuit before?

A Never.

Q You ever had a workers' compensation claim?

A Never.

Q Have you ever been hospitalized for any problems other than I guess emergency room visits?

A Never.

Q Been in any accidents?

A Yes, I -- somebody ran a stop sign and totalled the pickup truck out that I was in.

Q When was that?

A That was probably eight to ten years, maybe.

Q Did you file a claim for that?

A Just an insurance claim; they paid my truck off because I didn't -- you know, I got both my knees scraped and I got a little banged up but that was it out of the wreck.

Q Okay. Property damage was all you made

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

a claim for?

A That's correct.

Q No personal injury claim?

A None.

Q All right. We're here about an incident that took place out at Fripp Island. Are you familiar with that?

A Yes.

Q All right. Do you remember what day it happened?

A November 13th, which was a Sunday.

Q That was just last year, correct, 2011?

A Uh-huh, yes.

Q All right. And you were playing golf that day, as I understand it?

A Yes.

Q And do you play golf frequently?

A I was then, yes.

Q Okay. Tell me a little bit about your golf; how long have you played golf?

A Probably ten years; oh so, maybe 11 years, maybe.

Q All right.

A Somewhere right in there.

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

Q Sure. Are you a member of any clubs?

A No.

Q And where do you normally play?

A Just the local courses here; Fripp Island, Lady's Island, Pleasant Point, some in Bluffton, Eagle's Point, you know, just -- they just move it around.

Q All right. When you say 'they' who is they?

A Some of my friends, wherever we get coupons or we'll play in some little fund raiser tournaments and we'll win stuff and we'll play at that course. Spring Island I've played a couple of times.

MR. MOSS: Randy Glover, who's a PGA --

THE WITNESS: Yeah, Randy Glover.

MR. MOSS: -- sets us for -- gets us a cheap rate and we go play wherever we can.

THE WITNESS: Yeah, it's just a different course every Sunday.

BY MR. GRIFFITH:

Q Okay. So you have a regular group you

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

play with?

A I just started playing with them probably, I don't know, a month and-a-half, two months earlier, so I might have played with them six or seven, maybe eight times before November.

Q All right. Again, you say 'they' I don't know who they is?

A Well that --

MR. MOSS: The Randy Glover group.

BY MR. GRIFFITH:

Q I'm going to let you testify --

A Yeah.

Q -- instead of Jim since Jim's probably a member of it, so if you just let -- you testify and if you don't remember we can talk to Jim about who it is later. Okay?

A Yeah, it would be Randy Glover.

Q All right. Who else played in that group?

A Paul Cole, which I know as a draftsman that does some of the plans and really sometimes Charles Harbanic played in the group and for the most part I didn't really know most of the other guys because I was pretty much new to the group.

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

Q Okay. You said Paul Cole is a draftsman. Do you know where he works?

A Cole Design Studio, he owns it.

Q You say -- that's C-o-l-e or --

A Yes.

Q -- C-u-l-l?

A C-o-l-e; Cole Designs I think that's what he calls it, so.

Q Okay. Do you know where that's located?

A No. I think he works out of his house at Royal Pines.

Q All right. You mentioned the name Charles Harbanic.

A Yeah, he owns Advanced Irrigation which does some of the irrigation and landscaping for some of the houses we do.

Q Okay. Is he a regular subcontractor for Allen?

A He's one of them, yes.

Q All right. And you say Randy Glover. Now who is Randy Glover?

A Randy Glover is an ex-PGA pro and I just met him through -- just the group,

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

actually.

Q Okay. Do you know Doug Trogdon?

A I met Doug Trogdon that morning. They paired me with his twosome, which was he and Dennis Robinson, which was really the first time I met either one of them.

Q Do you know Dennis Robinson?

A I met him that morning. All's I knew is he was a salesman, you know, a realtor, Fripp Island salesman, but no, I just met them that morning for the first time.

Q All right. Then did you know Doug?

A I met him that morning. I knew he was a surveyor but I just -- you know, just by name but I've never met him before that day.

Q Okay. And how about Brent Cooper, do you know Mr. Cooper?

A Yeah, I knew Brent Cooper from previous golf and previous poker games and that's about it, so don't know him, personally.

Q When you say 'previous poker games' what are you talking about?

A We play in a little -- sometimes we play in a little Sunday poker or Saturday poker

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

and he would be there, occasionally.

Q And where was that played?

A Just at a friend's house, could be his house or it could be at Brian Thompson's house, just -- just a little friendly game.

Q Did Mr. Thompson also play golf with you?

A No, never played golf with him.

Q All right. Now, Mr. Moss has spoken up a little bit here. Did you ever play golf with Mr. Moss before?

A Yes.

Q Was he a member of the Glover group?

A Not in his group but, you know, there's 19 to 30 people could be there at any given time, so, you know, I knew of him but not -- again, not personally.

Q Well, how many people were there on the day of this incident?

A Oh, I'm not -- I really don't know, to be honest with you. I know there was at least four foursomes, so other than that I don't really know the exact amount.

Q And since this was a regular group, how

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

did you generally find out where they would play?

A I would either ask Charles or Paul Cole and they would just tell me where and it always started at 9:30, so.

Q So it was 9:30 and they'd play at different places?

A Yeah, just different golf courses.

Q All right. And did -- and you said you'd been playing for about a month and-a-half, two months with this group?

A Yeah, but probably no more than eight times I would just take a guess and say because I wouldn't play every Sunday, so.

Q All right. And did y'all start around 9:30 on November 12th?

A Yes, we did. We were the first group off right around 9:30.

Q What's your handicap?

A November 11th, so.

Q November 11th?

A Yeah. I mean --

Q I'm sorry, I wrote down the 13th when you said it earlier.

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

A Wait, what was it? Yeah, Sunday -- yeah, that's it, November 13th. I thought you said the 12th so but that's it, whatever that Sunday was right there. My handicap back then was generally about a six.

Q And y'all were first group off that morning?

A Yes.

Q And was there anybody -- other golfers there at the course?

A Yeah, I mean the course had people on it.

Q All right. Now, this was at Fripp Island. Is that correct?

A Correct, Ocean Creek.

Q And Ocean Creek is the one --

A The Davis Love course I mean in the back.

Q The one --

A The one in the back to the right.

Q Okay.

A Towards the marina.

Q All right. And anything unusual happen that day during the round?

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

A The first nine holes it was just golf. We had really nobody in front of us, we just played golf.

10 we noticed a group in front of us, you know, kind of up there a ways. By the end of 10 they were still on the green. We played a couple of holes behind them and they were kind of very, very slow and I -- I can't remember the name of the hole, which hole it was but I know it was coming up to the clubhouse just before the Par 3, them guys were up by the green, we teed off, I was in the back and Dennis Robinson and Doug Trogdon were up front by the green and I heard Dennis say something to the guys on the green about trying to speed up to play, you know, because we had people stacked up behind us as far as you could see and he said, 'Will you guys please try to hurry up?' or something to that avail, you know, and the guy turned around, you want me to be blunt, he said, 'Fuck you. I'll play as slow as I God Damned please.' And I looked at Paul and I said, 'Dang, sounds like they're having some words up there' because they were kind of a ways away from us, you know,

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

Dennis, Doug and these other foursomes.

They went on the next hole. We finished this hole. They said a few more words to these guys and then nothing else was said the rest of the day until 18.

We pull up to 18, I'm back in the fairway waiting to hit my last shot because I kind of hit a bad shot off the tee, Dennis went up near the green because he was already on the green. Guy come off the porch, come down start cussing Dennis up one side down the other threatening to beat his ass, you know, 'we already checked on you, we know you're an asshole out here', threatened to beat him again, threatened to bring 20 guys down with him that he had and Dennis said, 'Hey, I don't want any trouble.' He grabbed his clubs off his bag, off his cart and took off right to his truck and left.

I went into my truck, took everything off because I didn't want no part of it. I gave one of the guys their head cover back, it was out under the tent. I went up, put my bag away, changed my shoes, come back up, turned the

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

corner and the lights went out and really that's about the extent of it right there. You know, the guy just sucker punched me. I turned the corner and I mean he absolutely waylaid me. Never seen it coming. Never had my hands up and took me a little while to gain consciousness. I guess, according to everybody else, it seemed like a couple of seconds to me but, you know, the guy was trying to back out, 'Anybody else want more of this?' Was taking off -- a couple of his buddies were taking him out to the parking lot. I still didn't recognize the guy, didn't know who in the hell he was and he went out in the parking lot and bowed up again, said, 'Anybody else want some more of this?' His guys were trying to get him in the car. That's when I grabbed the score card and a pencil because I went up to get his license plate, I was writing it down and they were getting in the car leaving, so that's really about the extent of it until they brought him back. One of the guys in the group followed him. I guess they pulled him over before he got off of Fripp and brought him back so but I didn't know that guy from Adam;

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

never laid eyes on him before in my life, the Blanton guy; and that's really how the day went.

Q All right. Let's go back a little bit then.

A Okay.

Q You said that you were playing in a foursome. Is that correct?

A Correct.

Q Doug Trogdon?

A Doug Trogdon.

Q Dennis Robinson?

A Dennis Robinson, Paul Cole and myself.

Q Now, you said the first nine holes was uneventful?

A Uneventful. No one there. Nobody around us.

Q All right. And then you said something about you started to --

A Started the back 9. On 10 we seen a group kind of way up there in front of us and somebody made a comment 'How did they get ahead of us?' So they must have like started on 10 or something is what we figured, so -- and that was it; we were just playing a few holes and again I

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

can't remember the number of the hole so where he had words with Dennis Robinson, he and Trogdon were on the same cart. Paul and I were on a cart.

Q Okay. You said something about a Par 3, though. Right?

A Well, I'm just using that to identify the hole location. It's right next to the clubhouse.

Q There's a Par 3?

A Right next to the clubhouse.

Q Runs sort of parallel to the --

A Yeah, comes back towards the road, towards the main road.

Q Right.

A And this happened on the Par 4 right before that.

Q Okay. This group was ahead of you?

A Correct.

Q Was it a foursome or a twosome?

A I believe it was a foursome.

Q All right. And then as the -- as you approached the green on the Par 4 --

A Yeah, there's a creek that cuts -- you

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

know, you have to go over a bridge and you tee off; they were both on the right side, I was on the left side, so we were waiting for my ball because I was the furthest out, which would put me hitting first, all right, so we were just kind of waiting for the green to clear. I was just sitting on the cart off to the left by the trees and Dennis and them were probably a hundred yards closer right by the creek --

Q So you did have --

A -- near the green, yeah, I hit a pretty bad ball there.

Q But they were about a hundred yards ahead of you?

A Yeah.

Q Okay.

A So yeah, I was in the wood -- well, there's really no woods but there are sparse trees there.

Q Right.

A And I was right there kind of -- yeah, it wasn't the best shot in the world.

Q And you and Paul you were together at this time?

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

A Correct.

Q Were y'all in the cart together?

A Yes.

Q Okay.

A We were just sitting in the cart by my ball, so.

Q And you were waiting for the green to clear?

A Correct.

Q All right. And then, at that point in time, there was something said between Dennis and the group ahead?

A The group on the green, that is correct.

Q Okay. And what you remember is that Dennis had said -- asked them to speed up?

A Yeah, I could -- Dennis asked them to try speed up play; they're starting to hold everybody up.

Q All right. And then do you know did he direct the comments at anybody?

A No, just the whole group that was on the green.

Q Did Dennis any use any profanity?

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

A None whatsoever that I heard.

Q All right. Had Dennis had anything to drink?

A I don't know to be honest with you, I just do not know. I can tell you I didn't.

Q Okay.

A I can tell you Paul had a beer or two.

Q Okay.

A But I don't know what they were doing on that cart.

Q But you don't know if Dennis was drinking, at all?

A Not really, no, not at all. I don't know if he was drinking, at all.

Q All right. And then when Dennis asked them to speed up, do you know who said anything to them?

A No, just a couple of the guys up there started -- one guy in particular but I couldn't pick him out of a lineup which one was doing the yelling back, you know, because there was four of them up there all standing together around the hole, three or four, and I couldn't -- I couldn't tell you which one was doing the

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

yelling at that time.

Q All right. But there was only one person in that group that said anything?

A I'm not sure of that either.

Q Okay.

A You know, I know there was some yelling so I don't really know to be honest with you, so.

Q And that's what I'm trying to find out.

A Yeah, I don't know which one was doing the yelling and I don't know if it was one guy or all four of them or two of them, I just don't know.

Q And did Dennis say anything back when they yelled?

A No, never heard him say a word back.

Q And that was when you said you heard somebody say 'we'll play as slow as we want to'?

A 'We'll play as fucking slow as we want to play' was his exact quote. I don't know if I'm supposed to cuss or not.

Q I actually want your direct quote.

MR. MOSS: Tell it like it is.

THE WITNESS: Yeah, I mean that's

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

pretty much exactly he said.

BY MR. GRIFFITH:

Q Okay.

A I mean there was a lot of F-bombs going.

Q Okay. Nothing said back by Dennis or Doug?

A Doug never said a word. Dennis said 'just please try to hurry up', that's all, so and I don't know if that was after the second rally or before, you know, I really don't.

Q All right.

A I think he said it just the one time but I'm not a hundred percent sure on that.

Q Okay. Now, after that, continued to play?

A Yeah, we just kept playing.

Q All right. Was there any other comments or talk back and forth --

A No, they were --

Q -- during the --

A No, no.

Q If you let me finish my question because I --

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

A Okay, okay, okay.

Q Well, all I want to say is if you let me finish my question so that she can get the answer down.

A Okay.

Q Again, if you don't understand my question stop me and go back --

A Okay.

Q -- and I'll be happy to repeat it. Okay?

Was there any other comment between the groups until you finished the round?

A No, not that I heard.

Q All right. And you were with Doug and Dennis and Paul Cole until the round was over. Correct?

A Yeah, we played in the same foursome, yes.

Q Sure. Then as you finish you said that you approached the 18th green. Is that correct?

A Yeah. Well, I was in the fairway, they -- Dennis and Doug Trogdon were already up on the green. I was over by the sand trap waiting to hit my second shot so -- and I hit,

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

they went on up near the green and that's when the guy approached them, so.

Q All right. Did you see where he came from?

A Not really. Down the sidewalk. I seen them coming down the little cart path and that was all I seen.

Q All right. And did -- came down the cart path and did he say anything?

A Yeah, he was screaming at Dennis the whole time about how much of an asshole; he's been checking on him; how much of an asshole he is; I'll beat your fucking ass. You want to -- and if I can't do it I got 20 other guys up here or something to that avail sitting up here with me and Dennis was just trying to get out of there so and I was still out, you know, coming up closer near the fairway near the apron there in the front because I had to pitch another shot up to the green so I was really 50 yards short of the green and I could hear it from there.

Q Okay. Dennis say anything back to him?

A Only that he just wanted to play golf and have a nice day and he's just finishing his

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

round and getting out of here; I heard him say that, and that's when I seen him grabbing his clubs off of his cart and taking off and he actually went directly to his truck and left or his car, whatever he was in. He never hung around for a second.

Q Did he leave before you finished your hole?

A He was -- yeah, before I finished the hole he was already going across.

Q All right. So you were still in the fairway.

A Uh-huh.

Q Dennis putted out and left before you even --

A I can't even say he putted out, to be honest, I never seen him putt out so I don't know if he did or not.

Q Okay.

A He was having that altercation up there and really I seen him -- I don't know if he putted out or not, I just don't know.

Q All right. Did Doug say anything to the gentleman?

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A I never heard Doug say anything.

Q At any time?

A I never heard Doug say anything at any time.

Q Okay.

A So yeah.

Q And then you went ahead and finished your round?

A Correct.

Q And Paul finished with you?

A Correct.

Q All right. After you finished the round, what did you do?

A I drove my cart over to the truck, took my clubs off. Some of them guys were yelling some things down, I kept on going to my truck, put my clubs out, put my shoes on, went back, parked the cart and I was going up for a sandwich and a beer after the round, square up on the skins, so see how everybody shot; everybody kind of meets there after the rounds see how you do so -- never made it that far. Turned the corner at the tent and that was really it.

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Q All right. And when you say 'you turned the corner at the tent'.

A Yeah.

Q I'm not real sure what you're talking about there.

A You walk through a tent where they park the carts so they got like a big carnival tent set up there that they've had for years and that's where all the carts are parked. You walk underneath to the back set of stairs that takes you up to the restaurant.

Q All right. So as you pull in off the road into the golf -- the clubhouse --

A Uh-huh.

Q -- so to speak, the tent is actually over to the right. Is that correct?

A Correct.

Q And so you go through that tent and then up a set of steps that would be facing the golf course. Correct?

A It's facing the -- no, I think it comes in sideways.

Q Okay.

A I mean it might face another golf hole

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but it actually comes right from the tent straight up, yeah.

Q Okay.

A I'm not sure if it faces the golf course like you're thinking but it runs straight into the side of the building, you know, it's just a back set of stairs there.

Q Okay. And where were you when you got hit?

A Right at the -- just coming around the corner I guess, I don't know if I was on the grass or if there was a cart path there or what, I haven't been back there since that day so but I was standing at the bottom maybe, I don't know, six to 15 feet away from where the steps were; that's the only thing I can really pinpoint, you know, in that general vicinity remember something coming --

MR. MOSS: The steps go up into the clubhouse, Mitch.

THE WITNESS: Right, yeah. I was somewhere near that bottom of that, that's all I know.

BY MR. GRIFFITH:

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Q Was anybody with you?

A No, I was walking -- no, really. Paul was behind me somewhere and --

Q I want to go back to where you took your cart to your truck. Did Paul ride with you?

A I believe he was on the cart but I can't say for a hundred percent, he could have walked in. It's a little vague after that but, you know, I think he was but I'm not a hundred percent sure he was on the cart with me because a lot -- I mean we were parked right there in the parking lot. A lot of times they'll just walk from the green right there but --

Q Yeah, but you went and dropped your bag in the truck, your truck?

A I took my -- yeah, I was -- already had my bag in the truck, again, you know.

Q I'm trying to find out where Paul's bags went?

A Right. His bag was still on my cart. I remember him getting the bag off the cart and taking his around and putting it in the back of my truck but I don't know if he was on my cart

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one hundred percent or not; he could have been on the cart, he could have been walking, I'm not a hundred percent sure.

Q When you left to the truck you mean? He rode with you to the truck?

A I can't even say that with a hundred percent certainty just because I can't remember.

Q Okay.

A So --

Q But he did come to the truck and unload his bag?

A Right. He did come to the truck and unload his bag.

Q Okay. And then after that you don't know whether he rode back to the clubhouse or walked?

A Yeah, I just -- I don't know. I know I remember parking the cart and walking. I know I was by myself when I was walking. Where he was in that location I couldn't tell you.

Q How far from where you parked the cart was it to the steps that you told me about?

A Maybe 50, 70 feet, maybe.

Q Okay.

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A You know.

Q And so you walked there and got about six to 15 feet away?

A Yeah, somewhere right there. I just -- I kind of wasn't looking. I had my head down kind of walking towards the steps and I looked up just to kind of see where the steps were and that's when the lights went out; that's really all I know.

Q And you never really saw who hit you or what hit you?

A No. Last second I just seen a flash of somebody right in my face coming out of this side from what I can remember and that was it.

Q All right. After that what is the next thing you remember?

A I remember getting up and then I remember him bowed up in the front saying 'You want anymore of this?' And I was trying to back off. I don't know who grabbed me, somebody was grabbing me kind of helping me up and then I was kind of standing there groggy. A couple of his guys says, the exact wording I couldn't tell you which guy it was, 'You hit the wrong guy. He

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wasn't even involved.'

And then they tried -- a couple of guys grabbed him and says, 'Come on, we got to get out of here' and they start heading towards the parking lot and one of his guys and I don't know if I can identify them or not, grabbed me, was kind of -- I thought he was kind of helping me along because I was still groggy, he said 'It was just a misunderstanding. He didn't really mean to hit you. It was all a misunderstanding. We can get by this' and I said, 'Like hell we can. I want his ass arrested' I remember screaming that, and he says, 'Well hell with you', you threw the first punch, we seen it all and if that don't work we'll find out where you live' that was his exact words, whoever that guy was. I remember he was kind of a shorter, bald guy that's all I can really tell you and that's when I kind of shook away from him and started heading out towards the parking lot and that's when I grabbed the score card and the pencil to write the tag down and, you know, we were doing a lot of yelling, 'call security'; you know, I told them to call security now and a couple

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other guys were yelling it up there, some of the guys that were working up there told them to call security and that's when Doug tried and I guess followed them and this is all something that I found out after the fact Doug actually followed the guy because they got in their cars and were leaving the island and a little bit later security brought them back and that's when he got out and apologized, said he's sorry. I didn't really think -- I didn't realize you were not the guy. And the security officer was standing right there with him when he said it along with, you know, a bunch of other people and I said pretty much, 'The hell with that. I want him in jail.' And I was still down kind of knocked to my senses, so.

Q All right. Do you know the gentleman that hit you?

A Nope.

Q Did you -- you never saw him before he hit you?

A Not one time.

Q All right. How many times did he hit you?

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A Once, I -- that I would imagine because it knocked me out. Everybody else says he hit me twice but I didn't really feel the first one.

Q Was it -- there was no conversation between you and the other gentleman before --

A Not one word.

Q -- he threw the punch? Okay. Did you ever tell the investigating officer that there was an argument between your group and the other group?

A Yeah, between the guys and my group.

Q All right.

A And the other group.

Q Did you ever tell the officer that there was an argument on the course but after you finished that there was another argument that started?

A Yeah, that would be right there at 18 between the other cart.

Q Okay. And did you tell the officer that you got punched twice?

A I can't remember that unless somebody told me I got punched twice.

Q Okay. Did you tell the officer that it

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was the person riding with you that punched -- that was in the argument?

A I don't know.

Q Was it the person riding with you?

A I don't know -- no, it was -- Dennis Robinson was the one arguing on the course. Who was arguing after that, I don't know.

Q Okay.

A Dennis again, as far as I know.

Q Well, was it --

MR. MOSS: He was in his foursome.

BY MR. GRIFFITH:

Q Hold on Jim, just let him do the testifying. Okay?

Was Dennis arguing with him or did he, as you say, just --

A Just --

Q -- ask that they play a little faster?

A He asked them that they play a little faster out on the course.

Q So it was not an argument, at all, is what you're telling me?

A Well, it pretty much started out to -- I mean them guys were wanting to make it an

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argument and Dennis says, all's he wants them to do is speed up; that's all I can really remember about it.

Q Okay. So it was a one-sided argument, not what you told the officer then?

A I don't really know what I told the officer then. That would be after I was knocked out when I talked to this officer; that's what you're asking?

Q I assume you didn't talk to him before the incident?

A Yeah, I don't really know. I was pretty much in another land.

Q Okay. So what you told the officer might not have been accurate?

A I would say it was pretty accurate.

Q All right. Well then did you tell him that there was an argument on the course between your group and another group?

A Yes, I guess, yeah.

Q Okay. So it was not just a one-sided argument then, it was -- takes two to argue?

A Well I hear them making a statement and I hear the other guys throwing the F-bombs back

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so if that's an argument, yes, that's the way it happened.

Q All right.

A I heard one group; them two up -- well, the one guy asked him to speed up play. I heard the other guys come back with the F-bombs and tell them they'll play as fast or as slow as they want to play, so --

Q And you said that one of his friends indicated to him when you were coming to that he had hit the wrong guy. Is that correct?

A I don't know if it was his friend but somebody up there in that group --

Q Okay.

A -- said that I wasn't even the right guy and that's when they decided to grab him and get out to the parking lot and leave. And again, that's when I was coming out of it, so.

Q All right. Now, at that time you understood that he left, correct?

A Who is he?

Q The gentleman that hit you, his friend?

A Yeah.

Q Somebody --

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A Yeah, they got in the car and were leaving, that's correct.

Q And then they left and Doug followed them?

A I guess it was Doug.

Q Okay.

A Yeah.

Q All right.

A I'm not a hundred percent on that. Somebody I thought followed them.

Q All right. But you somehow come to learn, later, that it was --

A Correct.

Q You understand it to be Doug?

A Yeah, I think it was Doug, yes.

Q All right. And then he was brought back later. Was it by the security officer or was it by a deputy sheriff?

A I think it was a security officer, yeah, security officer; Fripp Island Security --

Q Okay.

A -- brought him back.

Q And then is that the gentleman that you spoke with?

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A The -- who is that Fripp Island Security?

Q Yes.

A Yes.

Q All right. Do you know if he talked to any other individuals out there?

A Did he?

Q Yes, sir, to your knowledge?

A The only guy that was really standing around me that I really know would be Brent Cooper was there, the cart guy was there, I'm not sure who else he spoke to other than, you know, there was a bunch of people standing around.

Q All right. Did you know -- have you talked to Brent since this incident?

A I've talked to him a couple of times.

Q Okay. Has Brent ever told you he saw what happened?

A No, he hasn't told me that.

Q Okay. What did he tell you, then, about this?

A That he was standing right there by the security guy when the guy apologized for hitting

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me and said, you know, I was the wrong guy, I didn't mean to hit you or something to that avail, you know, but he never told me he seen it.

Q Have you ever talked to anybody that said they saw the incident? And when I say 'the incident' the man that hit you when he hit you?

A When he hit me? Not really. I mean the only one that I know seen it were the cart guy and the pro that was standing in the window said he seen the entire thing.

Q Okay.

A Some young kid, I don't even know his name.

Q That's the pro was a young guy?

A Well, I don't even know that he was a pro but he was working there that day and he was standing up in the window looking down.

Q All right. When did you talk to him?

A I never talked to him. This was all through other people, hearing it through other people.

Q Who told you that he said he saw the incident?

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A Paul, I think, told me.

Q Anybody else?

A Not that I can recall.

Q Have you ever talked to Dennis about the incident since then?

A Nope, not one time was it brought up with Dennis other than he apologized a bunch for something, you know, and I said 'You didn't throw the punch', so that's all he said.

Q Have you ever talked with Doug about the incident since then?

A I've seen Doug for the first time a couple of weeks ago, so no.

Q When you saw him y'all didn't talk about it?

A No. Only he's sorry it happened.

Q All right. And I assume you've talked with Paul about it, correct?

A Yep.

Q What did he tell you he saw, if anything?

A Just that they were arguing and, you know, just the guy was kind of an asshole, you know, that's pretty much the blunt of it when we

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talked, you know, how much of an idiot he was, so -- but that's really about the extent of it.

Q No specific facts about what took place?

A No.

Q Okay. And you said that he saw them arguing. Who was arguing?

A Well, you know, with Dennis and them, so out there on 18.

Q All right.

A Then I learned, later on, that Paul actually had words with somebody there so but I couldn't tell you who that was, either.

Q Okay. So well, when did you find out that Paul had words with somebody?

A A month or so later, maybe.

Q Okay.

A I couldn't tell you the exact date.

Q Sure. Well, who told you?

A Paul. Said that they were -- started yelling down to him or something, you know. Again, there was a group of them so I couldn't tell you which one it was and I couldn't tell you anything other than what Paul was telling

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me.

Q That's fine. I'm just trying to find out what Paul told you.

A Right; just said they had -- I'm trying to remember the exact thing but -- you know, I can't even remember, just the guy was yelling something down to them profane and I was already near my truck when they were yelling at him best I can recall, I'll put it like that, and --

Q Well, did you hear them yelling at Paul because - didn't he go to the truck?

A No, I tell you I wasn't even paying attention to them. I was finishing my round. I actually shot a great round and I was kind of adding up my score card when I was driving off. I never was really even listening to them. I never paid much attention when Dennis and the other guy were up there and the guy was screaming at him I just kind of was finishing my round, I guess. I didn't really know any of them.

Q Now, you have used the term 'they' as the other group, right?

A Correct.

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Q Was it a group of people or was it just this one gentleman that was doing that?

A I don't know which one it was. There was a foursome, I think, and -- but I couldn't see which one's mouth was moving. I'm a hundred yards away from the green, you know.

Q I understand that.

A Right.

Q But you have used the term as if there were more than one person that was being boisterous or, you know, mouthy or whatever you want to call it. I'm trying to find out --

A Yeah, I don't know that. I don't know if it's one or if it's two or if it's three, I really don't know.

Q And that's my question.

A Yeah, I don't know.

Q You don't know whether it was one, two or the whole foursome --

A Correct.

Q -- was talking back and forth? Have you ever talked to Mr. Blanton since the incident?

A Since the incident?

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Q Yes, sir.

A Never.

Q Okay.

MR. MOSS: You mean other than --

THE WITNESS: You mean like after they arrested him, is that what you mean?

BY MR. GRIFFITH:

Q Yes.

A Never.

Q Did you go to his -- I think he was -- you charged or you indicated to the officer you wanted to press charges. Is that correct?

A That's correct.

Q And you understood that he was arrested?

A That's correct.

Q All right. And did you go to any trial that he may have been involved with?

A No. We went up to the court date. They give me a court date to be there. I was there. The guy that arrested him from Fripp was there. No one from them showed up. We picked a jury while we were all there and then they

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dismissed us and I haven't heard anything else about it other than --

MR. MOSS: Never notified us since then.

BY MR. GRIFFITH:

Q That's fine, Jim, I'm just trying to find out what he said, not what you know.

MR. MOSS: Yeah.

THE WITNESS: That's all I really know. I mean we actually sat there and went through a jury selection and none of the other people showed up and the Magistrate --

BY MR. GRIFFITH:

Q Did Mr. Moss go with you to the jury selection or you go by yourself?

A No.

Q Just you and the officer?

A No, and there was another woman there.

MR. MOSS: Kimberly.

THE WITNESS: Kimberly, yeah, another attorney.

BY MR. GRIFFITH:

Q So you went to the jury selection?

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A Uh-huh.

Q I'm sorry, you need to say yes or no --

A Yes.

Q -- so she can get it down. You went to the jury selection and then no one showed from -- for Mr. Blanton. Is that correct?

A That's correct, that's correct.

Q Okay. And then you were dismissed?

A We picked a jury.

Q Right.

A And then they dismissed us, yeah.

Q Okay. And then you never heard anything else?

A No.

Q Now, going back after you said that you -- you were hit. Where did you get hit?

A In the jaw, the left jaw, I guess.

Q All right. And you said you went down?

A Yes.

Q And then you came to sometime later; you don't know how long?

A Correct.

Q You were groggy at that time?

A Yes.

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Q Any other problems that you recall?
A Yeah, I was hurting. I couldn't hardly take a step.
Q Tell me what you mean by that?
A My back and my legs were hurting extremely bad where I had to hold onto things while I was walking. I fell into something in my back and what that something is I don't know if it was a tent stake or if it was a cleat cleaner but I fell down, I hit something, could have been a curb, you know, because I mean it just -- I guess I just must have fell straight backwards and hit back first and that's when I got -- you know, I got up and was trying to walk around towards the guy because they were trying to get him out into the parking lot and all's I wanted to get was the license plate number before he got away and I was pretty -- pretty out of it by then.
Q Okay.
A So.
Q You remember your back and your legs hurting. I'm guessing your jaw hurt, too?
A Yeah, it was pretty red and swolled up.

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Q Okay. And then the officer came back. You talked with the officer during his investigation?
A Correct.
Q When did you go see a doctor after this?
A When I left there I went to my house, got my wife and went to the hospital, dropped Paul off at his house, went right home and she met me outside because the more I was driving the worse I was getting.
Q All right.
A She took me to the hospital, they took me in right there at the emergency room.
Q All right. Did you -- you drove your truck home, though. Is that correct?
A Correct.
Q And you dropped Paul off. Is that correct?
A Correct.
Q Did he have to drive you to his house?
A No.
Q Or were you able to do that?
A I drove to my house or to his house.

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He lives just before me.
Q Okay.
A He lives at Lady's Island, I live on down further so I just dropped him off right there in the driveway, never got out of the truck and went directly to my house. Never got out of my truck and went directly to the hospital.
Q Okay. And your wife came out then?
A Yeah, she got in the truck with me.
Q All right. Did she drive to the hospital or did you drive?
A I'm about 99 percent sure I drove.
Q All right. You went to the emergency room?
A Yes.
Q Were you admitted to the hospital?
A Yes, they took me in; in the emergency room. I don't know if you mean like admitted overnight?
Q Yeah.
A No, no.
Q Did they check you in to --
A Yeah.

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Q -- other than the emergency room you were treated there. Correct?
A Yeah, I was treated there. They did X-rays, CAT Scans and stuff, so.
Q All right. And they X-rayed what?
A They said they X-rayed around my jaw, back, I guess. I mean it's all in the records. I'm not a hundred percent sure.
Q So they X-rayed your jaw, your back. You said they did a CAT Scan?
A Yeah, they said they did a CAT Scan.
Q And do you know what they were scanning?
A No.
Q And were you admitted to the hospital that day?
A No.
Q Did you go home that night?
A Yes.
Q How long were you at the emergency room?
A I couldn't even tell you; two to five hours maybe, I'm not even sure.
Q What did they tell you was wrong?

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A I'm not even sure of that from that night, you know.

Q Okay.

A I remember they give me a shot and said they didn't see any broken bones and that I would be out of it after they give me a shot, which I was, so --

Q And did you drive home or did your wife drive you home?

A No, she drove me home.

Q Okay.

A I was out of it.

Q All right. Went home, I assume went to bed. Did you go up and go to work the next day?

A No.

Q How many days of work did you miss then?

A I tried to work a couple of times in between it but I was out pretty much. I think I used a couple of weeks of my vacation and then I was out probably another week. I tried to go in once or twice and had to turn around and go home so total I'm going to say somewhere around three to four to five weeks that I was -- really

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couldn't do anything.

Q All right. You're a salaried employee?

A Yes.

Q And salary's what, back then, I guess, last year?

A It's the same thing; I think I make about 1,100 a week salary, so somewhere around there.

Q Is that net or gross?

A That's just -- that's gross, so.

Q And what do you take home when?

A 831.

Q All right. Now, you told me you missed three, four, five weeks in there?

A Somewhere right in there. I used a lot of my vacation. We get a week a year vacation; I've been there about six years, I still got five weeks vacation on the books so I don't miss work so but I used some of that up.

Q You can actually carry over vacation with Allen?

A Yes.

Q Okay. And you've carried over enough that you took vacation during this?

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

A Yeah, not because I wanted to because I couldn't move.

Q I understand that.

A Yes.

Q All I'm -- I'm not trying to say there's anything wrong with what you did.

A Yeah, right.

Q I'm just trying to get the amount of time.

A Right.

Q Three, four, five weeks?

A Yes, in there, right.

Q And the records will show that.

A Absolutely.

Q What I now want to know is, did you miss any other time?

A Doctor visits, yes, or a lot of times I would just leave early, you know, a couple hours early if I was hurting too much and really that's really about it.

Q All right. Have you documented that time?

A Some of it and some of it not. You know, if it really costs, yes. If I was doing

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paperwork at the house, no, so.

Q And as a superintendent you have to do a good bit of paperwork?

A We do paperwork.

Q All right. And as -- as a construction company, do you track your time with certain jobs?

A Yes.

Q All right. And how do you do that?

A We code on every job.

Q That's what I thought. And what do you keep with you so that you know what to code to?

A We just have timesheets.

Q All right. And do you fill out a timesheet as a superintendent for Allen?

A Yes.

Q And so he can code --

A Yeah.

Q -- that cost to that job?

A Yes.

Q All right. And you would have done that throughout this period of time?

A Yes.

Q Who would have filled in for your

during that three to four to five weeks?
A Allen.
Q Allen. Would have covered for you?
A Yeah, Allen, one of our -- it could have been Chris DeLoach or it could have been Carl Holmes, two other superintendents. Most of the time it was Allen.
Q Okay. During that time, did you work any other jobs other than this whatever the project's called right across the street? And I'm sorry, what's the name of the project?
A Midtown Square. Yes, I mean we have, you know, small remodels.
Q Sure.
A Change a window here; you know, what the names were I couldn't tell you right now. I mean we do a lot of other work, yes.
Q I understand that but I'm just talking about your job as a superintendent?
A Uh-huh.
Q You might come over here, work this job, make sure it's going smooth and then you might work another job?
A That's correct, yes.

Q That would be shown on your timesheets?
A That's correct.
Q Okay. And I'm going to ask a little bit more detail about over here because there's several houses going on; is it all coded to Midtown or is it a specific house?
A No, it's a particular house every job.
Q Okay. And by keeping the timesheets, that doesn't necessarily -- you don't get overtime for that, being superintendent, you draw a salary no matter whether you work 60 or 30 hours?
A That's correct.
Q All right. Now, after you went to the emergency room, when was the next time you went to the doctor?
A Probably a couple weeks.
Q And who did you go to?
A To Dr. Blocker.
Q All right. I'm going to jump a little bit because there's a Dr. Salvatore, a Sar -- I can't ever pronounce his name, a Sorogy (phonetic) Doctor's Care. Do you know where that is?

A Yeah.
Q Did you go to Doctor's Care?
A That would be -- I'm thinking that was after I went to Dr. Blocker.
Q Okay, all right. Then let's go back then, we'll get to him later. Dr. Blocker, what did you go see him for?
A Because my back was killing me and I felt that there was still something wrong with it.
Q And where did you go to see Dr. Blocker?
A Where?
Q Yes, sir.
A I don't even know the name of it, Port Royal there, the Low Country Medical Clinic or something like that.
Q Okay.
A It's right there in Shell Point.
Q Right. The big building?
A The big building right there, I'm not sure of the exact name of it.
Q Okay. I'm not holding you -- I know where you're talking about.

A Right.
Q But down there. And when you went there you said it was about a couple of weeks after this incident?
A I think so.
Q Okay.
A I'm not a hundred percent sure on the date but I thought it was around two weeks or so.
Q All right.
A It was hurting.
Q Tell me what kind of symptoms you were having.
A I couldn't hardly walk. My back was just killing me; my lower back and it was hurting very bad and really almost crippling pain.
Q Was it located -- when you say 'back', lower back?
A Yeah, lower back.
Q Around about your belt line or above that?
A Right in that whole area, really, so.
Q How many times do you think you went to

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

see Dr. Blocker?

A I don't know, four or five total, I guess, maybe I'm --

Q What did he do for you?

A He did an MRI and then started me on physical therapy.

Q What did he tell you was wrong with you?

A After they did the MRI he told me I had a compression fracture of my T12 vertebrae due to either falling straight backwards and hitting butt first or falling on something, which is typically what causes that.

Q All right. And so you saw him five -- four, five visits; MRI and physical therapy?

A Yeah, I'm not sure how many visits, but yeah, he was pretty much who I was seeing there.

Q Okay. And then why did you quit going to Dr. Blocker?

A I didn't. I went about two weeks ago they did another MRI because I'm still having pain in my back and that's when he referred to me to the spine clinic, Rubin Spine Clinic or Rubin Spine Care.

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

Q Okay.

A Which is Dr. Boatwright which I went to this past Monday.

Q That would have been the 18th, right; June 18th?

A Yeah -- somewhere, somewhere the past week, I just seen him and --

Q I know this week --

A Right.

Q -- Monday was the 18th because my son had a birthday, so was it this week or the week before?

A No, this week is when I seen Dr. Boatwright and I'll say that day, I'll get -- I'm not sure if it was Monday or Wednesday or it could have been Tuesday.

Q This week?

A He kind of give me some bad news and, you know, I've kind of been not really happy since, so --

Q Well tell me what he told you.

A That I have a fracture in my L5, also, with a herniated disc going into my spinal canal, so now I go next week to get a series of

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

epidurals and get fitted for a brace on Thursday.

Q All right. So next week you're starting the epidural injections?

A Correct.

Q Who's going to do those?

A I guess Dr. Boatwright; it's at the same place is where I have to be.

Q And did he tell you why you needed a brace?

A To try to stop the movement in my lower back; he calls it resting. And since I can't layout for six to eight weeks they're going to put me in a brace.

Q All right. And when you saw Dr. Blocker had you discussed with him problems with your lower back?

A Yeah, when he did the MRI he said it came back and there was some bulging discs in a couple of spots, where, I don't know, I would -- you know, I just don't know where and that's when he referred me to a spine center so because it was more than he was capable over or more than he could handle.

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

Q All right.

A So --

Q So when was that that Dr. Blocker referred you to Dr. Rubin or?

A Probably a week or two ago; I'm not sure of the exact date, it would be a week or two ago.

Q Okay.

A And he wrote an order for it so you'll have all of that, what day it was.

Q I understand.

A I'm not -- yeah, I'm not sure of the day.

Q I'm trying to get some, you know, basic information.

A Uh-huh.

Q So, you have been going to Dr. Blocker ever since this incident?

A I mean ever since -- pretty much, yeah. I went to the Doctor's Care once because I was having trouble breathing and when I went to Doctor's Care they took an X-ray and found some ribs that were broken.

And according to Dr. Blocker that's

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

just not part of a thing that they picked up on the MRI, it's not an area they would have looked at --

Q All right.

A -- when I asked them why they didn't see them.

Q When did you go to Doctor's Care?

A I'm not sure of the date.

Q Was that last year?

A I couldn't tell you if it was December or January or February or March, I just --

Q Okay.

A -- I just know I went there. I just can't remember the date.

Q Was it for one visit?

A Yes.

Q Okay. Had you ever been to Doctor's Care before?

A Yes.

Q And for what?

A Oh, I couldn't remember; more than likely stitches or something, getting cut on, you know, getting cut. I think I got stitches there once. Colds and flus, mainly, that's

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

about the only time I ever really go, which is not very often.

Q Is that who you use as your primary care physician?

A Yes.

Q And that's the one right out here on Ribaut Road?

A Correct.

Q Would you have gone to any others?

A No.

Q Never went to the one out here on Lady's Island?

A Never.

Q And had you ever seen anybody for problems with your back before?

A No.

Q None whatsoever?

A Other than muscles, aches and pains, you know, when I was younger, maybe working, that I could think of, you know, if I had -- and it would be just Doctor's Care if I went anywhere. I never seen a back doctor or anything like that.

Q Never been to an Orthopedic before, is

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

that correct?

A Nope.

Q Never had a back X-ray before?

A Only -- if I did it would only be at Doctor's Care. I fell off a roof once, they X-rayed some ribs but -- and that was at Doctor's Care, so nothing broken, just bruised.

Q Have you had a fall since this accident or incident?

A No.

Q Have you had any incidents at work that would have aggravated your back?

A No.

Q Did you ever tell any of your doctors that you had an incident at work that would have aggravated your back?

A No.

MR. MOSS: If you need to stand up you can if you want to.

BY MR. GRIFFITH:

Q If you need to take a break, that's fine, too.

A No, that's -- if I get -- I'll have to stand here in a few minutes though.

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

Q That's fine. Speaking of -- have you played golf since this incident?

A A couple of times I've tried.

Q Where did you play?

A I played at Fripp once, Ocean Point course, played Cat Island once, played a couple of nine-hole things on Thursday afternoons, it's like a little threesome and that's really about it.

Q And what are the -- you say nine-hole threesomes on Thursday?

A Yeah, they play a little; you eat dinner and play golf for 40 bucks and --

Q Where does that take place?

A Lady's Island.

MR. MOSS: Royal Pines.

THE WITNESS: Royal Pines, yeah.

BY MR. GRIFFITH:

Q And who heads that up?

A The pro out there.

Q Is Royal Pines up and running again?

A Well, one course is, yeah, Pines course.

Q And Cat Island you said you played

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

there one time?

A Played there, I could have played there twice, I don't -- but I know I've played there.

Q Since the incident?

A Since the incident, yeah.

Q All right. And did you -- since the incident when you played there, are you playing with this group gain?

A No, we just -- I played with the group one time and --

Q And when I say 'group' I'm not talking about foursome, I'm talking about like this Randy Glover group or another type group?

A Yeah, I played with them maybe once, possibly twice since this happened, that's all I can really think of. I can't think of another time.

Q All right. And who -- you remember who you were paired with when you played with Randy Glover's group?

A No, not really. Charles Harbanic was riding on the cart with me and I couldn't tell you who the other two were right now.

Q Okay.

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

A I just don't remember.

Q And the one or two times that -- if it was two times would you have played with Charles both times?

A Yes.

Q Harbanic?

A I would have played with Charles, yeah.

Q And then when the -- the other times that you may have played with them, would it just been a foursome or --

A Yeah, I --

MR. MOSS: Right, you never played --

THE WITNESS: Right, I just -- I couldn't tell you who the other two I just can't remember.

BY MR. GRIFFITH:

Q I was getting ready to ask you; have you played with Mr. Moss since then?

A No, no.

Q Ever play with Mr. Moss, at all?

A Not in the same group.

Q Is he any good?

A They say he is. He did something at

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

Royal Pines.

Q You're under oath now.

MR. MOSS: Sometimes.

THE WITNESS: Yeah, just -- I really don't know, to be honest.

BY MR. GRIFFITH:

Q With regards to the back treatment that you're getting, have you -- has Dr. Boatwright talked to you about -- other than getting a brace and doing some injections, has he talked to you about what they may be doing in the future?

A Yeah, surgery would be the next resort.

Q All right. You went to physical therapy. Is that correct?

A Yes.

Q And who did you see over there?

A Really three different guys; Tom Heatherington and two of the other guys that work for him.

Q All right.

A I think he owns it.

Q And how long did you go to Mr. Heatherington?

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

A Like 25 visits or something, they got -- you know, somewhere in that area.

Q All right. And did they -- did they discharge you or?

A No, I quit going when my -- I wasn't getting any better and my legs started going numb on me.

Q Okay. And approximately when was that that you say your legs started going numb on you?

A Probably a couple months ago, somewhere in that timeframe.

Q Did they ever talk with you about the cause of your compression fracture being anything other than this incident?

A No.

Q And you've never had any problems with your back before?

A No, other than muscle aches, you know, from working, that would be about it, but no doctor or anything like that, so.

MR. MOSS: We don't have those recent reports, Mitch, we'll get them to you when we get them.

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

MR. GRIFFITH: So you just went this week and you certainly didn't have them?

MR. MOSS: No, no.

(Whereupon, a short break was taken.)

BY MR. GRIFFITH:

Q Does your wife work outside the home?

A Yes, she does.

Q Where does she work?

A She works for Spring Island.

Q What does she do out there?

A She is the Office Manager for housekeeping, grounds maintenance, golf course maintenance and she's a secretary there at their maintenance building.

Q Did you ever go up to the medical university?

A MUSC?

Q Yes, sir.

A Yeah, when my daughter was in there. They did some surgery on my young -- or my oldest daughter.

Q I'm sorry, you misunderstood my

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

question. For this incident or anything involving this?

A Oh, for this incident?

Q Yes, sir.

A No. Now, I did -- I was having some headaches, they did like a stress test, checked my heart and all of that out like a couple years ago; found out everything was all clear so, you know, I did have some stuff like that done.

MR. MOSS: Was that at MUSC?

THE WITNESS: No, that was right here at the hospital there, next to the hospital, whatever that place was, surgery center or whatever.

MR. MOSS: Uh-huh.

THE WITNESS: They did a stress test and shot some dye in through my arteries just kind of testing everything out, so.

BY MR. GRIFFITH:

Q How did that look?

A Everything was absolutely perfect according to them. Made me feel a lot better.

Q Do you have any problems with your jaw

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

now?

A No.

Q Any problems with anything other than your back or lower back?

A Back and legs and that's really about it, yeah.

Q Okay. Tell me what it feels like.

A It's just constant pain from daylight until dark; most of it I can manage, later on it goes -- it gets worse and worse, have to sit down more, stand up. I can't do either one for very long. Hadn't more than two hours of sleep, consecutive sleep in a night since the day it happened. I'm up four or five, six times every single night since the day it happened and it's just always constant pain.

Q How does it effect you, Mr. Allgire?

A Allgire.

Q Allgire. How has this incident effected you?

A Well, it effected me a lot, you know, I get no sleep. I'm very irritable, I guess, according to the employees and wife and kids, it's just -- you know, it's really all I can

GRIFFITH - ALLGIRE (DIRECT EXAMINATION)

think about. I can't even put in a good day at work without thinking about it. Sat around my house for four or five months with a handgun so I know that effected me a lot. Wouldn't leave the room with out it. Kind of getting over that.

Q Why did you carry a handgun with you?

A I just didn't feel very safe, for some reason.

Q Did you ever go see any doctor about that?

A No, I didn't.

Q Go talk to a therapist?

A No, I didn't, just kind of got over it and, you know, just of kind of trying to work through it.

Q Did you get through that part of it?

A Yep.

Q So you're not toting a handgun today with you?

A No, just felt a little paranoid, I guess, maybe.

Q That's fine. Did you -- you said you carried it around the house. Did you take it

MOSS - ALLGIRE (CROSS-EXAMINATION)

outside the house with you?

A I may have, occasionally.

Q All right. Other than Mr. Moss, is there anybody you've talked with about this incident?

A I mean just some of them guys in that group, you know, we talked about, earlier; my wife, my kids know about it; that's really about it.

MR. GRIFFITH: I think that's all the questions I got. Thank you very much. Appreciate it.

MR. MOSS: I just have one question.

CROSS-EXAMINATION

BY MR. MOSS:

Q The reason you felt that you needed a handgun was because of -- was it because of the statement they made?

A Yeah, that had a little bit to do with, you know, a guy threatened to look me and my family up, I kind of take that a little personal and I really just didn't feel comfortable.

Q Yeah.

GRIFFITH - ALLGIRE (REDIRECT EXAMINATION)

A You know, when they say, you know, if things don't go their way they're going to find out where I live, that's kind of a direct threat, so yeah, that kind of made me a little paranoid; so I kind of got over that, worked right through it and --

Q All right.

MR. MOSS: Nothing further.

REDIRECT EXAMINATION

BY MR. GRIFFITH:

Q Who made that threat to you?

A It was one of the guys in the group.

Q Do you know who it was?

A No.

Q Do you know if it was the gentleman that hit you?

A No, I do not.

Q Okay.

MR. GRIFFITH: Thank you.

(Whereupon, the deposition of Rodney Allgire was concluded at approximately 10:30 a.m.)

CERTIFICATED

STATE OF GEORGIA:
CHATHAM COUNTY:

I, Kyle J. Saniga, Court Reporter and Notary Public in and for the above county and state, do hereby certify that the foregoing testimony was taken before me at the time and place herein-before set forth; that the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth, that thereupon the foregoing testimony was later reduced by computer transcription; and I certify that this is a true and correct transcript of my stenographic notes so taken.

I further certify that I am not of counsel to either party, nor interested in the event of this cause.

_____

Kyle J. Saniga, CCR
Notary Public, B-2038
Savannah, Georgia

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

RODNEY J. ALLGIRE,

Plaintiff,

vs. CIVIL ACTION NUMBER
2011-CP-07-4796

MARSHALL C. BLANTON,

Defendant.

----------/

The deposition of K. CRAIG BOATRIGHT, M.D., a witness in the above-entitled cause, taken pursuant to Notice and agreement, before Cathy M. Knoettner, Certified Court Reporter and Notary Public, at The Spine Institute of the Carolinas, 40 Okatie Center Boulevard, Suite 205, Okatie, South Carolina, on the 18th day of November, 2013, commencing at or about the hour of 5:35 p.m.

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GRIFFITH - BOATRIGHT (DIRECT EXAMINATION)

KARL CRAIG BOATRIGHT, M.D.,

having been produced and first duly sworn as a witness, testified as follows:

DIRECT EXAMINATION

BY MR. GRIFFITH:

Q Doctor, my name is Mitch Griffith and I represent Mark Blanton who is the defendant in this lawsuit. I assume you've given a deposition before so I won't go through the rules, if that's fine.

A I have.

Q All right. Would you state your full name, please.

A Karl Craig Boatright.

Q And I understand you're an orthopedic surgeon; is that correct?

A Yes.

Q Primarily working with the spine?

A Yes.

Q All right. And you saw Mr. Allgire, I believe, first on June 19, 2012; is that correct?

A That is correct.

Q And what did he come to see you for?

GRIFFITH - BOATRIGHT (DIRECT EXAMINATION)

A The chief complaint was low back pain and right-sided radiculopathy in a mid to lower lumbar radicular type of pattern.

Q All right. Did you take a history from him?

A I did.

Q And what did he tell you about the right lower back pain?

A He told me that he had had a T12 compression fracture and that over the last couple months, or so, he began to have some numbness and dysesthesias in his right leg that went along with some low back pain and went all the way into his foot and had become significantly worse in the last month or so.

Q All right. I understand he also gave you a history of -- your note says an assault on Fripp Island; is that correct?

A That's correct, and I can read it to you. I'm going to quote right from the first paragraph of the history of present illness. It says that "He was playing golf with his friends on November 13th at Fripp Island. As he finished his round, they were walking into the

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GRIFFITH - BOATRIGHT (DIRECT EXAMINATION)

clubhouse and another golfer who he did not know attacked him, punched him in the face and knocked him unconscious. He fell back and hit his back?

Q Did he tell you what part of his back he hit?

A He may have but that's not recorded here.

Q And he told you, I believe also, that he sustained a compression fracture at T12; is that correct?

A That's correct.

Q All right. Did you treat him for the T12 compression fracture?

A I did treat him for the T12 compression fracture.

Q All right. And what treatment did you give for the compression fracture?

A Well, the treatment from his first visit -- because I think that the pain that he was having in his back was still part and parcel to the T12 compression fracture. So, in other words, I think he had a T12 compression fracture, and I think that he was treated by Dr.

GRIFFITH - BOATRIGHT (DIRECT EXAMINATION)

Blocker for that. And then he was sent to me when he developed some additional symptoms, but I think his back pain was still coming from the compression fracture. In other words, I don't believe it ever completely resolved and so I believe it was -- to a reasonable degree of medical certainty, his back pain was still related to the compression fracture.

Q Did you have any records from Dr. Blocker?

A I have briefly reviewed some records from Dr. Blocker.

Q All right. When Dr. Blocker treated him -- I believe Dr. Blocker started treating him sometime in, if I'm not mistaken, November of 2011; is that correct?

A I did not memorize Dr. Blocker's notes.

Q I understand but you got the records there?

A I do not. I do not have those with me. And once more is I have reviewed Dr. Blocker's notes just enough to sort of know why he referred him to me.

Q All right. Well, let me ask you this

GRIFFITH - BOATRIGHT (DIRECT EXAMINATION)

then, Doctor. Did Dr. Blocker send his notes to you; were they available to you for review?

A He may have. They're in my computer. So I don't know how they got there, whether you guys sent them to me or whether Dr. Blocker sent them to me.

Q I did not send them to you. The only thing I've sent you so far is a subpoena and a check, I think.

A There you go, okay.

Q In any event, how was the T12 compression fracture causing pain in his lower extremity?

A Well, I didn't say it caused the pain in his lower extremity. I said I thought it was still related to the back pain that he was having.

Q Oh okay, I'm sorry.

A Yeah, I cannot say to a reasonable degree of medical certainty that the leg pain that he had when he saw me was related to his T12 compression fracture or to the injury that he had, but what I will say is I would leave that to Dr. Blocker's judgment, who treated him

GRIFFITH - BOATRIGHT (DIRECT EXAMINATION)

from the time of the initial injury. So I'm not saying -- I'm saying to a reasonable degree of medical certainty I cannot say the leg pain that he had when he saw me was related to the injury or not related to the injury.

Q You have no opinion on that?

A I have no opinion on that. But the back pain I do believe was related to the injury.

Q And when we're talking about back pain -- and I may not be saying this medically correctly, but the localized back pain in the thoracic area?

A In the thoracolumbar area, that's correct, because a low compression fracture and the sequelae of inflammation that go with that -- and T12 is the very bottom of the thoracic spine -- will cause pain mostly actually in the upper lumbar area more than even the lower thoracic area but all through that area.

Q Okay. In that regard I want to ask you then you treated him -- at least on the first visit he had some thoracic back pain; is that

correct, in the lower lumbar area?

A Yes, he did.

Q He was also complaining of some pain and some numbness and dysesthesia into the right leg; is that correct?

A That is correct.

Q What was causing that pain into the right leg?

A Well, it's always hard to know unless there's something there is something that's very obvious, like a big disk herniation with clear compression of a nerve root or significant spinal stenosis due to some other reason that clearly compresses physically the nerve root that you can visualize on the MRI, but many times if there's a tear in the disk and the disk leaks chemicals from the inside of the disk, then that can certainly lead to pain down the leg, and his MRI did show that he had disk bulging at L4-5, and that disk that bulges may also have a tear in it, even though the tear you can't really see so those in a lot of cases on an MRI. So my -- if I had to say, I would say it was probably some fluid leaking from the L4-5

disk which had probably a small tear in it that was causing him to have the radicular pain.

Q Okay. And I noticed in your records that you talk about some mild L5-S1 loss of height with spondylolisthesis.

A Yes.

Q Could you tell me what that is; could you explain that to me?

A Well, those are the changes that everybody gets as they get older with respect to loss of height, but that's also a description of one vertebrae sliding forward on the other vertebrae, and it also looks like he probably had stress fractures at that level as well at some point in his life. Those appear to be chronic.

Q And is that what you talked about, the pars defect then?

A That's correct; that's the description of the pars interarticularis having a basically disk continuity which we call a stress fracture and many times they're chronic or old.

Q Okay. Do you believe that's something that could also be congenital?

A Generally they're not congenital but they occur in a lot of people when they're teen-agers. I don't necessarily think that that was a new injury. I certainly can't say to a reasonable degree of medical certainty that that was a new injury.

Q Do you have an opinion as to the -- you said you saw the bulge, a disk bulge at L4-5; is that correct?

Q And do you have an opinion as to whether the disk bulge was old, new or chronic?

A That's -- again, I can't say that -- I mean, it was certainly present at that time. The chronicity of it is hard to say.

Q And you can't tell the age of it either; is that correct?

A No.

Q After the first visit, did you treat him any further for his T12 compression fracture?

A Well, on his second visit, which I believe was 6/28/2012 based on my record, I was again treating him for the symptoms which he initially came with, which were low back pain,

which was thoracolumbar level back pain, basically and so in addition to right lower extremity radicular pain; and so I was treating him at that time with an epidural steroid injection for those pains.

Q All right. And the epidural steroid injection, as I understand, was given at the -- it was two levels, at L4-5 and L5-S1; is that correct?

A Yes.

Q Was that at the location of the pars defect and/or the spondylolisthesis?

A Yes, and the L4-5 disk bulge.

Q Bulge, also, right.

A Uh-huh (affirmative).

Q And the epidural steroid injection, did that alleviate some of the problems he was having with his radicular pain?

A He followed up with me again on 7/18/2012, and that visit was specifically to discuss how he had done after his 6/28/2012 epidural steroid injection. And at that time he noted that his pain had improved but had not resolved.

GRIFFITH - BOATRIGHT (DIRECT EXAMINATION)

Q And when he talked about his pain, is that his radicular pain or his localized back pain?

A Both. But he says the pain continues to be located in his buttock and low back.

Q Okay. Then I believe you saw him again on September 19, 2012; is that correct?

A Yes. And on 7/18/2012, that was the note I was just reading from, so.

Q I'm sorry, I thought we had mentioned that.

A No, no. And at that time we actually decided not to do another injection because we felt like he was heading in the right direction. So then I saw him again on 9/19/2012.

Q All right. And at that time did he deny radiation of pain into his lower back?

A Let's see, he had been wearing a brace at that time and he felt like that did give him relief, but a brace really just treats the symptoms and let's the inflammation calm down. He noted at that time that his pain was only in his low back and denies any pain radiating into the lower extremities or ankle like he had prior

GRIFFITH - BOATRIGHT (DIRECT EXAMINATION)

to the epidural steroid injection. Then I say in the next sentence he describes a pain in the midline of the low back only.

Q I'll ask you, when you say the midline, where are we talking about?

A Right in the middle, you know, so --

Q Up and down the middle?

A Up and down, that's right. Not from top to bottom but from side to side.

Q Okay. And when you say midline then, that's about what level?

A Well, I think it's the same pain we've been talking about, so really from the bottom of the ribcage down.

Q All right. And then I believe you saw him again on 12 -- well, before we leave there, at that time was he wanting to get back into sports or athletics; golfing in particular?

A Yes, we were going to transition him out of his brace for the brace to be worn only at times when he was doing things that typically irritated his back. We released him to return to normal activities. He actually asked if he could return to golf and I asked him to

GRIFFITH - BOATRIGHT (DIRECT EXAMINATION)

transition slowly back into golf and if his pain headed in the wrong direction, then he could call us back and we'd work from there.

Q Do you know if he had been playing golf in between the time of the November incident and the time that he first saw you?

A I don't -- it's not recorded in my medical records so I wouldn't know that.

Q Okay. Would that have been something that you would have advised him to do or to stay away from?

A Well, our literature is fairly clear on getting -- that people do better if they get back to their life and their normal life as soon as possible. So I would have advised him to start back to golfing as soon as he could with respect to starting slowly chipping and putting and then moving into swinging the driver once he got enough relief to so, and in his barometer for whether he could do it or not is if he started to do it and it made his back hurt more, than he would need to stop it. And that's the same conversation I have with many people and so there's a reasonable chance I had that

GRIFFITH - BOATRIGHT (DIRECT EXAMINATION)

conversation with Mr. Allgire along the way.

Q Sure. And I had asked you, you don't know if he had been playing golf before he had seen you?

A I do not.

Q Now, he followed up with you again, it looks like, on 12/19/2012; is that correct?

A Yes, sir, that's correct.

Q All right. At that time I believe you gave him a second epidural steroid injection; correct?

A That is correct.

Q All right. And why was an epidural given on that occasion?

A Well, at the end of his 9/19/2012 note, we said that if his pain were to head in the wrong direction, then we would proceed with an additional epidural. And so he called back and said, I'm starting to have more pain again, and so we went on with the second epidural. In other words, instead of his pain slowly getting better, it seems to have worsened.

Q All right. Did he give you any incident that may have taken place that worsened

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his back?

A He may have but that's not recorded in the medical record, and I don't remember that he told me of any new incident or other extenuating circumstance.

Q Have you seen him since that time?

A I have; I saw him again in follow-up on 7/31/2013.

Q All right. And what was the purpose of that visit?

A At that time he had actually developed, what we identify as, a new chief complaint. It was right-sided thoracic-level pain that started approximately three to four weeks prior, and he described to us that he was basically taking it easy when -- and doing fairly well, but he shifted in his chair, heard a pop in his back at that time and developed severe right-sided thoracic-level back pain and lower thoracic spine pain. And he also noted that he continues to have some mild low back pain sporadically as well.

Q And what was your diagnosis for that problem?

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A Right-sided lower thoracic-level pain mechanical in nature, and then we also took imaging studies at that time, which were X-rays of the thoracic spine, which did not show a clear new fracture of any type.

Q And, in your opinion, was it just episodic or was it some other cause that's lengthy in nature?

A Well, he -- I sent him on for an MRI, which that was in July, but then he came back in on 11/13/2013 and we went over his pain again and he had a thoracic MRI at that time which I reviewed; and while there was no new fracture it showed in the T6 vertebral body a possible lesion. Now, I think that it's reasonable to assume that this is not a neoplastic process or cancer, but that's what we're looking for and we're going to need to continue to follow him for this. We've ordered some more tests to further define that and prove or disprove whether it's something more than an incidental finding on the MRI.

Q All right. And you said you didn't think it was a neoplastic process or cancer --

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A Well, that's what I mean by neoplastic process.

Q Oh, okay. In your opinion, is that any way related to his T12 --

A You meant the T6 finding?

Q Yes, sir.

A No, it's not related in any way.

Q Dr. Boatright, you treat compression fractures also; is that correct?

A Yes.

Q And a compression fracture is basically the vertebra is somehow crushed; is that for lack of a better word?

A Yes, that's a fairly good description.

Q All right. And in this case the records I've seen say that it's about a 13 percent compression fracture, I think, anterior?

A I believe that's the number I read in Dr. Blocker's note that was his estimate.

Q All right. And what's the normal treatment for a compression fracture?

A Activity restriction, brace. In some people there are cement augmentation procedures that we perform, vertebroplasty, kyphoplasty,

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although that's something that we do a lot less of now than we've done in the past; and certainly for somebody Mr. Allgine's age we would not recommend that. So really it's rest and bracing and activity restriction with pain management as necessary to treat the symptoms of, you know, the discomfort and symptoms related to that.

Q And it appears as though before he saw you, he had no surgery; correct?

A That's correct.

Q So do you know if he was even braced before he saw you?

A You know, I read Dr. Blocker's notes and I cannot remember whether they put him in a brace or not at that time.

Q Okay. So it looks like basically rest and limitation of activities; is that correct, was his primary treatment?

A Yes. But I refer back to my initial note because we do ask people what other treatment that they've had, and he'd had 25 visits of physical therapy and two Medrol Dosepaks and was utilizing ibuprofen. Plus, I

GRIFFITH - BOATRIGHT (DIRECT EXAMINATION)

think he had some significant activity modifications as well.

Q And would the compression fracture of 13 percent in nature, is the vertebra like any other bone; once it heals, is it basically the compression stops?

A Once it heals, we wouldn't expect it to compress any further.

Q All right. And is that the case that you saw with Mr. Allgire?

A Well, I never -- I don't think I reviewed his initial imaging studies visually myself; I don't think I ever saw those, because the first study that I -- which were probably just X-rays taken in the emergency room as well -- although, I don't know that for sure. But when I saw him, I looked at an MRI from June 19, 2012, and I also -- we ordered and looked at X-rays that day in our clinic; and so at that time it appeared that the T12 compression fracture from a bony standpoint had probably healed, but that doesn't mean that he couldn't still have pain from that; and the reason for that is, is that, you know, given a compression

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fracture in a 246-pound, 6'2 1/2-inch gentleman is a high energy event; there's no doubt about it. You just can't get a compression fracture in somebody like him without having a very significant injury.

Q And when you say it's a high energy event, what do you mean by that?

A Well, I mean, you really -- there has to be a lot of kinetic energy involved which, you know, is a lot of sort of energy. Generally speaking, for a compression fracture in a man this age, it requires a fall from greater than 8 or 10 feet or a motor vehicle accident or a significant trauma.

Q All right. And the history that you were given was a punch to the face and that he fell down. I'm trying to figure out what's the significant trauma that --

MR. MOSS: He was knocked down. I object. He didn't fall.

THE WITNESS: I don't know -- I wasn't there for the assault, nor was I involve with a detailed description -- you know, my job is to take care of the patient when they get there and their medical problem. But I would say that the very fact that he had a T12 compression fracture is confirmation that there was -- that a lot went on at the time that it occurred.

GRIFFITH - BOATRIGHT (DIRECT EXAMINATION)

BY MR. GRIFFITH:

Q All right. And, there again, a man standing up takes a punch to his jaw, what is the -- does it require axial loading to cause a compression fracture?

A Yes; but, I mean, it could also be just a big flexion injury, too. So, in other words, you can get it from axial loading; you can get it from a big flexion moment where you flex forward really hard; any of those things can cause it, so.

Q Okay. And a minute ago I thought you said he had to fall from maybe 6 to 8 feet, but he could also get it from just actually bending forward real quick?

A Well, I think you're going at this from the wrong direction.

Q I'm trying to find out what the --

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A I'm going to go at it from the other direction, which is the fact that a big healthy guy, like a 51-year-old male, ended with a compression fracture tells me that at the time that compression fracture occurred, that there was a high energy event that occurred. You know, you just don't get it -- unless Mr. Allgire -- and he has zero other reasons to have low bone density; unless Mr. Allgire has somewhere else in his thing, like if he were taking chronic steroids, if he had some type of chronic illness, you know, that caused him to have low bone density, it takes a lot of energy to get an injury like this in a gentleman of his age.

MR. GRIFFITH: Okay, fair enough. Thank you, Doctor. I don't have any other questions.

CROSS-EXAMINATION

BY MR. MOSS:

Q Doctor, I don't think I have many questions. You were referred by -- Dr. Blocker referred this gentleman to you; is that correct?

A Well, I did read the referral note by

Dr. Blocker, and he actually referred him to our practice, so it says Dr. Reuben who's my partner --

Q Oh, I understand?

A -- but he would have seen me, yes, that's correct.

Q But that's what I mean; he referred him to your practice?

A Yes, sir, that's correct.

Q All right. Which is a common practice, obviously, among doctors; is that not correct?

A Yes, sir, that's correct.

Q Especially orthopedics to perhaps neurologists or neurosurgeons?

A Well, in this case, I'm an orthopedic spine surgeon; but, yes, we get referrals from Dr. Blocker to take care of spine problems that he feels like are --

Q He doesn't specialize in spines the way you do?

A That's correct; that's exactly right.

Q All right. So let me run over some things. In your opinion with reasonable medical

certainty, the fracture to the T12 was related to this event that occurred?

A Based on the history that was taken on the day that he came to see me, I believe that the fracture that occurred at that time and the medical records that I reviewed would indicate that it did occur at the time of the event, the assault that occurred on the golf course.

Q Right. And the fracture to the T12, I believe you said with a reasonable medical certainty, also doesn't just cause pain there; it can definitely also cause pain in the lumbar area which is next to the T12; is that correct?

A They're all the same area. I mean, the bottom of the thoracic spine and the lumbar spine are all the same area.

Q Okay. The T12 is the last thoracic vertebra; is that correct?

A That's correct, yes, sir.

Q And then from there, you go down to one, two, three, four --

A Five.

Q Five lumbar; is that correct?

A Yes.

Q Okay. And they're all together, in other words?

A Yes, sir.

Q Now, the 25 PT visits was something that this individual needed with a reasonable medical certainty, is it not; correct?

A I believe that that was appropriate treatment by Dr. Blocker.

Q And the two Medrol Dosepak treatments; is that correct?

A Yes, sir.

Q And that's a good treatment or accepted treatment in this area?

A Yes, sir.

Q Okay. And he, of course, was taking ibuprofen; it looked like 800 milligrams. Is that a pretty big pill?

A Yes, that's the right -- that's the prescription dose of ibuprofen. It would be the equivalent of four of the over-the-counter 200-milligram tablets.

Q Okay. And that was necessary to a reasonable degree of medical certainty; is that correct?

A I believe that was appropriate treatment, yes, sir.

Q And the epidural steroid injections, I believe you gave him two; is that correct?

A Yes, sir.

Q And that was something -- to a reasonable degree of medical certainty, was something needed by this individual?

A Yes, sir.

Q And the, of course, brace, I believe it was also prescribed; is that correct?

A Yes, sir

Q Okay. And I believe Dr. Blocker, of course, had treated this man before you did, so you would leave any other injuries basically to his judgment, whatever he says was caused by this?

A Yes, sir.

Q Okay. Do you know what your total bill is to date, or could you get me a copy of your total bill to date, perhaps, from your lady and --

A Yes, sir, you're welcome to get that from my office. I don't know that.

MOSS - BOATRIGHT (CROSS-EXAMINATION)

Q All right. And I found a drawing that apparently was done from --

A Yes, sir.

Q Was that prepared in your office after you saw the individual?

A It was prepared on 6/19/2012, and most of the time the patient fills this out themselves. Now, sometimes the patient will talk to the person who's checking them in and putting them in the room, and that person will help them fill it out. So this probably Mr. Allgire's --

Q His writing?

A His writing, yes, sir.

Q And at that time he reported, I believe, pain at its worst was a seven out of ten?

A Yes, sir.

Q Ten being the worst. And then he said pain at rest or the best pain was a three?

A Yes, sir.

Q And whatever bill we get from your billing department is the correct bill? I mean, it will show the dates of treatment which

MOSS - BOATRIGHT (CROSS-EXAMINATION)

correspond with these dates; isn't that correct?

A To the best of my knowledge, yes, sir, that should be the case.

MR. MOSS: All right. I don't think I have anything further.

REDIRECT EXAMINATION

BY MR. GRIFFITH:

Q And, Doctor, I have the picture you looked at. That appeared to be showing pain down the right side; is that correct?

A That is correct.

Q All right. And do you know if he had had pain on the other side before?

A I do not. And in order to -- the only way for us to know more about that is we would have to take all his pictures out and look at them. And I will tell you that frequently patients will draw on the wrong side. So I think the record would be the actual dictation because we're very careful about asking about that.

Q Okay. And do you know if one of the reasons Dr. Blocker sent him to you is because the pain had moved from the left side originally

GRIFFITH - BOATRIGHT (REDIRECT EXAMINATION)

over to the right side just before seeing you?

A I did read Dr. Blocker's notes. I believe that he -- I believe he sent him to us. I'm not sure if that was the primary reason or not, but he did comment on that at the end of one his notes.

Q Okay. And in your history it says, The last couple of months he began to complain to the therapist that he had numbness and dysesthesia in the right leg.

A Yes, sir, that's what the note says.

Q Okay. And what I want to make sure I understand; Mr. Moss asked you something about the epidural steroid injection.

A Yes.

Q Was that also for the treatment of the radicular problems and the disk problems that he had, as well as the thoracic problems?

A Yes, that was for the treatment of the pain that he was having in his thoracolumber spine down his right leg.

Q Okay. And you said you can't tell if the right leg pain was caused by this incident that we talked about back in November; is that

GRIFFITH - BOATRIGHT (REDIRECT EXAMINATION)

correct?

A To a reasonable degree of medical certainty, I cannot say yes or no to that.

Q Okay. In other words, you don't have an opinion?

A I do not have an opinion.

MR. GRIFFITH: Okay. Thank you, Doctor.

RECROSS-EXAMINATION

BY MR. MOSS:

Q But you would leave that opinion to Dr. Blocker?

A I would leave that opinion to Dr. Blocker; that's exactly right. And I have to say the reason for that is because he treated Mr. Allgire from the first until he sent him to me and so he had a history that was related to that along the way, and I don't want to interpret his notes.

Q I understand. On -- I believe it was 9/19, I see your note 9/19/12, and at that time I think you said he has asked if he can return to his golfing, I think is when he asked you that; is that correct?

GRIFFITH - BOATRIGHT (REDIRECT EXAMINATION)

A Yes, sir.

Q That would have been September of 2012?

A Yes, sir.

MR. MOSS: All right. I don't have anything further.

(Whereupon, the deposition of K. Craig Boatright, M.D. was concluded at approximately 6:05 p.m.)

CERTIFICATE

STATE OF SOUTH CAROLINA:
BEAUFORT COUNTY:

I, Cathy M. Knoettner, Certified Court Reporter and Notary Public in and for the above county and state, do hereby certify that the foregoing testimony was taken before me at the time and place hereinbefore set forth; that the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth, that there upon the foregoing testimony was later reduced by computer transcription; and I certify that this is a true and correct transcript of my stenographic notes so taken.

I further certify that I am not of counsel to either party, nor interested in the event of this cause.

Cathy M. Knoettner, CCR
Notary Public
Beaufort, South Carolina