

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Appellate Case No.: 2019-000998

Cecil Rowe,.....Appellant,

v.

Family Health Centers, Inc.,.....Respondent.

AND

Rebecca Rowe,.....Appellant,

v.

Family Health Centers, Inc.,.....Respondent.

RECORD ON APPEAL

Joseph O. Thickens, Esquire
J. Eric Cavanaugh, Esquire
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Attorneys for Appellant

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Attorneys for Respondent

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FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Orangeburg
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2017CP3801233

Rebecca Rowe
PLAINTIFF(S)

Family Health Centers, Inc.
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):**
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

that the cases are hereby consolidated.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/14/2019 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Orangeburg Common Pleas

Case Caption: Rebecca Rowe VS Family Health Centers, Inc. , defendant, et al
Case Number: 2017CP3801233
Type: Order/Electronic Form 4

So Ordered

s/ Edgar W. Dickson #2153

Electronically signed on 2019-05-14 13:08:59 page 3 of 3

ELECTRONICALLY FILED - 2019 May 15 4:55 PM - ORANGEBURG - COMMON PLEAS - CASE#2017CP3801233

STATE OF SOUTH CAROLINA	)	
	)	IN THE CIRCUIT COURT
COUNTY OF ORANGEBURG	)	
CECIL ROWE,	)	
	)	Civil Action No.: 2017-CP-38-01232
Plaintiff,	)	
	)	ORDER OF PARTIAL DISMISSAL
v.	)	WITHOUT PREJUDICE AS TO
	)	CAROLINA KWIK DRY, LLC
FAMILY HEALTH CENTERS, INC. and	)	ONLY
CAROLINA KWIK DRY, LLC,	)	
	)	(Case Continues as to All Other Parties)
Defendants.	)	

NOW COMES the Plaintiff, by and through his undersigned counsel, and hereby dismisses his claims against Carolina Kwik Dry, LLC *only*, without prejudice. This dismissal is as to Carolina Kwik Dry only and is not intended to and does not dismiss any of Plaintiff's claims against Defendant, Family Health Centers, Inc. Undersigned counsel for the Defendants hereby consent to this dismissal.

[SIGNATURE PAGE FOLLOWS]

SO MOVED:

CAVANAUGH & THICKENS

s/ Joseph O. Thickens
Joseph O. Thickens, Esq.
1324 Gadsden Street
Columbia, SC 29201

Attorney for Plaintiff

WE CONSENT:

DOUGALL & COLLINS

s/ Thomas F. Dougall
Thomas F. Dougall, Esq.
1700 Woodcreek Farms Road
Elgin, SC 29045

Attorney for Carolina Kwik Dry, LLC

MURPHY & GRANTLAND

s/ John M. Grantland
John M. Grantland, Esq.
Post Office Box 6648
Columbia, SC 29260

Attorney for Family Health Centers, Inc.

July 18, 2018

Columbia, SC

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)
REBECCA ROWE,)
Plaintiff,)
v.)
FAMILY HEALTH CENTERS, INC. and)
CAROLINA KWIK DRY, LLC,)
Defendants.)

IN THE CIRCUIT COURT

Civil Action No.: 2017-CP-38-01233

**ORDER OF PARTIAL DISMISSAL
WITHOUT PREJUDICE AS TO
CAROLINA KWIK DRY, LLC
ONLY**

(Case Continues as to All Other Parties)

NOW COMES the Plaintiff, by and through her undersigned counsel, and hereby dismisses her claims against Carolina Kwik Dry, LLC *only*, without prejudice. This dismissal is as to Carolina Kwik Dry only and is not intended to and does not dismiss any of Plaintiff's claims against Defendant, Family Health Centers, Inc. Undersigned counsel for the Defendants hereby consent to this dismissal.

[SIGNATURE PAGE FOLLOWS]

SO MOVED:

CAVANAUGH & THICKENS

s/ Joseph O. Thickens
Joseph O. Thickens, Esq.
1324 Gadsden Street
Columbia, SC 29201

Attorney for Plaintiff

WE CONSENT:

DOUGALL & COLLINS

s/ Thomas F. Dougall
Thomas F. Dougall, Esq.
1700 Woodcreek Farms Road
Elgin, SC 29045

Attorney for Carolina Kwik Dry, LLC

MURPHY & GRANTLAND

s/ John M. Grantland
John M. Grantland, Esq.
Post Office Box 6648
Columbia, SC 29260

Attorney for Family Health Centers, Inc.

September 18, 2018

Columbia, SC

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

Cecil Rowe

Plaintiff,

vs.

Family Health Centers, Inc.

Defendants.

IN THE COURT OF COMMON
PLEAS

FIRST JUDICIAL CIRCUIT

VERDICT FORM

CIVIL ACTION NO:
2017-CP-38-01232

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

Rebecca Rowe

Plaintiff,

vs.

Family Health Centers, Inc.

Defendants.

IN THE COURT OF COMMON
PEAS

FIRST JUDICIAL CIRCUIT

CIVIL ACTION NO:
2017-CP-38-01233

2019 MAY 31 PM 3:18

FILED FOR RECORD
WINNIE P. CLARK



1. For Plaintiff, CECIL ROWE:

A. Was the Defendant, FAMILY HEALTH CENTERS, INC., negligent?

☒ YES- Go to Question 1 B.

☐ NO- Stop Deliberations for Plaintiff Cecil Rowe.

B. Was FAMILY HEALTH CENTERS, INC., negligence a proximate cause of Plaintiff CECIL ROWE'S injuries and damages?

☒ YES - Go to Question 1 C.

☐ NO - Stop deliberations for Plaintiff Cecil Rowe.

C. Did the Plaintiff, CECIL ROWE, contribute to his injuries and damages by his own negligence?

☒ YES - Go to Question 1 D.

☐ NO - Go to Question 1 D.

D. State the amount of total damages, if any, that Plaintiff CECIL ROWE is entitled to. You are to determine only the TOTAL amount of Plaintiff CECIL ROWE'S damages and enter that amount below.

\$ 4,000.00

2. What is the percentage of each party's fault? (The percentages must add up to 100 %.)

FAMILY HEALTH CENTERS, INC.

40 ~~60~~ %

CECIL ROWE

60 ~~40~~ %

TOTAL

100%

3. For Plaintiff, REBECCA ROWE:

A. Was the Defendant, FAMILY HEALTH CENTERS, INC., negligent?

☒ YES - Go to Question 3 B.

☐ NO - Stop deliberations for Plaintiff Rebecca Rowe.

B. Was FAMILY HEALTH CENTERS, INC., negligence a proximate cause of Plaintiff REBECCA ROWE'S injuries and damages?

☒ YES - Go to Question 3 C.

☐ NO - Stop deliberations for Plaintiff Rebecca Rowe.

C. Did the Plaintiff, REBECCA ROWE, contribute to her injuries and damages by her own negligence?

☒ YES – Go to Question 3 D.

☐ NO – Go to Question 3 D.

D. State the amount of total damages, if any, that Plaintiff REBECCA ROWE is entitled to. You are to determine only the TOTAL amount of Plaintiff REBECCA ROWE'S damages and enter that amount below.

\$ 11,000.00

4. What is the percentage of each parties fault? (The percentages must add up to 100 %.)

FAMILY HEALTH CENTERS, INC.

40 %

REBECCA ROWE

60 %

TOTAL

100%

I certify this decision was the unanimous decision of the jury.

Mary T. Jenkins

Forelady
May 21, 2019

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

CECIL ROWE,

Plaintiff,

v.

FAMILY HEALTH CENTERS, INC.
AND CAROLINA KWIK DRY, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

THE FIRST JUDICIAL CIRCUIT

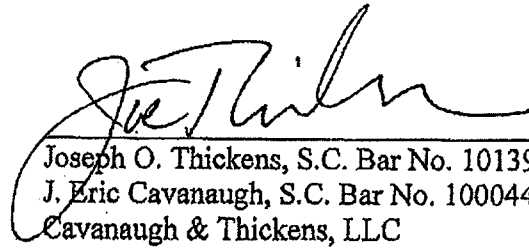
Civil Action No.: 2017-CP- 38-01232

SUMMONS

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the said Complaint upon the subscribers at 1324 Gadsden Street, Street, Columbia, South Carolina 29201, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, Plaintiffs will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you for the relief demanded in the Complaint.

(Signature Page to Follow)

Respectfully submitted,



Joseph O. Thickens, S.C. Bar No. 101398
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ATTORNEYS FOR PLAINTIFF

Columbia, South Carolina
September 13, 2017

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

CECIL ROWE,

Plaintiff,

vs.

FAMILY HEALTH CENTERS, INC. AND
CAROLINA KWIK DRY, LLC,

Defendant(s).

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2017-CP - 38-01232

Submitted By: Joseph O. Thickens
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Columbia, SC 29202

SC Bar #: 101398
Telephone #: (803) 888-2200
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NOTE: The coversheet 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 coversheet 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)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)

☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____ | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20____-NI-_____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____ | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☒ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) _____ | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____ |
| Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____ | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured
Settlement Payment Rights
Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Other (799) _____ | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)

☐ Other (999) _____ |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in
an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | | |

Submitting Party Signature: _____

Date: September 13, 2017

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

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

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

Pursuant to the ADR Rules, 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.
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.

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Cecil Rowe,

Plaintiff,

Vs.

Family Health Centers, Inc. and Carolina
Kwik Dry LLC,

Defendants.

) IN THE COURT OF COMMON PLEAS
) IN THE FIRST JUDICIAL CIRCUIT
)

Civil Action No.:

2017-CP-38-01238

COMPLAINT

(Jury Trial Demanded)

Now comes the Plaintiff Cecil Rowe (hereinafter "Plaintiff") complaining of the Defendants Family Health Centers, Inc. and Carolina Kwik Dry LLC (collectively "Defendants") above-named, and does allege and show unto this Honorable Court as follows:

1. The Plaintiff is a citizen and resident of the County of Orangeburg, State of South Carolina.
2. Upon information and belief, Defendant Family Health Centers, Inc. ("FHC") is a South Carolina corporation organized and existing under the laws of the State of South Carolina, with its principal place of business in Orangeburg, South Carolina, which owns and operates a healthcare facility at 7061 Norway Rd., Neeses, SC 29107.
3. Upon information and belief, the Defendant Carolina Kwik Dry, LLC is a South Carolina limited liability company, and at all pertinent times was contracted by Defendant FHC to assist in the maintenance and upkeep of Defendant FHC's premises at 7061 Norway Rd., Neeses, SC 29107.
4. This Court has jurisdiction under Article V of the South Carolina Constitution and Title 15 of the South Carolina Code Annotated.

5. Venue is appropriate in this forum because all acts and/or omissions related to this litigation occurred in whole or in part in Orangeburg County, South Carolina.

FACTS

6. On or about August 1, 2016 Plaintiff was an invitee of Defendant FHC at 7061 Norway Rd., Neeses, SC 29107.

7. While at the Defendant FHC's premises, Plaintiff was standing up from a chair in the waiting room when suddenly, and without warning, the arm of the chair broke.

8. At the same time, the chair slipped suddenly away from Plaintiff Cecil Rowe, causing him to fall violently on the floor.

9. Following the incident, Plaintiff learned that the floor had just been waxed and/or polished by Defendant Carolina Kwik Dry at the request of Defendant FHC.

10. Neither Defendant took any action to warn Plaintiff of the dangerous condition that existed as a result of the condition of the chair.

11. Neither Defendant took any action to warn Plaintiff of the dangerous condition that existed as a result of the floor having been recently waxed and/or polished.

12. At the time of Plaintiff's fall, there was no warning of the dangerous condition on the floor.

13. The Defendants failed to appropriately direct the actions of their employees and failed to provide a safe environment for the Plaintiff. The Defendants owed a duty of care to the Plaintiff to discover risks and take safety precautions to warn of or eliminate unreasonable risks.

14. Employees must be trained to identify dangers that could harm the customers.

15. Once a danger is identified it must be properly eliminated immediately to keep from injuring customers.

16. The Defendants breached the duties owed to the Plaintiff.

17. As a result of said fall, Plaintiff suffered serious and severe personal injuries and damages, medical care, medical treatment, medical expenses, pain and suffering, physical, mental, and emotional anguish, economic loss, permanent disability, and loss of enjoyment of life.

18. The careless, negligent, grossly negligent, willful, wanton and reckless acts and omissions of the Defendants, including by and through its agents, servants, and employees acting within the course and scope of their employment or duty was the direct and proximate cause of the injuries and damages complained of herein by Plaintiff, said acts being in violation of the applicable laws governing the actions of the Defendants including but not limited to any applicable statutes, laws, rules, guidelines, regulations, codes, practices, procedures, or protocols governing the actions of the Defendants through the following:

- a. In creating, maintaining, and allowing to exist, an unreasonably dangerous condition on the premises which Defendants knew or should have known of;
- b. In failing to properly inspect, warn and maintain said area for possible dangers to invitees;
- c. In failing to properly maintain its facility in a reasonably safe condition;
- d. In failing to follow reasonable preventative maintenance procedures;
- e. In failing to remedy said dangerous condition;
- f. In failing to correct or warn of the dangerous condition within a reasonable time after the Defendants knew or should have known of the dangerous condition existing;

- g. In failing to give proper and adequate warnings as to the condition existing, through signs and other means;
- h. In failing to take precautions regarding said hazardous and dangerous conditions present;
- i. In failing to install a nonslip surface on the floor of the store;
- j. In failing to exercise that degree of care and caution which a reasonable and prudent person would have exercised under the same or similar circumstances including but not limited to discovery, remedying and warning of latent defects and said dangerous conditions;
- k. In violating any applicable statutes, laws, rules, guidelines, regulations, codes, technical specifications, methods, practices, procedures, and/or protocols, including those of the Defendants;
- l. In failing to take precautions to avoid injuries to the Plaintiff when the Defendants knew or should have known that Plaintiff was in a position of peril from which she could not extricate herself and the Defendant had the last clear chance to avoid said injuries to the Plaintiff;
- m. In failing to provide proper care after an injury occurred at the facility;
- n. In having complete disregard for the safety of its invitees; and
- o. For such other acts and omissions that may become more apparent through discovery in this matter.

19. That at all times relevant, the Defendants knew, should have known, had actual notice, or had constructive notice of the dangerous condition which caused the damages herein described and of the matters set forth in this complaint, including the above specifications of

negligence, gross negligence, recklessness, willfulness, and wantonness regarding the said area which was under the direct ownership, dominion, possession, or control of the Defendants by and through their agents, servants and employees acting within the scope of their duty.

20. That these negligent, grossly negligent, willful, wanton, or reckless acts were the direct and proximate cause of Plaintiff's injuries and damages which include but are not limited to medical care, medical treatment, medical expenses, pain and suffering, physical, mental and emotional anguish, economic loss, permanent disability, loss of enjoyment of life, inconvenience of travel, and other damages.

21. That the Defendants knew or should have known of the dangerous condition present on the premises which they owned, possessed, exercised dominion over or controlled, that their customers were to be in the vicinity of this dangerous condition, that the condition was likely to cause injury, and that the expense of remedying the situation was slight compared to the magnitude of the risk.

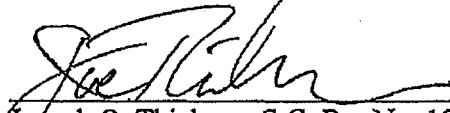
WHEREFORE, Plaintiff prays for judgment against Defendants on all causes of action and Plaintiff be awarded:

- a. Actual damages;
- b. Punitive damages;
- c. Costs of this action;
- d. Attorney's fees; and
- e. Any other and further relief this Honorable Court deems just and proper.

The Plaintiff demands a jury trial.

(Signature page to follow)

Respectfully submitted,



Joseph O. Thickens, S.C. Bar No. 101398

J. Eric Cavanaugh, S.C. Bar No. 100044

Cavanaugh & Thickens, LLC

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- AND -

Clyde C. Dean, Jr., S.C. Bar No. 1606

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146 Centre St.

Orangeburg, SC 29115

Tel: (803) 534-5091

ATTORNEYS FOR PLAINTIFF

Columbia, South Carolina
September 13, 2017

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

REBECCA ROWE,

Plaintiff,

v.

FAMILY HEALTH CENTERS, INC.
AND CAROLINA KWIK DRY, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS
THE FIRST JUDICIAL CIRCUIT

Civil Action No.: 2017-CP-

36-1233

SUMMONS

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the said Complaint upon the subscribers at 1324 Gadsden Street, Street, Columbia, South Carolina 29201, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, Plaintiffs will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you for the relief demanded in the Complaint.

ATTEST: TRUE COPY

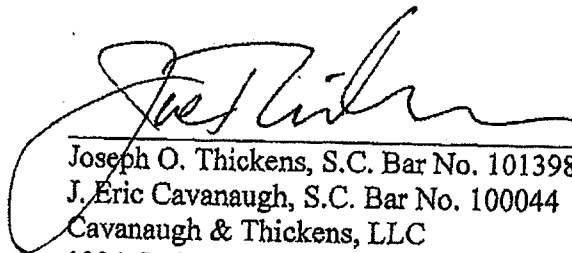
Winnifred B. Clark

CLERK OF COURT

(Signature Page to Follow)

ORANGEBURG COUNTY, SC

Respectfully submitted,



Joseph O. Thickens, S.C. Bar No. 101398

J. Eric Cavanaugh, S.C. Bar No. 100044

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Orangeburg, SC 29115

Tel: (803) 534-5091

ATTORNEYS FOR PLAINTIFF

Columbia, South Carolina
September 13, 2017

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

REBECCA ROWE,

Plaintiff,

vs.

FAMILY HEALTH CENTERS, INC. AND
CAROLINA KWIK DRY, LLC,

Defendant(s).

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2017-CP - 30 - 01233

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Fax #: (803) 888-2219
E-mail: joe@ctlawsc.com

NOTE: The coversheet 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 coversheet 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)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____ | ☐ Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
☐ Previous Notice of Intent Case #
20 ____-NI-_____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____ | ☐ Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☒ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) _____ | ☐ Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____ |
| ☐ Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | ☐ Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____ | ☐ Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured
Settlement Payment Rights
Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Other (799) _____ | ☐ Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____ |
| ☐ Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in
an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | <p>ATTEST: <u>Winnifred K. [Signature]</u>
CLERK OF COURT
ORANGEBURG COUNTY, SC</p> | |

Submitting Party Signature: [Signature]

Date: September 13, 2017

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

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

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

Pursuant to the ADR Rules, 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.
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.

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Rebecca Rowe,

Plaintiff,

Vs.

Family Health Centers, Inc. and Carolina
Kwik Dry LLC,

Defendants.

) IN THE COURT OF COMMON PLEAS
) IN THE FIRST JUDICIAL CIRCUIT

) Civil Action No.:

2017-CP-36-01233

COMPLAINT

(Jury Trial Demanded)

Now comes the Plaintiff Rebecca Rowe (hereinafter "Plaintiff") complaining of the Defendants Family Health Centers, Inc. and Carolina Kwik Dry LLC (collectively "Defendants") above-named, and does allege and show unto this Honorable Court as follows:

1. The Plaintiff is a citizen and resident of the County of Orangeburg, State of South Carolina.
2. Upon information and belief, Defendant Family Health Centers, Inc. ("FHC") is a South Carolina corporation organized and existing under the laws of the State of South Carolina, with its principal place of business in Orangeburg, South Carolina, which owns and operates a healthcare facility at 7061 Norway Rd., Neeses, SC 29107.
3. Upon information and belief, the Defendant Carolina Kwik Dry, LLC is a South Carolina limited liability company, and at all pertinent times was contracted by Defendant FHC to assist in the maintenance and upkeep of Defendant FHC's premises at 7061 Norway Rd., Neeses, SC 29107.
4. This Court has jurisdiction under Article V of the South Carolina Constitution and Title 15 of the South Carolina Code Annotated.

ATTEST: TRUE COPY

W. J. [Signature]
CLERK OF COURT
ORANGEBURG COUNTY, SC

5. Venue is appropriate in this forum because all acts and/or omissions related to this litigation occurred in whole or in part in Orangeburg County, South Carolina.

FACTS

6. On or about March 31, 2016 Plaintiff was an invitee of Defendant FHC at 7061 Norway Rd., Neeses, SC 29107.

7. While at the Defendant FHC's premises, Plaintiff was standing up from a chair when suddenly, and without warning, the chair slipped away from behind her causing Plaintiff to fall violently on the floor.

8. Following the incident, Plaintiff learned that the floor had just been waxed and/or polished by Defendant Carolina Kwik Dry at the request of Defendant FHC.

9. Neither Defendant took any action to warn Plaintiff of the dangerous condition that existed as a result of the floor having been recently waxed and/or polished.

10. At the time of Plaintiff's fall, there was no warning of the dangerous condition on the floor.

11. The Defendants failed to appropriately direct the actions of their employees and failed to provide a safe environment for the Plaintiff. The Defendants owed a duty of care to the Plaintiff to discover risks and take safety precautions to warn of or eliminate unreasonable risks.

12. Employees must be trained to identify dangers that could harm the customers.

13. Once a danger is identified it must be properly eliminated immediately to keep from injuring customers.

14. The Defendants breached the duties owed to the Plaintiff.

15. As a result of said fall, Plaintiff suffered serious and severe personal injuries and damages, medical care, medical treatment, medical expenses, pain and suffering, physical, mental, and emotional anguish, economic loss, permanent disability, and loss of enjoyment of life.

16. The careless, negligent, grossly negligent, willful, wanton and reckless acts and omissions of the Defendants, including by and through its agents, servants, and employees acting within the course and scope of their employment or duty was the direct and proximate cause of the injuries and damages complained of herein by Plaintiff, said acts being in violation of the applicable laws governing the actions of the Defendants including but not limited to any applicable statutes, laws, rules, guidelines, regulations, codes, practices, procedures, or protocols governing the actions of the Defendants through the following:

- a. In creating, maintaining, and allowing to exist, an unreasonably dangerous condition on the premises which Defendants knew or should have known of;
- b. In failing to properly inspect, warn and maintain said area for possible dangers to invitees;
- c. In failing to properly maintain its facility in a reasonably safe condition;
- d. In failing to follow reasonable preventative maintenance procedures;
- e. In failing to remedy said dangerous condition;
- f. In failing to correct or warn of the dangerous condition within a reasonable time after the Defendants knew or should have known of the dangerous condition existing;
- g. In failing to give proper and adequate warnings as to the condition existing, through signs and other means;

- h. In failing to take precautions regarding said hazardous and dangerous conditions present;
- i. In failing to install a nonslip surface on the floor of the store;
- j. In failing to exercise that degree of care and caution which a reasonable and prudent person would have exercised under the same or similar circumstances including but not limited to discovery, remedying and warning of latent defects and said dangerous conditions;
- k. In violating any applicable statutes, laws, rules, guidelines, regulations, codes, technical specifications, methods, practices, procedures, and/or protocols, including those of the Defendants;
- l. In failing to take precautions to avoid injuries to the Plaintiff when the Defendants knew or should have known that Plaintiff was in a position of peril from which she could not extricate herself and the Defendant had the last clear chance to avoid said injuries to the Plaintiff;
- m. In failing to provide proper care after an injury occurred at the facility;
- n. In having complete disregard for the safety of its invitees; and
- o. For such other acts and omissions that may become more apparent through discovery in this matter.

17. That at all times relevant, the Defendants knew, should have known, had actual notice, or had constructive notice of the dangerous condition which caused the damages herein described and of the matters set forth in this complaint, including the above specifications of negligence, gross negligence, recklessness, willfulness, and wantonness regarding the said area

which was under the direct ownership, dominion, possession, or control of the Defendants by and through their agents, servants and employees acting within the scope of their duty.

18. That these negligent, grossly negligent, willful, wanton, or reckless acts were the direct and proximate cause of Plaintiff's injuries and damages which include but are not limited to medical care, medical treatment, medical expenses, pain and suffering, physical, mental and emotional anguish, economic loss, permanent disability, loss of enjoyment of life, inconvenience of travel, and other damages.

19. That the Defendants knew or should have known of the dangerous condition present on the premises which they owned, possessed, exercised dominion over or controlled, that their customers were to be in the vicinity of this dangerous condition, that the condition was likely to cause injury, and that the expense of remedying the situation was slight compared to the magnitude of the risk.

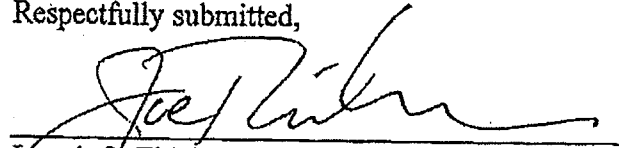
WHEREFORE, Plaintiff prays for judgment against Defendants on all causes of action and Plaintiff be awarded:

- a. Actual damages;
- b. Punitive damages;
- c. Costs of this action;
- d. Attorney's fees; and
- e. Any other and further relief this Honorable Court deems just and proper.

The Plaintiff demands a jury trial.

(Signature page to follow)

Respectfully submitted,



Joseph O. Thickens, S.C. Bar No. 101398

J. Eric Cavanaugh, S.C. Bar No. 100044

Cavanaugh & Thickens, LLC

1324 Gadsden Street (29201)

Post Office Box 2409

Columbia, SC 29202

Tel: (803) 888-2200

Fax: (803) 888-2219

- AND -

Clyde C. Dean, Jr., S.C. Bar No. 1606

The Dean Law Firm, LLC

146 Centre St.

Orangeburg, SC 29115

Tel: (803) 534-5091

ATTORNEYS FOR PLAINTIFF

Columbia, South Carolina
September 13, 2017

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Cecil Rowe,

Plaintiff,

v.

Family Health Centers, Inc., and Carolina
Kwik Dry, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO: 2017-CP-38-01232

**FAMILY HEALTH CENTERS, INC.'S FIRST
AMENDED ANSWER AND CROSSCLAIM
AGAINST CAROLINA KWIK DRY, LLC**

**TO: J. ERIC CAVANAUGH, ESQUIRE, ATTORNEY FOR PLAINTIFFS, AND TO
THE PLAINTIFFS ABOVE NAMED:**

Defendant Family Health Centers, Inc., in answering the Plaintiff's Complaint herein,
would respectfully show unto the Court the following:

FOR A FIRST DEFENSE
(General Denial)

1. Defendant Family Health Centers, Inc. denies each and every allegation of Plaintiff's Complaint not hereinafter specifically admitted.
2. Paragraphs 1, 2, 3, and 4 of Plaintiff's Complaint are admitted upon information and belief.
3. Paragraph 5 of Plaintiff's Complaint is admitted.
4. Paragraphs 6, 7, 8, and 9 are unknown and therefore denied.
5. Paragraphs 10, 11, 12, and 13 are denied.
6. Paragraphs 14 and 15 state conclusions of law that require no response. However, to the extent that the allegations of Paragraphs 14 and 15 allege or imply that Defendant Family Health Centers, Inc. violated any duties to the Plaintiff, then the allegations are denied.

7. Paragraphs 16 and all remaining allegations of the Plaintiff's Complaint are denied.

FOR A SECOND DEFENSE
(Sole Negligence of Plaintiff)

8. Defendant Family Health Centers, Inc. would show, upon information and belief, that the injuries sustained by the Plaintiff were the result of the sole negligence of the Plaintiff and therefore, the Plaintiff cannot recover any sum whatsoever from this Defendant.

FOR A THIRD DEFENSE
(Acts or Omissions of Others)

9. Defendant Family Health Centers, Inc. would show, upon information and belief, that any injuries or damages sustained by the Plaintiff, which are specifically denied, were the result of the acts or omissions of others not in the employ or control of this Defendant and, therefore, the Plaintiff cannot recover from this Defendant in any sum whatsoever.

FOR A FOURTH DEFENSE
(Negligence of a Third Party)

10. Such injury or loss as the Plaintiff sustained, if any, as alleged in the Complaint, was proximately caused and occasioned by the sole negligence, gross negligence, willfulness and wantonness of a third party, in failing to exercise due care and reasonable care for their own safety, which was the direct and proximate cause of injuries or losses suffered by the Plaintiff, if any, and without which the same would not have occurred. Therefore, this Defendant pleads the sole negligence, willfulness, wantonness, carelessness, recklessness, and gross negligence of a third party as a complete bar to this action against it.

FOR A FIFTH DEFENSE
(Comparative Negligence)

11. Defendant Family Health Centers, Inc. would show, upon information and belief, that any injuries or damages sustained by the Plaintiff were due to his own negligent, careless, reckless and grossly negligent acts or omissions which combined and concurred with any negligence on the part of this Defendant, which is specifically denied, to produce such injuries or damages, if any, and without which such injuries or damages would not have occurred; such negligent, careless, reckless and grossly negligent acts or omissions on the part of the Plaintiff being more particularly set forth as follows:

- a. in failing to keep a proper lookout;
- b. in failing to act as a reasonable and prudent person would have acted under the same or similar circumstances;
- c. and in other ways and particulars which may be shown through discovery and trial;

all of which were the direct and proximate cause of any injuries or damages sustained by the Plaintiff and this Defendant pleads such negligence, carelessness, recklessness and gross negligence on the part of the Plaintiff and would ask that this court compare the negligence of the Plaintiff and this Defendant and if it is determined that the Plaintiff's negligence, carelessness, recklessness and gross negligence was greater than the negligence, carelessness, recklessness and gross negligence of this Defendant, which is specifically denied, then the Plaintiff should be totally barred from recovery and if it is determined that the Plaintiff's negligence, carelessness, recklessness and gross negligence is equal to or less than the negligence of this Defendant, then the amount of recovery available to the Plaintiff should be reduced by the percentage of the Plaintiff's own negligence, carelessness, recklessness and gross negligence.

FOR A SIXTH DEFENSE
(Punitive Damages)

12. This Defendant would show, upon information and belief, that the Plaintiff's claim for punitive damages violates the Fifth, Sixth, Seventh, Eighth and Fourteenth Amendments to the Constitution of the United States of America in that it violates the double jeopardy clause in that this Defendant could be subjected to multiple awards of punitive damages for the same set of facts; the self-incrimination clause is being violated because this Defendant can be compelled to give testimony against itself in a penalty situation such as punitive damages; the assessment of punitive damages by a burden of proof less than beyond a reasonable doubt is violative of the Sixth and Fourteenth Amendments in that punitive damages are a fine or penalty and are, therefore, quasi-criminal in nature; Plaintiff's claim for punitive damages violates this Defendant's right to access the courts as guaranteed by the Seventh and Fourteenth Amendments because the threat of an award of punitive damages chills this Defendant's exercise of that right; the Plaintiff's claim for punitive damages violates the Eighth Amendment's guarantee that excessive fines shall not be imposed, the Plaintiff's claim for punitive damages violates both the due process and equal protection clauses of the Fourteenth Amendment in that the standard for awarding either punitive damages is unduly vague and, therefore, violates both procedural and substantive due process safeguards; therefore, the Plaintiff's claim for punitive damages should be dismissed.

FOR A SEVENTH DEFENSE AND BY WAY OF CROSSCLAIM
(Contractual Indemnity)

13. Defendant Family Health Centers, Inc. realleges all prior Paragraphs of this Answer to the Plaintiff's Complaint and incorporates them herein by reference.

14. Defendant Family Health Centers, Inc. had a valid contract with Defendant Carolina Kwik Dry, LLC at the time of the Plaintiff's alleged accident.

15. Pursuant to the terms of the contract, Defendant Carolina Kwik Dry, LLC, agreed to indemnify and hold harmless Defendant Family Health Centers, Inc. from any and all claims with respect to bodily injury arising from the negligence of any of its agents or employees.

16. Upon information and belief, the Plaintiff presents a bodily injury claim arising from the alleged negligence of Carolina Kwik Dry, LLC.

17. To the extent that Defendant Family Health Centers, Inc. is held liable to the Plaintiff in this accident, such liability will be the direct and proximate result of the alleged wrongful acts, omissions, breach of contract, negligence, and other breach of duty by Defendant Carolina Kwik Dry, LLC.

18. Upon information and belief, Defendant Family Health Centers, Inc. hereby entitled to contractual indemnification and equitable indemnification from Defendant Carolina Quick Dry, LLC, for any liability this Defendant and its employees are found to have to the Plaintiff in this action, including attorney's fees, costs and other expenses incurred in this matter.

WHEREFORE, having answered the Plaintiff's Complaint, Defendant Family Health Centers, Inc. respectfully requests that the Complaint be dismissed, with costs, and for such other and further relief as the Court deems just and proper.

Defendant Family Health Centers, Inc. demands a jury trial.

(signature on following page)

MURPHY & GRANTLAND, P.A.



John M. Grantland
4406-B Forest Drive (29206)
P.O. Box 6648
Columbia, South Carolina 29260
(803) 782-4100

Attorneys for Defendant Family Heath Centers, Inc.

October 27, 2017
Columbia, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO: 2017-CP-38-01233

Rebecca Rowe,

Plaintiff,

v.

Family Health Centers, Inc., and Carolina
Kwik Dry, LLC,

Defendants.

**FAMILY HEALTH CENTERS, INC.'S FIRST
AMENDED ANSWER AND CROSSCLAIM
AGAINST CAROLINA KWIK DRY, LLC**

**TO: J. ERIC CAVANAUGH, ESQUIRE, ATTORNEY FOR PLAINTIFFS, AND TO
THE PLAINTIFFS ABOVE NAMED:**

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3. Paragraph 5 of Plaintiff's Complaint is admitted.
4. Paragraphs 6, 7, 8, and 9 are unknown and therefore denied.
5. Paragraphs 10, 11, 12, and 13 are denied.
6. Paragraphs 14 and 15 state conclusions of law that require no response. However, to the extent that the allegations of Paragraphs 14 and 15 allege or imply that Defendant Family Health Centers, Inc. violated any duties to the Plaintiff, then the allegations are denied.

7. Paragraphs 16 and all remaining allegations of the Plaintiff's Complaint are denied.

FOR A SECOND DEFENSE
(Sole Negligence of Plaintiff)

8. Defendant Family Health Centers, Inc. would show, upon information and belief, that the injuries sustained by the Plaintiff were the result of the sole negligence of the Plaintiff and therefore, the Plaintiff cannot recover any sum whatsoever from this Defendant.

FOR A THIRD DEFENSE
(Acts or Omissions of Others)

9. Defendant Family Health Centers, Inc. would show, upon information and belief, that any injuries or damages sustained by the Plaintiff, which are specifically denied, were the result of the acts or omissions of others not in the employ or control of this Defendant and, therefore, the Plaintiff cannot recover from this Defendant in any sum whatsoever.

FOR A FOURTH DEFENSE
(Negligence of a Third Party)

10. Such injury or loss as the Plaintiff sustained, if any, as alleged in the Complaint, was proximately caused and occasioned by the sole negligence, gross negligence, willfulness and wantonness of a third party, in failing to exercise due care and reasonable care for their own safety, which was the direct and proximate cause of injuries or losses suffered by the Plaintiff, if any, and without which the same would not have occurred. Therefore, this Defendant pleads the sole negligence, willfulness, wantonness, carelessness, recklessness, and gross negligence of a third party as a complete bar to this action against it.

FOR A FIFTH DEFENSE
(Comparative Negligence)

11. Defendant Family Health Centers, Inc. would show, upon information and belief, that any injuries or damages sustained by the Plaintiff were due to his own negligent, careless, reckless and grossly negligent acts or omissions which combined and concurred with any negligence on the part of this Defendant, which is specifically denied, to produce such injuries or damages, if any, and without which such injuries or damages would not have occurred; such negligent, careless, reckless and grossly negligent acts or omissions on the part of the Plaintiff being more particularly set forth as follows:

- a. in failing to keep a proper lookout;
- b. in failing to act as a reasonable and prudent person would have acted under the same or similar circumstances;
- c. and in other ways and particulars which may be shown through discovery and trial;

all of which were the direct and proximate cause of any injuries or damages sustained by the Plaintiff and this Defendant pleads such negligence, carelessness, recklessness and gross negligence on the part of the Plaintiff and would ask that this court compare the negligence of the Plaintiff and this Defendant and if it is determined that the Plaintiff's negligence, carelessness, recklessness and gross negligence was greater than the negligence, carelessness, recklessness and gross negligence of this Defendant, which is specifically denied, then the Plaintiff should be totally barred from recovery and if it is determined that the Plaintiff's negligence, carelessness, recklessness and gross negligence is equal to or less than the negligence of this Defendant, then the amount of recovery available to the Plaintiff should be reduced by the percentage of the Plaintiff's own negligence, carelessness, recklessness and gross negligence.

14. Defendant Family Health Centers, Inc. had a valid contract with Defendant Carolina Kwik Dry, LLC at the time of the Plaintiff's alleged accident.

15. Pursuant to the terms of the contract, Defendant Carolina Kwik Dry, LLC, agreed to indemnify and hold harmless Defendant Family Health Centers, Inc. from any and all claims with respect to bodily injury arising from the negligence of any of its agents or employees.

16. Upon information and belief, the Plaintiff presents a bodily injury claim arising from the alleged negligence of Carolina Kwik Dry, LLC.

17. To the extent that Defendant Family Health Centers, Inc. is held liable to the Plaintiff in this accident, such liability will be the direct and proximate result of the alleged wrongful acts, omissions, breach of contract, negligence, and other breach of duty by Defendant Carolina Kwik Dry, LLC.

18. Upon information and belief, Defendant Family Health Centers, Inc. hereby entitled to contractual indemnification and equitable indemnification from Defendant Carolina Quick Dry, LLC, for any liability this Defendant and its employees are found to have to the Plaintiff in this action, including attorney's fees, costs and other expenses incurred in this matter.

WHEREFORE, having answered the Plaintiff's Complaint, Defendant Family Health Centers, Inc. respectfully requests that the Complaint be dismissed, with costs, and for such other and further relief as the Court deems just and proper.

Defendant Family Health Centers, Inc. demands a jury trial.

(signature on following page)

MURPHY & GRANTLAND, P.A.

John M. Grantland
4406-B Forest Drive (29206)
P.O. Box 6648
Columbia, South Carolina 29260
(803) 782-4100

Attorneys for Defendant Family Heath Centers, Inc.

October 27, 2017
Columbia, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Rebecca Rowe,

Plaintiff,

Vs.

Family Health Centers, Inc. and Carolina
Kwik Dry LLC,

Defendants.

) IN THE COURT OF COMMON PLEAS
) IN THE FIRST JUDICIAL CIRCUIT
)

) Civil Action No.: 2017-CP-38-01233
)

) PLAINTIFF'S ANSWERS TO
) DEFENDANT FAMILY HEALTH
) CENTERS, INC.'S FIRST SET OF
) INTERROGATORIES
)
)
)
)
)
)

TO: JOHN M. GRANTLAND, ESQUIRE, COUNSEL FOR DEFENDANT AND TO THE
DEFENDANT ABOVE-NAMED:

Pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, the following
constitute Plaintiff's Answers to Defendant Family Health Center, Inc.'s Interrogatories.

These responses are continuing in nature and additional information will be supplied as
obtained.

1. Give the names, addresses and telephone numbers of persons known to the party
or counsel to be witnesses concerning the facts of the case and indicate whether or not written or
recorded statements have been taken from the witnesses and indicate who has possession of such
statements.

ANSWER:

Rebecca Rowe
c/o Cavanaugh & Thickens, LLC
1324 Gadsden Street
Columbia, SC 29201

Mrs. Rowe is the Plaintiff in this case. She is expected to testify as to the facts and
circumstances surrounding the incident that is the subject of this lawsuit. She is also
expected to testify as to the injuries she suffered as a result of the accident and the

medical treatment she underwent as a result of those injuries. Plaintiff is not in possession of a written or recorded statement from Mrs. Rowe.

Cecil Rowe
c/o Cavanaugh & Thickens, LLC
1324 Gadsden Street
Columbia, SC 29201

Mr. Rowe is the Plaintiff's husband. He is expected to testify as to the facts and circumstances surrounding the incident that is the subject of this lawsuit. He is also expected to testify as to the injuries his wife suffered as a result of the accident and the medical treatment she underwent as a result of those injuries. Plaintiff is not in possession of a written or recorded statement from Mr. Rowe.

Plaintiff reserves the right to call as a witness, fact or expert, any individual named by any party whether or not later withdrawn.

2. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in the case.

ANSWER: None.

3. Set forth the names and addresses of all physicians who have treated the party and all hospitals to which the party has been committed in connection with the injuries and also set forth a statement of all medical costs. In addition, please describe:

- a) The type of treatment and where the treatment was administered;
- b) The physicians or medical personnel or facility administering the treatment;
- c) The length of treatment;
- d) The result of the treatment;
- e) Any complications which arose as a result of any treatment; and
- f) Itemized charges, costs and expenses incurred against each physician or medical personnel providing treatment or facility providing treatment listed above.

ANSWER: At this time Plaintiff identifies the following:

- | | |
|----------------------------|-----------|
| • RMC Primary Care-Bamberg | \$ 141.00 |
| • Norfield Medical Center | \$ 150.00 |

- Lexington Medical Center \$ 3,047.25
- Advanced Diagnostic Imaging \$ 565.00
- SC Orthopaedic Institute \$ 667.00
- Regional Medical Center \$ 1,820.00
- Fisher Foot Clinic \$ TBD

4. Set forth the names and addresses of all insurance companies that have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

ANSWER: Not applicable.

5. Set forth an itemized statement of all damages (including any economic losses), exclusive of pain and suffering, claimed to have been sustained by the party.

ANSWER:

- Medical Bills
 - RMC Primary Care-Bamberg \$ 141.00
 - Norfield Medical Center \$ 150.00
 - Lexington Medical Center \$ 3,047.25
 - Advanced Diagnostic Imaging \$ 565.00
 - SC Orthopaedic Institute \$ 667.00
 - Regional Medical Center \$ 1,820.00
 - Fisher Foot Clinic \$ TBD
- Pain and Suffering: TBD
- Loss of enjoyment of life: TBD
- Mental anguish: TBD
- Punitive Damages: TBD
- Lost Wages: TBD

6. List the names and addresses of each expert witness that the party proposes to use as a witness at the trial of the case.

ANSWER: Plaintiff has not yet identified an individual whom she proposes to use as an expert at the trial of the case.

7. For each person known to the parties or counsel to have knowledge concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witnesses, or provide a copy of any written or recorded statements taken from such witnesses.

ANSWER: See Answer to Interrogatory Number 1 above.

8. Please list the names of all persons who provided medical treatment to the party from January 1, 2000 to present.

ANSWER:

- RMC Primary Care-Bamberg
- Norfield Medical Center
- Lexington Medical Center
- Advanced Diagnostic Imaging
- SC Orthopaedic Institute
- Regional Medical Center
- Fisher Foot Clinic

9. Please state any pre-existing injury suffered by the party that existed on the date of the incident alleged in this lawsuit. Please state when the party first received each injury and all medical treatment received for each injury.

ANSWER: Plaintiff had knee replacement surgery over 20 years ago.

10. Has the party ever filed a lawsuit or made a claim for personal injury (including worker's compensation claims)? If so, for each incident, please list the date of the incident, the injuries received, and the medical treatment received.

ANSWER: None.

11. If the party is enrolled in Medicaid and/or Medicare, set forth the Health Insurance Claim Number (HICN) and the date eligibility began, or if the injured party is

deceased, set forth whether the medical bills for treatment that are the basis of this lawsuit were paid for or submitted to Medicaid and/or Medicare for payment.

ANSWER: Plaintiff objects to this Request as the information sought is overly broad and not likely to lead to the discovery of admissible information. Plaintiff further objects on the grounds that any information responsive to this Request is inadmissible pursuant to the collateral source rule.

12. If the party has applied for Social Security Disability Insurance benefits, set forth the date the party applied for benefits. If the claim was denied, please set forth the reason for the denial and the date of any appeal or reversal of denial.

ANSWER: Plaintiff received Social Security checks at one time but has never received disability checks.

13. If the party has received Social Security Disability Insurance benefits, set forth the date of such award, the period for which benefits were paid, the injury claimed that resulted in the award, and the date the injury occurred for which the benefits were awarded.

ANSWER: None.

14. Without simply referencing the language of this lawsuit, provide a detailed description of the incident that gives rise to this lawsuit, including what occurred ten minutes before the incident, whether you consumed drugs or alcohol in the 24 hours before the incident, a detailed account of all relevant facts or events that occurred during the incident, and what occurred during the ten minutes after the incident, including anything said by or to you.

ANSWER: Plaintiff sat down in the chair and was going to go in the room with her granddaughter. When she went to get up from the chair, the chair went sliding out from under her. The more she tried to get up the more it slid. Plaintiff fell to floor. Plaintiff's

granddaughter states the chair hit her when it slid out from under the Plaintiff. Before leaving the facility, Plaintiff states her hand was already swollen.

15. Please list the employment for the party of the last ten (10) years. For each position, state the employer, their address, the length of employment, the weekly wage, the name and telephone number of your direct supervisor, and the reason for leaving employment.

ANSWER: None. Plaintiff is retired.

16. Set forth the amount of past, present, and future lost wages, lost income, and/or lost earning capacity, if any, claimed by the party, and set forth the method for calculating any amount.

ANSWER: None.

17. List the names and addresses of each person over eighteen (18) years of age related to the party by blood or marriage who reside in the county where this lawsuit is pending.

ANSWER: To be supplemented.

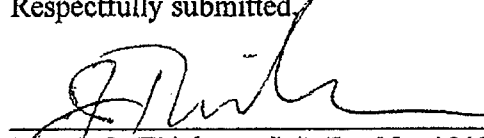
18. If you alleged punitive damages, please set forth a factual account (other than simply referencing the lawsuit) about Defendant's actions that you contend constitute willful, wanton, reckless, or grossly negligent behavior to sustain a punitive damage award.

ANSWER: Plaintiff objects to this Interrogatory to the extent that it seeks the mental impressions and trial strategy of counsel. However, Plaintiff is informed and believes that employees of either or both Defendants knew or should have known about the dangerous condition of the chair and did nothing to fix it. In addition, by placing the chair in the manner it sdat when Plaintiff's injury occurred, Defendants created the subject condition.

19. Please state the Plaintiff's full name, date of birth, and social security number.

ANSWER: Rebecca Rowe (Hallman), DOB: 07/15/1948, SSN: xxx-xx-7401

Respectfully submitted,



Joseph O. Thickens, S.C. Bar No. 101398

J. Eric Cavanaugh, S.C. Bar No. 100044

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- AND -

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Tel: (803) 534-5091

ATTORNEYS FOR PLAINTIFF

Columbia, South Carolina

May 21, 2018

IN THE COURT OF COMMON PLEAS
IN THE FIRST JUDICIAL CIRCUIT

Civil Action No.: 2017-CP-38-01233

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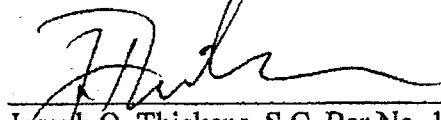
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Respectfully submitted,



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ATTORNEYS FOR PLAINTIFF

Columbia, South Carolina

July 11, 2018

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

Cecil Rowe,

Plaintiff,

v.

**Family Health Centers, Inc. and
Carolina Kwik Dry, LLC,**

Defendants.

IN THE COURT OF COMMON PLEAS

THE FIRST JUDICIAL CIRCUIT

**PLAINTIFF'S ANSWERS TO
DEFENDANT**

**Carolina Kwik Dry, LLC'S
FIRST SET OF
INTERROGATORIES
TO PLAINTIFF**

Civil Action No. 2017-CP-38-01232

**TO: THOMAS F. DOUGALL, WILLIAM A. COLLINS AND MICHAL
KALWAJTYS, ATTORNEYS FOR DEFENDANT CAROLINA KWIK
DRY, LLC AND TO THE DEFENDANT ABOVE-NAMED:**

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, the following
constitute Plaintiff's Answers to Defendant Carolina Kwik Dry, LLC's Interrogatories.

These responses are continuing in nature and additional information will be
supplied as obtained.

1. Give the names and addresses of persons known to Plaintiff or his counsel
to be witnesses concerning the facts of the case and indicate whether or not written or
recorded statements have been taken from the witnesses and indicate who has possession
of such statements.

ANSWER:

**Cecil Rowe
c/o Cavanaugh & Thickens, LLC
1324 Gadsden Street
Columbia, SC 29201**

**Mr. Rowe is the Plaintiff in this case. He is expected to testify as to the facts
and circumstances surrounding the incident that is the subject of this**

lawsuit. He is also expected to testify as to the injuries he suffered as a result of the accident and the medical treatment he underwent as a result of those injuries. Plaintiff is not in possession of a written or recorded statement from Mr. Rowe.

Rebecca Rowe
c/o Cavanaugh & Thickens, LLC
1324 Gadsden Street
Columbia, SC 29201

Mrs. Rowe is the Plaintiff's wife. She is expected to testify as to the facts and circumstances surrounding the incident that is the subject of this lawsuit. She is also expected to testify as to the injuries her husband suffered as a result of the accident and the medical treatment he underwent as a result of those injuries. Plaintiff is not in possession of a written or recorded statement from Mrs. Rowe.

Plaintiff reserves the right to call any witness at the trial of this case, whether fact or expert, named by any party to this action.

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of either Plaintiff that relate to Plaintiff's claims against Kwik Dry in this case.

ANSWER: None.

3. Set forth an itemized statement of all damages, exclusive of pain and suffering, claimed to have been sustained by Plaintiff.

ANSWER:

- **Medical Bills**
 - Orangeburg Regional Medical Center \$4,339.00
 - Norfield Medical Center \$ 350.00
 - South Carolina Orthopaedic Institute \$ TBD
- **Pain and Suffering:** TBD
- **Loss of enjoyment of life:** TBD
- **Mental anguish:** TBD
- **Punitive Damages:** TBD

4. List the names and addresses of any expert witnesses whom Plaintiff proposes to use as a witness at the trial of this case.

ANSWER: None at this time. However, Plaintiff reserves the right to call any expert witness named by any party at the trial of this case.

5. For each person known to Plaintiff or his counsel to be a witness concerning the facts of this case, set forth either a summary sufficient to inform Kwik Dry and its counsel of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

ANSWER: See Answer to Interrogatory Number 1 above.

6. Set forth the names and addresses of all physicians and/or other healthcare professionals who have treated the Plaintiff and all hospitals and/or other healthcare facilities to which each Plaintiff has been admitted in connection with the accident in question.

ANSWER:

- Orangeburg Regional Medical Center, 3000 St. Mathews Road, Orangeburg, SC 29118
- Norfield Medical Center, 3310 Magnolia St., Orangeburg, SC 29115
- South Carolina Orthopaedic Institute, 1175 Cook Road, #215, Orangeburg, SC 29118

7. Set forth a statement of all medical costs incurred by Plaintiff, identifying each specific medical provider; the cost associated with said provider; and the date or dates of the charges.

ANSWER:

- Medical Bills
 - Orangeburg Regional Medical Center \$4,339.00
 - Norfield Medical Center \$ 350.00
 - South Carolina Orthopaedic Institute \$ TBD
- Pain and Suffering: TBD

- Loss of enjoyment of life: TBD
- Mental anguish: TBD
- Punitive Damages: TBD

See attached medical records and bills for additional information.

8. If Plaintiff is still suffering from any of the effects of the accident in question, describe the symptoms, complaints, or disabilities Plaintiff claims are a result of the accident.

ANSWER: Plaintiff is not currently still treating for this incident. Plaintiff still sometimes experiences some soreness or stiffness, especially in his knee, as a result of the incident.

9. If Plaintiff claims any of the injuries are permanent in nature, describe each such injury, including its nature and location.

ANSWER: See Number 8.

10. If Plaintiff is no longer suffering any effects of the accident state:

- a. The date on which he ceased to suffer any effects; and
- b. The date on which he felt he had fully recovered.

ANSWER: Not applicable.

11. Describe Plaintiff's physical and mental condition at present as compared with his condition immediately preceding the accident in question.

ANSWER: This information is best obtained via Plaintiff's deposition, which has been scheduled.

12. State the date on which either Plaintiff last received medical treatment and identify the medical professional that treated you and the medical facility or hospital where you were last treated.

ANSWER: Plaintiff believes he was last treated for this accident on or about September 4, 2016 at the Regional Medical Center.

13. State in detail the nature of the injury alleged to have been suffered by Plaintiff as a result of the accident in question. Include the following information in your response:

- a. The location, duration, and intensity of pain;
- b. Any restraint and extent of restraint from normal activities; and
- c. The extent of any disability.

ANSWER: This information is best obtained via Plaintiff's deposition, which has been scheduled. Additionally, please see Plaintiff's medical records which are produced herewith.

14. State Plaintiff's full name, date of birth, and social security number.

ANSWER: Cecil Rowe, DOB: 11-28-1946, SSN: XXX-XX-1246

15. If Plaintiff has ever been known by any other names, state:

- a. All other names by which he has been known;
- b. The dates during which he used each name; and
- c. The reason he used each name.

ANSWER: None.

16. If Plaintiff was employed at the time of the accident and has lost time from his employment as a result of the accident, state:

- a. The name and address of the employer;
- b. The period or periods of absence from work;
- c. The amount of any income lost through the periods of absence; and

- d. The total number of business or working days during which he was absent from his employment.

ANSWER: Plaintiff is not seeking compensation of loss wages due to the accident.

17. If Plaintiff is claiming future loss of earning capacity, please set forth the exact amounts of lost income and/or loss of earning capacity that Plaintiff asserts will be lost as a result of the accident that is the subject of this litigation.

ANSWER: None. Plaintiff is not claiming future loss of earning capacity due to the accident.

18. Please give the name and address of each person or organization by whom Plaintiff has been employed during the last ten years, giving the dates of such employment, the position held, and the rate of pay received.

ANSWER: 1988 to Present – Orangeburg County Roads and Bridges

19. Please provide the Plaintiff spouse's names, address, and occupation.

ANSWER: Rebecca Rowe, c/o Cavanaugh & Thickens, LLC, 1324 Gadsden Street, Columbia, SC 29201. Retired.

20. Has Plaintiff filed state or federal income tax return during the past five years?

ANSWER: No. Plaintiff is not claiming lost wages.

21. If Plaintiff has ever been convicted of a felony, state:

- a. The nature of the felony of felonies;
- b. The date or dates of convictions; and
- c. The place or places where you were convicted.

ANSWER: None.

22. If Plaintiff has been involved in any other legal action, whether criminal or civil, either as a Plaintiff or Defendant, set forth the court, case number, names of other parties, names of the counsel for the other parties, description of the action, and disposition.

ANSWER: None.

23. Identify all insurance claims made by Plaintiff in the last five years, including the name of the carrier, the type of policy, the policy number under which the claim was made, the type of claim, and the amount of claim.

ANSWER: None.

24. If Plaintiff has ever (either before or after the alleged injury which is the basis of this lawsuit) made any type of personal injury claim, including workers' compensation claims, or filed suit against any individual, corporation, or governmental body for bodily or personal injury, give the type of claim, the court in which the suit was filed with the case number and disposition.

ANSWER: None.

25. If there is a Medicare, Medicaid, or insurance lien outstanding, please state the amount of the lien.

ANSWER: Plaintiff objects to this Request as the information sought is overly broad and not likely to lead to the discovery of admissible information. Plaintiff further objects on the grounds that any information responsive to this Request is inadmissible pursuant to the collateral source rule.

26. State the date and time at which the accident in question occurred.

ANSWER: August 1, 2016

27. Describe how the accident in question happened in a comprehensive and detailed narrative, setting forth all the events in the order in which they occurred, including the events taking place before and after the injury in question.

ANSWER: Plaintiff was at FHC for his Granddaughter's medical appointment. Plaintiff was attempting to sit in a chair, however the chair was broken and/or placed in such a manner as to create a hazardous condition, so the chair slid from under him. Plaintiff's leg was bent back under the chair. The nurses came around and helped him out and examined him.

28. Please state what you contend that Kwik Dry did or did not do that supports the allegations of the Complaint and upon what documents or evidence you will rely on at trial to support your contentions. Include in your response a list of every statute, regulation, or standard you contend the Defendant violated as a proximate cause of your injuries.

ANSWER: Plaintiff objects to this Interrogatory to the extent that it seeks the mental impressions and trial strategy of counsel. However, Plaintiff is informed and believes that employees of either or both Defendants knew or should have known about the dangerous condition of the chair and did nothing to fix it. In addition, by placing the chair in the manner it was when Plaintiff's injury occurred, Defendants created the subject condition.

29. Set forth the facts supporting Plaintiff's allegation that the floor in the facility at issue had been recently waxed and polished and state how you learned those facts?

ANSWER: Plaintiff believes he was told by an employee or insurance adjuster that the floors had been waxed.

30. What was the reason for Plaintiff's presence at the Family Health Center in Neeses, SC, on the day in question?

ANSWER: See answer to Interrogatory number 27 above.

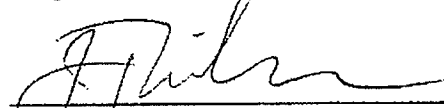
31. Did Plaintiff communicate with, or was assisted by, anyone from Family Health Center immediately following his fall? If so, state the name of the person and the content of the communication.

ANSWER: Following the accident, the nurses at the facility assisted and examined the Plaintiff.

32. Describe in detail the chair and the type of flooring at issue in this case.

ANSWER: Plaintiff does not recall this information.

Respectfully submitted,



Joseph O. Thickens, S.C. Bar No. 101398

Eric Cavanaugh, S.C. Bar No. 100044

Cavanaugh & Thickens, LLC

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- AND -

Clyde C. Dean, Jr., S.C. Bar No. 1606

The Dean Law Firm, LLC

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Tel: (803) 534-5091

ATTORNEYS FOR PLAINTIFF

Columbia, South Carolina

June 5, 2018

CERTIFICATE OF SERVICE

IN THE COURT OF COMMON PLEAS
IN THE FIRST JUDICIAL CIRCUIT

Civil Action No.: 2017-CP-38-01232

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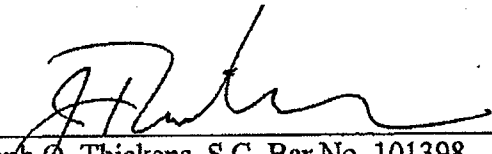
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Respectfully submitted,



Joseph O. Thickens, S.C. Bar No. 101398

J. Eric Cavanaugh, S.C. Bar No. 100044

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- AND -

Clyde C. Dean, Jr., S.C. Bar No. 1606

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Tel: (803) 534-5091

ATTORNEYS FOR PLAINTIFF

Columbia, South Carolina

July 12, 2018

**STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG**

IN THE COURT OF COMMON PLEAS
IN THE FIRST JUDICIAL CIRCUIT

Cecil Rowe,

Civil Action No.:

Plaintiff,

V8.

AFFIDAVIT

**Family Health Centers, Inc. and Carolina
Kwik Dry LLC,**

Defendants.

1. My name is Edward Perry. I am a citizen and resident of Orangeburg County, South Carolina and over the age of 18.
2. On or about August 1, 2016, I was at the Norfield Medical Center at 7061 Norway Rd., Neeses, SC 29107. I saw Cecil Rowe at the Norfield Medical Center.
3. Mr. Rowe tried to sit in the chair next to me in the lobby. As soon as he sat down, at least one leg of the chair broke and Mr. Rowe fell on the floor.
4. It looked like Mr. Rowe struck his head and elbow on the floor when he fell.
5. The above stated facts are true based on my own knowledge and observations.

Edward Perry
AFFIANT

July 5, 2018

Sworn to and Subscribed before me

this 5th day of July, 2018

Ernst A. Hansen

My Commission Expires: 11/14/2026

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Cecil Rowe,

Plaintiff,

Vs.

Family Health Centers, Inc. and Carolina
Kwik Dry LLC,

Defendants.

) IN THE COURT OF COMMON PLEAS
) IN THE FIRST JUDICIAL CIRCUIT

) Civil Action No.: 2017-CP-38-01232

)
)
) **PLAINTIFF'S ANSWERS TO**
) **DEFENDANT FAMILY HEALTH**
) **CENTERS, INC.'S FIRST SET OF**
) **INTERROGATORIES**
)
)
)

**TO: JOHN M. GRANTLAND, ESQUIRE, COUNSEL FOR DEFENDANT AND TO THE
DEFENDANT ABOVE-NAMED:**

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, the following
constitute Plaintiff's Answers to Defendant Family Health Center, Inc.'s Interrogatories.

These responses are continuing in nature and additional information will be supplied as
obtained.

1. Give the names, addresses and telephone numbers of persons known to the party
or counsel to be witnesses concerning the facts of the case and indicate whether or not written or
recorded statements have been taken from the witnesses and indicate who has possession of such
statements.

ANSWER:

Cecil Rowe
c/o Cavanaugh & Thickens, LLC
1324 Gadsden Street
Columbia, SC 29201

Mr. Rowe is the Plaintiff in this case. He is expected to testify as to the facts and
circumstances surrounding the incident that is the subject of this lawsuit. He is also
expected to testify as to the injuries he suffered as a result of the accident and the

medical treatment he underwent as a result of those injuries. Plaintiff is not in possession of a written or recorded statement from Mr. Rowe.

Rebecca Rowe
c/o Cavanaugh & Thickens, LLC
1324 Gadsden Street
Columbia, SC 29201

Mrs. Rowe is the Plaintiff's wife. She is expected to testify as to the facts and circumstances surrounding the incident that is the subject of this lawsuit. She is also expected to testify as to the injuries her husband suffered as a result of the accident and the medical treatment he underwent as a result of those injuries. Plaintiff is not in possession of a written or recorded statement from Mrs. Rowe.

Plaintiff reserves the right to call any witness at the trial of this case, whether fact or expert, named by any party to this action.

2. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in the case.

ANSWER: None.

3. Set forth the names and addresses of all physicians who have treated the party and all hospitals to which the party has been committed in connection with the injuries and also set forth a statement of all medical costs. In addition, please describe:

- a) The type of treatment and where the treatment was administered;
- b) The physicians or medical personnel or facility administering the treatment;
- c) The length of treatment;
- d) The result of the treatment;
- e) Any complications which arose as a result of any treatment; and
- f) Itemized charges, costs and expenses incurred against each physician or medical personnel providing treatment or facility providing treatment listed above.

ANSWER: At this time Plaintiff identifies the following:

- Orangeburg Regional Medical Center \$4,339.00
- Norfield Medical Center \$ 350.00

- **South Carolina Orthopaedic Institute \$ TBD**

4. Set forth the names and addresses of all insurance companies that have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

ANSWER: Not applicable.

5. Set forth an itemized statement of all damages (including any economic losses), exclusive of pain and suffering, claimed to have been sustained by the party.

ANSWER:

- **Medical Bills**
 - **Orangeburg Regional Medical Center \$4,339.00**
 - **Norfield Medical Center \$ 350.00**
 - **South Carolina Orthopaedic Institute \$ TBD**
- **Pain and Suffering: TBD**
- **Loss of enjoyment of life: TBD**
- **Mental anguish: TBD**
- **Punitive Damages: TBD**

6. List the names and addresses of each expert witness that the party proposes to use as a witness at the trial of the case.

ANSWER: Plaintiff has not yet made a determination as to this matter. Plaintiff reserves the right to call any expert witness named by any party at the trial of this case.

7. For each person known to the parties or counsel to have knowledge concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witnesses, or provide a copy of any written or recorded statements taken from such witnesses.

ANSWER: See Answer to Interrogatory Number 1 above.

8. Please list the names of all persons who provided medical treatment to the party from January 1, 2000 to present.

ANSWER:

- Orangeburg Regional Medical Center
- Norfield Medical Center
- South Carolina Orthopaedic Institute

9. Please state any pre-existing injury suffered by the party that existed on the date of the incident alleged in this lawsuit. Please state when the party first received each injury and all medical treatment received for each injury.

ANSWER: None.

10. Has the party ever filed a lawsuit or made a claim for personal injury (including worker's compensation claims)? If so, for each incident, please list the date of the incident, the injuries received, and the medical treatment received.

ANSWER: None.

11. If the party is enrolled in Medicaid and/or Medicare, set forth the Health Insurance Claim Number (HICN) and the date eligibility began, or if the injured party is deceased, set forth whether the medical bills for treatment that are the basis of this lawsuit were paid for or submitted to Medicaid and/or Medicare for payment.

ANSWER: Plaintiff objects to this Request as the information sought is overly broad and not likely to lead to the discovery of admissible information. Plaintiff further objects on the grounds that any information responsive to this Request is inadmissible pursuant to the collateral source rule.

12. If the party has applied for Social Security Disability Insurance benefits, set forth the date the party applied for benefits. If the claim was denied, please set forth the reason for the denial and the date of any appeal or reversal of denial.

ANSWER: None.

13. if the party has received Social Security Disability Insurance benefits, set forth the date of such award, the period for which benefits were paid, the injury claimed that resulted in the award, and the date the injury occurred for which the benefits were awarded.

ANSWER: None.

14. Without simply referencing the language of this lawsuit, provide a detailed description of the incident that gives rise to this lawsuit, including what occurred ten minutes before the incident, whether you consumed drugs or alcohol in the 24 hours before the incident, a detailed account of all relevant facts or events that occurred during the incident, and what occurred during the ten minutes after the incident, including anything said by or to you.

ANSWER: Plaintiff was at FHC for his Granddaughter's medical appointment.

Plaintiff was attempting to sit in a chair, however the chair was broken and/or placed in such a manner as to create a hazardous condition, so the chair slid from under him.

Plaintiff's leg was bent back under the chair. The nurses came around and helped him out and examined him.

15. Please list the employment for the party of the last ten (10) years. For each position, state the employer, their address, the length of employment, the weekly wage, the name and telephone number of your direct supervisor, and the reason for leaving employment.

ANSWER: 1988 – Orangeburg County Roads and Bridges

16. Set forth the amount of past, present, and future lost wages, lost income, and/or lost earning capacity, if any, claimed by the party, and set forth the method for calculating any amount.

ANSWER: None.

17. List the names and addresses of each person over eighteen (18) years of age related to the party by blood or marriage who reside in the county where this lawsuit is pending.

ANSWER: This information is best obtained during Plaintiff's deposition.

18. If you alleged punitive damages, please set forth a factual account (other than simply referencing the lawsuit) about Defendant's actions that you contend constitute willful, wanton, reckless, or grossly negligent behavior to sustain a punitive damage award.

ANSWER: Plaintiff objects to this Interrogatory to the extent that it seeks the mental impressions and trial strategy of counsel. However, Plaintiff is informed and believes that employees of either or both Defendants knew or should have known about the dangerous condition of the chair and did nothing to fix it. In addition, by placing the chair in the manner it sdat when Plaintiff's injury occurred, Defendants created the subject condition.

19. Please state the Plaintiff's full name, date of birth, and social security number.

ANSWER: Cecil Rowe, DOB: 11-28-1946, SSN: XXX-XX-1246

[signature page follows]

Respectfully submitted,



Joseph O. Thickens, S.C. Bar No. 101398

J. Eric Cavanaugh, S.C. Bar No. 100044

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Clyde C. Dean, Jr., S.C. Bar No. 1606

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146 Centre St.

Orangeburg, SC 29115

Tel: (803) 534-5091

ATTORNEYS FOR PLAINTIFF

Columbia, South Carolina

May 29, 2018

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)
)
Cecil Rowe)
)
)
Plaintiff,)
)
vs.)
)
Family Health Centers, Inc.,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS

FIRST JUDICIAL CIRCUIT

CASE NO.: 2017-CP-38-01232

PLAINTIFF'S PRE-TRIAL BRIEF

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)
)
Rebecca Rowe)
)
)
Plaintiff,)
)
vs.)
)
Family Health Centers, Inc.,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS

FIRST JUDICIAL CIRCUIT

CASE NO.: 2017-CP-38-01233

PLAINTIFF'S PRE-TRIAL BRIEF

Pursuant to Rule 16(c) of the South Carolina Rules of Civil Procedure, Plaintiff submits the following Pre-trial Brief in the above-referenced matter:

- (1) A concise, non-argumentative statement of the facts of the case:

On March 31, 2016 Plaintiff Rebecca Rowe fell and suffered injuries in the waiting room of the Family Health Center when a chair placed in the middle of the floor slid out from behind her as she stood up. It is unknown whether the condition of the chair contributed to her fall.

On August 1, 2016, Plaintiff Cecil Rowe fell and suffered injuries in the waiting room of the Family Health Center when a chair believed to be the same chair used by Mrs. Rowe collapsed as he stood up. Mr. Rowe and an eyewitness testified that the chair leg collapsed.

The chair was photographed but disposed of by FHC employees.

- (2) An objective statement of the facts in controversy:

Upon information and belief all facts and damages are disputed except for the fact that both Plaintiffs fell and were injured.

- (3) The legal issues involved:

General laws and doctrines regarding premises liability: e.g., *Wintersteen v. Food Lion, Inc.*, 344 S.C. 32, 542 S.E.2d 728 (2001).

Spoliation of evidence (chair from accidents disposed of by Defendants after taking pictures for litigation). *Stokes v. Spartanburg Reg'l Med. Ctr.*, 368 S.C. 515, 522, 629 S.E.2d 675, 679 (Ct. App. 2006)

- (4) A listing of exhibits, indicating those to which there is disagreement and a list of witnesses who may be called and, if available, their address and phone number:

Exhibits:

1. Plaintiffs medical records and bills related to this incident
2. Incident reports from both incidents
3. Photos of the chair
4. Photos of the waiting room

Witnesses:

1. Rebecca Rowe
2. Cecil Rowe
3. Edward Perry
4. Mayor Anne Johnson
5. Elvin Cobbs

- (5) Any unusual problems relating to evidence to be introduced, such as "Business Records as Evidence Act," hearsay, use of depositions, etc.:

None known to Plaintiff at this time. Plaintiff reserves the right to raise additional evidentiary issues which may arise during the course of trial.

- (6) Any unusual question or matter which should be brought to the attention of the court:

None known to Plaintiff at this time.

- (7) A statement that settlement negotiations were attempted before the date of the pre-trial hearing and the status of settlement negotiations:

Mediation was conducted but was unsuccessful. No further settlement negotiations have taken place.

Respectfully submitted,

s/ Joseph O. Thickens

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ATTORNEYS FOR PLAINTIFF

Columbia, South Carolina

May 16, 2019

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2 STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
3 COUNTY OF ORANGEBURG) CASE NO. 2017-CP-38-01233
2017-CP-38-01232

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REBECCA ROWE,

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Plaintiff,

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vs.

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FAMILY HEALTH CENTERS,
INC. AND CAROLINA KWIK
DRY, LLC,

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Defendants.

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B E F O R E:

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The Honorable Edgar W. Dickson

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Denise J. Lauder, RPR

25

Ninth Judicial Circuit

1 A P P E A R A N C E S

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3 REPRESENTING THE PLAINTIFF:

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INDEX OF EXHIBITS

(No exhibits were offered or
marked for identification.)

1 (The following proceedings were had May
2 8, 2019, Orangeburg County Common Pleas, 1:13 p.m.)

3 THE COURT: All right. This is case --
4 I've got two cases. One is Rebecca Rowe,
5 Plaintiff, v Family Health Centers, Inc.,
6 2017-CP-38-01233. And then I have Cecil Rowe,
7 Plaintiff, against the same defendant, and it's
8 Common Pleas 2017-CP-38-01232.

9 And this is the Defendant Family Health
10 Center's motion to consolidate both of these cases.
11 And, let's see, it was filed back in October of
12 2017. And in our usual rapid fashion, we are now
13 before the Court today.

14 Mr. Florence.

15 MR. FLORENCE: Yes, sir, may it please
16 the Court.

17 THE COURT: Yes, sir.

18 MR. FLORENCE: My name is Phillip
19 Florence; I represent the defendant in both of the
20 cases: Cecil Rowe Civil Action 2017-CP-38-01232;
21 and Rebecca Rowe which is Civil Action
22 2017-CP-38-1233.

23 So these complaints were filed
24 simultaneously, Judge. We've actually been
25 conducting discovery and depositions on a

1 consolidated basis for both of these cases.

2 And our motion today, Judge, is
3 basically to ask the Court to consolidate both
4 cases. I believe Rebecca Rowe's case is up for
5 trial May 20th of this year. And -- and we filed
6 this motion, as you mentioned, a while ago.

7 And the basis of the motion is that
8 both of the cases involve the Family Health Center
9 location, which is located on Norrie Road in
10 Neeses, South Carolina.

11 Both plaintiffs went there on two
12 separate occasions. Rebecca Rowe went there on
13 March 3rd, 2016, sat in a chair in the lobby. The
14 allegation is that the chair somehow slipped as she
15 was getting up and fell to the floor, suffered
16 injuries.

17 The Cecil Rowe case, he alleges that he
18 was there on August 1, 2016, and he was sitting in
19 the same location, same chair, and the chair
20 somehow slipped, or broke underneath him, and he
21 fell in the same location.

22 Cecil Rowe and Rebecca Rowe are husband
23 and wife. And, basically, we're going to have the
24 same identical witnesses for the Family Health
25 Center. The person who was in the lobby when both

1 individuals fell, both plaintiffs fell, will be the
2 same. The maintenance person who responded to the
3 incidents, Elvin Cobbs, he'll be the same witness.
4 And -- and so --

5 THE COURT: Is he the one when he
6 responded said, oh, it happened again?

7 MR. FLORENCE: Sorry? I don't recall
8 that. I don't recall that.

9 THE COURT: I'm just curious.

10 MR. FLORENCE: That hasn't come out in
11 testimony.

12 THE COURT: Not yet. It will come out.

13 MR. FLORENCE: So -- so, Judge, in
14 looking at the complaints, both of the complaints
15 allege that they were invitees on the separate
16 dates that I mentioned earlier at Family Health
17 Center at the same location when they had a problem
18 with the chair and fell.

19 And both Mr. and Mrs. Rowe make
20 identical claims of negligence against the
21 defendant claiming 15 specific acts of negligence
22 that are identical in each complaint.

23 We believe that consolidation of these
24 two cases would serve the judicial efficiency and
25 minimize the Court's time in trying two cases with

1 basically the identical facts, although different
2 parties as plaintiffs; but identical witnesses,
3 identical location, identical incident, even
4 identical chair that was involved in the incident.

5 So we believe that trying two cases
6 would waste the Court's resources, and there is no
7 reason why the cases should not be consolidated,
8 Judge. And there certainly would not be any
9 prejudice to the plaintiffs to try both of these
10 cases at the same time.

11 So we would ask Your Honor to
12 consolidate the cases out of judicial efficiency,
13 and as I said, Rebecca Rowe's case is up for trial
14 May 20th, and so it would be timely.

15 THE COURT: And you all are ready to
16 go?

17 MR. FLORENCE: Yes, sir, we're ready to
18 go to trial. Thank you, Your Honor.

19 THE COURT: Yes, sir.

20 MR. CAVANAUGH: Thank you, Your Honor.
21 May it please the Court.

22 Eric Cavanaugh on behalf of the
23 plaintiffs in both of these actions, Rebecca and
24 Cecil Rowe, and we certainly are opposing the
25 defendant's motion.

1 A, first of all, I would like to begin
2 by saying that originally Mr. Florence's office --
3 not Mr. Florence, but someone else in
4 Mr. Florence's office called us and asked us to
5 consolidate these matters. We declined to do so as
6 they were filed as two separate cases.

7 We essentially agreed as a matter of
8 compromise to consolidate them for purposes of
9 discovery. Mr. Florence's office said, thank you,
10 that's fine. We may have to file this later. My
11 insurance carrier is putting a lot of pressure on
12 me to file this motion to have the cases
13 consolidated.

14 They asked again later on to do that;
15 we opposed it and that led to the motion. It has
16 always been represented to us that the insurance
17 carrier in this case, Farmer's, is putting the
18 pressure on the defense attorney to file these
19 motions for consolidation.

20 Your Honor, these are different cases.
21 A, Mrs. Rowe's incident happened in March of 2016.
22 Mr. Rowe's incident happened in August of 2016.
23 The only commonality between these two cases really
24 are that they happened at the same location and
25 they happened and -- basically, both of them had an

1 incident with a chair, but that's about as far as
2 it goes.

3 THE COURT: Isn't it the same chair?

4 MR. CAVANAUGH: Your Honor, I hate to
5 say it, I do not know if it was the same chair or
6 not. I would find that difficult to believe, but I
7 will tell you that the incident that happened --
8 the incident that occurred with the chair is
9 completely different.

10 THE COURT: I know -- I read the
11 complaint. The father said -- or the husband said
12 that the arm gave up and then he went to stand up
13 and the chair slipped back. The wife said she
14 stood up and the chair slipped back.

15 MR. CAVANAUGH: Correct.

16 THE COURT: Both people were
17 complaining about the floor being slick, right?

18 MR. CAVANAUGH: Well, specifically,
19 Mrs. Rowe is claiming that the chair slipped out
20 from behind her as she was standing up. It was
21 placed in the middle of the floor. So she takes
22 issue with the placement on the floor, with the
23 hard plastic feet on the hard tile floor, and fell
24 against the wall with the use of some kind of
25 anti-slip measures.

1 In Mr. Rowe's case, he fell to the
2 floor -- he alleges he fell to the floor as a
3 result of the failure of the chair. He did not
4 testify that the chair slipped on the floor, but
5 rather the breaking of the chair caused him to
6 fall.

7 THE COURT: Well, now his complaint
8 said at the same time the chair slipped suddenly
9 away from Plaintiff Cecil Rowe and caused him to
10 fall violently to the floor, right?

11 MR. CAVANAUGH: The allegation and
12 complaint may be similar, but since the testimony
13 has developed, Your Honor, Mr. Rowe's testimony is
14 that he fell as a result of the failure of the
15 chair, that the chair broke and did not slip.

16 And, again, these happened March of
17 2016 and August of 2016. So we would argue, A, two
18 different -- two different dates, six months apart,
19 two different incidents.

20 It's also different law. Arguably
21 Mr. Rowe's case is a notice case and/or a latent
22 dangerous condition case, which the premises owner
23 would have the duty to discover and warn about.

24 Mrs. Rowe's case, arguably the created
25 condition case, with the placement of the chair in

1 an area where it could slip. And so the law that
2 the jury would have to consider will be completely
3 different. In the light -- it would have a strong
4 likelihood of confusing the jury.

5 So they would get instructions that
6 would apply to one case and wouldn't apply to the
7 other; very confusing to the jury.

8 The other thing is Mr. Florence alleges
9 that all the witnesses are the same. That is
10 simply not true. With particular emphasis on two
11 key witnesses in the case is Edward Perry, who was
12 only a witness to Cecil Rowe's, and then Mary Ann
13 Johnson who was only a witness to Rebecca Rowe's
14 case.

15 So neither of them would have any
16 testimony -- for instance, Mr. Perry would not
17 testify about anything that happened to Mrs. Rowe,
18 and Mary Johnson would not testify about anything
19 that happened to Mr. Rowe. They weren't there at
20 the other's.

21 Moreover, Rebecca and Cecil didn't
22 witness each other's fall, and they are most
23 damages witnesses in each of their own cases. And,
24 specifically, if the cases are consolidated, they
25 would essentially have to testify on two different

1 occasions at the same trial, once as a damages
2 witness and once as a plaintiff, which would really
3 confuse the jury.

4 In fact, at trial, if these cases are
5 tried separately we would be moving in limine,
6 prevent either of them from testifying about their
7 accident in the other spouse's trial because
8 pursuant to Rule 403 we believe that it is -- would
9 be highly prejudicial in the facts and
10 circumstances of the other case.

11 Additionally, he mentioned Mr. Cobbs,
12 who is the maintenance technician, would be
13 testifying. And so he did, in fact, complete
14 reports for both accidents, but there is an issue
15 with the incident report. There are two versions
16 of the Rebecca Rowe report.

17 And it appears that the original report
18 was altered which would be an issue in her case
19 only, and it would be confusing for the jury to
20 have to deal with that issue in Mr. Rowe's case.

21 And, more importantly, perhaps most
22 importantly, these are two individual plaintiffs
23 who constitutionally have a right to trial by jury,
24 and we believe -- we filed them as separate cases
25 and they certainly are entitled to their individual

1 days in court.

2 THE COURT: And, Mr. Cavanaugh, you
3 just have to tell me, tell me -- you really think
4 trying them together will affect recovery?

5 MR. CAVANAUGH: Do I think it would --
6 more likely than not, Your Honor, because the
7 danger that would occur to Mrs. Rowe, for instance,
8 let's just say hypothetically, I think her -- well,
9 I think her case is up first. Is that right?

10 MR. FLORENCE: Yes.

11 MR. CAVANAUGH: And so if we tried them
12 both together, you have a jury sitting there
13 thinking, well, this is a husband and wife. They
14 see an avenue for recovery, they go into the same
15 place, they create the same incident and,
16 therefore, they get -- they are prejudiced by the
17 fact that the husband and wife who have two
18 different incidents that occurred on two different
19 dates may be creating a claim of some sort.

20 And so, yes, I do think it will affect
21 recovery.

22 THE COURT: You don't think by trying
23 it at the same time what it does is it gives the
24 jury more reason for leave that the Family Life
25 Center was negligent -- Health Center was negligent

1 because they didn't -- because two people had this
2 problem and still not corrected?

3 MR. CAVANAUGH: Well, I think, Your
4 Honor, maybe in the situation where you had two
5 different unrelated plaintiffs, that might be.
6 That might be an easier story for a jury to
7 believe, especially if there are other incidents
8 that occurred in between this time that were
9 admissible and came in --

10 THE COURT: The jury doesn't have to
11 worry about that if you try them together. You
12 don't have to worry about separate incidents where
13 -- where there's no similar incident or a third
14 party or something. You don't have to even worry
15 about that if it's consolidated. You've got it
16 right there for the jury to look at.

17 MR. CAVANAUGH: Right, Your Honor, but
18 I think what I'm saying is there is a danger that
19 it is prejudicial to either or both of the
20 plaintiffs because a jury could speculate -- unduly
21 speculate that this is a husband and wife team, so
22 to speak, who have now created a similar condition
23 and the jury could rule against --

24 THE COURT: So you're more worried
25 about that than you're worried about the fact that

1 -- well, I mean, I have to tell you. I'm surprised
2 that the defense wants to consolidate and you don't
3 want to. I mean, quite frankly.

4 I just had a case with a father and a
5 son in a case with two different liability issues
6 and like that.

7 MR. CAVANAUGH: Right.

8 THE COURT: And, you know, it seemed to
9 work out pretty well for them. Now it was one
10 accident. I agree it was a car involved, but, you
11 know, I don't see the negative to your clients in
12 trying the case. I understand you pointed out a
13 possible negative to me, you know, but I -- you
14 know --

15 He's my protection.

16 MR. CAVANAUGH: Oh, no, no, no, Your
17 Honor. I just heard something.

18 THE COURT: From the standpoint of
19 trying a case, if I've got to try two cases -- I
20 mean, these are incredibly similar cases. I
21 realize there are two different events.

22 I'm going to take Mr. Florence at his
23 word; it's the same chair. I don't know if he took
24 the depositions or not, but -- but, I mean, to me,
25 it seems like it helps your case more than you have

1 to worry about a husband and wife doing it,
2 particularly if they're believable.

3 If they're not, you have another whole
4 problem, you know. I've never met them, so I don't
5 know. But I'm trying to -- I'm trying to figure
6 out -- I know you told me one is a notice case and
7 one is a created condition case.

8 Tell me something, how many times do
9 you think the jury listens to my charges?

10 MR. CAVANAUGH: Your Honor, I would
11 like to think they listen to you every time, but
12 I'm well aware that you usually lose a jury pretty
13 early.

14 THE COURT: Yeah. And what they're
15 going to be concerned about, did an accident occur?
16 Should they have kept the place safe? If -- if
17 they believe that it was a duty by them or they did
18 something wrong, then all they want to know is were
19 they hurt and how much did it cost? And, then, how
20 much do you want?

21 I mean, it's not -- I'm -- I need a
22 little bit more if you want me to not consolidate.

23 MR. CAVANAUGH: Well, Your Honor,
24 again -- again, I would say that my partner's
25 litigated the case. So I'm not saying Mr. Florence

1 is right or wrong about the chair. I don't know
2 and I just want to --

3 THE COURT: You drew the short straw
4 and you said you didn't have anything to do, you
5 could come here, right?

6 MR. CAVANAUGH: Unfortunately, Your
7 Honor, I have plenty to do, but he's in York and he
8 said, can you go do this? And I said sure.

9 So I appreciate Your Honor seeing me
10 today.

11 THE COURT: I'm glad to do it, but --
12 go ahead. Go ahead. I want you to get everything
13 out because I have to think -- I'm going to think
14 about it.

15 MR. CAVANAUGH: I would -- I would ask
16 the Court's indulgence to at least let me answer
17 the common chair question for the Court before the
18 Court ruled, and I would be able to do that from my
19 law partner.

20 THE COURT: I understand that. I want
21 -- I'm putting pressure on you because I want you
22 to know what's bothering me about it.

23 MR. CAVANAUGH: Yes, Your Honor. And I
24 think as counsel for the plaintiffs that -- A, what
25 would bother -- I'm thinking about what could

1 possibly go wrong. I certainly see Your Honor's --

2 THE COURT: In any case so much can go
3 wrong.

4 MR. CAVANAUGH: Your Honor, I agree
5 that could work out well in our favor, but I would
6 say that, A, certainly they are both entitled to
7 their individual days in court; and second of all,
8 I would worry that, you know what -- this is almost
9 like two different car accidents with the same car
10 months apart.

11 Just because the same people are in the
12 same vehicle and they are driving the same cars and
13 they happen to be in the same place at the same
14 time and the same sort of circumstances happen
15 again, do those cases deserve consolidation or not?
16 And I would argue --

17 THE COURT: Not.

18 MR. CAVANAUGH: -- while that seems
19 farfetched, it's certainly a circumstance here
20 there is a slight twist on the facts in that
21 Mr. Rowe has testified that he fell because his
22 chair broke and not slipped, as to where -- and so
23 you do have different law.

24 And to a jury that might listen, when
25 they start analyzing it, I do worry that they do

1 get confused by what exactly they're trying to
2 figure -- they boil it down to something that
3 ultimately at the end of the day could not really
4 apply to one or the other case.

5 And that would worry me that we could
6 get -- we may even get inconsistent verdicts.

7 THE COURT: And, you know, that doesn't
8 even matter now. That doesn't matter now, you
9 know. And, you know, you could get inconsistent
10 verdicts if you try them separately --

11 MR. CAVANAUGH: I completely --

12 THE COURT: -- you know. And my --
13 just my take on it from my looking at juries and
14 like that, and I'm no expert in juries, but, you
15 know, premises liabilities cases are hard, I think.

16 They're hard to prove and like that,
17 and I think trying it together actually gives you a
18 better avenue for liability than you're going to
19 have trying them separately.

20 MR. CAVANAUGH: And I agree because if
21 you're particularly talking about a notice case,
22 your notice threshold is essentially met.

23 THE COURT: Right.

24 MR. CAVANAUGH: What would argue me is
25 while the defendants are arguing today that these

1 are similar cases and these are similar facts, they
2 may come in and file a motion and -- and try to
3 say, you know, that's not notice or, you know, they
4 may try to then take advantage of that -- the
5 Court's decision to consolidate for judicial
6 efficiency on somewhat similar facts and say, well,
7 that can't be notice; it happened six months
8 earlier. And file a motion to preclude notice or
9 say Mr. -- what's different --

10 THE COURT: I hate to interrupt, but if
11 they do something like that, then it might be
12 separated.

13 MR. CAVANAUGH: Right. And then -- and
14 then they come in and argue, well, Mr. Rowe alleges
15 this, but in his deposition he says this. And then
16 we -- then they are creating almost a situation
17 where they're making our clients look incredible
18 when all -- not credible, not incredible --

19 THE COURT: Either one is good.

20 MR. CAVANAUGH: -- that it really just
21 -- it has a danger of really setting the plaintiff
22 up for, hey, we got these cases consolidated
23 because they're similar, but let us, jury, tell you
24 why they're different, and why Mr. Rowe alleges
25 this, but he actually testified to that.

1 And so that really can't be notice to
2 that. And, I mean, I would do it. I did defense
3 work about for about six years --

4 THE COURT: But you're going to do that
5 whether you try it separate or together, I would
6 think. I mean, you know. If he testified to
7 something different in his deposition than what was
8 pled, they will go over that.

9 I don't see how that changes anything.

10 MR. CAVANAUGH: Well, I think for the
11 purposes of whether they ought to be combined or
12 whether they're similar enough to try together,
13 that is something that needs to be considered.

14 And if the defendant wouldn't argue
15 that, that may change things. If they didn't argue
16 notice issues and they were admitting liability,
17 that might be a different story and we were only
18 arguing about damages; but there are certain things
19 I think they could take advantage of in
20 consolidation more effectively than if the trials
21 were separated.

22 THE COURT: Okay.

23 MR. CAVANAUGH: But, again, Your Honor,
24 I was not thrown to the wolves because I enjoy
25 being in your courtroom, but this is Mr. Thickens'

1 case. And, again, as I saw Mr. Florence smile when
2 I said I would find it hard to believe this was the
3 same chair. It may very well be, and so I at least
4 want to make sure --

5 THE COURT: No. No. No. I'm not
6 going to rule now. I just -- you know, I always
7 enjoy it when judges asked questions of me when I
8 was arguing stuff. I hated to come in and just
9 kind of go over what my brief was, particularly at
10 the appellate division.

11 I was thinking they're not listening,
12 they don't care. You know, that kind of stuff, so
13 I at least like to make you talk to me.

14 MR. CAVANAUGH: And I say this not as
15 flattery, but I don't get in the courtroom enough
16 and so I, as most lawyers, love to talk. So this
17 is the highlight of my day. Rule for me or against
18 me, at least I got to do what I love to do.

19 THE COURT: No. No, I understand that.
20 Well, this is the better part of my
21 day. I was doing pleas earlier.

22 Anything else you want to get on the
23 record?

24 MR. CAVANAUGH: No, Your Honor. Thanks
25 for listening and hearing argument.

1 THE COURT: Mr. Florence.

2 MR. FLORENCE: Yes, sir.

3 THE COURT: Tell me why you want to do
4 something that I think -- I would think that the
5 plaintiff wants to do it. If the plaintiff wants
6 to do something -- what am I missing?

7 MR. FLORENCE: Well, I agree with you.
8 We were sort of surprised that the plaintiffs would
9 object to this as well.

10 THE COURT: Well, why do you want it?
11 That's got me nervous.

12 MR. FLORENCE: Judge, we have one
13 defendant in this case for all intents and
14 purposes, Family Health Center. They have
15 witnesses that are going to be testifying in both
16 cases if they were to be tried separately.

17 And so those witnesses are employees of
18 Family Health Centers, including the CFO
19 potentially, the one maintenance man they've got to
20 run around and take care of five or six facilities
21 that they have, and then the people that work in
22 the Neeses office.

23 I anticipate that -- that the trial in
24 this case may take two days, two and a half days.
25 To do that twice in a row is not only bad judicial

1 economy, it's bad -- it's extremely inconvenient
2 for our folks' witnesses as well. So that's the
3 main reason.

4 The other reason if I could respond to
5 the confusion of the jury on that actual legal
6 issues, the actual legal issues are actually going
7 to be the same. Actual constructive notice of a
8 hazardous condition and whether or not they should
9 have or did know.

10 That's going to be the law. It's not
11 going to be any different law; that's the law of
12 premises liability.

13 So I don't think there's going to be --
14 I mean, I don't -- I think Mr. Cavanaugh is
15 underestimating the jury's ability to understand
16 case law. I understand that their attention spans
17 may be a little bit limited, especially when the
18 judge is charging.

19 THE COURT: They're interested when the
20 testimony is going on, but the charge on the law --

21 MR. FLORENCE: I don't think the
22 charging is going to be different per plaintiff. I
23 think the charges are going to be very similar if
24 not identical. I don't think there's going to be
25 any confusion with the jury. Of course the facts

1 are going to come out.

2 If there's a factual difference in how
3 they fell, the jury can understand that. So I
4 don't see the prejudice -- the confusion is
5 different from prejudice. And I don't see the
6 prejudice to the plaintiff for consolidation.

7 THE COURT: But my question is, is this
8 the same chair? Seriously.

9 MR. FLORENCE: That's been the
10 allegation.

11 THE COURT: I understand that, but, I
12 mean, in the depositions does it -- does it seem to
13 boil down to the same chair?

14 MR. FLORENCE: It does. It's the same
15 type of chair.

16 THE COURT: Same type of chair.

17 MR. FLORENCE: Yes. So my
18 understanding from the plaintiffs allegations,
19 though, it was the same chair, because they
20 literally sat in the same place. The lobby was set
21 up the same way when they both went to the facility
22 and they sat in the same exact location and fell in
23 the same location.

24 THE COURT: Okay.

25 MR. FLORENCE: So --

1 THE COURT: But my question to you,
2 from -- because, to me, this is -- I get nervous
3 when different sides -- when sides take different
4 positions. I think I'm missing something, so I'm
5 trying to find out what's going on.

6 . And I know you want to look -- I
7 appreciate the argument about not tying up your
8 employees. I do appreciate that because they are,
9 but if I add -- I think, it would be a two-day
10 trial with one plaintiff; if I did an extra
11 plaintiff, it's going to be three days.

12 So that's, in theory, saving a day, and
13 that's if I believe the attorneys, which means,
14 well, how long is it going to take the case? I
15 usually double it because I did that. I would say,
16 oh, Judge, it will be a quick case. No, it's not.
17 Something else is going to come up.

18 But why wouldn't you want to try them
19 separately? You know, that way you do have a
20 better chance of inconsistent verdicts. The jury
21 doesn't find out that the same accident occurred
22 with two separate members of the same family.
23 What's the reason --

24 MR. FLORENCE: Judge, I beg to differ
25 with Mr. Cavanaugh on that issue because if they're

1 tried separately, they are going to be witnesses in
2 each other's case. So the fact that they have a
3 lawsuit and they had an incident that happened to
4 them as well, is going to be brought up in the
5 trial.

6 So trying them separately is not going
7 to alleviate that issue. The jury is going to know
8 that both of them have a lawsuit about the same
9 thing, at the same location. So consolidating them
10 just lets them know that all at one time.

11 THE COURT: Okay. Trying to figure out
12 what the benefit is to you for the defendant.

13 MR. FLORENCE: The benefit is, it's
14 mainly for the company to not have to go -- now, I
15 don't know when the next trial would be. If we
16 tried Rebecca's case on May 20th, when the next
17 trial would be, I don't know, but we would have to
18 gear up again and meet, same routine, and that
19 takes time besides the actual court time, you know,
20 preparing witnesses' testimony and that kind of
21 thing.

22 THE COURT: Okay.

23 MR. FLORENCE: So that's the main
24 reason, Judge. It's not some tactical advantage
25 that we would gain from that.

1 THE COURT: Well, I haven't been able
2 to see it, but I was curious.

3 MR. FLORENCE: No, sir, nothing like
4 that.

5 THE COURT: Mr. Cavanaugh, what I'm --
6 you know what I'm leaning towards, you know.

7 MR. CAVANAUGH: I think -- I think Your
8 Honor -- I think another lawyer told me this
9 morning that I was not intuitive or something and
10 -- but I'm intuitive enough to understand where
11 you're heading, Your Honor, so I appreciate that.

12 THE COURT: But I'm not going to rule
13 right now. I want you to go back and talk to
14 Mr. Thickens and if -- if he wants to add something
15 to the -- to the argument, you can send me a little
16 -- a little brief statement, and you can respond to
17 it.

18 MR. CAVANAUGH: Yes, sir.

19 THE COURT: But you know where I'm
20 headed.

21 MR. CAVANAUGH: I do, Your Honor. And,
22 again, I'm a plaintiff's lawyer, so I certainly
23 will be brief.

24 THE COURT: Oh, yeah, because you're
25 not being paid by the hour.

1 MR. CAVANAUGH: I would like to add two
2 things that -- that I do want to respond to for
3 purposes of the record. I think maybe what the
4 record is going to show is they don't know if it
5 was the same chair or not.

6 Arguably, it's not even the same chair.
7 I find it hard to believe that they didn't move the
8 chairs around. Maybe they did and I don't know.
9 Maybe that question's never been asked, but I don't
10 know. So that may have answered that question and
11 your answer may be nobody knows.

12 The other thing that worries me as I
13 was sitting here processing this, while you have
14 the same defendant, the plaintiffs are different.
15 I mean, they happen to be married and they are
16 different. They are different individuals and
17 different persons.

18 And I wonder, does this open Pandora's
19 Box for the defendants to argue, you know, if this
20 case were to be consolidated, and a similar case
21 with different plaintiffs against the same entity
22 that arose six months apart and no different facts,
23 that they would then give the defense the argument
24 that -- well, I mean, this case was consolidated,
25 so this case ought to be consolidated because

1 you're going to have the same -- all of the same
2 employees responded, the only thing you're going to
3 have is different plaintiffs, the allegations are
4 the same, and the law is similar.

5 I mean, where does it --

6 THE COURT: Where do you stop?

7 MR. CAVANAUGH: -- where does it end?

8 And then when at that point does the right to, you
9 know, Mr. Rowe or Mrs. Rowe's or any other
10 plaintiff's right to a trial by jury, their own
11 individual trial by jury, have their day in court
12 end? So that I would be concerned about.

13 THE COURT: Well, but -- and I keep
14 coming back to the fact that if Mrs. Rowe is tried
15 first, I'm assuming -- that most of the time when I
16 did plaintiff's work, I would put up the husband or
17 wife and say, how did she react? What did she do
18 around the house? What did he do? That kind of
19 stuff. Well, you know, she can't move; she doesn't
20 get up; it still hurts. That kind of stuff, and so
21 they do that.

22 You know, I mean, I understand from
23 your perspective you see the negative things that
24 can happen. From my perspective having just gone
25 through a case with a father and son, even though

1 it was a single accident case, I think -- I just
2 see it as more positive for the plaintiffs than
3 negative.

4 I mean, it's just -- I mean, of course,
5 I've sat here with, you know -- I could be wrong,
6 and the supreme court will tell me, you know, or
7 the court of appeals, or you-all.

8 MR. CAVANAUGH: I'm not going to tell
9 you you're wrong.

10 THE COURT: No. What I mean is, I
11 understand -- I think I understand what you're
12 getting at. My overall looking at it seems like
13 it's better for the plaintiffs to be tried
14 together, but I'm not going to rule on it. I want
15 you to go back and talk to --

16 MR. CAVANAUGH: Very brief.

17 THE COURT: Huh?

18 MR. CAVANAUGH: Very brief.

19 THE COURT: Mr. Florence?

20 MR. FLORENCE: Yes, sir, just to that
21 point about a precedent. This is Rule 42(A). It's
22 fully within each judge's discretion based upon the
23 individual facts of every situation to rule. So I
24 think the precedent is safe.

25 THE COURT: Okay. Anyway, gentlemen,

1 it's been entertaining for me. I'm not going to
2 rule on it yet. I will -- it ought to be an
3 entertaining trial, but I'm going to mull it over,
4 and sometimes when I mull things over I change my
5 mind.

6 MR. FLORENCE: Okay.

7 THE COURT: I mean, because that
8 happens because something goes on and I say, well,
9 I think I'll do it that way, you know. So anyway,
10 thank you all. Hopefully -- anything else you all
11 want to put on the record?

12 MR. CAVANAUGH: No, Your Honor. You
13 fully let me get everything out.

14 MR. FLORENCE: Thank you.

15 THE COURT: Thank you. Good seeing you
16 all. Appreciate it.

17 Oh, just out of curiosity, and I forgot
18 to -- and we're still on the record because I need
19 to ask you this: Mr. Florence indicated that they
20 would be ready to go with both. Is it going to be
21 a problem with you all if I consolidate trying them
22 both?

23 MR. CAVANAUGH: Your Honor, I do not
24 think so, but can I answer that question when I
25 talk to my law partner?

1 THE COURT: Oh, yeah. I want you to
2 address that because if -- if I consolidate and
3 that's going to be a problem, I need to know so we
4 can go ahead and get you all -- do you have a date
5 certain or you're just on the roster?

6 MR. FLORENCE: I think it's just on the
7 roster.

8 MR. CAVANAUGH: I think we're like
9 number two on the roster.

10 THE COURT: Well, then, you're probably
11 going to be number one the way things are -- I
12 don't know who is up ahead. We don't know. But,
13 anyway, if you would just address that, if that's
14 going to be a problem, let me know.

15 I'm not trying to put -- I'm not trying
16 to put anybody in a bad situation.

17 MR. CAVANAUGH: My goal is to have you
18 an answer before the close of business today.

19 THE COURT: You can wait until
20 tomorrow.

21 MR. CAVANAUGH: Okay.

22 THE COURT: We have a date certain?
23 What case is that?

24 THE CLERK: 2017-1233, Rebecca Rowe.

25 THE COURT: Oh, that's a date certain.

1 MR. CAVANAUGH: Then it is.

2 MR. FLORENCE: Okay.

3 THE COURT: Oh, cool. I have this
4 thing set aside for you all then. You better let
5 me know because, I mean, I wouldn't think it will
6 be that hard to do, but I am not asking you to
7 speak for your partner.

8 MR. CAVANAUGH: I don't want him to
9 speak for me, so I'm not going to speak for him.

10 Thank you.

11 (These proceedings were concluded at
12 1:48 p.m.)

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1 CERTIFICATE OF REPORTER

2
3 I, Carol Denise Lauder, Registered
4 Professional Reporter and Notary Public for the
5 State of South Carolina at Large, do hereby certify
6 that the foregoing transcript is a true, accurate,
7 and complete record.

8 I further certify that I am neither related
9 to nor counsel for any party to the cause pending
10 or interested in the events thereof.

11 Witness my hand, I have hereunto affixed my
12 official seal this 24th day of July, 2018 at
13 Charleston, Charleston County, South Carolina.
14
15
16

17 S/Denise Lauder_____
18 Carol Denise Lauder
19 Registered Professional
20 Reporter, CP
21 My Commission expires
22 February 27, 2028
23
24
25

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

Cecil Rowe,) C/A NO.:2017-CP-38-01232
)
Plaintiff,)
)
vs.) Deposition
)
) Of
Family Health Centers,)
Inc. And Carolina Kwik) Cecil Rowe
Dry, LLC,)
)
Defendants.)
)
)
_____)

Deposition of Cecil Rowe, taken pursuant to the
South Carolina Rules of Civil Procedure, commencing at
the hour of 10:08 a.m., Tuesday, June 26th, 2018, at
Dean Law Firm, 146 Centre Street, Orangeburg, South
Carolina.

Reported by
Cheri B. Williams, CVR-M

Appearances

For the Plaintiff: Joseph O. Thickens, Esquire
Cavanaugh & Thickens, LLC
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For the Defendant
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Inc:

John M. Grantland, Esquire
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Columbia, SC 29260

For the Defendant
Carolina Kwik Dry,
LLC:

Thomas F. Dougall, Esquire
Dougall & Collins
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100
Elgin, SC 29045

Also Present:

Rebecca Rowe

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Exhibits

No exhibits marked.

Court Reporter's Note: This transcript may contain quoted material. Such material is reproduced as read or quoted by the speaker. Double hyphens (--) denote interruption of speech, incomplete sentence/phrase, or trailing off. [ph] denotes phonetically written. [sic] denotes written as spoken.

1 Stipulations

2 The reading and signing of this deposition is
3 waived by the deponent and counsel for the
4 respective parties.

5 Whereupon,

6 Cecil Rowe, being duly sworn and cautioned to
7 speak the truth, the whole truth, and nothing
8 but the truth, testified and deposed as
9 follows:

10 Direct Examination

11 By Mr. Grantland:

12 Q Mr. Rowe, good morning. My name is John Grantland.

13 A Yeah.

14 Q I'm a lawyer from Columbia.

15 A Uh-huh.

16 Q And I was hired to defend The Family Health Center,
17 and I've asked your lawyers if I could take your
18 deposition. And a deposition is my opportunity as
19 the lawyer for the other side to meet you, to talk
20 to you, to find out a little information about you,
21 but mainly find out about your accident at The
22 Family Health Center and any injuries you had as a
23 result. Although you're under oath, this is very
24 informal, so I want you and your wife to be as
25 comfortable as you can be under the circumstances.

1 If at any time you need to take a break for any
2 reason, that's fine. My time is your time. You're
3 -- the only thing I have on my calendar today is to
4 take yours and your wife's deposition, but I'll do
5 my best to be quick. I'll do my best to be
6 efficient with your time. If I ask you a question
7 that doesn't make sense or is unclear, please tell
8 me because my job today is really just to get
9 information from you. Likewise, it'll be very
10 important for you to speak and answer my questions
11 verbally. If you nod your head or say uh-huh or
12 uh-uh, our court reporter, Ms. Cheri, can't record
13 everything -- will have a hard time picking up on
14 what you are saying. So you'll need to say yes and
15 no. And I will try not to interrupt you if you try
16 not to interrupt me. But, again, if you don't have
17 any questions, I'll go ahead and get started. Are
18 you ready, Mr. Rowe?

19 A Yes, sir.

20 Q Okay. What is your full name?

21 A Cecil Rowe.

22 Q Okay. And your wife's name is Rebecca?

23 A Uh-huh.

24 Q Okay. And what is your address?

25 A Norway, 474.

1 Q Norway?

2 A Uh-huh.

3 Q South Carolina. 474?

4 A Yes, sir.

5 Q Okay. How long have you and Rebecca been married,
6 do you know?

7 A '71.

8 Q Since '71? Okay. And what is your date of birth,
9 sir?

10 A 11/46. 11/28/46.

11 Q 11/28.

12 A 46.

13 Q 46. Okay. And that makes you how old?

14 A Seventy-one.

15 Q Seventy-one. Okay. Okay.

16 Mr. Grantland: We can go off the record.

17 (Off the record briefly at 10:10 a.m.)

18 Q Mr. Rowe, do you have any children?

19 A Three.

20 Q And what are their names?

21 A Bobby.

22 Q Okay.

23 A Cecil Rowe, Jr.

24 Q Okay.

25 A And Sheila.

1 Q Sheila, okay. And do they all live in Orangeburg
2 County?

3 A Two of them, and one live in Summerville.

4 Q Summerville. Okay. Who lives in Summerville?

5 A Sheila.

6 Q Sheila. Okay. And how many grandchildren do you
7 have?

8 A Six. Six, I think.

9 Q Okay. Excellent. And how far did you go in
10 school?

11 A Ninth.

12 Q Ninth grade. Were you born and raised in
13 Orangeburg?

14 A Yes.

15 Q Okay. And are you currently employed?

16 A Yes.

17 Q Where do you work?

18 A Orangeburg County.

19 Q Okay. What do you do for the county?

20 A Road.

21 Q Road what?

22 A Road -- maintain roads.

23 Q Okay. And how long have you been with Orangeburg
24 County?

25 A '87, I think.

1 Q Okay. And so when you say road maintenance, what
2 exactly do you do for Orangeburg County?

3 A Haul off dirt.

4 Q Okay.

5 A Stones, and all kind of stuff.

6 Q In a dump truck?

7 A Yeah.

8 Q Okay. So you've been driving a dump truck for
9 Orangeburg County since '87?

10 A Uh-huh.

11 Q Is that yes?

12 A Yes.

13 Mr. Thickens: You've got to say yes or no
14 or I don't know, whatever it is for the
15 record, out loud.

16 A Yes. Uh-huh.

17 Q I assume you don't have a criminal record of any
18 kind?

19 A No.

20 Q Okay. And have you ever been involved in an
21 accident like this that you had at The Family
22 Health Center where you fell and hurt yourself?

23 A No.

24 Q Have you ever been involved in a lawsuit before?

25 A No.

- 1 Q Have you ever had to give a deposition before?
- 2 A No.
- 3 Q Have you ever had to be put in the hospital?
- 4 A One time, I believe. I had a seizure.
- 5 Q Yes, sir.
- 6 A I did one time.
- 7 Q How long ago was that?
- 8 A Way back in about '80 -- about early 1990.
- 9 Q Early 1990?
- 10 A Uh-huh.
- 11 Q Who was your doctor?
- 12 A Dr. Thomas. He done passed away now.
- 13 Q Okay.
- 14 A Of Denmark.
- 15 Q Where were you hospitalized? What hospital?
- 16 A Orangeburg.
- 17 Q Okay. Have you had any other hospitalizations?
- 18 A No.
- 19 Q Okay. Did you actually have a stroke?
- 20 A Uh-uh. No.
- 21 Q Or a seizure? Excuse me. A seizure? Okay. Have
- 22 you ever had any type of accident like the one you
- 23 had at The Family Health Center where you fell --
- 24 A No.
- 25 Q -- sitting or getting out of the chair.

- 1 A No. That the -- that the first one.
- 2 Q Okay. And this is your first lawsuit?
- 3 A Yes.
- 4 Q Okay. Who is your family doctor?
- 5 A City of Bamberg. I don't know his name.
- 6 Q You have a doctor in Bamberg?
- 7 A Yes, sir. Dr. Padgett.
- 8 Q Okay. Padgett? Dale Padgett? I know who that is.
- 9 A Yeah.
- 10 Q How long has Dr. Padgett been your doctor?
- 11 A She just come from Summerville about five or six
- 12 years ago, I think.
- 13 Q Are you on any prescriptions with Dr. Padgett?
- 14 A Yeah.
- 15 Q What kind of prescriptions are you on?
- 16 A High blood.
- 17 Q High blood pressure?
- 18 A And sugar. I take sugar tablets.
- 19 Q Are you a diabetic?
- 20 A Yeah.
- 21 Q Okay. Do you have to take a shot or just pills?
- 22 A Pill.
- 23 Q Okay. Are you on any other medications?
- 24 A No.
- 25 Q Okay. Do you have any other doctors besides Dr.

1 Padgett that you see?

2 A No.

3 Q Do you have like a heart doctor?

4 A No. I don't have no heart trouble.

5 Q Okay. Have you ever treated with a chiropractor
6 before this accident?

7 A Uh-uh.

8 Q Have you ever treated with an orthopedic doctor
9 before this accident?

10 A No.

11 Q No?

12 A Uh-uh.

13 Q Okay. All right. Other than high blood pressure
14 and diabetes, did you have any other health
15 problems before this accident?

16 A No. Uh-uh.

17 Q Okay. What were your injuries in your accident at
18 the Family Health Center?

19 A The chair relapsed on me, and my leg went back. And
20 then I hurt my shoulder, and my leg was back up
21 under the chair.

22 Q Okay. So you're talking about your right shoulder
23 and your right leg?

24 A Yeah.

25 Q Okay. So just make sure I'm clear. You had

1 injuries to your right shoulder and your right leg,
2 is that correct?

3 A Yeah. Yeah.

4 Q Did you hurt any other part of your body?

5 A Uh-uh.

6 Q Okay. Before your accident at the Family Health
7 Center, have you ever had any problems with your
8 right leg?

9 A No.

10 Q Have you ever had any medical treatment on your
11 right leg before?

12 A Uh-uh.

13 Q Have you ever had any pain in your right leg
14 before?

15 A No.

16 Q Before the accident at the Family Health Center,
17 have you ever had any problems with your right
18 shoulder?

19 A No. Uh-uh.

20 Q Have you ever had any pain in your right shoulder
21 before?

22 A Uh-uh. No.

23 Q Have you ever had to see a doctor for your right
24 shoulder?

25 A Uh-uh.

1 Q So this accident was the first time you ever had
2 any problems or pain with your right leg or your
3 right shoulder?

4 A Right.

5 Q Okay. Now let me ask you about the Family Health
6 Center. Are you a patient at the Family Health
7 Center?

8 A I was. I don't go there no more.

9 Q Okay. Were you a patient at the time of the
10 accident?

11 A Yes, sir.

12 Q And this is the Family Health Center in Norfield?

13 A Yes, sir.

14 Q How long were you a patient at the Family Health
15 Center?

16 A About 15 or 20.

17 Q 15, 20 years?

18 A Uh-huh. Yeah.

19 Q Did they treat you for your blood pressure and your
20 sugar?

21 A At the time, yes.

22 Q Yes, sir. Do you remember who your doctor was at
23 the Family Health Center?

24 A Uh-uh. I had so many, I done forgot.

25 Q Okay. How often -- as I understand, your accident

1 happened in August 2016?

2 A Uh-huh.

3 Q How often had you been to the Family Health Center
4 before your accident? How many times have you been
5 to the Family Health Center before your accident?

6 A I don't know. I done forgot.

7 Q Once a month or about every six months?

8 A About every three months.

9 Q Every three months? And would you also take any
10 family members to the Family Health Center, too?

11 A Yeah. I had taken my grandchildren.

12 Q Okay. And how often would you take your
13 grandchildren?

14 A They'd go about every two months.

15 Q Okay. So you went to the Family Health Center
16 about every three months, and you took your
17 grandchildren about every two months?

18 A Yeah.

19 Q One of them, I guess?

20 A Yeah.

21 Q If they're sick or they have an appointment or
22 something?

23 A Appointment.

24 Q Okay. So how familiar were you with the waiting
25 room at the Family Health Center? Did you know

1 where everything was in the waiting room?

2 A Yes, sir.

3 Q Okay. And on your visits, whether it was for you
4 or for your grandchildren, --

5 A My grandchildren.

6 Q Yes, sir. Well, on your visits, would you always
7 sit in the chairs in the Family Health Center?

8 A No. That's my first time that I've been there. I
9 mean, sit in the room.

10 Q On your other visits to the Family Health Center,
11 had you sat in the waiting room before?

12 A No. When I go there, I just walk right in.

13 Q You walk right in?

14 A Uh-huh.

15 Q So you never had to wait?

16 A Uh-uh. No.

17 Q So was this accident the first time you've had to
18 actually wait at the doctor's office?

19 A Yeah. Because they had my granddaughter in the
20 back, and I was sitting in the waiting room.

21 Q Okay. Have you ever sat in the chairs in the
22 waiting room before this accident?

23 A No. Uh-uh.

24 Q So this was the first time you'd sat in the chairs?

25 A Yeah.

1 Q Okay.

2 A I usually sit in the car and wait on her till she
3 come out, but I was in the waiting room that day
4 talking to somebody.

5 Q Okay. You normally sit in the car to wait for her
6 to come out?

7 A Uh-huh.

8 Q Do you know if anyone else besides you and your
9 wife have ever had any problems getting in or
10 getting out of the chairs in the waiting room?

11 A I ain't never had no problem.

12 Q Well, do you know if anyone else has fallen at the
13 Family Health Center sitting down or getting out of
14 the chairs like you and your wife?

15 A They said one lady fall out -- fall. The chair
16 went down with her, the same chairs that went down
17 with me in it.

18 Q Did you see that happen?

19 A No. I wasn't there. I heard it.

20 Q You heard about it?

21 A Uh-huh.

22 Q Do you know who that was?

23 A No.

24 Q Okay. Have the chairs in the waiting room always
25 been the same when you've gone in?

- 1 A Yes, sir. In the middle back up like ...
- 2 Q Has the floor always been the same?
- 3 A Yes, sir.
- 4 Q Okay. Do you know how the floors are cleaned?
- 5 A They clean like it was wax or something.
- 6 Q Do you know anything about how they are cleaned or
- 7 waxed?
- 8 A Uh-uh. No.
- 9 Q Have you been back to the Family Health Center
- 10 since your accident?
- 11 A No. I went to Orangeburg to the hospital.
- 12 Q Okay. You to the Family Health Center here in
- 13 Orangeburg?
- 14 A Uh-huh. Yeah.
- 15 Q Okay. You don't go to the Norfield branch anymore?
- 16 A I don't go up there no more.
- 17 Q Okay. Does your granddaughter still go to
- 18 Norfield, or y'all take to --
- 19 A No. She -- she moved to Summerville.
- 20 Q Oh, she moved to Summerville, okay. Okay. Do you
- 21 have any other grandchildren that you take to the
- 22 doctor or that you pick up from the doctor?
- 23 A No. Uh-uh.
- 24 Q So when you go to the Family Health Center now, do
- 25 you go to the one here in Orangeburg?

- 1 A Yeah.
- 2 Q Okay.
- 3 A Or either Bamberg.
- 4 Q Or Bamberg. Okay. So let me ask you about your
5 accident. It's my understanding your accident
6 happened in August 2016?
- 7 A Uh-huh.
- 8 Q Is that right?
- 9 A That's right.
- 10 Q About almost two years ago?
- 11 A Yeah.
- 12 Q And do you remember what time of day you went to
13 the Family Health Center?
- 14 A I believe that morning about ten, 11 o'clock.
- 15 Q Okay.
- 16 A Somewhere along in there.
- 17 Q And were you bringing your granddaughter or picking
18 her up?
- 19 A Bringing -- bringing her.
- 20 Q What's her name?
- 21 A Who that?
- 22 Q Your granddaughter.
- 23 A Sheila. I mean -- I got to remember her name.
24 Sheila or Bree. Sheila.
- 25 Q Your granddaughter's name is Sheila?

- 1 A Yeah.
- 2 Q And you have a daughter named Sheila?
- 3 A Yeah.
- 4 Q Okay. How old is Sheila, your granddaughter?
- 5 A Fourteen.
- 6 Q Fourteen. Okay. So did she have an appointment?
- 7 A Yeah.
- 8 Q A physical or was she sick?
- 9 A She had an appointment.
- 10 Q Okay. You know, sometimes you take a child if
- 11 they're sick. Sometimes you take them for a
- 12 physical.
- 13 A Yeah.
- 14 Q So she had an appointment?
- 15 A Yeah.
- 16 Q And you took her?
- 17 A I took her to the doctor.
- 18 Q I guess was your daughter working, or why didn't
- 19 she take her?
- 20 A Yeah. Yeah.
- 21 Q Your daughter was working?
- 22 A Uh-huh.
- 23 Q Okay. Okay. So y'all walk into the Family Health
- 24 Center?
- 25 A Yes, sir.

1 Q Around ten or 11 a.m.?

2 A Yeah.

3 Q Was anyone else with you besides you and Sheila?

4 Did y'all have anyone else with you?

5 A No. Just me and her.

6 Q Just the two of you?

7 A Yes, sir.

8 Q Okay. So why don't you tell me -- you've walked
9 into that -- the place -- you've walked into the
10 Family Health Center in Norfield before, right?

11 A Yes, sir.

12 Q Okay. So you walk in, and I guess you tell the
13 nurse that --

14 A I signed my granddaughter --

15 Q You sign her in?

16 A Yes, sir.

17 Q You sign your granddaughter in?

18 A Yes, sir.

19 Q Okay. So once you signed her in, why don't you
20 tell me what happened.

21 A When they called her to the back -- I mean go in
22 the back to see the doctor, I went to sit down in
23 the chair, and when I went to sit down, the chair
24 relapsed on me. And they told -- they come and
25 picked me up off the floor and came in the back

1 back there and examined me, and I heard the lady
2 said why y'all take that chair out there -- out
3 that storage room. I mean, they had it back there,
4 and she said somebody was cleaning up that next day
5 and never went back there and put the chair back in
6 -- in the lobby with the rest of the chairs.

7 Q Okay. So I'm going to need you to repeat that to
8 me again.

9 Mr. Grantland: Will you help me make sure
10 I heard everything he said?

11 Q So you --

12 Mr. Grantland: And I'm okay with you
13 helping me.

14 Q So you signed your daughter in?

15 A Uh-huh.

16 Q Your granddaughter in?

17 A Uh-huh.

18 Q And then you're standing there. Had you sat down -
19 - after you signed her in, did you just sit down,
20 or did you wait for them to call her?

21 A I wait for them to call, and she went back.

22 Q Okay. So they called for Sheila, and she went back
23 to the back with a nurse?

24 A Yes, sir.

25 Q And then you went to go sit down?

1 A Yes.

2 Q And tell me what happened when you went to go sit
3 down.

4 A When I went to sit down, the chair got away from
5 me. You know, and I went -- it relapsed on me.
6 The spokes out the side of the chair come loose,
7 and I went down on my shoulder and my leg bend back
8 up under me. I sit down on my butt back there.

9 Q So did the chair break?

10 A Yeah.

11 Q What part of the chair broke?

12 A On the right side near the spoke. They -- looked
13 like somebody had -- on the chair, they say they
14 put it back together, the janitor who clean -- who
15 clean up and mop the floor.

16 Q They said -- the janitor told you that the chair
17 had been put back together?

18 A Yeah. Put it back in the storage room.

19 Q Okay. So it had broken before, and they had put it
20 back together, and it was in the storage room?

21 A Yes. And the fellow was cleaning up, mopping the
22 floor and stuff, he put it back in there.

23 Q Okay. So it was moved from the storage room back
24 outside after it was --

25 A Yeah.

- 1 Q Or back into the waiting room?
- 2 A Yeah. After I fall, they put it back in the room.
- 3 Q Okay.
- 4 A And they pick me up.
- 5 Q Okay. You sat -- so when you first saw the chair
- 6 it looked okay to you?
- 7 A It looked like the rest of the chairs.
- 8 Q Okay. And then you sat down, and then the right
- 9 side of the chair --
- 10 A Yes.
- 11 Q The legs broke?
- 12 A Yes.
- 13 Q Or did they -- were they screwed on?
- 14 A No. They was just hooked in there together like
- 15 with some kind of glue or something.
- 16 Q Okay. And so what --
- 17 A Broke.
- 18 Q What broke? The legs broke?
- 19 A The spoke had got broke.
- 20 Q Okay. The spoke?
- 21 Mr. Grantland: What's he saying?
- 22 Mr. Thickens: The spokes in the chair.
- 23 Q Okay. The spokes in the chair just kind of --
- 24 A Uh-huh.
- 25 Q -- broke apart?

- 1 A Yeah.
- 2 Q Okay. And then the chair collapsed?
- 3 A Yeah.
- 4 Q Okay. Okay. And I may ask you some more
- 5 questions. When you walked in and signed your
- 6 granddaughter in, how crowded was the lobby? Were
- 7 there other people in the lobby?
- 8 A Yeah. It was about five, six, seven, something
- 9 like that.
- 10 Q Less than ten? Between, five, six, seven people?
- 11 A Yes.
- 12 Q And they were all sitting in chairs?
- 13 A Yes. Yes, sir.
- 14 Q Do you know how many chairs were in the lobby?
- 15 A I couldn't remember that.
- 16 Q Okay.
- 17 A About a dozen or more.
- 18 Q Well, did the place -- was it -- did it look full
- 19 or was there plenty of other chairs to sit in?
- 20 A It looked full. All the chairs was in line.
- 21 Looked like there's nothing wrong with none of
- 22 them. I don't --
- 23 Q Where did you sit? In relation to the desk, where
- 24 did you sit? Do you remember what chair you sat in
- 25 or where it was?

- 1 A No.
- 2 Q Okay. Was anyone sitting next to you --
- 3 A Yeah.
- 4 Q -- when you sat down?
- 5 A Yeah.
- 6 Q Okay. Was the chair up against the wall?
- 7 A No. In was in the middle sort of like this table.
- 8 Q It was in the middle?
- 9 A Yes, sir.
- 10 Q Okay.
- 11 A None of them been against no wall.
- 12 Q None of them what?
- 13 A Ain't none of them was against no wall.
- 14 Q Okay.
- 15 A All of them was in the middle sort of like this
- 16 table here.
- 17 Q Okay.
- 18 A If it was against the wall, the wall would hold me.
- 19 I couldn't -- it wasn't there. I could have
- 20 something to support me.
- 21 Q Right. It wasn't against the wall?
- 22 A No. It was been like -- I mean, like this here.
- 23 The chair right there in the middle of this thing,
- 24 looking at TV up there.
- 25 Q Okay. So you just pick a seat?

1 A Yeah.

2 Q And was anyone to your right or left when you --
3 was anyone sitting in the chairs to the right or
4 left of you?

5 A No. Someone was sitting behind me. Some of them
6 were, you know, looking at TV.

7 Q Okay. So you were not far from other people
8 sitting down?

9 A Yes, sir. So when the chair relapsed, they got up
10 and run over there trying to help me get up. I was
11 done there wiggling, laid back, half cramped up and
12 hurting, my shoulder.

13 Q So did you make it all the way down in the chair
14 before it broke away?

15 A Yeah. All the way down.

16 Q And then it broke?

17 A Yeah. I done tried to get up, but my leg went back
18 up under the chair.

19 Q Your right leg went up under the chair as it broke?

20 A Yeah.

21 Q And you fell, I guess, down on your bottom?

22 A Uh-huh.

23 Q Is that right?

24 A That's right.

25 Q And I guess your leg was bent when you fell?

- 1 A Yeah. Yeah.
- 2 Q Bu this is all -- was there anything wrong with the
- 3 arms of the chair?
- 4 A No. I sit down. The legs.
- 5 Q It was the legs?
- 6 A Yeah.
- 7 Q The legs broke?
- 8 A The rest of them feel like all right.
- 9 Q The seat was okay?
- 10 A Yeah.
- 11 Q Nothing was wrong with the seat?
- 12 A Uh-uh.
- 13 Q Or the back of the chair?
- 14 A Uh-uh.
- 15 Q It was just the legs?
- 16 A Yeah. Got broke.
- 17 Q They just broke?
- 18 A Yeah.
- 19 Q And caused you to fall down?
- 20 A Yeah. They didn't broke. They come apart.
- 21 Q Yeah. They came apart.
- 22 A And the chair gapped open.
- 23 Q Okay.
- 24 A And they put it back in that storage room.
- 25 Q Who told you they took it out of the storage room

1 and put it out there?

2 A The lady we been to the desk said that chair --

3 Q The lady at the desk?

4 A Said that chair supposed to been back in the

5 storage room. Somebody took it back out there and

6 put it back there, out there in the waiting room.

7 Q This was the nurse at the desk said this to you?

8 A Yeah.

9 Q Do you know her name?

10 A Uh-uh.

11 Q Okay. So the chair never slid? It just fell

12 apart?

13 A Uh-huh.

14 Q Do you know if the floor had anything to do with

15 your accident?

16 A Looked like they put some wax or something. It was

17 shiny looking.

18 Q But did the floor have anything to do with your

19 accident?

20 A No.

21 Q Okay. Your accident -- from your perspective, your

22 accident happened because the legs broke?

23 A That chair.

24 Q The legs on that chair broke apart or just came

25 apart?

1 A Yes, sir.

2 Q Were they screwed or not screwed in properly?

3 A No. No, they ain't had no screws in it.

4 Q Okay.

5 A They had it stick together. It looked like they
6 put glue on it, and it just come apart. They said
7 they done had the chair out there. That's what the
8 nurse at the desk say.

9 Q Okay. Do you know -- other than what the lady at
10 the desk said about the chair, do you know anything
11 else about the chair, why it was in that condition?

12 A No.

13 Q Did you talk to the janitor? You mentioned a
14 janitor. Did he talk to you?

15 A No. He ain't talk to me.

16 Q Did anyone clean up the chair or put it back
17 together while you were there?

18 A They pick it up and put it back in the storage room
19 back there, I'll call it.

20 Q Okay.

21 A I see when they done that before they came in the
22 back back there. I was down on the floor trying to
23 get up.

24 Q Did they help you get up?

25 A Yeah.

1 Q Okay. Do you know how long the chair was out in
2 the waiting room before your accident?

3 A No.

4 Q Okay. So, again, make sure I'm clear. It's your
5 understanding this chair was broken and put in the
6 storage room, and then someone put it back out in
7 the lobby?

8 A That what they said.

9 Q And then you sat in it and it broke again?

10 A Uh-huh.

11 Q And when you looked at it, it looked fine?

12 A It looked fine.

13 Q It didn't look broken?

14 A Uh-uh.

15 Q But once you sat in it, that's when the legs fell
16 apart?

17 A Yeah.

18 Q Is that right?

19 A That's right.

20 Q Okay. Did anyone see your accident?

21 A Yeah. The nurse -- the people that been to the
22 desk up there.

23 Q Okay. And they came to help you?

24 A Yeah.

25 Q Were they nice to you?

- 1 A Yes, sir.
- 2 Q Okay.
- 3 A They wanted to go -- pick me up, tell me to go back
4 there and let the doctor check me out.
- 5 Q Okay. And did a doctor check you out?
- 6 A Yes, sir. And he tell me go to take a x-ray. Go
7 to the hospital and I went down there.
- 8 Q They recommended that you go to the hospital to get
9 an x-ray?
- 10 A Yeah.
- 11 Q Okay. So you see the doctor at the Family Health
12 Center. They tell you to go to the hospital to get
13 an x-ray?
- 14 A Yeah.
- 15 Q Does anyone else say anything else to you about the
16 chair?
- 17 A Uh-uh. No.
- 18 Q The only thing you heard about the chair was from
19 that lady at the front desk?
- 20 A Yes, sir.
- 21 Q Okay. So do you wait on your granddaughter to
22 finish, or do you go to the hospital? When do you
23 go to the hospital?
- 24 A I went later in the afternoon.
- 25 Q Okay. So you took your granddaughter home?

- 1 A Yeah.
- 2 Q And then you went to the hospital?
- 3 A Yeah.
- 4 Q Okay. So what did they do for you at the hospital?
- 5 A They checked me out and give me some pain shot and
- 6 pain medicine.
- 7 Q Okay. What was hurting you? Just your right leg?
- 8 A My right leg and my shoulder.
- 9 Q Okay. So after you finish at the hospital, when is
- 10 your next medical treatment? When did you go to
- 11 the doctor again?
- 12 A About three weeks after.
- 13 Q And who did you see?
- 14 A Same doctor.
- 15 Q Did you go back to the hospital?
- 16 A Yes, sir.
- 17 Q How were you doing three weeks later? How were you
- 18 feeling?
- 19 A It still hurt, you know. I get some BENGAY and Icy
- 20 Hot and grease and it start to ease.
- 21 Q How was your shoulder when you went back to the
- 22 hospital?
- 23 A It still sore. I couldn't lift it up.
- 24 Q Was it any better, or was it worse?
- 25 A A little better. You know, I couldn't just, you

- 1 know, get it up like that there.
- 2 Q Right.
- 3 A Like get my hand way up.
- 4 Q And was your leg any better, or was it worse or
- 5 about the same?
- 6 A About the same.
- 7 Q Okay. What did they do for you at your second --
- 8 at this -- the second time you went to the
- 9 hospital, what did they do for you?
- 10 A They -- you talking about my leg?
- 11 Q Right.
- 12 A They massaged my legs some and tell me, said they
- 13 were getting a little better.
- 14 Q Okay.
- 15 A I start to walk a little bit. I had a limp.
- 16 Q They massaged it, is that what you said?
- 17 A Yeah.
- 18 Q Okay. Okay. So when was your next medical --
- 19 after going to the hospital the second time, when
- 20 did you go to the doctor again?
- 21 A Be about three or four months after -- about three
- 22 months after that.
- 23 Q Who did you see?
- 24 A Huh?
- 25 Q Who did you see? What doctor did you go to?

1 A Back to the -- to the medical center.

2 Q To the --

3 A The hospital.

4 Q Okay. To the Family Health Center?

5 A Yeah.

6 Q Okay. And what did they do for you at the Family

7 Health Center?

8 A They exercised my leg and ...

9 Q Okay. They exercised your legs more?

10 A Yeah.

11 Q Okay. And how long did you treat with the Family

12 Health Center? Did you have therapy, or what did

13 you do? Or did you just go --

14 A I haven't been to no therapy yet.

15 Q Okay. So did you treat with anyone else after

16 going to the Family Health Center?

17 A No. No.

18 Q Okay. So you basically went to the hospital a

19 couple times, and you went to the Family Health

20 Center?

21 A Yeah.

22 Q Are you any better now? How are you doing today?

23 A I'm doing pretty good today.

24 Q Okay. Do you feel like you've gotten -- you're

25 back to normal?

1 A Yeah.

2 Q Did you miss any time from work?

3 A No.

4 Q How many days a week do you drive a dump truck?

5 A Five.

6 Q Five days a week?

7 A Sometimes like a storm, --

8 Q Right.

9 A -- got to go and clean up debris.

10 Q Right.

11 A Most times we be just hauling dirt and stone and

12 rocks.

13 Q Right. Do you have to have a CDL?

14 A Yeah.

15 Q Do you have a CDL?

16 A Uh-huh.

17 Q Do you know your CDL number?

18 A I've got it in my pocket.

19 Q Can you read it?

20 A You ain't got no bag on the floor? I got it. It

21 take me a while to get to it. There you go.

22 Q Yes, sir. Thank you. I'll read it into the

23 record. Your number is 001787713. Expiration

24 11/28/20. When is the last time you've had a

25 physical?

1 Mr. Thickens: Can I verify that?

2 Q When is the last time you had a physical for your
3 CDL?

4 A We don't have no -- ain't got to take no physical.

5 Q You don't have to take a physical?

6 A Uh-uh.

7 Q Why? Because of your age?

8 A Must be.

9 Q Pardon me?

10 A I said must be my age.

11 Q You don't have to take a physical?

12 A Uh-uh.

13 Q I got you. Okay. So, again, if I had to summarize
14 your medical treatment, you went to the hospital a
15 couple times, and then you went to the Family
16 Health Center?

17 A Yeah.

18 Q And you're basically back to okay?

19 A Yes, sir.

20 Q Have you been back to the Norfield Family Health
21 Center since?

22 A No. I ain't been back up there.

23 Q Have you had any other accidents or injuries to
24 yourself?

25 A Uh-uh.

1 Q Is that no?

2 A No.

3 Q You haven't had any other falls?

4 A Uh-uh. No.

5 Q Okay. Is there anything you were able to do before
6 the accident that you can't do now, or are you
7 basically back to normal?

8 A I'm back to normal.

9 Mr. Grantland: Okay. All right. Thank
10 you very much. I don't have any questions.

11 Mr. Dougall: Just a couple.

12 Mr. Grantland: You want to talk first, or
13 are you good? Are you good?

14 Mr. Dougall: Just a short break.

15 (Off the record from 10:40 a.m. to 10:42 a.m.)

16 Mr. Dougall: I've got no questions.

17 Mr. Thickens: All right. Neither do I.

18 (Whereupon the deposition was concluded at
19 10:42 a.m.)
20
21
22
23
24
25

State of South Carolina)
)
 County of Lexington)

Certificate

Be it known that the foregoing deposition of Cecil Rowe was taken before me;

That I was then and there a Notary Public in and for the State of South Carolina-At-Large;

That by virtue thereof I was duly authorized to administer an oath;

That the witness was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth concerning the matter in controversy aforesaid;

The foregoing transcript of 36 typewritten pages represents a true, accurate and complete transcription of the testimony so given at the time and place aforesaid to the best of my skill and ability;

That I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

Signed this 1st day of August, 2018.

Cheri B. Williams, CVR-M

Notary Public for South Carolina
 My commission expires May 13, 2025.

Note: Recordings are retained for twelve (12) months from date of certification.

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

Rebecca Rowe,) C/A NO.:2017-CP-38-01233
)
Plaintiff,)
) Deposition
vs.)
) Of
Family Health Centers,)
Inc. And Carolina Kwik) Rebecca Rowe
Dry, LLC,)
)
Defendants.)
)
)
_____)

Deposition of Rebecca Rowe, taken pursuant to the
South Carolina Rules of Civil Procedure, commencing at
the hour of 10:44 a.m., Tuesday, June 26th, 2018, at
Dean Law Firm, 146 Centre Street, Orangeburg, South
Carolina.

Reported by
Cheri B. Williams, CVR-M

Appearances

For the Plaintiff: Joseph O. Thickens, Esquire
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Columbia, SC 29201

For the Defendant
Family Health Centers,
Inc: John M. Grantland, Esquire
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Columbia, SC 29260

For the Defendant
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LLC: Thomas F. Dougall, Esquire
Dougall & Collins
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Also Present: Jimmy Fogle

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Exhibits

No exhibits marked.

Court Reporter's Note: This transcript may contain quoted material. Such material is reproduced as read or quoted by the speaker. Double hyphens (--) denote interruption of speech, incomplete sentence/phrase, or trailing off. [ph] denotes phonetically written. [sic] denotes written as spoken.

The reading and signing of this deposition is waived by the deponent and counsel for the respective parties.

Whereupon,

Rebecca Rowe, being duly sworn and cautioned to speak the truth, the whole truth, and nothing but the truth, testified and deposed as follows:

Direct Examination

By Mr. Grantland:

Q Good morning, Ms. Rowe.

A Good morning.

Q I'm John Grantland. I'm a lawyer. I introduced myself to your husband. The same rules apply to -- that I said to your husband that I can say to you. If you need me to repeat anything, I will, or otherwise, I can just jump right in and start asking you questions. Are you ready for me to just go ahead and do that?

A (Nods head) .

Q Okay. Please give me your full name.

A Rebecca Rowe.

Q My wife's name is Rebecca. It's a good name. And
your husband is Cecil. How long have y'all been

1 married?

2 A He said 71. I ain't been keeping up with it.

3 Q Okay. All right. And what's your address?

4 A I use 624 Winchester Avenue.

5 Q Okay. That's in Norway?

6 A Yes.

7 Q Are you from Orangeburg county? Born and raised?

8 A My family say I born in Orangeburg.

9 Q Okay. And how old are you, ma'am?

10 A I'm 69.

11 Q And what is your date of birth?

12 A July the 15th, '48.

13 Q You have a birthday coming up?

14 A Yeah.

15 Q Okay.

16 A I'll be 70.

17 Q Yes, ma'am.

18 Mr. Grantland: And off the record.

19 (Off the record briefly at 10:45 a.m.)

20 Q Okay. Your husband said y'all have three grown
21 children. Two live in Orangeburg?

22 A Them children. Them ain't not grand. Them my
23 children.

24 Q Pardon me?

25 A Them are my children.

1 Mr. Thickens: Those are her children.

2 Mr. Grantland: Those are her children,

3 yeah.

4 Q How many children in Orangeburg?

5 A I have three living children.

6 Q Three living children. What are their names?

7 A One name Cecil Rowe, Jr.

8 Q And he's in Orangeburg?

9 A Yeah.

10 Q Okay.

11 A And one named Bobby.

12 Q Bobby.

13 A Bobby.

14 Mr. Thickens: Can you move your hand down

15 so that she can hear what you're saying?

16 Q When you have your hand up here, we can't hear you

17 as well.

18 A One named Bobby.

19 Q Okay.

20 A Her was a - her was a Homer, but her married.

21 Q Okay. And Bobby lives here?

22 A Yeah.

23 Q Okay.

24 A Then one named Sheila Stephens.

25 Q All right. And Sheila lives in Summerville?

- 1 A She live in Summerville.
- 2 Q Okay. And you have how many grandchildren?
- 3 A I ain't counting them children running around here.
- 4 Q Okay. How far did you go in school?
- 5 A I went about the sixth.
- 6 Q Sixth grade. Okay. Do you work outside the home?
- 7 A Huh?
- 8 Q Are you employed anywhere? Do you have a job?
- 9 A I don't work no more.
- 10 Q Okay. When was the last time you worked?
- 11 A Oh, Lord. About 32 -- about 32 years.
- 12 Q Okay. All right. Have you ever had anything like
- 13 this happen to you before where you've fallen at a
- 14 doctor's office?
- 15 A No, sir. No, sir.
- 16 Q Have you ever been involved in a lawsuit before?
- 17 A No, sir.
- 18 Q Have you ever had to give a deposition before?
- 19 A No, sir.
- 20 Q Have you ever had to be hospitalized before?
- 21 A No, sir.
- 22 Q Okay. Do you have a family doctor?
- 23 A Over there to Bamberg.
- 24 Q Is that Dr. Padgett?
- 25 A No. I go -- I done forgot that doctor name. I go.

1 I got the card in my pocketbook out there in my
2 car.

3 Q Can you give me -- can you give your lawyer the
4 name of your doctor in Bamberg name? You don't
5 have to give it now, but at some point?

6 A It's on my medicine bottle on there too in my
7 pocketbook.

8 Mr. Thickens: Hold on. Let me just get
9 it. Is it Dr. Tuitt?

10 A Yeah.

11 Mr. Thickens: Right up at the top there.

12 Mr. Grantland: I'm terrible. Where do
13 you see Tuitt there?

14 Mr. Thickens: Up at the very top, tiny
15 writing.

16 Mr. Grantland: Okay.

17 Mr. Thickens: Do you want me to read it
18 out?

19 Mr. Grantland: Yeah. Yeah. Do you mind?
20 I'll trust you.

21 Mr. Dougall: His eyes must be better than
22 mine.

23 Mr. Grantland: Yeah. Young eyes.

24 A That's the medicine for --

25 Mr. Thickens: It's right here. Dr. K-E-

1 L-E-N-N-E. Then Vera, V-E-R-A, Tuitt, T-U-I-
2 T-T.

3 Mr. Grantland: Okay. Great.

4 Mr. Thickens: On that side of the bottle,
5 very top below the bar code. That's it.

6 Mr. Grantland: Great. Thank you.

7 Q And Dr. Tuitt is located where?

8 A In Bamberg.

9 Q Bamberg? And what medications does Dr. Tuitt have
10 you on?

11 A This one, her put me on this one for that fall and
12 where I had done fall. I had to take that for pain
13 in my foot and my arm and my side.

14 Q Okay.

15 A That the first time I been on medicine like that.

16 Q This is hydrocodone.

17 A Uh-huh.

18 Q I think.

19 Mr. Grantland: Is that what it says?

20 Hydrocodone acetaminophen?

21 Mr. Thickens: Yes. 7.5-325.

22 Q Okay. Had you ever been on hydrocodone before?

23 A No. Her put me on that after I having so much pain
24 in.

25 Q How often do you take that -- one of those pills?

- 1 A Two time a day.
- 2 Q Two times a day? Have you taken one this morning?
- 3 A Not this morning because I can't take it and drive.
- 4 Q Okay. Did you drive here?
- 5 A Yeah.
- 6 Q Okay. Are you on any other medications with Dr.
- 7 Tuitt?
- 8 A Yeah.
- 9 Q What other medications are you on?
- 10 A I take high blood.
- 11 Q Okay. Anything else?
- 12 A And I take cholesterol.
- 13 Q Cholesterol?
- 14 A Yeah.
- 15 Mr. Thickens: Don't forget about your
- 16 hand. That's okay.
- 17 Q Other than Dr. Tuitt, do you have any other doctors
- 18 that you see?
- 19 A Uh-uh.
- 20 Q Have you ever seen a chiropractor before?
- 21 A No.
- 22 Q Have you ever seen an orthopedic doctor?
- 23 A Yeah. I go -- I went there for my hand and stuff
- 24 when I --
- 25 Q After the accident?

1 A Yes.

2 Q Before the accident, have you ever been to an
3 orthopedic doctor?

4 A I went to an orthopedic doctor about -- my momma
5 was living. My momma done been dead about 30 years
6 or longer. I went there for my knee.

7 Q Okay. That was over 30 years ago?

8 A Huh?

9 Q That was over 30 years ago?

10 A A long -- been long because my momma been passed
11 about 40-something.

12 Q Okay.

13 A I was working then.

14 Q Yes, ma'am. Other than high blood pressure and
15 cholesterol, did you have any other health problems
16 before your accident?

17 A I don't. I don't have no health problem. I'm good
18 to go.

19 Q Okay. What were your injuries in the accident at
20 the Family Health Center from head to toe?

21 A Well, I went and carried my grand baby up there.
22 And they called her to come in the room, and I was
23 getting up to go in the room with her, and the
24 chair keep sliding and keep sliding and keep
25 sliding. And I had another granddaughter had sat

1 behind with me, and her knee kicked the chair. And
2 I know, anything I was on the floor. And so that's
3 all I know. I don't know no more.

4 Q Okay. And I'll ask you about that in a second, but
5 what were your injuries from the accident? You
6 said your hand?

7 A My hand broke.

8 Q Your right hand?

9 A Yeah. It broke. I had a little tiny bone broke.

10 Q Between your right thumb --

11 A Yeah.

12 Q -- and your right index finger?

13 A And I had some tear ligament on the top. And my
14 shoulder, it worried me. And then my foot, it
15 worried me. They said I had a deep sprain in my
16 foot because the ankle. And my foot, that's
17 worried me all the time.

18 Q What's on your foot's worrying you all the time?

19 A This big bunion right there.

20 Q Okay.

21 A On my foot. On my heel.

22 Q Right. Okay. So --

23 A And my thigh. And that's it.

24 Q So this is all on your right side?

25 A Yeah. All of it because, see, I was weighing about

1 260, and I fall on my side.

2 Q Yes, ma'am.

3 A So now that's all I know.

4 Q So you broke the bone between your right thumb and

5 your --

6 A Right in there.

7 Q Right -- okay. Right -- the bone between your

8 thumb --

9 A Yeah, somewhere up in there they said.

10 Q But I guess it's the bottom of your thumb?

11 A It's somewhere up in this line up in here.

12 Q I think that's what you're pointing to? Is that

13 right. Between your right index finger and your

14 right thumb, is that right?

15 A Somewhere. They got the x-ray.

16 Q Okay. And then --

17 A I had that tear ligament that's there.

18 Q And then you had torn ligaments in your arm -- in

19 your hand?

20 A Yes.

21 Q Okay. Then you said you injured your shoulder?

22 A My shoulder and my foot and my --

23 Q Then you said --

24 A One on the x-ray because something was wrong with

25 my thigh.

- 1 Q And you said you also injured your right foot?
- 2 A Yeah.
- 3 Q And you said you had a bunion?
- 4 A Not -- what do you call this on my heel right
- 5 there? Back there going for my heel.
- 6 Q Okay. Something --
- 7 A Yeah. And I have to wear this boot that have a
- 8 hole to support my foot.
- 9 Q Okay.
- 10 A Because when I walk I ain't got no support.
- 11 Q Did you hurt your foot when you fell?
- 12 A Uh-huh.
- 13 Q Okay. Did you have any -- can you move your --
- 14 lower your -- move your hand down? Okay. Did you
- 15 ever have any problems with your right shoulder or
- 16 your right thigh before this accident?
- 17 A No, sir.
- 18 Q Did you ever have any problems with your right foot
- 19 before this accident?
- 20 A No, sir.
- 21 Q Okay. Did you ever have any medical treatment on
- 22 your shoulder or your thigh --
- 23 A No, sir.
- 24 Q -- or your foot?
- 25 A No, sir.

1 Q Okay. Okay. So tell me about the Family Health
2 Center. This is the Family Health Center in
3 Norfield, is that right?

4 A Yeah.

5 Q Okay. How often had you been to that doctor's
6 office before your accident?

7 A I just went up there to carry my grand baby. I
8 don't go up there.

9 Q You're not a patient there?

10 A They have too many doctor up there for me. I don't
11 go up there.

12 Q Okay. So what grand baby did you take up there?

13 A I call her Day Day.

14 Q Day Day? And who does Day Day belong to?

15 A I don't know.

16 Q I mean who's -- is she Sheila's or --

17 A Sheila's daughter.

18 Q Sheila's daughter, okay. How old is Day Day?

19 A Day Day 15 now. Her done had a birthday.

20 Q Okay. Was Day Day with Cecil?

21 A That's who he -- that's who he carried.

22 Q He took Day Day as well?

23 A Yeah.

24 Q So you took --

25 A But her name's Sunny D, but us call her Day Day.

1 Q Okay. And did you take anyone else with you to the

2 --

3 A My grand baby. I carried -- me and them were
4 together, the two girls.

5 Q And who's the other grand baby?

6 A Her don't go up there.

7 Q No. But on the day of the accident, who did you
8 take with you besides Day Day?

9 A My other granddaughter.

10 Q What's her name?

11 A Her name -- I call her T.

12 Q You call her T?

13 A They got so many name, but her name --

14 Q How old is T?

15 A Her 14 now, I believe.

16 Q Okay.

17 A Fourteen, yeah.

18 Q So the day of this accident you took Day Day and T

19 --

20 A With me.

21 Q -- with you for Day Day's doctor's appointment? Or
22 who had a doctor's appointment?

23 A Day Day.

24 Q Okay. Is she sick or does she have regular
25 appointments?

1 A Her diabetic.

2 Q She's diabetic?

3 A Yeah.

4 Q Okay.

5 A And I was carrying her up there for her sugar to
6 get checked.

7 Q So Day Day's diabetic?

8 A Uh-huh.

9 Q Okay.

10 A But when I went up there, they checked me out.

11 Q Right.

12 A If I ever have something, they check me out. And
13 before I leave from there, my hand was like that.

14 Q It was swollen?

15 A And swelled just like that before I leave from
16 there.

17 Q Right.

18 A And then they sent me to Orangeburg to take x-rays
19 so -- and I would -- can't even pull gas shift or
20 nothing down. Those children had to pull it down.
21 All I could do was just hold the car in the road.

22 Q Right.

23 A To keep from wrecking or pulling off the road. My
24 hand was so bad, I can't even pull the gas shift
25 down. See, a good thing they know how to been

1 drive.

2 Q Yes, ma'am.

3 A But they ain't had no license, and so I had to hold
4 the car in the road. I was kind of glad that we
5 get off on --

6 Q You basically had to drive with your left hand?

7 A Yeah.

8 Q Okay.

9 A This hand had done swell like that there.

10 Q Right.

11 A And I was having pain. I was hollering going, and
12 I was hollering coming back.

13 Q Yes, ma'am.

14 A I believe that.

15 Q Before your accident, had you ever been to that
16 doctor's office before? Before this accident?

17 A I don't go up there, man, so ...

18 Q No. Before your accident when you fell from the
19 chair, had you ever been to that doctor's office
20 before?

21 A I don't go up there.

22 Q So you've never been there before?

23 A I've been up there. Carried the grand up there one
24 time, and they -- I ain't went back. I don't go up
25 there. I don't go to a doctor up there.

1 Q Okay. So was the day of your accident the first
2 time you went there?

3 A Yeah.

4 Q So you'd never been there before?

5 A Uh-uh.

6 Q Okay. And you haven't been back since?

7 A No. I ain't going back.

8 Q Okay. Besides you and your husband, do you know of
9 anyone else who's fallen in the waiting room at the
10 Family Health Center?

11 A I ain't been going up there. Yeah, a lot of people
12 will say it be slippery. Yeah, a lot of people was
13 saying that.

14 Q Right.

15 A Then I just hear them talking after I had fall.
16 They say a lot of people like to done fall up
17 there. And so like I have fall that -- that
18 Thursday. Another lady went up there that Friday.
19 And they said her sat in the same chair I was
20 sitting in, and her like to have been fall. They
21 had to come and hold the chair. The people who
22 carry her up there, they had to come and hold the
23 chair. And her had to got up like I got up or her
24 would have fall.

25 Q And who told you that?

1 A The mayor what work in Norway.

2 Q Pardon me?

3 A A mayor what worked in Norway, a lady.

4 Q A lady who works in the office?

5 A No. Her work. Her's the mayor.

6 Mr. Thickens: The mayor of Norfield?

7 Norway?

8 A No. But you know the mayor?

9 Mr. Thickens: Okay.

10 A In Norway.

11 Mr. Thickens: The mayor of Norway, South

12 Carolina?

13 A Yeah.

14 Mr. Thickens: Okay.

15 A Her's the mayor. You know, like you vote for her?

16 Mr. Thickens: Right. Okay.

17 A Yeah. Her's the mayor.

18 Mr. Grantland: Say that again?

19 Mr. Thickens: The mayor of Norway.

20 Q Okay. So the mayor of Norway. Who's the mayor of
21 Norway?

22 A It's a lady.

23 Q Right. And she told you that --

24 A Her -- her said -- I went up there that Thursday.

25 Q Right.

1 A And I fall that Thursday. And her went back up
2 there that Friday, and her to have fall and they
3 run and hold the chair. Whoever carried her, they
4 run and hold the chair and her did not fall. And
5 her say they said that the lady that fall in that
6 same chair Thursday.

7 Q Right.

8 A I got to get that chair out this place. Her come
9 back and tell me. And her the one that tell me I
10 better wake up and try to do something because her
11 like to have fall that Friday.

12 Q My, goodness. So the mayor told you that she came
13 in on Friday and almost fell, but someone held the
14 chair?

15 A Somebody run and catch her chair.

16 Q Wow. Is she still mayor of Norway?

17 A Yeah.

18 Q Do you know her name?

19 A All I know her name Ann Johnson.

20 Q I was -- Ann Johnson?

21 A That's what I know.

22 Q Okay. I knew there was a mayor, Jim Preacher. But
23 he was the -- he got in trouble?

24 A He ain't up there.

25 Q Yeah. That's right. That's right.

1 A Yeah. Her take over.

2 Q Ann Johnson?

3 Mr. Thickens: Yes.

4 Q Okay. So Ann told you that -- are y'all friends?

5 A Uh-uh.

6 Q But she told -- how did you run into Ann? How did
7 you run into Ms. Johnson?

8 A Because I be going up there paying my water bill.

9 Q Oh, okay.

10 A Water bill and light bill.

11 Q Okay.

12 A And I be hopping when I go in.

13 Q Okay. But she told you that she almost fell on
14 Friday?

15 A That Friday. I fall that Thursday.

16 Q Okay.

17 A And her almost fall that Friday.

18 Q Okay.

19 A But they running -- the people what carried her up
20 there had run and hold the chair up.

21 Q Right. To keep her from falling?

22 A Yeah.

23 Q In the same chair you sat in?

24 A That what her said because her sat in the same
25 chair. The lady say somebody there fall on

1 Thursday in that same chair, and they said let me
2 get this chair out of here.

3 Q Okay.

4 A So I don't know what they done because I ain't been
5 back up there so ...

6 Q Okay.

7 A But I do know those chairs wasn't against no wall.

8 Q Okay.

9 A Those chair was in the middle of the floor.

10 Q So on the day of your accident, what time was your
11 appointment? What time was Day Day's appointment?

12 A Early that morning.

13 Q Oh, in the morning?

14 A It wasn't nobody up there but just --

15 Q And that was my next question. When you got in
16 there, was the place crowded, or were there very
17 few people?

18 A There wasn't nobody up there. Just us. Somebody
19 might of was in the room. I don't know.

20 Q Yeah. But not -- you know, sometimes I go to the
21 doctor and everyone's sitting in a chair. But it
22 wasn't crowded when you were there, is that right?

23 A It wasn't nobody here. I ain't seen nobody in
24 there.

25 Q All right. So you and Day Day and T walk in. Do

1 they call Day Day back, and then you and T go sit
2 down?

3 A I was getting up to go in the back of the room, and
4 the chair slides and slides, and it hit my
5 granddaughter. That how the chair done stopped.

6 Q Right.

7 A It hit my granddaughter on her knee.

8 Q Right.

9 A That how the chair done stopped. I know anything,
10 I was on the floor.

11 Q And the chair hit T's knee, and you fell out?

12 A I said when the chair -- I know anything, I was on
13 the floor.

14 Q Okay.

15 A I was getting up, and I know anything, I was on the
16 floor.

17 Q Okay.

18 A But I do know the lady what fix the medicine, her
19 had run out. And then a lady, the colored lady
20 from the desk, had run out. And then Day Day and
21 the lady were going in the room. They turned
22 around and come back out.

23 Q Right.

24 A Because I was so heavy, they hear when I fall.

25 Q Right.

1 A I was bigger than this.

2 Q Right.

3 A So that's all I know. I can't answer no more now.

4 Q Yes, ma'am. And I'm not trying to be a nag. This
5 is my only time to ask you questions, so I'll be as
6 quick as I can. Did anyone say anything to you out
7 there about the floor or about the chair after --
8 when they were trying to help you up?

9 A I just yelled. I was so nervous and thing. When I
10 fall, they heard me. Only thing I just yelled,
11 said somebody had done something to the floor that
12 night.

13 Q Right.

14 A And I don't -- shine the floor that night.

15 Q Right.

16 A But I know after I fall and then I went -- and, you
17 know, you have to sign a paper for the doctor to
18 check you.

19 Q Right.

20 A I did see somebody there that called somebody to
21 bring a sign and stand up by the chair where I was
22 fall to. You know, like a sign when you mop the
23 floor?

24 Q Right.

25 A And you stand it up. I see somebody with that and

1 bring that and put it down there.

2 Q So --

3 A I was hollering. So I was hollering and mad. I
4 can't tell you no more. I was hollering. I were
5 hurting so because I was hollering in that place.

6 Q So when you went to sit down the first time, did
7 you have any trouble sitting down in the chair?

8 A Uh-uh.

9 Q So you sat down, and T sat behind you?

10 A No. When I sat down in the chair and I was getting
11 up to go in the room with Day Day and the chair
12 keep sliding. I know anything, I was on the floor.

13 Q How long were you sitting in the chair before you
14 tried to get up? Were you there for --

15 A Time they called the girl in the room, I got up.

16 Q Okay. So were you --

17 A But I ain't had no -- I don't wear a watch. I
18 ain't had the time.

19 Q Yeah. I mean, was it a short time or a long time?

20 A It wasn't no long time.

21 Q Okay. So did Day Day -- was she sitting next to
22 you, or was she in a chair at all?

23 A Time Day Day sat down, they had --

24 Q Called her?

25 A -- called her. And then my other grand baby, her

1 was sat behind of me.

2 Q Right.

3 A And the chair just, you know, keep sliding, keep
4 sliding, because it hit her knee.

5 Q Right.

6 A And the chair had stopped. And I know anything, I
7 was on the floor and her said Ma Ma.

8 Q Right.

9 A That's all I know. Ma Ma. That's all I know.

10 Q Okay.

11 A And her ain't know what had been done because her
12 wasn't that old then.

13 Q Okay.

14 A And it done been two years. I can't remember all
15 of that.

16 Q Right. Okay. Do you know if anything -- do you
17 know why the chair slid the way it did?

18 A I don't know. All what I hear them people said the
19 people cleaned up that night, and it must've wasn't
20 dry or something. That's all I could hear because,
21 sir, I was hollering and hurting so.

22 Q Yes, ma'am.

23 A I ain't been paying them people no attention
24 because I was mad because I had fall and it was
25 hurting, and I know I ain't had nobody to drive for

1 me.

2 Q Right.

3 A And them children can't drive. So all I know they
4 said I got to check you out. I got to check you
5 out before you go anywhere. And so they did. They
6 know something was wrong with me because my hand
7 was done swelling. Said get to a x-ray.

8 Q Right.

9 A Get to a x-ray. So that's all I know. I don't
10 know no more.

11 Q Yes, ma'am. You know, when your husband was
12 deposed, he told me his chair broke. Did your
13 chair break on you?

14 A I told you the chair hit my granddaughter --

15 Q Yeah.

16 A -- on the back of her knee.

17 Q Yeah.

18 A The chair stopped.

19 Q And that stopped the chair. But by the time that
20 happened, you had slid out?

21 A I don't know anything after that. I was getting
22 up, and the chair was sliding from up under me when
23 I was getting up.

24 Q Okay. Okay. Did you get up the same way you get
25 up out of any other chair?

- 1 A Uh-huh.
- 2 Q And you weighed about 260 pounds at the time?
- 3 A I was weighing about 260.
- 4 Q Yes, ma'am. Do you know if you pushed the chair
- 5 back when you tried to get up?
- 6 A I didn't push those chairs back. I was getting up.
- 7 The chair slide back there.
- 8 Q Okay. Okay.
- 9 A I wasn't going to push the chair back down to hit
- 10 my granddaughter because her --
- 11 Q Right.
- 12 A Her was heavy too. Her got some big legs.
- 13 Q Yes, ma'am.
- 14 A And her heavy too.
- 15 Q Did you see what was on the bottom of the chair?
- 16 A I didn't look at that chair.
- 17 Q Yeah. Okay. And did the floor look normal to you?
- 18 A I didn't look at that floor because I know
- 19 anything, my butt was on the floor.
- 20 Q Right. Okay. All right. Do you know how the
- 21 floor or the chair got in the condition it was in?
- 22 A I don't know.
- 23 Q Do you know who or what caused the floor or the
- 24 chair to be in that condition?
- 25 A I don't know.

1 Q And so I guess T was sitting right behind you, and
2 she saw the whole thing, is that right?

3 A That girl was so young. Her ain't know what had
4 been done. Her was hollering Ma, you all right?
5 Ma, you all right? That's all.

6 Q And she's how old now?

7 A Her just turned 14.

8 Q Fourteen. Okay. Okay. Do you know if anyone else
9 saw the accident besides T?

10 A It wasn't nobody in there, but just us and the lady
11 sat to the desk.

12 Q Right.

13 A And then another lady had come in there to got some
14 medicine.

15 Q Okay.

16 A And her look back. Oh, Lord, have mercy. And her
17 running trying to pick me up. So that's all I
18 know. I don't know no more.

19 Q So they took you back and checked you out. Were
20 they nice to you there at the Family Health Center?

21 A They was nice because I done fall and hurt myself.

22 Q Pardon me?

23 A They was nice cause I had fall and hurt myself.

24 Q Right. Well, they checked you out in the back --
25 in the doctor's office?

1 A Yes, sir.

2 Q And did they tell you to go to the hospital to get
3 an x-ray?

4 A Yes, sir.

5 Q So you went to the hospital and got an x-ray, and
6 that was --

7 A Yes, sir.

8 Q You found out --

9 A They sent me to the Family Health Center in
10 Orangeburg for a x-ray.

11 Q Okay.

12 A And I got there. They said we can't do the x-ray
13 all over me.

14 Q Okay.

15 A Because the lady said her want all over me x-ray,
16 and they can't do all over. And so I come back out
17 there where the clock is in the building, in the
18 rear. They done an x-ray of me. And then that
19 night, I went back to the hospital because my hand
20 was in pain and swelling so bad.

21 Q Right.

22 A And I went back to the hospital that night, and so
23 they wrap it and put it a frame. You know a frame?

24 Q Right.

25 A And then that Saturday morning, I were hollering

1 and hurting so, and my hand was just like that
2 there. Just like that. So I have went to
3 Lexington over there.

4 Q Yes, ma'am. Are you right-handed or left-handed?

5 A I can't even do nothing with this hand.

6 Q I mean do you write with your right hand or your
7 left hand?

8 A Yes, sir.

9 Q Okay. So you go to the hospital a couple times.
10 Do you have any other treatment after going to the
11 hospital?

12 A No, sir. Nothing but for this.

13 Q Yeah. But do you have any other treatment on your
14 hand after going to the hospital?

15 A You talking about x-rays?

16 Q Yes, ma'am. After you get your x-rays, do you see
17 any other doctors?

18 A I ain't seen no more doctor, but my doctor at
19 Bamberg.

20 Q You've been seeing your doctor in Bamberg?

21 A Yeah. So her send me for a MR of my hand and my
22 foot.

23 Q Okay.

24 A And that's how they found out what was wrong with
25 me. Because that tiny bone, --

1 Q Right.

2 A -- they can't tell it was broke.

3 Q Okay.

4 A And they send me for an MR.

5 Q Right.

6 A That was for about two hours in that thing.

7 Q Right.

8 A In that thing about two hours.

9 Q Where did you have the MRI? Where was that? Here

10 in Orangeburg?

11 A Yeah.

12 Q Okay.

13 A And then they put me in there for my hand, and then

14 they turned around -- I had went back for my foot

15 because my foot wasn't getting no better.

16 Q Right.

17 A And so they said my foot had a deep sprain because

18 when I fall, I fall on this side.

19 Q Right.

20 A They said my foot had a deep sprain.

21 Q Right.

22 A And so --

23 Q A deep what?

24 A I can't call it too plain.

25 Mr. Thickens: Sprain?

1 Mr. Grantland: Sprain. Okay.

2 A And then I went to the -- what you call it. The

3 foot doctor. I went to the foot doctor. And so

4 her give me the boot because her say I had need

5 support in my foot.

6 Q Okay.

7 A In my foot.

8 Q Okay.

9 A And her got me wearing this boot cause I need

10 support.

11 Q Okay.

12 A And I don't wear this boot and I put my foot down

13 trying to go, that big bunion -- I'm going to show

14 her. Right there on the side of that foot right

15 there, that where it hurt.

16 Q Okay. Ankle bone. Okay. So are you still seeing

17 the foot doctor?

18 A I finished with all of them.

19 Q You finished with all?

20 A I go there to get my toenail cut.

21 Q Okay. Okay.

22 A And so when I don't wear this boot, I can't walk.

23 I can't put no weight down.

24 Q Are you wearing a boot right now?

25 A Uh-huh.

- 1 Q Okay. That boot. Okay.
- 2 A I can't put no weight down on that ankle bone.
- 3 Q Okay. Okay. So you wear the brace on your -- the
- 4 boot on your foot every day?
- 5 A Yeah.
- 6 Q Okay.
- 7 A And I don't -- I can't put the -- and I don't wear
- 8 it and I get in the car and drive somewhere, I got
- 9 to wait about 15 minutes before I can put my foot
- 10 down to move.
- 11 Q Right.
- 12 A But when I wear this boot, I can just get out the
- 13 car and go right on.
- 14 Q Okay.
- 15 A And I don't wear this boot, I can't move for about
- 16 15 minutes.
- 17 Q So you have to wear a boot on your foot?
- 18 A Yeah.
- 19 Q And you walk with a cane?
- 20 A Yes.
- 21 Q Did you walk with a cane before the accident?
- 22 A No.
- 23 Q Okay. Let's start from the top down. Has your
- 24 right shoulder gotten any better?
- 25 A It hurt yet. And I have to sleep with two pillows

1 to keep it stretched out.

2 Q Okay.

3 A And then I have to sleep with two pillow and put my

4 foot on two pillow.

5 Q Okay. So it's not gotten any better?

6 A Uh-uh.

7 Q How about your right hand? Has your right hand

8 gotten any better?

9 A My hand, ain't nothing wrong with this one. This

10 one, no, this ain't got no -- it's hurt when cloudy

11 weather and it getting ready to rain.

12 Q Right.

13 A It do hurt. It and my foot.

14 Q Okay. And then you told me about your foot. So of

15 your shoulder --

16 A Yeah.

17 Q -- hand, and foot, --

18 A I sleep in --

19 Q -- which one is worse? Which one is worse off?

20 A Oh, all of it hurt when cloudy weather come.

21 Q All of it hurts? Okay. All of it hurts?

22 A All of it hurt. That what her give me these pills

23 for.

24 Q Right. Have you done anything since your accident

25 to re-injure your foot or your hand?

1 A Uh-uh.

2 Q Okay.

3 A My daughter have to come home sometime to clean up
4 for me. I be in that bed. Sometime I can't move
5 when I don't put this boot on my foot.

6 Q Right. Has anyone said you might need surgery on
7 your foot or any other part of your body?

8 A They was talking about it, but I told them I don't
9 want it. I -- just give me the boot. Let me see
10 can I go with the boot awhile.

11 Q Okay. Have you been back to the Family Health
12 Center since this accident?

13 A I ain't going back up there.

14 Q Okay. But you talked to the mayor like a day or
15 two later, and she told you that she had fallen --
16 almost fell?

17 A Yeah. I ain't talked -- her sent me word by my
18 sister daughter, and then I go up there to pay my
19 water bill and light bill and things, her had tell
20 me that.

21 Q She told you about it after -- some time after your
22 accident?

23 A Her told me, her say --

24 Q Yeah.

25 A -- you went that Thursday. You fall. And I went

1 back up there. I went up there that Friday, and I
2 like to fall too. They had to come and hold the
3 chair to keep me from falling.

4 Q And this is Ann Johnson?

5 A Uh-huh.

6 Q Okay. All right.

7 Mr. Grantland: Do you have anything? I'm
8 going to let Mr. Dougall talk to you for a
9 minute. Keep talking. I'm just going to
10 check on my son.

11 Mr. Dougall: Okay.

12 Cross-examination

13 By Mr. Dougall:

14 Q Ms. Rowe, when you went to the Family Health Center
15 that day to take Day Day for her appointment, did
16 you drive?

17 A Uh-huh.

18 Q Okay. And when you went into the health clinic,
19 you had to go up to the desk and sign Day Day in,
20 right?

21 A I went with Day Day. Day Day, you know, her was
22 young.

23 Q Right.

24 A Yeah.

25 Q And you had to walk from the front door to the desk

1 where the nurse was?

2 A Her went -- no. We don't have to sign her in. Her
3 went and tell them her was -- you know, was there
4 to see the doctor, and I went and sat down.

5 Q Okay. Did you sign her in?

6 A Her said her ain't had to sign in.

7 Q You didn't have to sign in?

8 A No.

9 Q Okay. But you walked from the front door to where
10 the chairs were, right?

11 A Yeah.

12 Q And did you have any -- what kind of shoes did you
13 have on that day?

14 A I had on shoes like I got on now.

15 Q Okay. And did you have any trouble walking from
16 the front door to the chairs?

17 A (Shakes head).

18 Q You didn't slip on the floor? Floor was fine?

19 A Uh-uh.

20 Q Floor was okay?

21 A I reckon. Just when I sat down in the chair, I
22 fell.

23 Q Yes, ma'am. We'll get there. But when you came in
24 the health center and you walked from the front
25 door to the chairs, you had no problem with the

1 floor?

2 A Uh-uh.

3 Q You didn't see anything wet on the floor?

4 A I ain't pay no attention.

5 Q You didn't see any problem with the floor?

6 A I didn't pay no attention.

7 Q Okay. And you had no trouble sitting down in the
8 chair?

9 A Uh-uh.

10 Q And it was only when you stood up that you had
11 trouble with the chair?

12 A When I got up, getting up, the chair went to
13 sliding back and hit my daughter on her knee.

14 Q Got it.

15 A I call her my daughter. Hit my daughter on her
16 knee. And I know anything, I was on the floor.
17 And they said oh, Lord. That's all I can tell you,
18 sir.

19 Q You never talked to any janitors who cleaned the
20 building?

21 A I don't know who clean those building up.

22 Q I understand. And you don't know when the last
23 time they had cleaned the floors was?

24 A They tell me -- I hear the people was talking about
25 when they was picking me up, they said it was that

1 night. So I don't know.

2 Q Somebody said they'd cleaned the floor the night
3 before?

4 A That night. Like I fall that day. They had
5 cleaned the floor that night. Yeah, they was
6 talking that. That's all I know.

7 Q But you don't know if all they did was sweep the
8 floor?

9 A I don't know.

10 Q Yeah.

11 A All I was worried about my health. That's all I
12 was worried about, my health.

13 Q All right. So you've got no -- you can't say what
14 they did when they cleaned the floor the night
15 before?

16 A I can't say.

17 Mr. Dougall: All right. That's all I've
18 got for you, ma'am.

19 Mr. Thickens: I have no questions.

20 (Whereupon the deposition was concluded at
21 11:19 a.m.)

22

23

24

25

State of South Carolina)
)
 County of Lexington) Certificate

Be it known that the foregoing deposition of Rebecca Rowe was taken before me;

That I was then and there a Notary Public in and for the State of South Carolina-At-Large;

That by virtue thereof I was duly authorized to administer an oath;

That the witness was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth concerning the matter in controversy aforesaid;

The foregoing transcript of 40 typewritten pages represents a true, accurate and complete transcription of the testimony so given at the time and place aforesaid to the best of my skill and ability;

That I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

Signed this 1st day of August, 2018.

Cheri B. Williams, CVR-M

Notary Public for South Carolina
 My commission expires May 13, 2025.

Note: Recordings are retained for twelve (12) months from date of certification.

ORIGINAL

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

) IN THE COURT OF COMMON PLEAS
) IN THE FIRST JUDICIAL CIRCUIT
) CASE #: 2017-CP-38-01233

REBECCA ROWE,

PLAINTIFF,

VS.

FAMILY HEALTH CENTERS, INC.,

DEFENDANT.

) 30(B)(6) DEPOSITION

) OF

) FAMILY HEALTH CENTERS, INC.

) [ELVIN COBBS]

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

) IN THE COURT OF COMMON PLEAS
) IN THE FIRST JUDICIAL CIRCUIT
) CASE #: 2017-CP-38-01232

CECIL ROWE,

PLAINTIFF,

VS.

FAMILY HEALTH CENTERS, INC.,

DEFENDANT.

) 30(B)(6) DEPOSITION

) OF

) FAMILY HEALTH CENTERS, INC.

) [ELVIN COBBS]

THE 30(B)(6) DEPOSITION OF FAMILY HEALTH CENTERS, INC. [ELVIN COBBS] WAS TAKEN BEFORE SUESAN L. RICHARDSON, A NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA, COMMENCING AT THE HOUR OF 1:12 P.M., FRIDAY, DECEMBER 21, 2018, THE DEAN LAW FIRM, 146 CENTRE STREET, ORANGEBURG, SOUTH CAROLINA.

REPORTED BY
SUESAN L. RICHARDSON

(Elvin Cobbs), 30(b)(6) Family Health Centers, Inc. on 12/21/2018

12-21-18

1 Rowe's incident?

2 A I don't think so.

3 Q Was it a different chair from the one involved in
4 Rebecca Rowe's incident?

5 A It was.

6 Q Okay. And, was it the same type of chair or --

7 A Same type of chair.

8 Q Okay.

9 A Right.

10 Q But a different chair than that one?

11 A Right.

12 Q All right. Do you know what happened to Cecil Rowe's
13 chair?

14 A Well, when we did the remodeling, because it was, my
15 understanding it was still in the waiting area, so when
16 we did the remodeling and all, we -- we got rid of
17 probably 10/12 of those chairs. Out they went.

18 Q Okay. Do you know when that happened?

19 A The remodeling of the --

20 Q Yes, sir.

21 A The new furniture, not the remodeling, but the new
22 furniture. I'll have to look. I -- I can't remember
23 when we put it in. Like I said, I think it was the
24 last of '16 or around the first of '17.

25 Q Okay. What type of floor is in the lobby of the Family

(Elvin Cobbs), 30(b)(6) Family Health Centers, Inc. on 12/21/2018

12-21-18

STATE OF SOUTH CAROLINA)

COUNTY OF BAMBERG)

CERTIFICATE

Be it known that I took the foregoing 30(B)(6)
DEPOSITION OF FAMILY HEALTH CENTERS, INC. [ELVIN COBBS];

That I was then and there a Notary Public in and
for the State of South Carolina-At-Large;

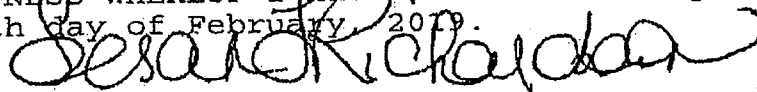
That by virtue thereof I was duly authorized to
administer an oath;

That the witness was by me first duly sworn or
affirmed to testify the truth, the whole truth, and
nothing but the truth, concerning the matter in
controversy aforesaid;

The foregoing transcript represents a true,
accurate and complete transcript of the testimony given
by said deponent after first being duly sworn, at the
time and place aforesaid, to the best of my skill and
ability; said deposition was reported by method of
Stenomask utilizing speech recognition with digital
backup. This transcript may contain quoted material;
said material is transcribed as read or quoted by the
speaker.

I further certify that I am neither employed by
nor related to any of the parties in this matter nor
their counsel; nor do I have any interest, financial or
otherwise, in the outcome of this action.

IN WITNESS WHEREOF I have hereunto set my hand and
seal this 4th day of February, 2019.



Suesan L. Richardson
Professional Court Reporter

Notary in and for the State of South Carolina

My Commission Expires: August 24, 2027

Family Health Centers, Inc. (FHC)
ACCIDENT/INCIDENT REPORT

DATE 8-1-16
Involves: Equipment _____ Patient _____ Employee _____ Visitor ☒ Other _____
SS# 251-19-1246 TIME 8:30am CHART # _____ DOB 11-28-46 AGE 69 yrs
NAME CELLI ROWE TELEPHONE # 263-4709 OCCUPATION _____
ADDRESS 624 Winchester Ave. Norway, SC 29113

Exact Location of Accident/Incident Norfield Lobby
Part of Body Injured (if applicable) Left Knee
Description of Accident/Incident Patient stated that he fell while attempting to sit down in chair in the lobby. Fall was not witnessed by employees. Pt stated that he was "OK" after the fall except for left knee pain. Butney Williams, RN
ATTACH SIGNED WRITTEN STATEMENTS OF ALL INVOLVED (if possible).

ASSESSMENT VITAL SIGNS (If Applicable): Temp 98.0°F Pulse 86 Resp 20 B/P 115/70
DOCUMENTATION OF PHYSICAL ASSESSMENT SEE RN note for 8/1/16 at 0918

Action Taken: Referred for X-ray bilateral knees, hip
Wound ID PRS Pals

Process Initiated by BUTNEY WILLIAMS, RN Date 8-1-16
Provider's Signature (if medical service rendered) [Signature] Date 8/1/16
Compliance Officer (if patient involved) _____ Date _____
Director of Nursing/Quality Services _____ Date _____
Director of Clinical Services _____ Date _____
Director of Operations _____ Date _____

FACILITIES/OPERATIONS USE ONLY:
Investigated by E. Cotts Signature: [Signature] Date investigated 8-1-16
Investigated Findings/Comments: Lt. weight chairs - chairs do slide on tile floor

- ☐ Information forwarded to HR for Worker's Comp filing Yes/No. If yes, Date _____
- ☐ Conference with Employee/Employee's Supervisor's Signature _____ Date _____
- ☐ Remove Malfunctioning Equipment
- ☐ Information forwarded to FHC Insurance Carrier
- ☐ Reoccurrence Probability: Low _____ Medium _____ High _____
- ☐ Loss Potential: Minor _____ Serious _____ Major _____

Facilities Supervisor's Findings/Comments:
The Patient used arms on chairs when attempting to sit down or stand up and the chair may have slide back. Recom. replacing, waiting room furniture (chairs)
Facilities Supervisor's Signature [Signature] Date 8-1-16

Family Health Centers, Inc. (FHC)
ACCIDENT/INCIDENT REPORT

DATE 8-1-16 Site/Unit Location Norfield
Involves: Equipment _____ Patient _____ Employee _____ Visitor ☒ Other _____
SS# 251-19-1246 TIME 8:30am CHART # _____ DOB 11-28-46 AGE 69 yrs
NAME Cecil Rowe TELEPHONE # 263-4709 OCCUPATION _____
ADDRESS 624 Winchester Ave. Norcross, GA 30092

Exact Location of Accident/Incident Norfield Lobby
Part of Body Injured (if applicable) Left Knee
Description of Accident/Incident Patient stated that he fell while getting out of chair in the lobby. Fall was not witnessed by employees. Pt stated that he was "OK" after the fall except for left knee pain. Brittany Williams, RN
ATTACH SIGNED WRITTEN STATEMENTS OF ALL INVOLVED (if possible).

ASSESSMENT VITAL SIGNS (If Applicable): Temp 98.0°F Pulse 86 Resp 20 B/P 115/70
DOCUMENTATION OF PHYSICAL ASSESSMENT SEE ENCOUNTER note for 8/1/16 at 0918

Action Taken: Referred for X-ray bilateral knees, Thru pain
WOMY ID PRO PAIN

Process Initiated by Brittany Williams, RN Date 8-1-16
Provider's Signature (if medical service rendered) Peter Edwards, MD Date 8/1/16
Compliance Officer (if patient involved) _____ Date _____
Director of Nursing/Quality Services Tracy A. Reed Date 8/4/16
Director of Clinical Services _____ Date _____
Director of Operations _____ Date _____

FACILITIES/OPERATIONS USE ONLY:

Investigated by _____ Signature: _____ Date investigated _____
Investigated Findings/Comments: _____

- Information forwarded to HR for Worker's Comp filing Yes/No If yes, Date _____
- Conference with Employee/Employee's Supervisor's Signature _____ Date _____
- Remove Malfunctioning Equipment _____
- Information forwarded to FHC Insurance Carrier _____
- Reoccurrence Probability: Low _____ Medium _____ High _____
- Loss Potential: Minor _____ Serious _____ Major _____

Facilities Supervisor's Findings/Comments:

Patient push down on chair to stand.

Facilities Supervisor's Signature

[Signature]

Date 8-1-16

Rebecca Rowe 7/15/18

Family Health Centers, Inc. (FHC)
ACCIDENT/INCIDENT REPORT

DATE 3-31-16 Site/Unit Location Norfield
Involves: Equipment _____ Patient _____ Employee _____ Visitor ☒ Other a patient's grandmother
SS# _____ TIME 9:30am CHART# _____ DOB 7-15-48 AGE 68
NAME Rebecca Rowe TELEPHONE # (803) 263-4709 OCCUPATION _____
ADDRESS 124 Winchester Ave. NORWAY, SC 29113

Exact Location of Accident/Incident Norfield lobby
Part of Body Injured (if applicable) Right arm and hand
Description of Accident/Incident PT stated that she was getting up out of the chair in the lobby and the chair slid out from under her. PT fell on her right side. PT denies hitting her head & there was not LOC.

ATTACH SIGNED WRITTEN STATEMENTS OF ALL INVOLVED (if possible).

ASSESSMENT VITAL SIGNS (If Applicable): Temp 97.9°F Pulse 70 Resp 16 B/P 152/107
DOCUMENTATION OF PHYSICAL ASSESSMENT SEE EHR Notes

Action Taken: Physical Assessment, complete - X-rays ordered 4/1/16

Process Initiated by Bethany Williams, RN Date 3-31-16
Provider's Signature (if medical service rendered) [Signature] Date 3-31-16
Compliance Officer (if patient involved) _____ Date _____
Director of Nursing/Quality Services _____ Date _____
Director of Clinical Services _____ Date _____
Director of Operations _____ Date _____

Investigated by E. Lott FACILITIES/OPERATIONS USE ONLY: Signature: [Signature] Date investigated 3-31-16
Investigated Findings/Comments: _____

- ☐ Information forwarded to HR for Worker's Comp filing Yes/No If yes, Date _____
- ☐ Conference with Employee/Employee's Supervisor's Signature _____ Date _____
- ☐ Remove Malfunctioning Equipment
- ☐ Information forwarded to FHC Insurance Carrier
- ☐ Recurrence Probability: Low ☒ Medium _____ High _____
- ☐ Loss Potential: Minor _____ Serious _____ Major _____

Facilities Supervisor's Findings/Comments:

No problem found - patient error

Facilities Supervisor's Signature [Signature] Date 3-31-16

Subject: Re: Rowe and Rowe v. Family Health
Date: Monday, October 23, 2017 at 4:33:13 PM Eastern Daylight Time
From: Joe Thickers
To: John M. Grantland
CC: Eric Cavanaugh
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png

Thanks John, no problem. I believe the cases actually differ significantly in that Mrs. Rowe is alleging a pure slip/fall whereas Mr. Rowe also alleges that the chair collapsed. They are also entitled to assert their claims separately by law.

Let me know if Farmers will agree to the proposal to consolidate only for discovery. If not, we may ask the judge to keep the cases fully separate. I know this is a Farmers deal.

Best,
Joe

Joseph O. Thickers
Cavanaugh & Thickers, LLC
1324 Gadsden Street (29201)
P.O. Box 2409
Columbia, SC 29202
803-888-2200

From: "John M. Grantland" <jgrantland@murphygrantland.com>
Date: Monday, October 23, 2017 at 3:19 PM
To: Joe Thickers <joe@ctlawsc.com>
Subject: RE: Rowe and Rowe v. Family Health

Joe,

I just talked to Farmers this afternoon about a defense plan, and they want me to make a motion to consolidate the cases for discovery and trial. It is just cheaper for them for me to fight one case instead of 2 cases. Don't hold it against me.

I'll pass on your email to them and will be in touch.

Take care
JG



Murphy & Grantland, P.A.

John M. Grantland, Esquire
jgrantland@murphygrantland.com

Post Office Box 6648
Columbia, South Carolina 29260

803-782-4100 ext. 1237

803-454-1237 dd

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www.murphygrantland.com

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From: Joe Thicken [mailto:joe@ctlawsc.com]
Sent: Monday, October 23, 2017 2:38 PM
To: John M. Grantland <jgrantland@murphygrantland.com>
Cc: Eric Cavanaugh <eric@ctlawsc.com>
Subject: Re: Rowe and Rowe v. Family Health

John,

Hope you are doing well. We could certainly agree to consolidate for discovery only to save time and expense, but would want each case to retain separate case numbers and be tried separately. I have done a similar consent order before and would be glad to send it over, or if you have one we'd be glad to take a look and use it.

Looking further down the road, we could probably also mediate the cases at the same time (but separately).

Let me know what you think.

Thank you,
Joe

Joseph O. Thicken
Cavanaugh & Thicken, LLC
1324 Gadsden Street (29201)
P.O. Box 2409
Columbia, SC 29202
803-888-2200

From: Eric Cavanaugh <eric@ctlawsc.com>
Date: Thursday, October 19, 2017 at 10:25 AM
To: Joe Thicken <joe@ctlawsc.com>
Subject: Fwd: Rowe and Rowe v. Family Health

J. Eric Cavanaugh

Cavanaugh & Thickens, LLC
1324 Gadsden Street (29201)
P. O. Box 2409
Columbia, SC 29202
Phone: 803.888.2200
Mobile: 803.422.1990
Fax: 803.888.2219
Eric@ctlawsc.com
www.ctlawsc.com

Sent from my iPhone

Begin forwarded message:

From: "John M. Grantland" <jgrantland@murphygrantland.com>
Date: October 19, 2017 at 10:23:29 AM EDT
To: Eric Cavanaugh <eric@ctlawsc.com>
Subject: RE: Rowe and Rowe v. Family Health

Eric,
One question. Would you consent to consolidating the cases?

I assume the Rows are husband and wife. And it looks like the same type of accident happened to them in March and August 2016.

Just let me know.

Thanks again and take care,
JG



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From: Eric Cavanaugh [<mailto:eric@ctlawsc.com>]
Sent: Thursday, October 19, 2017 9:17 AM
To: John M. Grantland <jgrantland@murphygrantland.com>
Cc: TreVona Archer <TreVona@ctlawsc.com>

Subject: RE: 2017CP3801233-Rebecca Rowe VS Family Health Centers, Inc.; 2017CP3801232-Cecil Rowe VS Family Health Centers, Inc.
Date: Friday, May 10, 2019 at 9:29:42 AM Eastern Daylight Time
From: John M. Grantland
To: Joe Thicken, Dickson, Edgar W. Law Clerk (Nicholas McKinney), edicksonj@sccourts.org, Phillip Florence, Eric Cavanaugh
Attachments: image002.png, image003.png

Judge Dickson,

With all due respect to Mr. Thicken, I do believe Mr. and Mrs. Rowe's cases should be consolidated because they do involve common issues of law and fact. Please consider the following facts:

1. Both cases involve the same defendant- The Family Health Center;
2. Both cases involve the same witnesses for the Defendant. Marsha Corbitt was the receptionist on duty and saw both Plaintiffs before and after their falls; both accidents were investigated by facilities supervisor, Elvin Cobbs who inspected the chair and prepared a report.
3. Both cases involve the same type of chair and both falls took place in the exact same spot- in front of the receptionist's desk;
4. Plaintiffs are husband and wife living in the same address and each has knowledge of the other's injury claim.

The law is the same for both cases. This is a premises liability case and the jury will be instructed on the following:

1. both Plaintiffs were invitees to the clinic;
2. the Defendant has a duty to keep the premises, including the chair, in reasonably safe condition;
3. and for the Plaintiffs to prevail, they must prove that the property owner either created a dangerous condition or had actual or constructive notice and failed to remedy it.

Please let me know if you have any questions. Thank you for your consideration.

Take care,

JG



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From: Joe Thickens <joe@ctlawsc.com>

Sent: Thursday, May 09, 2019 5:22 PM

To: Dickson, Edgar W. Law Clerk (Nicholas McKinney) <edicksonlc@sccourts.org>; edicksonj@sccourts.org;
John M. Grantland <jgrantland@murphygrantland.com>; Phillip Florence
<pflorence@murphygrantland.com>; Eric Cavanaugh <eric@ctlawsc.com>

Subject: 2017CP3801233-Rebecca Rowe VS Family Health Centers, Inc.; 2017CP3801232-Cecil Rowe VS
Family Health Centers, Inc.

Dear Judge Dickson,

My law partner Eric Cavanaugh informed me that you kindly allowed us leave to submit any additional materials relevant to the defendant's Motion to Consolidate the above cases. Our primary contention is that since "[c]onsolidation under Rule 42(a), SCRCP, may be ordered whenever actions involving a common question of law or fact are pending before the court", Keels v. Pierce, 315 S.C. 339, 342, 433 S.E.2d 902, 904 (Ct. App. 1993), the Defendants would have the burden of establishing either a common question of law or common question of fact.

It is my understanding that the Defendants have stipulated that the same chair is at issue in both cases. However, these accidents occurred approximately 6 months apart, have at least one different witness, and involve different facts.

Plaintiff would still contend, however, that different questions of law apply between the two cases; primarily, notice/latent condition law in Rebecca Rowe's case, vs. created condition law in Cecil Rowe's case. We would respectfully submit that the jury may be confused by applying the two different aspects of premises liability law during the same deliberations. Thank you for your consideration and for permitting additional time for us to research these issues.

Sincerely,
Joe

Cavanaugh & Thickens

ATTORNEYS AT LAW

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STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Appellate Case No.: 2019-000998

RECEIVED
DEC 20 2019
SC Court of Appeals

Cecil Rowe,.....Appellant,

v.

Family Health Centers, Inc.,.....Respondent.

AND

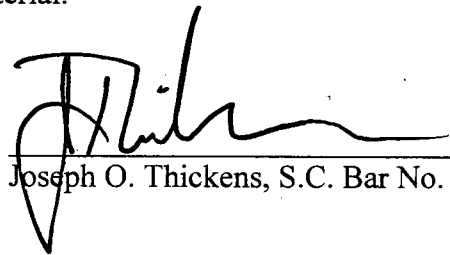
Rebecca Rowe,.....Appellant,

v.

Family Health Centers, Inc.,.....Respondent.

CERTIFICATION OF COUNSEL

I certify that the foregoing Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



Joseph O. Thickens, S.C. Bar No. 101398