

**TRANSCRIPT OF HEARING
HELD BY COMMISSIONER
T. SCOTT BECK**

November 2, 2018

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 1322347

COURTNEY MITCHELL,	)	
	)	
CLAIMANT,	)	
	)	
VS.	)	TRANSCRIPT OF PROCEEDINGS
	)	
UNITED PARCEL SERVICE,	)	NOVEMBER 2, 2018
INC.,	)	
	)	
EMPLOYER,	)	
	)	
AND	)	
	)	
LIBERTY INSURANCE	)	
CORPORATION,	)	
	)	
CARRIER,	)	
	)	
DEFENDANTS.	)	

THIS HEARING WAS HELD BEFORE

COMMISSIONER T. SCOTT BECK, REPORTED BY SKYLET KEAN,
COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE
OF SOUTH CAROLINA; SAID PROCEEDINGS WERE HELD AT THE
SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES VIA TELECONFERENCE, 1221 GREGG
STREET, COLUMBIA, SOUTH CAROLINA, ON FRIDAY,
NOVEMBER 2, 2018, COMMENCING AT 11:55 A.M.

1 seeking a finding of compensability for aggravation
2 to a preexisting psychological condition. He is
3 further seeking a finding of compensability for an
4 aggravation to his low back, an aggravation to
5 bilateral carpal tunnel syndrome. He is asserting
6 entitlement to causally related medical care.

7 And I assume, Mr. Smith, that is related
8 medical care that has been provided thus far?

9 **MR. SMITH:** Yes, sir.

10 **THE COURT:** All right. He asserts that he
11 is at maximum medical improvement and that maximum
12 medical improvement is, in fact, the same as the
13 alleged date of accident, that being June 21st, 2013.
14 And as he is at maximum medical improvement,
15 Mr. Mitchell asserts that he is permanently and
16 totally disabled under the Act predominantly due to
17 the psych but is, in fact, asserting a mental
18 physical claim in this matter.

19 Mr. Smith, anything in addition to that
20 with regard to the claimant's position you'd like to
21 get on the record or any other matter you're here to
22 litigate today, sir?

23 **MR. SMITH:** No, sir.

24 **THE COURT:** With regard to the defendants'
25 position, they deny compensability of this matter in

1 **MR. SMITH:** Yes, sir.

2 **THE COURT:** Mr. Mitchell, would you raise
3 your right hand?

4 **COURTNEY MITCHELL,**
5 AFTER HAVING BEEN DULY SWORN TO TELL THE TRUTH,
6 TESTIFIED AS FOLLOWS:

7 **THE COURT:** Please state your full name
8 for the record.

9 **THE WITNESS:** Courtney Ray Mitchell.

10 **THE COURT:** Thank you, sir. Mr. Smith.

11 **MR. SMITH:** May it please the Court.

12 **DIRECT EXAMINATION**

13 **BY MR. SMITH**

14 Q. Mr. Mitchell, how old are you?

15 A. I am 45 years old.

16 Q. What is your education?

17 A. I have a bachelor of arts degree

18 University of South Carolina Spartanburg.

19 **THE COURT REPORTER:** Can he speak up?

20 **THE COURT:** Hang on, Mr. Smith. We're
21 having a hard time hearing. I believe he said he had
22 a bachelor of arts --

23 **THE WITNESS:** I have a bachelor of arts
24 degree from the University of South Carolina
25 Spartanburg in interdisciplinary studies.

1 **THE COURT:** Thank you, sir.

2 **BY MR. SMITH**

3 Q. Do you have any children?

4 A. Yes. I have one son, Nathan, who is
5 seven.

6 Q. With regard to your employment with UPS,
7 when did it begin?

8 A. Well, there were two dates actually. I
9 started in November of 2011 as a driver's helper.
10 That ended I think in January of 2012. And then I
11 started as a sales representative in March of 2012
12 and that ended in June of 2013.

13 Q. How did it end?

14 A. It ended with my dismissal after being out
15 with -- had been out for disability.

16 Q. What was the disability?

17 A. What was the disability? The disability
18 at that time was my lower back and my hands with the
19 carpal tunnel syndrome.

20 Q. With regard to your employment history,
21 where were you immediately prior to UPS?

22 A. Immediately prior to UPS I was -- I was
23 with Kawasaki in Anderson.

24 Q. What were your duties there?

25 A. I was a sale person there. Sold

1 motorcycles.

2 Q. When did that position come to an end?

3 A. Sometime around November of 2011.

4 Q. And why?

5 A. We got a shortage of time where it's just
6 so slow that there was no need for an extra person.
7 They cut down my hours, so I had to seek other
8 employment.

9 Q. What did you do prior to that?

10 A. Prior to that I'd worked for Staples and
11 prior to that I'd worked for Ralph Hayes Toyota both
12 as sales.

13 Q. Why did you leave Staples?

14 A. I wanted to get -- it was only a part-time
15 job and I wanted a full-time job with the Kawasaki
16 position.

17 Q. And so you started you say in March of
18 2012 sales at UPS?

19 A. That's correct, sir.

20 Q. When you started at UPS, what was the
21 hierarchy from immediately above you to the last
22 person that you would talk to at the local branch?

23 A. We had -- the hierarchy as far as our
24 supervision was, we got a coach, we had a supervisor,
25 and then we had a manager, and then we had a -- I

1 forgot the title of the person that was -- title in
2 charge of the whole facility.

3 Q. Can you tell me who your coach was?

4 A. My coach was Velma Jones through most of
5 my employment.

6 Q. Who was your supervisor?

7 A. Supervisor was Michael Battista.

8 Q. The manager?

9 A. Manager was Sharon Mayes.

10 Q. And the person above Ms. Mayes?

11 A. That would have been Ken Baca.

12 Q. When did you go to international sales or
13 national sales?

14 A. I'm sorry, sir?

15 Q. March 2013 what sales position did you
16 have?

17 A. Oh, yes. In March 2013 after my training
18 I was placed into a patch that included a sales
19 territory that included metropolitan Pennsylvania, a
20 rural part of Pennsylvania and a metropolitan part of
21 West Virginia and a rural part of Virginia.

22 Q. When did you have that patch to yourself?
23 I mean, was that -- March you didn't have your own
24 patch, did you?

25 A. No, sir. No, sir. I was trained in May

1 **BY MR. SMITH**

2 Q. What is a patch?

3 A. Yes, sir. It's a territory of area that
4 we use to sell in. That we don't go into another's
5 person's territory. We -- we service that entire
6 territory. Not only do we sell but we make sure that
7 the people in that area get the proper service that
8 they're supposed to from the service of UPS.

9 **THE COURT:** Thank you, sir.

10 **BY MR. SMITH**

11 Q. And so you won an award. How many awards
12 did you win?

13 A. Three.

14 Q. That would have been what months?

15 A. I believe it was May, June and July.

16 Q. What happened the fourth month, if
17 anything?

18 A. In the fourth month in August we started
19 transitioning to a new patch, a new area and my area
20 was taken away. I was given a smaller area and the
21 area was in really bad shape.

22 Q. What did it consist of?

23 A. Pardon?

24 Q. What did it consist of?

25 A. It consisted of Harrisburg, which was the

1 representative had been there quite some time.

2 Q. With regard to your sales, it is safe to
3 say that they weren't the same as they had been those
4 first three months?

5 A. Absolutely not. It was a -- it was an
6 absolute wreck. We were just trying -- it seemed
7 like we were always trying just to keep what little
8 we had fighting fires that were already in place and
9 trying to keep customers that we already had happy.
10 And we were trying to find people to sell and most of
11 the area seemed dissatisfied.

12 Q. Did you voice your concerns to your
13 higher -- Velma Jones or anyone else?

14 A. Yes, I did. And so did the outside sales
15 manager that had taken over, Matt Buffington. He had
16 voiced concerns about how bad a shape the -- our area
17 was and Harrisburg in particular.

18 Q. All right. And so the things that you
19 told management, how did they act on those?

20 A. They just seemed to not take that into
21 consideration. All they wanted was more numbers.
22 Just numbers. Call more, call more, do better, do
23 better.

24 Q. How did each of them deal with you if they
25 dealt with you individually?

1 A. Well, I was asked to write myself up for
2 not getting the numbers that they were seeking.

3 Q. Who did that?

4 A. I was...

5 Q. Who did that?

6 A. I'm sorry.

7 Q. Who did that?

8 A. Mike Battista -- well, excuse me. First
9 Ms. Jones asked me to do that and then Mr. Battista
10 asked me to do that.

11 Q. How often do you believe that occurred?

12 A. It was on a weekly basis after August.

13 Q. How did you deal with those statements or
14 requests?

15 A. I did as I was asked, but it was
16 disheartening. I came in early. I stayed late
17 trying anything I could to come up with new numbers.

18 Q. What was your perception of your
19 relationship with your coach, Velma Jones?

20 A. I felt like she wasn't listening and I
21 didn't feel like she was really coaching. I felt
22 like all she was doing was criticizing.

23 Q. Did you talk to her about outside aspects
24 of your life?

25 A. I did. I shared...

1 Q. Such as what?

2 A. I shared -- I shared insights on having
3 children and what my wife went through with her labor
4 with Nathan. And she shared the same thing with her
5 child and we talked about similar interests that her
6 husband and I had and some interest that our families
7 seemed to -- some local ties that we had.

8 Q. So based on that, what did you think of
9 Velma Jones? What did you consider her?

10 A. I thought she was trusted.

11 Q. Did you believe you had any issues with
12 her whatsoever?

13 A. I didn't have any issues with her. No,
14 sir.

15 Q. What was her perception of your work that
16 you understood?

17 A. I didn't think she liked my work at all.

18 Q. Did you consider her a friend?

19 A. I did.

20 Q. Did you take her in confidence?

21 A. I did.

22 Q. Ken Baca; who was he?

23 A. He was in charge of the Greenville
24 facility of sales.

25 Q. How much did you interact with him?

1 A. Just a few times.

2 Q. And how did those interactions go?

3 A. They were never positive. I felt he was
4 very demeaning and sarcastic.

5 Q. Can you tell us any specific incidents?

6 A. Yes. On one occasion he made light from a
7 huge meeting how terrible my handwriting was. And on
8 the second time right during the celebration we had
9 of veterans day he made light that I was military
10 police and they kind of made fun of the military
11 police organization that I was quite proud to be a
12 part of.

13 Q. So what was your assessment of Mr. Baca?

14 A. I did not like him. I did not trust him.

15 Q. What about Mike Battista?

16 A. I thought Mr. Battista was a nice man but
17 he just seemed overwhelmed.

18 Q. How so?

19 A. He just seemed sad. He got emotional with
20 us a couple of times in front of some of our meetings
21 and he just -- just seemed like he was unhappy.

22 Q. Did you have disciplinary issues?

23 A. The only issues I had was one that I
24 didn't -- I didn't make an announcement, a legal
25 announcement and I wasn't doing the -- I wasn't doing

1 my call time.

2 Q. How many times do you believe you were
3 written up total?

4 A. Probably at least twice a month and I
5 think maybe once a week.

6 Q. And do we have an understanding of who did
7 the majority of that or was it one person?

8 A. Yes. Ms. Jones, Battista and Ms. Mayes.

9 Q. Can you tell us about your physical health
10 at UPS?

11 A. Starting in around September, it just
12 deteriorated. I first had a vascular condition which
13 sent me to a cardiologist. I had to stay on -- with
14 that cardiologist through most of my time there I had
15 to go through cardiology rehab where I would work out
16 during the week with monitors and being checked by
17 those doctors. Later I had a gallbladder attack and
18 I had had to have my gallbladder removed. And then
19 later I had the -- my hand started being quite
20 painful, but it started curling up and just shaking.
21 And then I had just incredible lower back trouble and
22 I had to go out on those two problems.

23 Q. When do you believe you went out on those
24 two problems?

25 A. I believe that was May of 2013.

1 explanation of your issues with your back or your
2 hands?

3 A. No. I simply wanted -- I simply wanted to
4 be taken care of like I thought workmen's comp was
5 supposed to do.

6 Q. Yes. But did you file a workers' comp
7 claim?

8 A. Not at that time. That's right. Because
9 we thought -- at that time I thought -- I was scared
10 that I would lose my job and I wanted to take care of
11 everything through the disability and everything that
12 we had at the company. We had short-term disability.
13 I was out on short-term disability. I was hoping all
14 of that would take care of itself and I could come
15 back to work for UPS.

16 Q. So the -- the issues that put you on
17 short-term disability were the hand and the back? Or
18 hands and back?

19 A. That's correct.

20 Q. Was there anything else to that?

21 A. No, sir. Not at that time. That was the
22 reason I was coming out.

23 Q. Are you stating that these issues that you
24 were having, that they were mere exacerbations?

25 A. That's correct. It seems like it was --

1 A. I felt overwhelmed. I felt like I wasn't
2 given -- in the position I was, I just felt like
3 there was just a no-win situation there. I was -- I
4 felt losing -- I kept going to work. I kept trying
5 my best but I just felt -- I was to the point where I
6 didn't know what else to do but leave that position.
7 And I -- it got where it was difficult to go to work
8 every day. It got different. I was having -- I
9 started getting nightmares worrying about going to
10 work. I was having trouble getting along with my
11 wife. We were arguing and I was just in a stressful
12 condition and I wanted to get away from that stress.

13 Q. Did you share that with anyone at UPS?

14 A. Yes, I did. Several.

15 Q. Who?

16 A. I shared it with my coach, Velma Jones, my
17 coach, Jamie, Mike Battista, Sharon Mayes, Reggie
18 Owens, our HR. I even -- I'd even written the
19 Atlanta office and told them that I was having
20 trouble there.

21 Q. And that was based on -- on what? What
22 was the focal point of your problem?

23 A. The negative responses I was getting from
24 my team there and just the constant what felt like
25 degradation and writing myself up. Just I felt

1 like -- finding out that there were people talking
2 behind my back. I just -- I was having -- I was just
3 having a really, really tough time in the position I
4 was at and I just wanted to go away from it.

5 Q. People talking behind your back. What was
6 your understanding of what was being said?

7 A. It was my understanding that I was being
8 called "shots fired."

9 Q. What does that relate to?

10 A. It relates to a video that we saw about
11 workplace violence.

12 Q. Specifically, what was it about?

13 A. It was about watching for signs that an
14 employee might be having trouble maybe to the point
15 that they would be unstable and that they might could
16 come in and commit violence. And we were try -- the
17 purpose of the video was to prevent anything like
18 that to happen.

19 Q. What was your perception of why you were
20 labeled "shots fired"?

21 A. I felt that that was done because of my
22 being proud of my military background and that I was
23 under so much strain that they seemed to be making
24 fun of the strain that I was under.

25 Q. Did they see outward signs of that stress?

1 place where I could make the money that I needed for
2 my family.

3 Q. How did that change from a number
4 standpoint or from a percentage standpoint after
5 those three months?

6 A. Starting absolutely in August, it just
7 fell apart. We started seeing -- I started seeing
8 that I wasn't making my bonuses. I was -- matter of
9 fact, I had to -- right after that point I was
10 brought in by Mr. Battista several times and he was
11 showing me that I -- the numbers weren't there to
12 quantify the bonuses and so forth.

13 Q. Did that cause you any stress?

14 A. Very much so. I was -- I was really
15 worried about the job. I was worried about making
16 enough money and keeping my job for my family.

17 Q. What did your wife do for a --

18 A. My wife is an accountant.

19 Q. Does she work with numbers?

20 A. Absolutely.

21 Q. Did she have the opportunity to see the --
22 your pay?

23 A. Absolutely.

24 Q. Did that cause any -- do you have any
25 issues? Did she have any issues with the pay?

1 **MR. WILLIAMS:** Objection, Your Honor.

2 **THE COURT:** I'm going to allow it.

3 **BY MR. SMITH**

4 Q. Did she have any issues with your pay?

5 A. She was concerned. She was concerned
6 about the job. I had told her that we seemed to be
7 having trouble but I thought -- I promised her. I
8 said, "We will get through this. I will try to get
9 another job within the company and we'll make through
10 this."

11 Q. How did you get along with your
12 co-workers?

13 A. I thought very well. We would go to
14 lunches. We had outside things like Greenville
15 Appreciation Days. We had outside things that were
16 done at the facility that I worked at as well
17 outside. We went to our own houses. I even had a --
18 I went to one of my co-worker's house for a nice
19 barbecue and I had a barbecue at my mother's house.

20 Q. Do you remember about what time that
21 barbecue occurred?

22 A. Yes. That happened in May right before I
23 went out with my hands and my back.

24 Q. What was the next social event that you
25 had with your co-workers?

1 A. That would have been -- I had a lunch in
2 Greenville at a restaurant and I believe it was in
3 June. Matter of fact, I know it was June. It was
4 June 21st, 2013 and that was at the Olympian Grill, I
5 believe it was, in Greenville.

6 Q. What's your characterization of that
7 lunch?

8 A. I thought we were all just having a simple
9 discussion. We were laughing. Just having good fun.
10 I did kind of tease one guy a little too much
11 probably and I even apologized. I said I'm sorry I
12 was getting on you a little bit. And he seemed to be
13 taking it in stride. I had no idea that there was
14 any problems leaving that lunch. I was in good -- I
15 thought it was a great meal.

16 Q. Did you ever work with UPS again?

17 A. No, I did not.

18 Q. Do you understand why you were dismissed?

19 A. I was understood that I was dismissed for
20 threatening another employee.

21 Q. Did you, in fact, do that?

22 A. No, I did not.

23 Q. With regard to your mental health, had you
24 ever been treated for issues relating to mental
25 health?

1 A. Yes, I have.

2 Q. When did those -- or when did it occur?

3 A. The first episode I've ever had occurred
4 in 2006 and I was -- I was admitted to Patrick B.
5 Harris Hospital.

6 Q. And what was your understanding that your
7 diagnosis was?

8 A. I was understanding that I had -- that I
9 was bipolar. I had a personality -- some type of
10 personality trait and posttraumatic stress disorder.

11 Q. Did you believe that you had these issues?

12 A. No, I did not.

13 Q. Can you tell us about any other mental
14 health situations that you had?

15 A. I have been admitted three times. The
16 second time I was admitted, I was admitted right
17 after my arrest in 2013 to Three Rivers. I was
18 diagnosed with bipolar, the personality disorder and
19 PTSD.

20 Q. Did you go to --

21 A. Later after that -- pardon me.

22 Q. Did you go to Patrick B. in 2009?

23 A. In 2009 I had a -- I had an issue at
24 Kentucky where I had a -- I was originally arrested
25 for a CDV with a lady there in Kentucky that I got in

1 A. No. I know of nothing. No one -- no one
2 ever approached me and said I was doing anything out
3 of the ordinary. I seemed to be very healthy. I had
4 a very healthy relationship with my wife. Things
5 were going so well.

6 Q. Based on your sales production, did you
7 have any concerns about your position with UPS?

8 A. I didn't start having any concerns about
9 my position at UPS until I changed the area that I
10 was working in and I was just completely overwhelmed
11 that -- not being able to sell in that particular
12 part where I was -- seemed to be doing so well on the
13 part before that.

14 Q. Did you have any concerns about your
15 position with UPS based on statements or comments
16 made by your management?

17 A. Absolutely. From that point on I felt
18 that I could be fired at any day I walked in there.

19 Q. And when do you believe that that began?

20 A. That began in August when I first was told
21 that I needed to write myself up.

22 Q. Did you tell any of them that you were
23 overwhelmed or you were having difficulties with the
24 position you were in?

25 A. Yes, I did. I even asked to be demoted.

1 A. I'm sorry. Ask that, please, again.

2 Q. Did you believe that you could do that job
3 based on Ms. Jones' coaching?

4 A. No, I didn't.

5 Q. When did you come to that realization?

6 A. It definitely occurred to me after several
7 months of being in the new territory that I just
8 wasn't -- came from the ground that I had. I was
9 just overwhelmed.

10 Q. Did you tell UPS anything about the
11 effects on the job on you?

12 A. Yes. I told them that I was having a lot
13 of trouble and I wanted to be a more -- a positive
14 employee and possibly I could be at a different
15 position.

16 Q. Did you tell them that the position itself
17 was causing you difficulty?

18 A. Yes, I did.

19 Q. And who did you tell?

20 A. I started from Velma Jones. I told Jamie
21 Downs. I told Mike Battista. I told Sharon Mayes.
22 I even told Reggie Owens.

23 Q. And what did you understand based on those
24 conversations?

25 A. That there was nothing that really could

1 be done. That because my numbers weren't there, that
2 I couldn't change any positions. That I was
3 basically stuck where I was at.

4 Q. How would you compare your mental state
5 from this 2013 issue or event to the previous mental
6 health issues that you had in 2006, 2009?

7 A. It was much worse. Much worse. 2012 to
8 2013 began a dissension in time to me that -- it's
9 painful to me to just even think about it. It was
10 the worst time in my life without a doubt.

11 Q. Have you ever been able to recover from
12 May-June 2013?

13 A. No.

14 Q. Are you on medication at this point?

15 A. I am.

16 Q. Have you been off medication since May or
17 June of 2013?

18 A. That's correct.

19 Q. All right. Have you been off medication?

20 A. No. I have not been off of it. No, sir.
21 I'm sorry. I've been on it.

22 Q. Did you take medication between 2009 and
23 2013?

24 A. Did not.

25 Q. Why?

1 this? How did you get hurt at UPS?

2 A. Well, it's a two-facet part. Mentally I
3 was hurt by the way I was treated by my supervisors.
4 The -- just constantly scared and just almost like
5 being terrorized by my own workers there.
6 Physically, the sitting a long condition, long
7 periods of time and typing on the computer hurt my
8 back and my hands.

9 MR. SMITH: I have nothing further.

10 THE COURT: Mr. Williams.

11 MR. WILLIAMS: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. WILLIAMS

14 Q. Sir, I'd like to talk a little bit more
15 about your work history, some things I think that
16 have been left out we need to talk about. You worked
17 at the Department of Correction as a correctional
18 officer for approximately one year; is that right?

19 A. Correct.

20 Q. And you actually left there because you
21 wanted to go where your talents, education level,
22 training and experience would be capitalized. Does
23 that sound right?

24 A. The information I gave.

25 MR. WILLIAMS: Okay. That's Page 729,

1 Your Honor.

2 **BY MR. WILLIAMS**

3 Q. You also worked for a very brief period of
4 time at the Department of Probation and Parole, about
5 four months; isn't that right?

6 A. That's correct.

7 Q. You worked there until you were fired; is
8 that right?

9 A. That's correct.

10 Q. Okay.

11 A. That's correct.

12 Q. And I asked you all about that in your
13 deposition. And you told that the reason you were
14 terminated is because you got into an argument with
15 another agent. Do you remember telling me that?

16 A. That's correct.

17 Q. Okay.

18 A. That's correct.

19 Q. Okay. But actually you and a co-worker
20 were fired for intimidating, threatening another
21 co-worker; isn't that right?

22 A. There was three of us fired, sir. The
23 person that stated that they were in the argument and
24 the -- me another gentlemen on the other side.

25 Q. Sure.

1 working for the Department of Probation and Parole.
2 But you never got to be a probation officer, did you?

3 A. That's incorrect, sir. We were still on
4 the job. I was trained. I was making home visits.
5 I did see what I saw.

6 Q. Fair enough, sir. I've got your entire
7 record from the Department of Probation and Parole.
8 Are you surprised that nothing regarding that is in
9 here?

10 A. I'm not surprised.

11 Q. Fair enough. Now, let's talk about some
12 other work that you've done. You worked for a law
13 firm. I believe it was called Harris, Ragan &
14 Patterson. Do you recall working for them?

15 A. I do.

16 Q. Okay. You left there because you got into
17 an argument with a lead attorney; isn't that right?

18 A. That's correct.

19 Q. You moved to Florida. Did some
20 landscaping with a fellow named Mr. Russ Niemeyer.
21 You only did that for a couple of months. Do you
22 remember that?

23 A. That's correct.

24 Q. You left there because you got into an
25 argument with some of the help; isn't that right? Is

1 that correct?

2 A. I don't recall that.

3 Q. Fair enough.

4 A. No. I left there because I was offered
5 another position at a new firm.

6 **MR. WILLIAMS:** Your Honor, I'll just call
7 your attention to claimant's deposition Page 37,
8 Lines 12 to 15.

9 **THE COURT:** Give me that cite again.

10 **THE WITNESS:** Page 37, Line 12 to 15.

11 **MR. SMITH:** Did you offer that to him for
12 recollection?

13 **MR. WILLIAMS:** I did. I don't have to
14 offer it to him for recollection. I just asked him
15 about it --

16 **MR. SMITH:** Okay.

17 **MR. WILLIAMS:** -- and I'd given it in
18 evidence and it wasn't objected to.

19 **BY MR. WILLIAMS**

20 Q. You also worked for a second landscaping
21 business in Florida and you left there after only a
22 couple of months because you got into a fight with
23 the owner, an argument with the owner. Do you
24 remember that?

25 A. I did not get in a fight.

1 Q. An argument.

2 A. That is incorrect. Not get in a fight.

3 Q. Did you get into an argument with him? I
4 corrected myself. I'm sorry. Did you get into an
5 argument with him?

6 A. There was never an argument.

7 MR. WILLIAMS: Your Honor, Page 38, Line 4
8 to 13.

9 BY MR. WILLIAMS

10 Q. Now, let's talk a little bit about coming
11 back to South Carolina and working for American
12 Security at Easley Baptist. Do you recall doing
13 that?

14 A. Yes.

15 Q. You were there for about a year?

16 A. That's correct.

17 Q. You actually gave them your two weeks'
18 notice after a year, but you got into a disagreement
19 with your boss, so you left immediately. Do you
20 recall that?

21 A. That's correct.

22 Q. Okay. In fact, after leaving and being --
23 well, leaving that job immediately at American
24 Security, you were put on trespass notice by them;
25 isn't that right?

1 A. That's correct.

2 Q. And you found out about that when you
3 actually went back to the hospital after being
4 terminated to go to the credit union. Do you
5 remember that?

6 A. That's correct.

7 Q. The Easley police were called and there
8 was an altercation and in that altercation you allege
9 that you had an injury to your hand. Do you recall
10 that?

11 A. That's correct.

12 Q. Okay. The next day you were upset about
13 that hand, so you went and filed a complaint with
14 Pickens County. Do you remember that?

15 A. That's correct.

16 Q. You actually called down to the station,
17 filed a complaint, but then that night you decided
18 you were going to go back to that same place that you
19 were on trespass notice for. Do you remember that?

20 A. That is incorrect.

21 Q. Okay. Did you not go back to Patrick B.
22 Harris in a cab with a gun?

23 A. I did not go to Patrick B. Harris in a cab
24 with a gun.

25 Q. Where did you go?

1 A. I went to a bank and I gave the cabbie my
2 pistol while I went into the bank.

3 Q. Okay. And as a result of that were you
4 ultimately incarcerated and was that the reason you
5 ended up at Patrick B. Harris in 2006?

6 A. That's correct.

7 Q. Okay. And you were actually committed to
8 Patrick B. Harris -- and I'm just going to give you
9 dates and tell me if you think this sounds right --
10 from July 17, 2006 until about September 13, 2006.
11 Does sound about right to you?

12 A. That's correct.

13 Q. Okay. Now, after Patrick B. Harris. So
14 after you were released from that facility in
15 September of 2006, you were required to seek
16 outpatient treatment at Abbeville Mental Health;
17 isn't that right?

18 A. Correct.

19 Q. Have you reviewed the records at all from
20 Abbeville Mental Health?

21 A. Not that I recall, sir.

22 Q. Fair enough. Do you recall telling them
23 that you were becoming unreasonably fixated on a
24 hospital supervisor that you had?

25 **MR. SMITH:** Objection as to relevance.

1 **MR. WILLIAMS:** I think it's clearly
2 relevant. I mean, it's the same allegation that he's
3 alleging --

4 **THE COURT:** Let's proceed.

5 **MR. WILLIAMS:** APA Page 1158, Your Honor.

6 **BY MR. WILLIAMS**

7 Q. And to ask the question again, sir, so I
8 can get your response, do you recall telling the
9 individuals at Abbeville, the providers at Abbeville
10 Mental Health that you had become unreasonably
11 fixated on your hospital supervisor? Do you recall
12 that?

13 A. I don't recall that far back. Honestly, I
14 don't.

15 Q. Fair enough.

16 **MR. WILLIAMS:** And again that's APA
17 Page 1158.

18 **BY MR. WILLIAMS**

19 Q. Now, after leaving that court ordered
20 one-year program outpatient at Abbeville Mental
21 Health, you were supposed to stay on your
22 medications, weren't you?

23 A. That's correct.

24 **MR. WILLIAMS:** That's Page 1149, Your
25 Honor.

1 **BY MR. WILLIAMS**

2 Q. But even while in their program, sir, you
3 were not compliant with your medication treatment
4 plan; isn't that right?

5 A. Right.

6 **MR. WILLIAMS:** That's Page 1149 as well,
7 Your Honor.

8 **BY MR. WILLIAMS**

9 Q. Now, you reentered the workforce in 2008,
10 and I think you talked about this a little bit. But
11 you went to work for a company called Nighthawk
12 Security?

13 A. That's correct.

14 Q. And you ended up having to leave there
15 because the issues you were having with that young
16 lady you talked about earlier; is that right?

17 A. That's correct.

18 Q. Okay. You mentioned the Alford plea, the
19 nolo contendere plea, the Alford plea. But it was
20 actually for terroristic threats, wasn't it?

21 A. Terroristic threats came within the jail.

22 **MR. WILLIAMS:** Okay. Page 1737, Your
23 Honor.

24 **BY MR. WILLIAMS**

25 Q. Now, in 2009 you moved back to South

1 It is no different. I was trained at Fort McClellan,
2 Alabama as a United States Army military policeman
3 without a doubt.

4 Q. Fair enough, sir. And you were actually
5 last in the U.S. National Guard in August of 2006; is
6 that correct?

7 A. That's absolutely correct.

8 Q. So you weren't in the National Guard or
9 Army or anything after 2006; is that correct?

10 A. (Inaudible.)

11 Q. Yes? Couldn't hear you, sir.

12 A. That is correct.

13 Q. Thank you.

14 A. That is correct.

15 Q. Thank you. You told Ralph Hayes again on
16 your application that you left the U.S. Army because
17 of an injury. Do you recall telling them that?

18 A. No. I don't recall.

19 Q. Fair enough.

20 MR. WILLIAMS: That's on Page 1318, Your
21 Honor.

22 BY MR. WILLIAMS

23 Q. Sir, let's also be clear. You never
24 served any time overseas, did you?

25 A. That's absolutely true. I've never been

1 overseas.

2 Q. Sure. And you never sustained any
3 service-related injuries; isn't that right?

4 A. That's absolutely true. I've never
5 asserted any injuries except to my knee.

6 Q. Fair enough. You also told Ralph Hayes
7 Toyota that you attended Concord Law School. You
8 didn't attend law school, did you?

9 A. I absolutely attended Concord Law School.
10 It's an online school out of California, sir.

11 Q. Okay. So when we were talking earlier
12 about your education, you just forgot about that?

13 A. I didn't remember -- I just wanted to
14 speak about the thing that I completed. I did not
15 complete that law school.

16 Q. Sure. You started at UPS on March 30,
17 2012 as an inside sales representative. That's what
18 you were hired to be; isn't that right?

19 A. That's correct.

20 Q. And when you applied at UPS you also
21 completed an application; is that right?

22 A. That's correct.

23 Q. And when you filled out that application,
24 you told them that you were in the U.S. Army working
25 as an MP -- again, the same thing -- from 1990,

1 February, until January of 2009; is that right? Is
2 that correct?

3 A. That is correct.

4 Q. Okay. You also told them that you were a
5 veteran who served active duty in the U.S. Army
6 during a war or campaign. Do you recall telling them
7 that?

8 A. I don't.

9 MR. WILLIAMS: Your Honor, that's
10 Page 1327 and 1328.

11 BY MR. WILLIAMS

12 Q. Interestingly, you didn't tell UPS about
13 law school, did you? Did you? I can't hear you.

14 A. No, I did not.

15 Q. Once you were hired as an ISR, you did a
16 couple of months in a training group. It's like an
17 academy of sorts; is that right?

18 A. That's correct.

19 Q. Okay. And once a job opened as an ISR
20 where you could get a patch of land or a territory
21 where you'd go out and do sales, that's when you
22 became a full-fledged ISR; isn't that right?

23 A. That's correct.

24 Q. And if my notes are right, you started
25 doing that around May 14th of 2012. Does that sound

1 right?

2 A. Correct.

3 Q. And the territory that you took over -- I
4 believe you stated this earlier. But it was a
5 territory that had been previously operated by
6 someone who was promoted because her sales were so
7 good; isn't that right?

8 A. That's correct.

9 Q. Okay. And your job just for a little
10 description was to call on customers within that
11 territory with the help of outside sales
12 representatives to try and get more work and/or to
13 keep the work in that area; is that right?

14 A. That's correct.

15 Q. In June of 2007 [sic] -- so about six
16 weeks after you first started, that's when you got
17 your first coach; isn't that right?

18 A. That's correct.

19 Q. Now, you touched on this a little bit, but
20 I think the dates may have been off, so I want to
21 make sure we're clear. From October 23rd, 2012 to
22 October 31, 2012, you had some heart issues and you
23 went out on disability; is that right?

24 A. That is correct.

25 Q. Okay. And then again in November of

1 2012 -- I have down November 19, 2012 almost a month
2 later -- to December 14, 2012, that's when you had a
3 gallbladder issue and again went out on disability?

4 A. That is correct.

5 Q. Okay. Now, while working as an ISR, they
6 would evaluate you with something called a Quality
7 Performance Review, a QPR. Do you recall that?

8 A. I do.

9 Q. And a QPR is actually an assessment that's
10 performed by four co-workers and your supervisor;
11 isn't that right?

12 A. That, I'm not sure about.

13 Q. Fair enough. Fair enough.

14 A. Never did understand what that was.

15 Q. Sure. Sure. Now, the coach that you had,
16 I believe you mentioned a Velma Jones. She was
17 actually assigned to your territory; isn't that
18 right?

19 A. No. She was assigned to many territories.

20 Q. Many territories but one of those
21 territories was yours; correct?

22 A. Yes.

23 Q. And she was available to coach anyone
24 within the territories that she had, her own
25 territories; is that right?

1 A. That's correct.

2 Q. And I want to make sure I'm clear on this
3 because she gave you feedback to help you plan your
4 day and develop strategies for success. That's what
5 she was designed to do; isn't that right?

6 A. That was her job. Yes.

7 Q. Okay. And you were not the only employee
8 to have a coach?

9 A. No.

10 Q. Okay. And just so I'm clear. When you
11 struggled, help was provided for you; isn't that
12 true?

13 A. That's not.

14 Q. Okay. So you never got help from a coach?

15 A. It was not very good help. I would say
16 that.

17 Q. Fair enough. When you did well, you were
18 given positive encouragement from your supervisors,
19 weren't you?

20 A. Yes.

21 MR. WILLIAMS: Okay. And Your Honor, I'll
22 just call your attention to several pages: 1354,
23 1358, 1359 and 1469.

24 BY MR. WILLIAMS

25 Q. Now, in mid-2013 your production was not

1 where it was supposed to be. Is that a fair
2 assessment?

3 A. That's correct.

4 Q. Because of that, when you requested the
5 move to another job it was denied; isn't that right?

6 A. That's correct.

7 Q. You were informed that if you're not
8 meeting the minimum standards on your QPRs, that you
9 can't move to another position within the company;
10 isn't that right?

11 A. That is correct.

12 Q. Now, you mentioned that you had asked for
13 a job in security, but there was no job available in
14 security; isn't that true?

15 A. That is not correct.

16 Q. Okay. In a letter to Michael Battista
17 dated May 14, 2013 you stated, "I just found out
18 yesterday that I have a degenerative condition that
19 will continue to affect my motor skills and my hands
20 to a point where it will be more difficult for me to
21 operate the computer." Do you recall sending him
22 saying that?

23 A. That is correct.

24 **MR. WILLIAMS:** That's on Page 1342, Your
25 Honor.

1 **BY MR. WILLIAMS**

2 Q. Then on May 20, 2013 you sent in another
3 letter to Reggie Owens, the HR manager, and you told
4 him, "I am requesting accommodation with my job due
5 to medical limitations I am experiencing. Last week
6 I found through a medical test that I am losing motor
7 control in my hands and legs. We suspect this is a
8 result of an injury I sustained while serving my
9 country as a military police for the U.S. Army." Do
10 you recall sending that?

11 A. I do.

12 **MR. WILLIAMS:** Your Honor, that's

13 Page 1343.

14 **BY MR. WILLIAMS**

15 Q. In fact, sir, you went further and told
16 Reggie Owens that you actually were exposed to an IED
17 while serving in Iraq or Afghanistan, didn't you?

18 A. I did say that.

19 Q. After learning of the disability that you
20 reported in May of 2013, Ms. Mayes and Mr. Owens
21 helped you file a disability claim; isn't that right?
22 Is that right?

23 A. Yes.

24 Q. Okay.

25 A. That's correct.

1 Q. Thank you. In fact, you went out on
2 disability. I want to make sure this date is clear
3 too. You went out on disability on June 11, 2013.
4 Doesn't that sound right?

5 A. Seemed like May to me. I'm not sure of
6 that. I don't -- I'm not going to say that that's
7 right because I'm not sure.

8 Q. I understand. Fair enough. But suffice
9 it to say that it's true, that after you went out on
10 disability in either May or June 11, 2013, you didn't
11 work again for UPS after that moment in time; isn't
12 that right?

13 A. That's correct.

14 Q. Okay.

15 A. That is correct.

16 Q. Okay. Now, I want to talk a little bit
17 more of the events that happened in June of 2013,
18 on/or about June 21, 2013. Do you recall me taking
19 your deposition? I can't remember which correctional
20 facility you were in. But do you recall me sitting
21 down with you and your lawyer taking your deposition?

22 A. I do.

23 Q. And at that time I asked you. That was
24 actually January 12, 2016. So we're talking
25 almost -- if I'm doing my math right, almost three

1 **MR. WILLIAMS:** Again, that's Page 102,
2 Lines 12 to 20.

3 **BY MR. WILLIAMS**

4 Q. Sir, I also asked you what was going on
5 with your hands and your back in that deposition. Do
6 you recall telling me you didn't know?

7 A. I do recall that.

8 **MR. WILLIAMS:** Page 98, Your Honor,
9 Line 10 to 22.

10 **BY MR. WILLIAMS**

11 Q. Now, again, after you stopped working and
12 went out on disability either in late May or the date
13 that I contend, June 11, 2013, you didn't work for
14 UPS again. So when you went to lunch on June 21,
15 2013, you were out on disability; is that right?

16 A. That is correct.

17 Q. And you went to a lunch with employees; is
18 that right?

19 A. That is correct.

20 Q. In fact, some of those --

21 A. That's correct.

22 Q. Some of those employees are ones you now
23 allege were calling you names?

24 A. I didn't say that.

25 Q. Fair enough. During this lunch, sir, you

1 made comments about your co-employees, the subject of
2 which and the interpretation of which is why you were
3 actually serving a ten-year sentence now; isn't that
4 right?

5 A. Say again.

6 Q. Sure. During that lunch you made some
7 comments that were interpreted as threats; isn't that
8 true?

9 MR. SMITH: Objection. Misstatement of
10 facts. Prison sentence had nothing to do with the
11 lunch.

12 THE COURT: Say that again, Mr. Smith.

13 MR. SMITH: I would object based on the
14 fact it's a misstatement of fact. It was not -- the
15 sentence has nothing to do with lunch.

16 MR. WILLIAMS: I'll restate the question.

17 THE COURT: Please.

18 MR. WILLIAMS: Be glad to.

19 BY MR. WILLIAMS

20 Q. Sir, during that lunch you made threats to
21 employees, didn't you?

22 A. No. I made no threats and I have no
23 knowledge of anyone understanding it being a threat.

24 Q. Okay. But after that lunch the police
25 showed up at your house; is that right?

1 A. That is correct.

2 Q. Okay. And, in fact, after the police
3 showed up at your house, do you recall telling me at
4 your deposition that that really was when you started
5 to really feel like you were upset?

6 A. That's correct.

7 Q. In July of 2013 you deliver or had
8 delivered a package to UPS; is that true?

9 A. I had a gentleman bring some item to UPS.
10 Yes.

11 Q. Okay. Brought a blower that I think you
12 had borrowed or something?

13 A. That's correct.

14 Q. There also was a package; right?

15 A. That's correct.

16 Q. And in that package there was a copy of
17 your -- or actually it was your concealed weapons
18 permit; right?

19 A. That's correct.

20 Q. Three cell phones?

21 A. That's correct.

22 Q. Receipts from purchases made --

23 A. That's correct.

24 Q. -- in and around areas of South Carolina?

25 A. That's correct.

1 Q. And at this time you're serving your
2 sentence for being convicted of threatening --
3 intimidating one of your former workers, Ms. Velma
4 Jones; isn't that right?

5 A. Sentenced for ten years for threatening a
6 witness.

7 Q. Thank you. Now, I don't know if you
8 recall this, but after this luncheon and after these
9 events that have led us here, you saw a Dr. Jeffrey
10 Musick. Do you recall seeing him? It was before
11 your trial.

12 A. I recall that doctor.

13 **THE COURT REPORTER:** Excuse me a moment.

14 (Court reporter changes backup audio.)

15 **BY MR. WILLIAMS**

16 Q. I understand that you don't recall seeing
17 Dr. Musick specifically, but do you recall telling
18 any provider that you had an employment of short
19 stints in a variety of jobs because you get tired of
20 them thinking you could advance quicker in another
21 position? Do you recall telling that to a medical
22 provider?

23 A. I don't recall that at all.

24 **MR. WILLIAMS:** Page 1141, Your Honor.

1 **BY MR. WILLIAMS**

2 Q. You also saw a doctor Manuel Torres before
3 you trial. Do you recall seeing Dr. Torres?

4 A. Vividly.

5 Q. Vividly. Okay. Good. Do you recall
6 telling him that you were unable to maintain any job
7 for any length of time due to the fact that you were
8 neither compliant with your medications or your
9 therapy?

10 A. I don't remember phrasing it that way.

11 Q. Fair enough.

12 **MR. WILLIAMS:** That's Page 905, Your
13 Honor.

14 **BY MR. WILLIAMS**

15 Q. Now, after your incarceration you've lost
16 your privileges a few times; isn't that right? Is
17 that right?

18 A. That's correct.

19 Q. Okay. In October of 2015 did you throw
20 hot coffee on a guard and hit him in the face?

21 **MR. SMITH:** Objection as to relevance.

22 **THE WITNESS:** That's correct.

23 **MR. WILLIAMS:** Okay.

24 **THE COURT:** I'll allow it.

25 **BY MR. WILLIAMS**

1 **BY MR. WILLIAMS**

2 Q. Mr. Owens, what's your occupation?

3 A. Retired.

4 Q. And how long have you been retired?

5 A. Since August of this year.

6 Q. Okay. What were you doing for work in
7 June of 2013?

8 A. I was the HR manager at the inside sales
9 site.

10 **THE COURT:** Say that again, sir.

11 **THE WITNESS:** The HR manager at the inside
12 sales site.

13 **BY MR. WILLIAMS**

14 Q. You've got to talk slow for us. We're
15 getting old.

16 A. Oh, I'm sorry.

17 Q. You talk fast, Reggie.

18 A. All right.

19 Q. What were your duties in the position of
20 the HR representative in inside sales rep in
21 Greenville?

22 A. I was responsible for the retention,
23 employee retention, recruitment, coaching and
24 counseling of both employees and also of management.
25 Placement of employees, overall staffing analysis and

1 also investigation and documentation.

2 Q. Did you have any role in disability claims
3 or workers' compensation claims as well in HR?

4 A. Yes. That was also part of my
5 responsibility.

6 Q. In your position of the HR manager in the
7 Greenville facility, did you come to know
8 Mr. Courtney Mitchell?

9 A. Yes, I did.

10 Q. When did you first come to know him?

11 A. The first time I -- when he was initially
12 hired.

13 Q. Were you part of the hiring process?

14 A. I am part of the hiring process.

15 Q. Okay. And after hiring Mr. Mitchell, did
16 you become involved with him in any other way?

17 A. Not until later on after he had been
18 employed with you UPS.

19 Q. Okay. And in what facet did you become
20 involved with him after he became an employee?

21 A. It was brought to my -- he had some
22 attendance issues and that was brought to my
23 attention with his manager, Sharon Mayes.

24 Q. And in response to the attendance issues,
25 did you have meetings with him?

1 A. Yes, I did.

2 Q. And what were the -- what was the
3 substance of those meetings?

4 A. Well, one, we'll see what the problem was
5 and see the possible ways we could help him.

6 Q. Did you ever identify what any of those
7 problems were?

8 A. Well, he had some disability issues that
9 he had brought to my attention.

10 Q. Medical issues?

11 A. Medical issues, yes.

12 Q. Did you assist him in applying for any
13 disability benefits?

14 A. Yes, we did.

15 Q. Okay. Did he tell you the nexus or the
16 source of his problems?

17 A. Well, he originally -- he told me that
18 the -- he came to me and said he had issues. I
19 believe he had heart issues and then eventually told
20 me he had issues with his legs and hands.

21 Q. And did he tell you what was causing the
22 hand and leg issues?

23 A. He said when he served in Afghanistan that
24 he stepped on a -- I always get this -- an IED and
25 that it had caused him to have numbness and

1 eventually he told me he was going to lose feelings
2 in both his -- in both his legs and in his hands
3 because of this.

4 Q. Did Mr. Mitchell at any time tell you that
5 any of his problems he was having, those issues you
6 just discussed with his hands or his legs, did he
7 tell you that those problems were in any way related
8 to work?

9 A. No, he did not.

10 THE COURT: Hang on a second.
11 Mr. Mitchell, can you hear everything that's being
12 said here? All right. Thank you.

13 THE WITNESS: Yes, sir, I can.

14 THE COURT: Okay.

15 MR. WILLIAMS: Thank you, Your Honor. I
16 guess I'm probably talking too soft.

17 THE COURT: Yeah. You need to speak up.

18 MR. WILLIAMS: I'll be glad to.

19 THE COURT: Because I'm having a hard time
20 hearing you.

21 MR. WILLIAMS: No problem. Sorry. I was
22 trying to keep it down.

23 BY MR. WILLIAMS

24 Q. Did he ever tell you that any of those
25 medical issues that he reported to you that you

1 helped him apply for disability were in any way
2 related to work or a work injury?

3 A. No, he did not.

4 Q. If an employee comes to you as the HR
5 manager and reports that they are having problems
6 that they believe are attributable to work, what is
7 your process?

8 A. We take the necessary steps. We fill out
9 what the injury was from, get the necessary paperwork
10 and also get the necessary medical information that
11 they need.

12 Q. Do you send them on to your workers'
13 compensation carrier to make sure they're taken care
14 of?

15 A. Yes, we do.

16 Q. Okay. At any point with Mr. Mitchell, did
17 you do that?

18 A. No.

19 Q. Okay. What assistance did you provide to
20 him, if any, in the short-term disability or
21 long-term disability application process?

22 A. Well, I had got him to fill the necessary
23 paperwork that he need to fill out and also requested
24 the necessary paperwork that he needed to fill out.

25 Q. At some point did Mr. Mitchell reach out

1 to you to discuss the possibility of moving to a
2 different position within the organization?

3 A. Yes, he did.

4 Q. And what was the substance of that
5 conversation? Was it allowed?

6 A. No.

7 Q. Why not?

8 A. Was no need to be. I mean, it was just a
9 normal conversation.

10 Q. Okay. Let me rephrase the question. I
11 don't think you understood me.

12 A. Okay.

13 Q. What I'm trying to find out is what was
14 your answer to his request?

15 A. I told him that he couldn't go to another
16 position because he was not performing in the job
17 he's in right now.

18 Q. Okay. And is that a requirement to move
19 within the organization, that you be proficient at
20 your current job before you move to another job?

21 A. Yes.

22 Q. Okay. When it came to his report to you
23 of physical problems -- back or whatever he said to
24 you. I believe he said hands and legs -- how many
25 conversations do you think you had with him about

1 those problems he told you about?

2 A. I believe it was twice.

3 Q. In any of those conversations did he even
4 allude to the fact that his problems were related to
5 his duties at -- that he had an injury at UPS?

6 A. No. Never did.

7 Q. Okay. Over time did you establish a
8 rapport with Mr. Mitchell?

9 A. As much as I establish a rapport with most
10 employees.

11 **MR. WILLIAMS:** Okay. Beg your indulgence
12 for just moment.

13 **THE COURT:** Yes, sir.

14 **BY MR. WILLIAMS**

15 Q. When did you first learn that he was
16 alleging that he had a workers' compensation claim?

17 A. When you contacted me.

18 Q. Would that have been sometime in late
19 2014, early 2015?

20 A. Yes.

21 Q. Okay. When you learned that he was
22 alleging a workers' compensation claim, what was your
23 understanding of the injury he was alleging?

24 A. Some type of mental disorder. That we had
25 caused some type of mental disorder.

1 Q. Now, did you have any role in the decision
2 to show the "shots fired" video in Greenville?

3 A. Yes.

4 Q. Okay. And what was the purpose of showing
5 that video?

6 A. For what was going on in the world at that
7 time, a decision was made not only by myself but by
8 the organization to have our employees prepare for an
9 active shooter situation for their own protection.

10 Q. Did Mr. Mitchell ever complain to you
11 about having to watch the video?

12 A. No.

13 Q. Did he ever tell you that anyone was
14 harassing him or calling him names at work?

15 A. No.

16 Q. Okay. If an employee reports to you as
17 the HR manager that someone is calling them a name or
18 teasing them, what is your process?

19 A. We first do an investigation and then we
20 take the necessary steps to, one, stop that and, two,
21 take the necessary action that needs to be taken with
22 that employee.

23 Q. In your communications with Mr. Mitchell,
24 did he ever complain to you about his supervisors,
25 his coach, his manager?

1 Q. And what was in that package?

2 A. I believe it was three cell phones, a
3 carry permit. I don't know the correct name. A gun
4 carry permit.

5 Q. Concealed weapons permit?

6 A. Concealed weapons permit and some receipts
7 and also I believe it was some type of business card.

8 Q. Were you aware of any potential
9 significance of the receipts?

10 A. The receipts were close to some of the
11 family members of Gina Jones. Because the package
12 actually was given to Gina Jones.

13 Q. Fair enough. After that package was
14 delivered, did you have to attend any hearings or
15 proceedings regarding the events of June 21, 2013?

16 A. Yes, I did.

17 Q. Okay. At that time after the package was
18 delivered, did you personally feel threatened?

19 A. Oh, very much so.

20 Q. Can you describe that for the Commissioner
21 what you felt after that?

22 A. Well, with the concealed weapons permit in
23 the package, the three cell phones, what I'd been
24 told about the lunch and the things that had been
25 said at the lunch, I felt very threatened. I've been

1 with UPS prior to that 41 years. I've never felt
2 that way before until that situation. Because of
3 what he had told me about his military background,
4 the things he had done, I felt he was very capable of
5 hurting me and more so hurting the employees that
6 work at inside sales. I was really more concerned at
7 the end of the day about my employees than I was
8 about myself because something could happen --
9 something could happen to someone and I would be
10 responsible for that.

11 Q. The CWP, whose was it, the concealed
12 weapons permit?

13 A. It was Ray Mitchell's.

14 Q. Did UPS hire any additional security after
15 that time?

16 A. Yes, we did.

17 Q. Do you have any idea how much was spent on
18 extra security?

19 MR. SMITH: Objection as to relevance.

20 THE COURT: Relevance?

21 MR. WILLIAMS: I think it's relevant
22 because it shows what steps UPS had to take in direct
23 response to the actions of Mr. Mitchell.

24 THE COURT: I'll allow it.

25 THE WITNESS: The first year we spent over

1 \$80,000. Years after that we spent \$124,000 for
2 security.

3 **BY MR. WILLIAMS**

4 Q. Lastly, and I think this will be addressed
5 quickly. But you were deposed in my office by Mr.
6 Smith over three years ago. Do you remember that?

7 A. Yes.

8 Q. And did you get reimbursed your witness
9 for your mileage?

10 A. No, I did not.

11 Q. Okay. And I don't want you to tell me
12 where you were living, but did you travel from out of
13 state for that deposition?

14 A. Yes, I did.

15 Q. Okay. And to your knowledge, at least as
16 of the time that you retired, are you aware of any of
17 the witnesses being paid for their witness fee?

18 A. None have not.

19 **MR. WILLIAMS:** Okay. Your Honor, that's
20 all the questions that I have of this witness.

21 **THE COURT:** Mr. Smith.

22 **MR. SMITH:** May it please the Court.

23 **CROSS-EXAMINATION**

24 **BY MR. SMITH**

25 Q. You turned down checks at that deposition;

1 A. My fear?

2 Q. Yeah.

3 A. Because of what he said at the luncheon
4 and also from a concealed weapons permit put in a
5 package. I mean, at that point I'd have no idea
6 what's on this guy's mind.

7 Q. If it's expired, it's garbage; right?

8 A. But he still has one. That means he can
9 carry a gun and he can kill me.

10 Q. Yes, sir. The lunch that we're talking
11 about, are you aware that no one said anything to him
12 about his statements or his conduct?

13 A. No, I'm not aware of that.

14 Q. If no one tells you you're doing
15 something, do you have an idea you're doing something
16 wrong?

17 A. I don't know how to answer that. I mean,
18 if I were to stand up and punch him in the face, I
19 knew I was doing something wrong.

20 Q. Yes, sir.

21 A. Right?

22 Q. Yes.

23 A. And I don't think you would have -- nobody
24 here have to tell me that I'm doing something wrong.

25 Q. Right. But if someone is just talking and

DIRECT EXAMINATION**BY MR. WILLIAMS**

Q. I've already been fussed at, too, for being too quiet.

A. Okay.

Q. So you and I have got to talk up today.

THE COURT: This is my bad ear over here.

THE WITNESS: Okay.

BY MR. WILLIAMS

Q. Ms. Mayes, where do you work?

A. I'm in the inside -- the Greenville inside sales UPS sales facility.

Q. And what exactly do you do?

A. I'm manage three districts within our company and over a hundred team members. I have 83 ISRs, four supervisors and five coaches that cover that -- those three territories.

Q. So an ISR is an inside sales representative?

A. Correct.

Q. Okay. Did you manage Mr. Mitchell as an inside sales representative?

A. Yes, I did.

Q. Were you in the same role in 2012-2013 that you're in now?

1 A. Yes.

2 Q. Okay. Now, what are the duties of an ISR?

3 A. Part of the duties is to manage a patch of
4 land, work in conjunction with the field resources.
5 Some of our ISRs are -- they work with two field
6 resources or three based on the revenue of that
7 particular patch of land.

8 Q. How did Mr. Mitchell do as an ISR?

9 A. He did not meet expectations. Just some
10 of the minimum expectations. And we recognized that
11 and we started working with him.

12 Q. How did you do that?

13 A. Well, one of the things that we do is we
14 have a coach assigned to each of my teams and what
15 they're responsible to do is improve their acumen.
16 Planning their acumen, their sale acumen. Just
17 questions that they might have. Because they go
18 through training and then getting on the floor we
19 want to make sure that there's a smooth transition.

20 Q. Fair enough. Is it unusual for an ISR to
21 have a coach?

22 A. No, it is not unusual. In fact, we
23 actually expanded having additional resources called
24 product specialist as well to also help with acumen.
25 And at that time we have two for the team.

1 Q. Who was Mr. Mitchell's coach that was
2 assigned?

3 A. Velma Gina Jones.

4 Q. And what did she do for him?

5 A. She -- she was his coach. And part of her
6 responsibility was daily to -- to work with our ISRs
7 that needed additional help and also our folks that
8 maybe needed help with strategy to sell. They also
9 cover the supervisors when they are out of the office
10 just to ensure that everybody is being taken care of.

11 Q. Did Mr. Mitchell ever receive any
12 accolades for his work as an ISR?

13 A. He did. Yes. When he took over the
14 patch, I believe in April or May.

15 Q. Of 2012?

16 A. Of 2012. Ellen Coleman was the ISR that
17 had the territory prior. So the way that we reward
18 is from previous months. So, you know, what we want
19 to do is give our new ISRs at least some additional,
20 you know, motivation that we rewarded him for the
21 work because they own the territory; right? So
22 they're new. So you know what? They get the
23 accolades and also if there's any, you know,
24 performance issues. And that territory was
25 performing very well.

1 Q. Okay. Prior to becoming an ISR, did
2 Mr. Mitchell receive training?

3 A. Yes, he did.

4 Q. Tell me about that. Is there a particular
5 group they go into? How does that work?

6 A. Well, each -- every time we have new
7 ISRs -- and part of our role at UPS inside sales is
8 to ensure that they get ready for positions out in
9 the field or move -- you know, move forward in the
10 company. So part of our role is to make sure that
11 four weeks they go through training. I think at that
12 time it was six, six weeks of training. And then
13 they nest in the -- and we call it nesting. Just,
14 you know, before we put you out in the territory,
15 once you get comfortable with the phones, some small
16 sales and not as -- not as detailed as having a patch
17 assigned. So he was put in the associate ISR group.

18 Q. Is that the nest?

19 A. That's the nesting. It's called the
20 associate ISR group. And then once a territory is
21 open and Ellen had gotten the promotion, he replaced
22 Ellen. And while Ellen was there we had him -- had
23 her spend a little time introducing him to customers.

24 Q. Now, that nesting area or the associate's
25 group you just described --

1 A. Uh-huh.

2 Q. -- is that a temporary or a permanent?

3 A. It's temporary. Very temporary. It's not
4 a position.

5 Q. Fair enough. At some point did
6 Mr. Mitchell ask to be transferred out of an ISR
7 position?

8 A. He did. He did. But there was -- there
9 wasn't a -- there wasn't a position for him to go to.

10 Q. What position did he ask to go to?

11 A. The associate ISR group.

12 Q. Okay. Is that because that's a temporary
13 group?

14 A. Correct. And it's a lighter -- it's a
15 lighter load.

16 Q. Did he also request to go to security?

17 A. He did. One of the things that -- you
18 can't move forward to another job unless you're
19 performing at your current job. And at that
20 particular time he was not performing and so he could
21 not go. And also there wasn't a -- there wasn't a
22 position. He wanted to go in security but there
23 wasn't a position available.

24 Q. Fair enough. Did you ever discuss with
25 Mr. Mitchell about his job performance and/or job

1 military?

2 A. Well, he went out on disability for a
3 while and then he came back and he did write a letter
4 to my sup which it brought it to my attention. And
5 then we met because I wanted to make sure he gets,
6 you know, further assistance. And so we -- we met
7 again with myself and Reggie in the room and also
8 Michael Battista, his supervisor. He mentioned that
9 in -- he was in the services, armed services and he
10 had gotten blown up by an IED explosive device. And
11 I was like, "Oh, my goodness," you know. You know,
12 so I wanted to make sure we got him, you know, some
13 help. And then Reggie worked with him again
14 specifically because he was just saying he had some
15 motor skill issues. And he then -- so Reggie worked
16 with him and got him the help and then he went back
17 out on disability.

18 Q. Did Mr. Mitchell in any of your dealings
19 with him tell you that he was having a problem with
20 any of his supervisors, his coach or co-employees?

21 A. Not once.

22 Q. If an employee comes to you and tells you
23 that they have a problem with a coach, a supervisor,
24 a plant manager, what is the process that is
25 followed?

1 difference. So we are a sales-related piece of the
2 business, so we try to reach out to our customers and
3 account executives.

4 Q. How was he reaching out to customers and
5 account executives?

6 A. He -- he had a great relationship with his
7 account executive and the other account executive,
8 not a great relationship. He asked for us to give
9 him some assistance because some of his customers
10 were concerned at the time. So it's a lot of things
11 happening, you know. So that's one of the reason why
12 we had Gina kind of work a little bit closer with him
13 regarding his acumen.

14 Q. Fair enough. Were you at the luncheon
15 that occurred in June 2013?

16 A. No, I was not. I saw the group come in
17 after lunch but I was not at the lunch.

18 Q. Did you speak to them after they came in
19 from lunch?

20 A. No, I did not. They gave me -- it was
21 clearly something was wrong and they -- they --
22 because I was on my way somewhere, so... And I said,
23 "You guys okay?" And so then they went to talk with
24 Reggie.

25 Q. Okay. Because I think it's important for

1 the Commissioner to hear this from you. Can you tell
2 him how your understanding of the events of that
3 luncheon impacted you?

4 A. Sorry.

5 Q. Take your time.

6 A. I didn't understand. I didn't understand
7 because all we were just trying to do was help him.
8 And -- and so -- sorry. Let me compose myself. One
9 of the things that we do, we have, you know, security
10 processes in place. So every year we have a security
11 video that everybody reviews to ensure that we keep a
12 safe environment.

13 And so, you know, just listening to some
14 of the comments that Ray Mitchell made, it was
15 concerning and it was -- it was horrifying quite
16 frankly, because I had no idea that he felt the way,
17 you know, that he did. And I thought we were -- you
18 know, we just trying to, you know, help him. And you
19 know, to -- I mean, he -- he landed on a landmine.
20 You know, I meant that was -- I mean, anybody that
21 went through that, we want to make sure that we're
22 providing them, you know, support and help. So I
23 just -- you know, even just to this day I still --
24 you know, it's hard because my life changed.

25 Q. When did you first learn that Mr. Mitchell

TRANSCRIPT OF DEPOSITION
COURTNEY RAY MITCHELL
(EXCERPTS)
January 12, 2016

BEFORE THE WORKERS' COMPENSATION COMMISSION
STATE OF SOUTH CAROLINA

WCC FILE NO. 1322347

COURTNEY RAY MITCHELL,

)

)

Employee,

)

)

- vs -

)

DEPOSITION OF:

)

COURTNEY RAY MITCHELL

UPS,

)

)

Employer,

)

)

and

)

)

LIBERTY MUTUAL,

)

)

Carrier/Defendants.)

)

Given before Trisha G. Rarick, Court Reporter and Notary
Public, at the RIDGELAND CORRECTIONAL INSTITUTION, 5
Correctional Drive, Ridgeland, South Carolina, on Tuesday,
January 12, 2016, at 10:30 a.m.

Job No. CS2212518

Page 6 1 address? 2 A My address was 1020 Providence Church 3 Road, Anderson, South Carolina 29621. 4 Q Is that your parents' address? 5 A That was my wife and mine. 6 Q Your wife and yours. Okay. 7 A Uh-huh. 8 Q All right, sir. This will not be in the 9 record, but I have your Social Security number down 10 as XXX-XX-XXXX; is that correct? 11 A That's correct. 12 Q I have your date of birth as November 27, 13 1972. 14 A That's correct. 15 Q So you're 43? 16 A Yes, sir. 17 Q All right. Do you have a valid South 18 Carolina driver's license? 19 A I do. 20 Q Okay. Any other state-issued licenses? 21 A No, sir. 22 Q Okay. Do you smoke? 23 A No, sir. 24 Q Did you drink alcohol? 25 A No, sir.	Page 8 1 Q Four years old. Okay. Great. Tell me a 2 little bit, if you don't mind, about your education. 3 Did you graduate from high school? 4 A I graduated from high school. 5 Q Where? 6 A I graduated from Wren High School in 7 Piedmont. 8 Q Okay. 9 A In 1991. 10 Q Okay. After Wren High School, did you go 11 on to any other education? 12 A I did. I graduated from the University of 13 South Carolina, Spartanburg. 14 Q Okay. And what did you major in? 15 A I have a bachelor of arts in pre-law. 16 Q And what year did you graduate? 17 A 1995. 18 Q Did you go immediately from high school to 19 college? 20 A I did. 21 Q And were you a full-time student? 22 A I was. 23 Q Okay. After graduating from the 24 University of South Carolina Spartanburg, did you go 25 on to any other education?
Page 7 1 Q How tall are you? 2 A I'm six one. 3 Q How much do you weigh? 4 A I weigh 100 and -- 210 pounds, sorry. 5 Q That's all right. You take your time. 6 Don't worry about it. How many times have you been 7 married? 8 A I've been married twice. 9 Q Twice? Okay. And your current status is 10 divorced, separated, married? 11 A I'm divorced. 12 Q Divorced? Okay. 13 A Yes, sir. 14 Q Do you owe any support to your first wife? 15 A No. 16 Q How about your second wife? 17 A No. 18 Q Okay. Do you have any kids? 19 A I do. 20 Q How many? 21 A One. 22 Q All right. What's your child's name? 23 A His name is Nathan. 24 Q Nathan. How old is Nathan? 25 A Nathan is four.	Page 9 1 A I went to the university -- excuse me. I 2 went to the United States Army Military Police 3 School. 4 Q Okay. 5 A And I graduated December of '95 there. 6 Q December of 1995? 7 A Yes, sir. 8 Q And where was that located? 9 A That was in Anniston, Alabama, Fort 10 McClellan. 11 Q So how long was that program? 12 A Let's see. I'll have to think how long 13 that was. 14 Q That's all right. You take your time. 15 A It was from -- I think it was 16 approximately four months. 17 Q Okay. And when you completed that 18 program, were you a certified MP? 19 A That's correct. 20 Q Okay. 21 A The National Guard. 22 Q Okay. For the National Guard? 23 A Uh-huh. 24 Q When did you enter into the National 25 Guard?

Page 10 1 A I went in the National Guard February 10th 2 of '94 -- 1994. 3 Q Okay. February 10th of 1994? 4 A Yes, sir. 5 Q All right. And where did you do your 6 basic? 7 A I did my basic at Fort Jackson. 8 Q Okay. And what was your MOS? 9 A 95 Bravo Military Police. 10 Q Okay. And where did you actually serve? 11 Would you go to the same place every time? 12 A Yes. I had a -- I was served in the 13 Newberry Armory, the 218th. 14 Q All right. Is part of the National -- 15 were you ever in the U.S. Army? 16 A I was never in the regular Army. 17 Q Never in the regular Army? Okay. 18 A No. 19 Q I'm trying to think back in '94, did you 20 ever go and serve any active combat? 21 A No. Not then. 22 Q Okay. Did you ever serve any active 23 combat? 24 A No, sir. 25 Q Okay. And were you ever stationed abroad	Page 12 1 service that you did and the schooling that you went 2 to. Any other schooling you had in your adult 3 lifetime? 4 A That's it. 5 Q All right. I know about the criminal 6 convictions we're here about now, but any other 7 criminal convictions in your life? 8 A I was convicted of -- what's that called? 9 Q Take your time. Do your best. 10 A Assault four in Kentucky. 11 Q Okay. And when was that approximately? 12 A That was in 2008. 13 Q 2008. Did you have to serve any time for 14 that? 15 A No. 16 Q Okay. Do you have any other pending 17 charges now? 18 A Yes. 19 Q Okay. And what's that in reference to? 20 A I have got an assault case. 21 Q Okay. Is that in reference to your time 22 in the correctional facility? 23 A Yes. 24 Q Okay. And when was that approximately? 25 A That would have been October.
Page 11 1 at all? 2 A No. 3 Q Would you always do your two weeks in the 4 summer -- 5 A That's correct. 6 Q -- and then weekly? 7 A That's correct. 8 Q And were you always an MP? 9 A I was. 10 Q Any other MOS that you did? 11 A Huh-uh. 12 Q Is that a no? 13 A No, sir. 14 Q Okay. No problem. I have to do that for 15 record -- 16 A Yes, sir. 17 Q -- if that's all right. 18 A Yes, sir. 19 Q Okay. Before we get too much further into 20 the military stuff, obviously, with your education, 21 you don't have any difficulty reading or writing, do 22 you? 23 A No, sir. 24 Q All right. You told me about your college 25 education. You told me about the military police	Page 13 1 Q October. Was that against the guard? 2 A Yes. 3 Q Okay. All right. And do you have an 4 attorney representing you in that action? 5 A Well, yes. 6 Q Okay. Fair enough. Any other pending 7 charges? 8 A Yes. I have got one in Anderson County. 9 Q Okay. And what's the allegation there? 10 A It's discharge of a pistol. 11 Q Okay. And when was that approximately? 12 A September of 2014. 13 Q Okay. Anything else? 14 A No, sir. 15 Q All right. Fair enough. When you were in 16 the service, sir, did you retire? 17 A No. 18 Q Okay. How did your service end? 19 A It actually ended -- my time in the 20 service ended in '06, and I could not reup because I 21 was -- had to go to a psychological evaluation at 22 Patrick B. Harris. 23 Q Okay. Did that have anything to do with 24 your service, the psychological evaluation? 25 A No.

Page 22 1 A Let's see. I went through that through -- 2 must have been through college. My first job out of 3 college while I was waiting to go to the National 4 Guard training, I was a security officer at Saber 5 Security for a little while. 6 Q Did you have to have any kind of 7 specialized training? 8 A We have a -- you have a little course that 9 you go through and that you get issued a SLED card. 10 Q All right. And how long were you with 11 Saber Security? 12 A Just a few months. 13 Q And why did you leave there? 14 A I went for training. 15 Q When you say training -- 16 A I went to the National Guard training. 17 Q National Guard training. Okay. Were you 18 the type of security officer that carried a weapon? 19 A I did. 20 Q Okay. 21 A I carried a pistol. 22 Q Okay. So did you have to go down to 23 Columbia to do the SLED training? 24 A We -- they have it at the site there in 25 Mauldin, and they had certified trainers there.	Page 24 1 A I got a job with Liberty Life. 2 Q Okay. What did you do for Liberty Life? 3 A I was a salesman for life insurance. 4 Q Okay. Now, did you have to get any kind 5 of specialized training for that? 6 A Just took a course with the insurance 7 department, and Mary Brewer was the school's name. 8 And I had the -- I got licensed to sell insurance. 9 Q Okay. And how long did you work for 10 Liberty Life? 11 A I was only there about -- let's see, six 12 to eight months, somewhere in that. 13 Q Sure. And why did you leave there? 14 A I wanted to go into law enforcement. 15 That's really what I wanted to do. So I went to 16 work for the South Carolina Department of 17 Corrections. 18 Q Okay. Now, where did the South Carolina 19 Department of Corrections station -- where were you 20 working? 21 A I was at Perry in Greenville. 22 Q Perry Correctional? 23 A It's at Pelzer. Uh-huh. 24 Q Is that a yes? 25 A Yes, sir.
Page 23 1 Q Okay. 2 A And we went and we fired the -- we took 3 our legals, and we fired our weapon and all that 4 stuff. 5 Q Okay. Is it similar to like a concealed 6 weapons permit training or something? 7 A Similar to it. 8 Q Okay. All right. So tell me about your 9 next job. 10 A My next job when I -- after I got out of 11 my National Guard training, I went -- I think it was 12 either January or February, I went to work for a 13 brief time with Anderson Armored Car. 14 Q Okay. And what did you do for Anderson 15 Armored Car? 16 A I was a guard. 17 Q Guard? 18 A Uh-huh. 19 Q And was that in South Carolina? 20 A Yes. It was. It was based out of 21 Greenville, South Carolina. 22 Q Okay. And, again, how long were you with 23 them approximately? 24 A Just a couple of months there. 25 Q Why did you leave there?	Page 25 1 Q All right. What were you doing for the 2 South Carolina Department of Corrections at Perry? 3 A I was a correctional officer, and I worked 4 maximum security at Perry. 5 Q And how long were you there? 6 A A year -- little over a year. 7 Q Now, again, my ignorance, did you have to 8 do any kind of specialized training for that? 9 A Yes. You have to go through -- you have 10 to go through an academy. They actually have the 11 correctional academy that is there at Broad River 12 Road. 13 Q Okay. All right. Now, why did you only 14 stay at Perry for a year? 15 A I went to the probation and parole. I 16 got -- I was progressing. 17 Q So that's like a step up? 18 A Step up, right. So I got to be a 19 probation agent, and you needed to be a -- you had 20 to have a college education, and it was really a -- 21 it's really the step to go. And I was wanting to go 22 in federal law enforcement, and that was really one 23 of the steps that my advisors -- I had a -- I had a 24 sheriff's deputy advise me, all these advisors from 25 the National Guard. Plus, I had a former captain of

Page 26 1 the Greenville City Police, and he was, you know, 2 telling me that was a good avenue to take. So I 3 tried it. 4 Q Sure. So were you a probation agent? 5 A I was. I was a probation agent. 6 Q And how long did you do that? 7 A About six months. 8 Q Okay. And why did you do that for only 9 six months? 10 A Well, I got fired. 11 Q Okay. What was the reason for them 12 terminating you? 13 A I got in an argument with another agent. 14 Q Okay. No kind of fight or anything? 15 A No. No fight. 16 Q Okay. Did the other agent get terminated? 17 A He got fired too. 18 Q Okay. 19 A There was three of us got fired. Three of 20 us got in an argument, and we got -- all three got 21 fired. 22 Q Okay. And where did you go next? 23 A Let's see. From there, I worked briefly 24 for my father-in-law at that time in one of his 25 businesses.	Page 28 1 you leave there? 2 A I went into bail bonds. 3 Q Okay. Before we get into bail bonds, when 4 you were a PI, did you have to have any kind of 5 special PI license or anything? 6 A Not working for a law firm, because I 7 worked directly for the law firm. You're an 8 employee for the law firm, so you -- 9 Q Okay. So when you became a bail bonds 10 person, did you have to get any kind of specialized 11 license for that? 12 A Yes. I did. 13 Q Okay. Now, what did you do as a bail 14 bondsman? 15 A I got people out of jail, and I also -- it 16 was basically like privatized probation and parole. 17 That's when I was kind of interested in going into 18 it. I had offenders I managed. I got people out of 19 jail that we -- met certain criteria, not only on a 20 business sense but also in -- as a risk factor, we 21 sort of figured it out, that's when you go through 22 the Department of Insurance. It is an insurance -- 23 you're basically an insurance agent but can put 24 somebody back in jail if they don't adhere to the 25 policies.
Page 27 1 Q What was the name of it? 2 A I can't remember the name of the business, 3 but it was -- that was back when the poker machines 4 were legal. 5 Q Okay. Yeah. 6 A And we -- they ran a poker parlor 7 basically, and I was the manager for that. 8 Q Okay. All right. And how long did you 9 manage that business? 10 A Just a few months. 11 Q All right. And why did you do that only a 12 few months? 13 A I got a job at Joel Bieber Law Firm. 14 Q Okay. What were you doing for Joel 15 Bieber? 16 A I was an investigator for them. 17 Q Like a PI? 18 A Yes. 19 Q All right. 20 A I worked Workman's Comp, like we're doing 21 now, Workman's Comp. I did car wrecks, those type 22 of cases. 23 Q What years were you at Joel Bieber? 24 A I was there from '99 to 2000. 25 Q '99 to 2000. Okay. All right. Why did	Page 29 1 Q Sure. Did you actually go chase people 2 down if they didn't -- 3 A A bunch. 4 Q Okay. All right. And how long did you 5 work as a bail bondsman approximately? 6 A Let's see, I was about two years into 7 that. 8 Q And why did you stop doing that? 9 A The firms that -- the one firm I went 10 into -- I went into two different firms, but one 11 firm that I went into just basically went out of 12 business and out of -- in South Carolina, and we 13 weren't -- I mean we just -- it was during that time 14 right when the towers went down and business was 15 just bad. I mean, people just didn't have money, 16 not even to get people out of jail. 17 Q Sure. 18 A So it was that time. 19 Q You said that you worked for two bail 20 bondsmen -- 21 A Right. 22 Q -- businesses. What were the names of the 23 businesses? 24 A The first one was Bail Bonds by Al 25 Holcomb.

Page 30 1 Q Okay. And the other one? 2 A And the other one was Castle Bail Bonds. 3 Q Both in the upstate? 4 A Actually, one -- Al Holcomb is based out 5 of Lexington, South Carolina, and Castle Bail Bonds 6 was based out of Ohio. 7 Q Okay. But you didn't live in Ohio? 8 A No. 9 Q Okay. Got you. All right. Tell me about 10 your next employer. 11 A Okay. Let's see. 12 Q That's all right. Take your time. 13 A Oh, I went to -- I went to go work for 14 Wackenhut Security in Charlotte, North Carolina. 15 Q Okay. Did you actually work in Charlotte? 16 A I did. I worked for the Bank of America. 17 Q Were you working for Wackenhut at the Bank 18 of America? 19 A That's correct. 20 Q I understand. Okay. And how long were 21 you at Wackenhut? 22 A I was there -- let's see, probably six 23 months. 24 Q All right. And why did you leave there 25 after six months?	Page 32 1 Q Where did you have that done? 2 A I had that done in Charlotte. 3 Q Okay. What hospital did you go to? 4 A Let's see. Actually, you know what? That 5 was Gastonia Hospital that we went to. 6 Q Gastonia, North Carolina? 7 A Yes. Gastonia, North Carolina. Yes, sir. 8 Q And was that alleged as a work injury? 9 A No, sir. 10 Q Okay. And did you have to miss any 11 protracted period of time as a result of that? 12 A I did. I missed time from work. I was -- 13 and that was our conversation that the lawyer and I 14 had. 15 Q Sure. When you-all had an argument over 16 it, was there any kind of altercation, anything like 17 that? 18 A No. Just -- 19 Q Disagreement? 20 A That's right, and I just got up and left. 21 Q All right. I understand. So after 22 leaving Harris, Ragan, Patterson, where did you go 23 next? 24 A Let's see. After there, I went to work -- 25 I come back to South Carolina. I got back with my
Page 31 1 A I got another job with an invest -- as an 2 investigator for another law firm. 3 Q What firm? 4 A Harris, Ragan, Patterson & Rodgers out of 5 Charlotte. 6 Q And how long did you work for them? 7 A It was a matter of months. I developed a 8 hernia and it ruptured, and then from there, I had 9 pulmonary embolisms to my lung. And when I got 10 better, I went back, and I kind of got -- I got in 11 an argument with the head lawyer about my health, 12 and we just parted ways. 13 Q All right. Fair enough. The hernia 14 and/or the pulmonary embolism, did you allege that 15 those were related to any kind of work duties or 16 anything? 17 A No, sir. 18 Q How did you get the hernia? 19 A That had actually occurred when I was a 20 bail bondsman. I got hit by a pipe in the belly, 21 and I let it go for years. And it just finally 22 ruptured on me, so -- 23 Q Okay. Did you have to have any kind of 24 surgery? 25 A I did.	Page 33 1 wife. So I come back to South Carolina, and I went 2 to work for Upstate Chevy. 3 Q All right. I want to take a step back if 4 you don't mind. You said you had gotten back 5 together with your wife. Is this your first wife? 6 A My first wife, yes. 7 Q Okay. So you-all were together for a 8 period of time, and then you kind of broke up? 9 A Well, we weren't really broke up. I was 10 just in Charlotte, and she was in Easley trying to 11 hold it down here. So we were -- 12 Q You reunited? 13 A That's right. We got reunited. 14 Q I understand. So what did you do for 15 Upstate Chevy? 16 A I was a salesman. 17 Q So selling new, used? 18 A Sold them both. 19 Q Both. Ever a manager, supervisor, lead 20 person, anything like that? 21 A No, sir. 22 Q All right. How long were you with Upstate 23 Chevy? 24 A Oh, gosh, six months maybe. 25 Q All right. And why did you leave there

Page 34 1 after only six months? 2 A I went to work -- a friend of mine was a 3 sergeant up at the Converse College Public Safety, 4 and he talked me into coming to work up there. 5 Q In their public safety department? 6 A Public safety department. 7 Q So kind of like a campus policeman? 8 A That's correct. 9 Q Okay. How long were you a campus 10 policemen there, approximately? 11 A Approximately, a year there. 12 Q Okay. And what did you do other than 13 drive around? What did you do there? 14 A That was a -- it was a neat job. You got 15 to interact a lot with the students. It was all 16 girls', obviously, school, and we had to be careful 17 and watch -- keep overnight guests off of the 18 premisses. 19 Q Sure. Keep the boys away? 20 A That's right. And we watched for DUIs in 21 that area, just different things like that. 22 Q Okay. 23 A But that was -- it was mainly patrolling. 24 We also did -- we locked up the college when it was 25 time to lock it up and set the alarms.	Page 36 1 A Let's see. We were -- 2 Q Was this your first wife? 3 A My first wife. 4 Q Okay. You take your time. 5 A 2004. 6 Q Okay. Now, how long did you run those 7 businesses? 8 A Just a matter of months. I got my -- I 9 had some bad luck. I got sideswiped by a drunk 10 Mexican at the -- at the Jockey Lot. So our food 11 operation went to pieces because I didn't have it 12 insured. 13 Q Of course. Did you have any injuries or 14 anything? 15 A No. None of us were hurt, thank goodness, 16 but -- 17 Q Okay. 18 A So we had that, and then we just -- we 19 just couldn't scrape up enough business on the 20 landscaping. So I -- I pulled up stakes and my -- 21 my wife and I did separate then, and I pulled up 22 stakes and went to Florida. 23 Q Florida? 24 A Uh-huh. 25 Q Okay. When you went to Florida, where did
Page 35 1 Q Okay. Why did you leave there? 2 A I went into business. My wife and I 3 talked, and I -- I just had this idea of opening up 4 a landscape business and restaurant, a food truck. 5 Q Okay. 6 A So -- 7 Q So you did a landscape business and food 8 truck? 9 A I did. 10 Q All at the same time? 11 A Well, we do the food truck on the weekends 12 at the Jockey Lot, and then we did the -- Monday 13 through Friday, we were landscaping. 14 Q What was the name of your landscaping 15 business? 16 A Mitchell Landscaping. 17 Q Mitchell Landscaping. And you did that 18 with your wife? 19 A I did. Yes, sir. 20 Q Okay. And then what was the name of your 21 food truck? 22 A It was the same thing. It was Mitchell 23 Barbecue. 24 Q Okay. Now, what years did you run those 25 businesses approximately?	Page 37 1 you work? 2 A I worked for -- what was the guy's name? 3 Q What kind of work was it? 4 A Niemeyer Landscaping. 5 Q Niemeyer? 6 A Niemeyer, Russ Niemeyer. 7 Q All right. And what did you do for Russ? 8 A I was a landscaper and lawn maintenance. 9 Q Okay. And how long were you with him, 10 approximately? 11 A A few months. 12 Q Okay. And why did you leave there after 13 only a few months? 14 A I got in an argument with one of the help 15 there, so that didn't work out for me. 16 Q Was there any kind of altercation? 17 A No, sir. Just -- 18 Q Just an argument? 19 A An argument, and I just left. 20 Q I understand. Where did you go next, sir? 21 A I went to work for another landscaping 22 company. 23 Q In Florida? 24 A In Florida. 25 Q What part of Florida were you in?

Page 38 1 A I was in Winter Haven. 2 Q Winter Haven. For both of these? 3 A For both of those. 4 Q All right. And what did you do for the 5 second landscaping business? 6 A It was also landscaping, lawn maintenance. 7 Q So like residential? 8 A Residential and commercial. We did both. 9 Q All right. And how long were you with the 10 second one? 11 A Just a couple of months. 12 Q And why did you leave there? 13 A I got in an argument with the owner. 14 Q Okay. No altercation? 15 A No. 16 Q All right. Where did you go next? 17 A Let's see, I left Florida. Well, I joined 18 the National Guard in Florida, and so I had the -- I 19 was there in -- I was there for that. 20 Q Well, let me take a step back just so I 21 understand. So when you originally were in the 22 National Guard, you were in South Carolina? 23 A South Carolina. 24 Q But when you moved to Florida, you 25 switched?	Page 40 1 with American Security at the Easley Hospital. 2 Q Like over at Easley Baptist? 3 A Easley Baptist, that's right. 4 Q Okay. And you were working, though, 5 actually for American Security? 6 A American Security, that's correct. 7 Q All right. And how long were you with 8 them? 9 A I was there almost a year. 10 Q Okay. And why did you leave there? 11 A Well, I left there because I wanted -- I 12 was going to -- I -- 13 Q That's all right. Take your time. 14 A I wanted to join the regular Army at that 15 time. So I was volunteering. I was trying to get 16 all my ducks in a row to join the regular Army, 17 because I wanted to go to Afghanistan. 18 Q Okay. That never came to fruition, 19 correct? So how far did you get in the process? 20 A I was -- everything was -- they were 21 waiting for my National Guard. You can't just flip 22 over from one to the other -- then the next. The 23 contracts have to end, and you have to have a new 24 contract. 25 Q I understand. Okay.
Page 39 1 A I was in the Florida National Guard for a 2 brief time. Yes, sir. 3 Q Is that why you would do your two weeks at 4 that camp in Florida? 5 A Well, that's correct. Actually, skip 6 back. When we did that one in Florida, I was back 7 in South Carolina National Guard. So I flip 8 flopped. 9 Q Okay. So we leave the landscaping 10 business? 11 A I leave that, and I finally go -- I was 12 there in Florida for just a little bit longer. I 13 had some training I did at the Florida National 14 Guard site. Once I got done with that, which was 15 just really a couple of weeks after I did -- and 16 that was at the site. I wasn't on base or anything 17 like that. I was actually at the armory. 18 Q And where was that? 19 A And it was at Ocala. 20 Q Ocala? 21 A Uh-huh. 22 Q Okay. So tell me about your next job 23 after that. 24 A So I left there, and I transferred back to 25 South Carolina, and I got a job with security at --	Page 41 1 A So I was waiting for that contract to end. 2 Q The original National Guard contract. 3 A National Guard contract, right. 4 Q Before you could start a new Army 5 contract? 6 A A new Army contract, correct. 7 Q Okay. 8 A And during that transition, I had to go to 9 Patrick B. 10 Q Okay. And that was in '06? 11 A That was in '06. 12 Q All right. Any other employers you had up 13 until Patrick B.? 14 A No. 15 Q Okay. Now, let's talk about after Patrick 16 B. How long were you there approximately? 17 A I was there several months. 18 Q Okay. 19 A From July to October if I remember 20 correctly. 21 Q July to October of '06? 22 A Of '06. 23 Q Now, what led you to Patrick B.? Was 24 there some -- an event? 25 A Yes.

Page 42 1 Q Okay. What happened? 2 A I went -- there was actually a couple, but 3 the -- I went back to my -- I went back to the 4 hospital to make arrangements. I had bought a truck 5 through their credit union, and I was trying to make 6 arrangements where I could have that changed over to 7 where the building could be down in Columbia where 8 it -- if I was going to be at Fort Jackson, I could 9 just go straight there and have the -- my checks and 10 everything directly billed to them. 11 Q Sure. 12 A And so I got there, and when I got there, 13 they -- they put me on -- they were putting me on 14 trespass notice. 15 Q Okay. Who was? The bank? 16 A The American Security and the Easley 17 Hospital decided to put me on trespass notice. 18 Q Okay. So we're having some issues with 19 our employer? 20 A I had left, and I didn't think I was 21 having issues. But when I got back, they were -- 22 they didn't want me on the property. 23 Q I understand. 24 A So we -- I had a little altercation there 25 with -- an argument with the police department and	Page 44 1 to set the -- a cast. 2 Q Okay. And what orthopedist did you go to? 3 A We went to -- it's right beside the new 4 hospital, AnMed. I can't remember that thing. 5 Q Like Blue Ridge? 6 A Blue Ridge, thank you. Blue Ridge. 7 That's exactly right. Blue Ridge. 8 Q Was that the first time you had ever seen 9 anyone over at Blue Ridge? 10 A Yes. It is. 11 Q Did your -- it was your right hand? 12 A It was my right hand. 13 Q Are you right-handed? 14 A I am right-handed. 15 Q Did your right hand get better after that? 16 A It did. 17 Q Okay. As a result of that altercation, 18 was a lawsuit filed? 19 A No. 20 Q Okay. So no kind of action against the 21 police department or anything? 22 A No. 23 Q All right. So what led up to having to go 24 to Patrick B. Harris for a couple of months? 25 A I did file a -- I went to the sheriff's
Page 43 1 -- 2 Q In Easley? 3 A In Easley. 4 Q Okay. 5 A In Easley. 6 Q Okay. As a result of that altercation or 7 argument with the city or the police department in 8 Easley, was anyone injured? Were you injured? 9 A I was. 10 Q Okay. 11 A I got -- my right hand was broke. 12 Q Okay. As a result of that right-hand 13 injury, did you receive some medical treatment? 14 A I did. 15 Q From where? 16 A I did. Anderson Medical. 17 Q AnMed? 18 A AnMed, thank you. 19 Q No problem. Did you have to have any 20 surgery? 21 A No surgery. 22 Q Other than going to the emergency room and 23 having them look at your hand, anything else you had 24 to have? 25 A I had to go to the orthopedist, and he had	Page 45 1 office at Pickens, and I filed a SLED report with 2 them on the action with the hand getting broke. 3 Q Okay. 4 A I went -- I was trying to go back up there 5 to check on that status, because I kept getting a 6 runaround. I wasn't getting an answer, and so I 7 went up there. I knew one guy on duty at night. I 8 wanted to go talk to him, and on my way up there, I 9 ran out of gas. 10 Q Okay. 11 A And when I ran out of gas, I had -- at the 12 time, I kept a pistol in my -- 13 Q Glove box? 14 A Glove box. 15 Q Sure. 16 A And I called a cab, and the -- I gave the 17 pistol to the cabby so I wouldn't have to go -- when 18 I went into the bank, and the bank -- from there, I 19 got arrested -- 20 Q Okay. 21 A -- there because of the -- they were 22 worried about the pistol, blah, blah, blah. The 23 cabby thought I was stiffing him. It all worked out 24 -- 25 Q Big snowball?

Page 46 1 A Yeah. 2 Q And went to Patrick B. Harris for a couple 3 of months? 4 A I went to Patrick B., because they -- 5 Q No problem. 6 A -- thought I was having issues. 7 Q I understand, and I'm not -- 8 A Right. 9 Q I'm not trying to get into some sensitive 10 stuff today. Okay? 11 A No. 12 Q So please understand that. I just want to 13 get a little bit of information. 14 A No, sir. It's an open book, you know. 15 Q I understand. 16 A It is what it is. 17 Q But I just want you to understand that. 18 A Yes, sir. 19 Q But tell me this, when you were released 20 from Patrick B., did they give you any kind of 21 follow-up care for any problems or give you any kind 22 of diagnosis? 23 A When I went to Patrick B., I was diagnosed 24 with bipolar and so forth, and they did -- I went 25 to -- I got released to my parents in Abbeville at	Page 48 1 A Yes, sir. 2 Q At that point, were you discharged, or did 3 you stop going? 4 A I was discharged. 5 Q Discharged. Okay. Fair enough. I assume 6 during that one-year period, did you work at all? 7 A During those periods, I did not. 8 Q Okay. Fair enough. Tell me about your 9 next job. 10 A I didn't get a job again until 2008. 11 Q Okay. And who were you working for then? 12 A I left South Carolina, and I went to 13 Kentucky. 14 Q Okay. When you went to Kentucky, who did 15 you go to work for? 16 A I went to work for a company called 17 Nighthawk Security. 18 Q Okay. How long were you with Nighthawk 19 Security, approximately? 20 A Not long, about six months. 21 Q Six months. Okay. Why did you leave 22 there? 23 A The -- I had an issue with a girlfriend 24 there, and she was calling at the place I was at 25 working and just blew up the phone, even called the
Page 47 1 that time. 2 Q When you got released to your parents in 3 Abbeville, and I'm just going to -- let's do it in 4 two ways. 5 A Sure. 6 Q One, before going to Patrick B. Harris, 7 did you ever receive any treatment from a 8 psychologist, psychiatrist or counselor? 9 A No. 10 Q Okay. Fair enough. Now, after Patrick 11 B., when they released you, they released you to 12 your parents? 13 A Right. 14 Q They gave you a diagnosis of bipolar, 15 correct? 16 A Right. 17 Q Did they give you any medications or 18 recommend any medications to take? 19 A I was on medication for a year, and we was 20 going to outpatient treatment in Abbeville. 21 Q Okay. Where at in Abbeville? 22 A The Abbeville Mental Health. 23 Q Okay. 24 A State Mental Health. 25 Q And you did that for a year?	Page 49 1 home office, and it just got to be a problem for 2 them. So I had to -- 3 Q Did they terminate you? 4 A Yeah. Well, I walked off. I told them -- 5 we kind of met on terms there. 6 Q I understand. So where did you go next? 7 A Well, I was -- I was kind of stuck in 8 Kentucky there for a minute, and I was getting 9 stalked at that time from that person. And she -- 10 she and I had a back and forth going on with the 11 courts, and I ended -- bottom line was that she 12 went -- I ended up in jail in Kentucky, and they -- 13 Q You told me about that earlier; is that 14 right? 15 A Yeah. So -- but anyway, I ended up in 16 jail in Kentucky, and that was the -- that was the 17 charge I had in Kentucky. And my grandparents found 18 an attorney up there, and we got out of that mess, 19 just -- they let me out of Kentucky, and I came home 20 and -- 21 Q Let's talk about your next job once you 22 came home. 23 A I went to work with a friend of mine at 24 D.H. Motors. 25 Q And what were you doing for them?

Page 50 1 A I sold cars for David. 2 Q How long did you do that? 3 A For a couple of months. He was just 4 trying to help me get on my feet. We were -- it was 5 just a -- he knew it was a part-time thing. We 6 just -- and he was actually helping me try to find 7 full-time employment. And I found employment at 8 Ralph Hayes Toyota. 9 Q How long were you at Ralph Hayes? 10 A I was at Ralph Hayes a little over a year. 11 Q Okay. And why did you leave there? 12 A They terminated the entire sales staff and 13 started over. We were -- at that time, the -- that 14 was when the Priuses were escaping and all of that, 15 you know, the runaway Priuses and all that that was 16 going on with the -- 17 Q Sure. 18 A -- recalls. And we had like five cars in 19 our lot when -- at one time to sell and 20 people to 20 sell them. So we said -- they went around and they 21 said -- they gave us that, and we were able to -- we 22 were able to go get -- they even helped us. We got 23 the -- 24 Q Employment? 25 A -- unemployment. They helped us to get	Page 52 1 Q Where was that? 2 A That was Anderson Motorsports on Clemson 3 Boulevard. 4 Q Anderson Motorsports. Now, how long were 5 you with Anderson Motorsports selling motorcycles? 6 A A few months. 7 Q And why did you leave there after only a 8 few months? 9 A We were trying -- it was not good pay, and 10 we were trying to find -- my wife and I were trying 11 to find us something that would -- that was going to 12 be steady. 13 Q Sure. 14 A And so we found a job, something -- little 15 odd jobs here and there, these little temporary 16 services, and that's what I did. And I even temped 17 at UPS, and that's where I first got into contact 18 with UPS. 19 Q Okay. When did you temp at UPS, 20 approximately? 21 A It was the holiday season for 2011. 22 Q Okay. And then after the holiday season 23 in 2011, did you work anywhere before going to work 24 for UPS? 25 A I couldn't find anything. We -- I did
Page 51 1 until we could find -- 2 Q Sure. 3 A And I went to work for -- I was -- I 4 worked for only two weeks, and I found a job at 5 Staples. 6 Q Staples. Okay. But before we get into 7 that, when you were out of work, did you actually 8 get unemployment -- 9 A Yes. From -- 10 Q -- from Ralph Hayes? 11 A -- Ralph Hayes. 12 Q Sure. And when did you get hired to go 13 over at Staples? 14 A I went over there, and I worked in their 15 electronics department as a salesman. 16 Q And how long were you with Staples? 17 A I was there a few months. 18 Q And was that the one over in Greenville? 19 A In Anderson. 20 Q Anderson? 21 A On Clemson Boulevard. 22 Q Okay. And why were you there only a 23 couple of months? 24 A Well, they were only part time, and I 25 found a full-time job selling motorcycles.	Page 53 1 work -- I found -- until March, I found -- let's 2 see, no, excuse me. February. 3 Q Of 2000 -- 4 A Of 2012. 5 Q '12, okay. February 2012, where did you 6 get hired? 7 A I went to work for Tractor Supply. 8 Q What did you do for Tractor Supply? 9 A I was selling products for Tractor Supply, 10 and at the same time I was doing that, I had applied 11 for the UPS sales position. 12 Q Tractor Supply, is that in Anderson too? 13 A It is. 14 Q Okay. And so did you then get called from 15 UPS? 16 A I did. I got a call from UPS that I -- 17 that they were interested in hiring me for that, and 18 I went through the hiring process at UPS. 19 Q And then did you leave Tractor Supply? 20 A I stayed on part time for several months. 21 Q Okay. I have down, sir, that you were 22 hired by UPS on or about March 30, 2012; is that 23 right? 24 A That's correct. 25 Q Okay. And were you hired as an inside

Page 54 1 sales rep? 2 A That's correct. 3 Q And what did you do as an inside sales rep 4 for UPS? 5 A Well, as an inside sales, we -- first, you 6 get -- we had several weeks worth on -- actually a 7 couple of months worth of training -- 8 Q Okay. 9 A -- in the sales academy. 10 Q Okay. 11 A And I did pretty well with that actually. 12 They trained -- they trained us on the way UPS 13 wanted inside sales done. They -- they taught us to 14 negotiate with customers. 15 Q Is that known as the associates group? 16 A That's the -- that's the first group that 17 goes through after. I never was in the associates 18 group. 19 Q Okay. Okay. Got you. So you went first 20 to training? 21 A That's correct. 22 Q And then where did you go? 23 A I went straight from training -- they had 24 a job opening in on what they called the floor in 25 inside sales in a territory.	Page 56 1 A That's correct. 2 Q And then were you supposed to build on 3 that sales area? 4 A We were -- that's correct. We were, and 5 we were also to -- but the main focus was to 6 build -- get as much as you could out of the 7 customers that you already had. 8 Q Got you. Okay. Fair enough. At some 9 point while working for UPS, did you ever have to go 10 out of work for disability at any point? 11 A I did. 12 Q Why? 13 A I went out -- I went out -- I had a -- 14 while I was working the floor one day, I actually 15 had a I heart episode is what I can call it. It 16 wasn't actually a -- I had to have a heart 17 catheterization as a result from it. 18 Q Was that like in October of 2010? 19 A That's correct. 20 Q And did you have that done at AnMed? 21 A I had the -- I had -- actually, that was 22 done at -- oh, gosh, what's the Catholic? 23 Q Saint Francis? 24 A Saint Francis. 25 Q Okay. In Greenville?
Page 55 1 Q Where was your territory? 2 A My territory originally was an industrial 3 park of Pitt -- right outside of Pittsburgh -- 4 Q Okay. 5 A -- Pennsylvania; Altoona, Pennsylvania, 6 and West Virginia. 7 Q All right. Now, you were the inside sales 8 rep. Did you also have outside sales rep? 9 A I did. I had one for each of those 10 patches of land or territories. 11 Q Okay. 12 A I had -- I had one for West Virginia and 13 the two Pennsylvania areas. 14 Q And what, generally, were your job duties 15 as an ISR, inside sales rep? 16 A Well, my job was to call up customers that 17 we had and to try to find new customers and engage 18 all of them in shipping more with UPS. I was also 19 to work with the outside salesmen and assist them in 20 some of their duties, plus -- in other words, work 21 together to get the sales. 22 Q Sure. Okay. So go out and -- did you 23 have a -- when you said -- earlier, I believe you 24 said patch of land. Was that an established sales 25 area?	Page 57 1 A In Greenville. 2 Q Okay. And as a result of that, did you 3 have to miss some time from work? 4 A I did. 5 Q When you came back from disability, did 6 you go back to your same patch of land? 7 A No. 8 Q What happened? 9 A We -- right around that time -- right 10 around that time -- right before I come out, that 11 was one of the reasons. I started having a big area 12 of stress because they changed. Somewhere around 13 September, they changed -- September to October 14 timeframe, they changed my patch of land to the 15 Harrisburg. 16 Q Okay. 17 A And -- Pennsylvania, and removed my West 18 Virginia and my other -- 19 Q So they moved you to a different patch of 20 land? 21 A They did. 22 Q Okay. Did they tell you why? 23 A It was called a realignment. They were 24 aligning -- they were aligning because they had 25 opened up a new office in Phoenix. However, what

Page 70 1 Q Of '13? 2 A Of '13. 3 Q Okay. All right. Fair enough. The hand 4 problems and the back problems that came about in 5 that timeframe that led you to go out on disability, 6 did they get better? 7 A No. 8 Q Okay. And did your doctor ever help you 9 identify the source of any that? 10 A We're -- she -- she -- she knows what it 11 is, but she was -- to do more tests, and we haven't 12 had the more tests done, so -- 13 Q Okay. So other than Dr. Norris and the 14 doctors over at the Hand Center and, obviously, 15 AnMed, where you had your MRI, any other providers 16 that you have seen for that hand problem or back 17 problem? 18 A Huh-uh. 19 Q Is that a no? 20 A No, sir. 21 Q Okay. While you have been incarcerated, 22 have you had any medical treatment whatsoever for 23 any reason? 24 A I had some treatment, but it's not been 25 for those two issues.	Page 72 1 A They just gave me Tylenol at the 2 dispensary at Kershaw. 3 Q Okay. Those were at Kershaw? 4 A That was at Kershaw. 5 Q That event was at Kershaw? 6 A That's right. 7 Q Okay. Any other medical treatment you 8 have received while being incarcerated at any of the 9 facilities? 10 A No. Not treatment, no, sir. 11 Q Okay. Any counseling? 12 A Yes. 13 Q Okay. And where have you received 14 counseling? 15 A I have had several things. Before 16 incarceration, I was at the Three Rivers. 17 Q Three Rivers? And how long were you 18 there, approximately? 19 A I was there a couple of months. 20 Q Couple of months. And that was after 21 leaving UPS? 22 A Yes. 23 Q Okay. Three Rivers, did that help you? 24 A Yes. It did. 25 Q Okay. When you left Three Rivers, did
Page 71 1 Q Okay. What treatment have you had while 2 incarcerated? 3 A I hurt my knee. 4 Q Okay. You hurt your knee. Which knee? 5 A My right knee. 6 Q Okay. Same one you hurt in the past? 7 A Right. 8 Q Okay. And how did you do that? 9 A When I had an altercation with an officer. 10 Q Okay. Was that like a -- and, again, 11 pardon my French. I don't know. Did you get in a 12 fight? 13 A We had a -- they cuffed me, so -- 14 Q Okay. 15 A Yeah. 16 Q All right. So a scuffle? 17 A Right. 18 Q Fair enough. All right. Did you injure 19 anything other than your right knee in that scuffle? 20 A I did. My back was sore, but it was a 21 different -- it wasn't in the same area. It was in 22 a different area. 23 Q Okay. You mentioned that you had medical 24 treatment. Where did you have the medical 25 treatment?	Page 73 1 they give you any medications? 2 A They did. 3 Q Okay. 4 A And I have been on medication ever since. 5 Q Has that worked? 6 A They -- we have had to -- we've been 7 playing with the medicine for a while, because it's 8 a hit-or-mess thing with bipolar -- 9 Q Sure. 10 A -- and PTSD, but yes, we have -- we've 11 constantly stayed on that. There was a -- 12 Q Anywhere else that you've received any 13 kind of counseling or treatment? 14 A No. 15 Q All right. Now, you just nailed my next 16 question. You're clairvoyant. You mentioned 17 bipolar. You also threw in another diagnosis, PTSD. 18 When were you first diagnosed with PTSD? 19 A They really found the PTSD at -- it was 20 one of the things that was really found at Three 21 Rivers. It came about and -- because I never would 22 really talk about it before. I certainly wouldn't 23 have told the doctors at Patrick B. -- 24 Q Right. 25 A -- anything like that, but I got to where

Page 86 1 2013, June 11, 2013, what kind of medical treatment 2 were you getting? Was that a heart cath? What was 3 going on then? 4 A June of 2013? 5 Q Yeah. 6 A When I went on June 2013, what's when I 7 was having the shakes with my hand and my back, and 8 everything was just falling apart. 9 Q Okay. And the back, and we haven't had a 10 test to figure out what's going on there? 11 A Huh-uh. 12 Q Is that right? 13 A That's right, not the total. 14 Q I got you. Okay. So I know there's been 15 a lot going on about the event of June 21, 2013. I 16 think there was a lunch then. Who was present at 17 that lunch? 18 A Velma Gina Jones. 19 Q Okay. 20 A Scott Black, Dwight -- 21 Q Dwight. Who else? 22 A Let's see. Mike Leonard. 23 Q Okay. All right. Now, at that time, were 24 you working, or were you out on disability? 25 A I was out on disability.	Page 88 1 of treatment for psychological problems after May. 2 A I did not go to get psychological until I 3 went to the Three Rivers. 4 Q Okay. Did you seek any psychological 5 treatment at AnMed? 6 A I went. 7 Q Okay. Did they give you any kind of care 8 there? 9 A No. They didn't see me. 10 Q They didn't see you at all? 11 A They didn't see me at all. 12 Q Okay. All right. Did they offer any 13 treatment to you there? 14 A No. I waited for hours, and on the -- 15 that weekend after the 21st. 16 Q Okay. Fair enough. All right. So how 17 about at GHS? Any treatment at Greenville Hospital 18 System? And I'll just tell you what I'm looking at. 19 I'm looking at a report that seems to indicate you 20 may have been seen around June 27th at GHS. Does 21 that sound about right? 22 A The 27th, I was. That's when they 23 evaluated me for the Three Rivers -- to send me to 24 Three Rivers. 25 Q Got you. Okay. So you treated at GHS.
Page 87 1 Q Okay. Around that time, were you having 2 any kind of stressors at home? Any kind of issues 3 with the wife, family, mom, child, anything at all? 4 A No. Not really on the home front. We 5 were doing good. We were really doing good. 6 Q When was the first time where you had 7 stress to the point where you thought you needed to 8 get some medical treatment? 9 A It would have been May. 10 Q May of 2013? 11 A May was when I definitely was like, this 12 is just too much. 13 Q And did you get some? 14 A I got my -- the doctor helped me. Yes, 15 sir. 16 Q Okay. And what doctor did you see? 17 A I went and saw Dr. Norris. 18 Q Dr. Norris. Okay. So after May, let's 19 talk about the treatment you received. You've seen 20 Dr. Norris, correct? You need to tell me yes or no. 21 A Yes. 22 Q Okay. Fair enough. AnMed? Did you go to 23 AnMed after that? 24 A Yes. 25 Q Now, tell me when you first had some sort	Page 89 1 They evaluated for Three Rivers, and then sent you 2 to Three Rivers? 3 A That's right. 4 Q Okay. Where is Three Rivers? Is that in 5 Greenville? 6 A No. It's in Lexington. 7 Q Lexington. Okay. Fair enough. All 8 right. So I know about AnMed. I know about GHS. I 9 know about Dr. Norris. I know that you were seen 10 while at Kershaw. Any other medical treatment you 11 have received since June of 2013? Anywhere else you 12 have been seen that? 13 A No, sir. 14 Q And when you were seen at GHS, when you 15 were seen at Three Rivers, did you tell them about 16 all your problems that were going on at the time? 17 A I did. 18 Q Okay. Did you feel like they helped you? 19 A Three Rivers was wonderful. 20 Q Okay. And the medications that you're 21 taking now, do they seem to help stave off some of 22 your issues? 23 A Yes. 24 Q Do you feel like you're in a better place 25 emotionally now than you were in June of 2013?

Page 102 1 A No. 2 Q And what led to the episode in '06? 3 A I was under stress from the way I was 4 being treated from the workers -- not the workers 5 but the cops that were there, and I was under stress 6 of going back into the military. So it -- I was 7 worried about that, and I just had all that. And I 8 was worked up over on that, and then the -- the 9 insult to my psyche, if you will, from having, you 10 know, getting escorted off the premises, that set me 11 off. 12 Q What was the insult to your psyche, if 13 any, in 2013? 14 A In 2013, it was the amount of callousness 15 that was being shown to me in not helping me get to 16 a different point with the company and just throwing 17 me out there. That's -- 18 Q So when you say to a different point with 19 the company, you mean to a different position? 20 A Different position, correct. 21 Q Okay. Fair enough. Sir, if you'll give 22 me just a second to look at my notes, believe it or 23 not, I'm about done, but if you'll give me a second, 24 I'd really appreciate it. Do you mind? 25 A I'm at your disposal.	Page 104 1 Q Did you send any kind of letters, like 2 trespass notices? 3 A I did send some trespass notices. 4 Q Okay. Fair enough. And did you return a 5 blow to somebody or -- 6 A I did. 7 Q Have you ever in your life applied for 8 Social Security disability? 9 A Yes. 10 Q When did you do that? 11 A I have done it twice. I did it once right 12 after I got out of Patrick B. 13 Q In '06? 14 A In '06. Well, it would have been '07 or 15 '08, somewhere in there. 16 Q Sure. Okay. Did you ever get accepted? 17 A No. I got denied. 18 Q Did you appeal that? 19 A No. 20 Q Okay. 21 A And then I applied in '14. 22 Q Okay. In 2014, were you accepted? 23 A We're still in the process right now. 24 Q When you say we're still in the process, 25 do you have an attorney representing you?
Page 103 1 Q Thank you, I appreciate it, sir. In your 2 life, have you ever had any issues with alcoholism? 3 A Not alcoholism. 4 Q How about drug abuse? 5 A Never. 6 Q Okay. Ever had to do any kind of 7 court-ordered AA or NA? 8 A No, sir. 9 Q Okay. In your life, have you ever had any 10 kind of panic attacks or anything like that? 11 A I started having panic attacks here in 12 prison, but I didn't before that. 13 Q Okay. Any other altercations in prison 14 since being in prison other than with the guard one 15 time? 16 A Huh-uh. Got along great with everybody. 17 Q Okay. Fair enough. After June 21, 2013, 18 other than -- well, I'll ask you this, were there 19 some texts that you sent to people at UPS? 20 A The texts I sent -- I sent on the 28th of 21 July, around that timeframe period, I did do that. 22 Q Okay. All right. Fair enough. Again, 23 I'm just looking through my notes. I beg your 24 indulgence for a minute. 25 A Uh-huh.	Page 105 1 A Don represents me for that. 2 Q Don is helping you? Okay. Fine. Fair 3 enough. Have you received your initial acceptance 4 or denial yet? Do you know? He can't tell you. 5 You just tell me if you know. I'm asking your 6 thoughts. 7 A I'm waiting -- I don't know what -- we're 8 waiting on something. I get confused. 9 Q That's all right. Fair enough. So in any 10 event, you know that you applied in '14 for SSD? 11 A Right. 12 Q Okay. Fair enough. Other than Social 13 Security disability, and I know about Workers' 14 Compensation, any other benefits that you've applied 15 for? 16 A Huh-uh. 17 Q Is that a no? 18 A No, sir. 19 Q And have you looked into potentially for 20 military benefits? 21 A I did, but I don't foresee it going 22 anywhere. 23 Q Okay. All right. Fair enough. And do 24 you have any source of personal income at this time 25 from any source at all?

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF CHARLESTON)

3 I, Trisha G. Rarick, a Court Reporter and
4 Notary Public of the State of South Carolina at
5 Large, do hereby certify that the witness in the
6 foregoing deposition was by me duly sworn to testify
7 to the truth, the whole truth and nothing but the
8 truth in the within-entitled cause; that said
9 deposition was taken at the time and location
10 therein stated; that the testimony of the witness
11 and all objections made at the time of the
12 examination were recorded stenographically by me and
13 were thereafter transcribed by computer-aided
14 transcription; that the foregoing is a full,
15 complete and true record of the testimony of the
16 witness and of all objections made at the time of
17 the examination; and that the witness was given an
18 opportunity to read and correct said deposition and
19 to subscribe the same.

20 Should the signature of the witness not be
21 affixed to the deposition, the witness shall not
22 have availed himself of the opportunity to sign or
23 the signature has been waived.

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

Witness my hand, I have hereunto affixed my
official seal on _____, 2014, at
Charleston, Charleston County, South Carolina.

17
18 
19 Trisha G. Rarick
Court Reporter

20 My commission expires:

21 April 9, 2019

22

23

24

25

TRANSCRIPT OF DEPOSITION OF REGINALD OWENS

**(Excerpts)
October 15, 2015**

SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO.: 1322347

Courtney Ray Mitchell

Employee/Claimant,

vs.

United Parcel Service,

Employer,

and

Liberty Mutual Insurance Company,

Carrier/Defendants.

DEPOSITION OF REGINALD OWENS

DATE TAKEN: Thursday, October 15, 2015

TIME BEGAN: 1:30 p.m.

TIME ENDED: 2:25 p.m.

LOCATION: McAngus Goudelock & Courie, LLC
55 East Camperdown Way, Suite 300
Greenville, South Carolina 29601

REPORTED BY: Lisa Garson, Court Reporter
EVERYWORD, INC.
P.O. Box 1459
Columbia, South Carolina 29202
803-212-0012

1 A No.

2 Q Did Mr. Mitchell confide in you about his
3 issues with the performance?

4 A Yes.

5 Q What did he say?

6 A He said he wanted to perform better, and
7 that he liked working for UPS.

8 Q How many times did he ask for a change of
9 position?

10 A Once.

11 Q Where did he want to get changed to?

12 A He wanted to go to the growth group.

13 Q Why did he want to do that?

14 A What he told me was, that he -- when he
15 was in the military, in Afghanistan, that he
16 stepped on a -- I don't know what you call them,
17 IDU, (SIC), or landmine, of some sort; and he was
18 losing feeling in his legs and in his hands.

19 Q And he thought the growth group would be
20 easier for him to be successful? I mean, why? Is
21 it less stressful from a physical standpoint?

22 A It was the same job that you perform
23 where you're still typing on a keyboard, so it was
24 no different than what he was normally doing.

25 Q If you're in the growth group, do you

1 have goals that you have to meet?

2 A Yes.

3 Q Are those goals any less stringent than
4 goals of an inside sales person?

5 A They're the same -- I mean, they're
6 different goals.

7 Q Is it possible that he could have had a
8 perception that it was easier than the growth
9 group?

10 A I don't know that.

11 Q What are your thoughts about that? You
12 haven't done that position, I guess.

13 A No. I have not.

14 Q Same amount of typing, and everything?

15 A Yeah.

16 Q Did he ask to be changed to security?

17 A He had asked about a security job.

18 Q Did he ask -- all right. So he asked if
19 one was available.

20 A He had told me, since he was in the
21 military, and he was military police, that he would
22 like to go to security because he felt he had the
23 background.

24 Q Can you tell me, roughly, what the
25 difference is pay-wise.

1 A I don't know that. I can't tell you off
2 the top of my head.

3 Q You don't know that as an HR person?

4 A No. That's a different department.

5 Q Do you think a security person makes less
6 than a sales person?

7 A No. It's a full-time supervisor job.

8 Q In security?

9 A The one he wanted; you know, when he said
10 he wanted a full-time supervisor job.

11 Q Did you have any discussions with Sharon,
12 or Gina, about Mr. Mitchell's inability to
13 perform -- performance issues?

14 A Sharon came to me about his performance
15 issues, in regards to when he wanted to apply for a
16 -- it was a full-time driver delivery supervisor
17 job.

18 Q Well, what did that discussion address?

19 A It was just that he wasn't meeting the
20 qualifications because of his QPR score; he was,
21 significant improvement needed, and you have to be
22 proficient in the job that you perform, or be fully
23 acceptable in your overall evaluation.

24 Q So he was struggling, I guess, and wanted
25 to change positions. How long did you let him go?

1 Like, hang themselves? I mean, they just keep on
2 going until they're done?

3 In other words, you're not going to move
4 them until they get fired; you'll not move them
5 from their position because the quality of their
6 work is not sufficient, so you keep them in that
7 position; is that right?

8 A No. You train them to be proficient in
9 that job.

10 Q Did you know of Mr. Mitchell's health
11 issues? Did you attempt to accommodate him, in any
12 way?

13 A The only thing Ray had told, in regards
14 to his health issues, was about the stepping on the
15 landmine and the IDU.

16 Q Did you attempt to accommodate him,
17 somehow?

18 A I had told him that -- because, at one
19 point, he had told me he was going to lose feeling
20 in his legs and his hands; and I told him that he
21 needs to apply for an ADA accommodation; and I sent
22 him the necessary paperwork for that.

23 MR. SMITH: I'll mark Plaintiff's Exhibit

24 1.

25 (Owens Exhibit 1, E-mails, marked for

TRANSCRIPT OF DEPOSITION OF VELMA GINA JONES

April 13, 2018

SOUTH CAROLINA WORKERS' COMPENSATION

W.C.C. FILE NO: 1322347
EMPLOYEE/CLAIMANT: COURTNEY RAY MITCHELL
EMPLOYER: UNITED PARCEL SERVICE
CARRIER: LIBERTY MUTUAL

DEPOSITION OF VELMA GINA JONES

Taken on Behalf of the Employer/Carrier

DATE TAKEN: April 13, 2018
TIME: 2:40 p.m. - 3:50 p.m.
PLACE: Veritext Legal Solutions
One Tampa City Center
201 North Franklin Street
Suite 1950
Tampa, Florida 33602

Examination of the witness taken before:
Kathy L. Kelley
Florida Professional Reporter

Job No. CS2862273

1 A. I am an account executive.

2 Q. And what does that mean? What are your duties
3 now?

4 A. I -- I have a territory that I manage, a book
5 of business for customers that I manage here out of
6 Brooksville, Florida.

7 Q. Okay. And you managing sales?

8 A. Yes, sir. It's a sales role.

9 Q. Fair enough.

10 Now, in August of 2012 to June of 2013, were
11 you in the same position?

12 A. No, I was an inside sales coach in Greenville,
13 South Carolina.

14 Q. Now, tell me, if you will, what is an inside
15 sales coach?

16 A. Basically a team lead. I onboarded new inside
17 sales representatives to help get them up to speed, help
18 to train them, work with them on any places or areas
19 that we needed to focus on to hit elements that were
20 part of the requirements of the job.

21 Q. Were you a supervisor?

22 A. No, sir.

23 Q. Did you have any role in hiring, firing,
24 discipline, anything like that?

25 A. No, sir.

1 Q. So what exactly did you do as a coach?

2 A. I worked with my sales team, helped them
3 improve upon calls to push sales through. The main part
4 of the job was to bring in revenue for UPS, convert
5 customers, onboard them into the system, get them
6 running and going and anything in between.

7 So any of my sales reps that was having issues
8 or trouble or asked for help or needed assistance,
9 that's what I would do. I would work with them,
10 strategize with them, and try to get them to -- to do
11 the requirements that were written.

12 Q. And I can't help but hear the word "them" in
13 the plural form. So I want to make sure I understand
14 something.

15 As a coach in Greenville in August of 2012, say
16 June or so of 2013, did you have more than one inside
17 sales rep that you would coach?

18 A. Yes, sir, I had multiple.

19 Q. Did you coach Mr. Courtney Mitchell?

20 A. Yes, sir.

21 Q. Okay. Was he under your tutelage in that same
22 time frame?

23 A. Yes. He was one of my inside sales reps.

24 Q. Okay. And how often would you meet with Mr.
25 Mitchell to coach?

1 A. There is no set schedule to coaching.
2 Generally those that were struggling, I would work with
3 more, obviously, than those that weren't. You have a
4 range of tenure there as it were.

5 You could have someone who had been doing the
6 job for four years versus somebody that had been doing
7 the job for two months, so generally you would see me
8 more with those new coming in, but average once a week,
9 sometimes twice a week. Sometimes, you know, once
10 things get a little settled or they're more comfortable,
11 it might be once a month. It just depended on the
12 person and what they wanted from me.

13 Q. So you would meet with all ISRs under your
14 coaching tutelage?

15 A. Yes.

16 Q. Even ones that had been there for a long time?

17 A. Yes. Correct.

18 Q. Okay. All right. Can you describe a typical
19 coaching session with Mr. Mitchell?

20 A. Sure. We would pre-call. So part of the
21 pre-call would be planning, looking at a customer's
22 numbers or statistics. There's a variety of systems
23 that we would navigate, so we would go through it: What
24 are you trying to find out on this call, what are we
25 trying to accomplish with this call, do you know

1 think you can do well, where can we improve on that,
2 what do you think you're not doing well, and just
3 continue to work with them.

4 Q. When you talk to them in these coaching
5 sessions -- and let's talk specific to Mr. Mitchell now
6 and then we'll talk in general.

7 But specific to Mr. Mitchell, if you tell him
8 that he's not meeting a goal or he's not doing something
9 to where you thought he should be doing it or UPS
10 thought he should be doing it, did you pick on him?

11 A. No, sir.

12 Q. What did you do?

13 A. In order to improve we have to realize where
14 we're not doing well, so I mean, even in my own personal
15 development I -- no one is perfect at everything, there
16 is always room for improvement. So once we discussed
17 where there is room for improvement and we can set a new
18 goal, something that you feel is achievable, and go from
19 there.

20 Q. When you had these meetings with Mr. Mitchell,
21 how did he typically respond?

22 A. He was always very, very appreciative of the
23 coaching, and he's affirmative, he is agreeable. He --
24 anything that we put as a target or a goal was something
25 that we discussed together and that we both agreed it

1 would be good. So I was -- I didn't want to set an
2 arbitrary goal for him to meet. I wanted to have the
3 discussions with him of what he thought he could
4 achieve. So they were -- usually concluded very well,
5 happy, positive and moving up, moving forward, ready to
6 implement what we discussed.

7 Q. Did you do these same type of coaching sessions
8 with other ISRs?

9 A. Yes.

10 Q. Okay. Was there -- well, scratch that.
11 Are there other coaches available for ISRs?

12 A. Sure.

13 Q. Did Mr. Mitchell have the opportunity to work
14 with other coaches in addition to you?

15 A. Yes.

16 Q. As you guys continued to coach Mr. Mitchell,
17 did he show any progress?

18 A. Very little to minimal.

19 Q. What was your relationship like with
20 Mr. Mitchell?

21 A. I would say -- I mean, business relationship we
22 were -- we were friendly. We worked together every day,
23 eight hours a day, so it was a very cordial
24 relationship. We -- we were teammates.

25 Q. Let's talk a little bit about that. I'm going

1 to go off topic a second.

2 You said eight hours a day. What were your
3 normal shifts as an ISR, or what were the normal shifts
4 for Mr. Mitchell as an ISR?

5 A. 8:00 to 5:00, Monday through Friday, and you
6 had two 15 minute breaks and an hour for lunch.

7 Q. Okay. Can you describe the work station for an
8 ISR?

9 A. Sure. They were called -- we called them pods.
10 So they were criss-crossed, and there were four -- four
11 reps to a pod. And I sat at a pod, so did the
12 supervisor.

13 There was no special seating or anything, all
14 within two, three feet to each other, and the pods were
15 fairly ergonomical. You could raise and lower them.
16 You could stand or sit. You could adjust the hand rests
17 where the keyboard was to make it more comfortable to
18 you in the environment. It was fairly comfortable.

19 Q. Did you and Mr. -- go ahead. I'm sorry.

20 A. It was fairly comfortable for the -- I mean,
21 you could make it the way you wanted it to be to be more
22 comfortable.

23 Q. Could you walk around while you worked?

24 A. Sure. You could walk around.

25 Q. Okay. Did you guys, you and Mr. Mitchell, talk

1 about any personal issues, like how are you doing, this
2 is what is going on in my family, what's going on in
3 yours?

4 A. We did. All of us did. You spend that type of
5 time everyday with people, you tend to get into the
6 personal relationships and talk about life and things
7 like that. So yeah, we -- I would say with Ray, we did
8 that as well. I did that with pretty much all of my
9 team.

10 Q. Was there ever times during his tenure with UPS
11 where Mr. Mitchell went out of work on disability?

12 A. I'm aware of the disability leave, yes.

13 Q. Okay. Did he ever share with you the reasons
14 he was out?

15 A. No.

16 Q. Okay. Did he ever tell you about any problems
17 with his hands or back, or any problems that he thought
18 were attributable to his work conditions or his work
19 environment?

20 A. I don't -- his work environment, no, I don't
21 recall anything specific.

22 Q. Okay. Did he ever tell you about -- again,
23 just to be more clear, did he ever tell you about any
24 hand or back problems?

25 A. Not that I can recall, no, sir.

1 Q. Did he ever tell you about any service in the
2 military?

3 A. Yes, he did.

4 Q. Did he ever tell you that he had any injuries
5 or problems as a result of his service?

6 A. He did. He said that he was blown up in
7 Afghanistan, and that he had resulting injuries from
8 that.

9 Q. Did he describe those injuries to you?

10 A. Not that I can recall in detail, no, sir. I
11 mean --

12 Q. Fair enough. And I'm not asking you to
13 speculate.

14 Did you ever have occasion to meet Mr. Mitchell
15 outside of work?

16 A. Yes. We had group lunches together, and I
17 attended a barbecue at his mother's house.

18 Q. When you attended the barbecue at his mother's
19 house, did you go alone?

20 A. I went with my son. He was two years old at
21 the time, I believe.

22 Q. So you took your son over to his house?

23 A. Yes.

24 Q. And at that time, was Mr. Mitchell working or
25 was he out on disability?

1 A. He was out on disability at the time, I think.

2 Q. You mentioned earlier that there are several
3 coaches out there available for the ISRs; is that
4 correct?

5 A. Yes. There are multiple.

6 Q. Are there also multiple supervisors?

7 A. Yes. I mean, there's eight to ten supervisors,
8 and then there's managers. I mean, there's --

9 Q. If --

10 A. There's a whole array of people that you could
11 reach out to for help.

12 Q. If you were an ISR or an ISR manager, are there
13 other people that you can reach out to if you're not
14 happy with a coworker, coach, supervisor?

15 A. Absolutely. There is management. There's
16 human resources. There was a director. It's pretty
17 much an open-door policy. You could go and speak to
18 whoever, whenever you needed to.

19 Q. You mentioned earlier that y'all had some work
20 lunches. Did you go to lunch with Mr. Mitchell in June
21 of 2013, specifically June 21, 2013?

22 A. Yes, sir.

23 Q. Okay. Was that with other coemployees?

24 A. It was. There was several of us that went.
25 There was three other -- three other ISRs and myself

1 went, and we met Ray there, Mr. Mitchell.

2 Q. You met Ray there. Was Ray not working at the
3 time?

4 A. No, he was not.

5 Q. Was he on disability?

6 A. To my knowledge he was, yes.

7 Q. Okay. Did you provide a statement to UPS
8 and/or the police as it pertains to the events of that
9 June 21, 2013 luncheon?

10 A. Yes, sir, I did.

11 Q. Okay. I'm not going to go into much of that
12 lunch then, ma'am, because I know that's a sore subject.
13 But I would like to ask you this, after June 21, 2013,
14 after that luncheon, did you speak with Mr. Mitchell
15 again?

16 A. No, I did not.

17 Q. After that luncheon, June 21, 2013, did you
18 receive any correspondence or communication from
19 Mr. Mitchell?

20 A. Yes, I received text messages and a package
21 from him.

22 Q. Did you write about that package and how it
23 made you feel and provide testimony about that package
24 and how it made you feel as it pertains to his criminal
25 trial?

TRANSCRIPT OF DEPOSITION OF VELMA GINA JONES

April 13, 2018

SOUTH CAROLINA WORKERS' COMPENSATION

W.C.C. FILE NO: 1322347
EMPLOYEE/CLAIMANT: COURTNEY RAY MITCHELL
EMPLOYER: UNITED PARCEL SERVICE
CARRIER: LIBERTY MUTUAL

DEPOSITION OF VELMA GINA JONES

Taken on Behalf of the Employer/Carrier

DATE TAKEN: April 13, 2018
TIME: 2:40 p.m. - 3:50 p.m.
PLACE: Veritext Legal Solutions
One Tampa City Center
201 North Franklin Street
Suite 1950
Tampa, Florida 33602

Examination of the witness taken before:
Kathy L. Kelley
Florida Professional Reporter

Job No. CS2862273

1 A. I am an account executive.

2 Q. And what does that mean? What are your duties
3 now?

4 A. I -- I have a territory that I manage, a book
5 of business for customers that I manage here out of
6 Brooksville, Florida.

7 Q. Okay. And you managing sales?

8 A. Yes, sir. It's a sales role.

9 Q. Fair enough.

10 Now, in August of 2012 to June of 2013, were
11 you in the same position?

12 A. No, I was an inside sales coach in Greenville,
13 South Carolina.

14 Q. Now, tell me, if you will, what is an inside
15 sales coach?

16 A. Basically a team lead. I onboarded new inside
17 sales representatives to help get them up to speed, help
18 to train them, work with them on any places or areas
19 that we needed to focus on to hit elements that were
20 part of the requirements of the job.

21 Q. Were you a supervisor?

22 A. No, sir.

23 Q. Did you have any role in hiring, firing,
24 discipline, anything like that?

25 A. No, sir.

1 Q. So what exactly did you do as a coach?

2 A. I worked with my sales team, helped them
3 improve upon calls to push sales through. The main part
4 of the job was to bring in revenue for UPS, convert
5 customers, onboard them into the system, get them
6 running and going and anything in between.

7 So any of my sales reps that was having issues
8 or trouble or asked for help or needed assistance,
9 that's what I would do. I would work with them,
10 strategize with them, and try to get them to -- to do
11 the requirements that were written.

12 Q. And I can't help but hear the word "them" in
13 the plural form. So I want to make sure I understand
14 something.

15 As a coach in Greenville in August of 2012, say
16 June or so of 2013, did you have more than one inside
17 sales rep that you would coach?

18 A. Yes, sir, I had multiple.

19 Q. Did you coach Mr. Courtney Mitchell?

20 A. Yes, sir.

21 Q. Okay. Was he under your tutelage in that same
22 time frame?

23 A. Yes. He was one of my inside sales reps.

24 Q. Okay. And how often would you meet with Mr.
25 Mitchell to coach?

1 A. There is no set schedule to coaching.
2 Generally those that were struggling, I would work with
3 more, obviously, than those that weren't. You have a
4 range of tenure there as it were.

5 You could have someone who had been doing the
6 job for four years versus somebody that had been doing
7 the job for two months, so generally you would see me
8 more with those new coming in, but average once a week,
9 sometimes twice a week. Sometimes, you know, once
10 things get a little settled or they're more comfortable,
11 it might be once a month. It just depended on the
12 person and what they wanted from me.

13 Q. So you would meet with all ISRs under your
14 coaching tutelage?

15 A. Yes.

16 Q. Even ones that had been there for a long time?

17 A. Yes. Correct.

18 Q. Okay. All right. Can you describe a typical
19 coaching session with Mr. Mitchell?

20 A. Sure. We would pre-call. So part of the
21 pre-call would be planning, looking at a customer's
22 numbers or statistics. There's a variety of systems
23 that we would navigate, so we would go through it: What
24 are you trying to find out on this call, what are we
25 trying to accomplish with this call, do you know

1 think you can do well, where can we improve on that,
2 what do you think you're not doing well, and just
3 continue to work with them.

4 Q. When you talk to them in these coaching
5 sessions -- and let's talk specific to Mr. Mitchell now
6 and then we'll talk in general.

7 But specific to Mr. Mitchell, if you tell him
8 that he's not meeting a goal or he's not doing something
9 to where you thought he should be doing it or UPS
10 thought he should be doing it, did you pick on him?

11 A. No, sir.

12 Q. What did you do?

13 A. In order to improve we have to realize where
14 we're not doing well, so I mean, even in my own personal
15 development I -- no one is perfect at everything, there
16 is always room for improvement. So once we discussed
17 where there is room for improvement and we can set a new
18 goal, something that you feel is achievable, and go from
19 there.

20 Q. When you had these meetings with Mr. Mitchell,
21 how did he typically respond?

22 A. He was always very, very appreciative of the
23 coaching, and he's affirmative, he is agreeable. He --
24 anything that we put as a target or a goal was something
25 that we discussed together and that we both agreed it

1 would be good. So I was -- I didn't want to set an
2 arbitrary goal for him to meet. I wanted to have the
3 discussions with him of what he thought he could
4 achieve. So they were -- usually concluded very well,
5 happy, positive and moving up, moving forward, ready to
6 implement what we discussed.

7 Q. Did you do these same type of coaching sessions
8 with other ISRs?

9 A. Yes.

10 Q. Okay. Was there -- well, scratch that.
11 Are there other coaches available for ISRs?

12 A. Sure.

13 Q. Did Mr. Mitchell have the opportunity to work
14 with other coaches in addition to you?

15 A. Yes.

16 Q. As you guys continued to coach Mr. Mitchell,
17 did he show any progress?

18 A. Very little to minimal.

19 Q. What was your relationship like with
20 Mr. Mitchell?

21 A. I would say -- I mean, business relationship we
22 were -- we were friendly. We worked together every day,
23 eight hours a day, so it was a very cordial
24 relationship. We -- we were teammates.

25 Q. Let's talk a little bit about that. I'm going

1 to go off topic a second.

2 You said eight hours a day. What were your
3 normal shifts as an ISR, or what were the normal shifts
4 for Mr. Mitchell as an ISR?

5 A. 8:00 to 5:00, Monday through Friday, and you
6 had two 15 minute breaks and an hour for lunch.

7 Q. Okay. Can you describe the work station for an
8 ISR?

9 A. Sure. They were called -- we called them pods.
10 So they were criss-crossed, and there were four -- four
11 reps to a pod. And I sat at a pod, so did the
12 supervisor.

13 There was no special seating or anything, all
14 within two, three feet to each other, and the pods were
15 fairly ergonomical. You could raise and lower them.
16 You could stand or sit. You could adjust the hand rests
17 where the keyboard was to make it more comfortable to
18 you in the environment. It was fairly comfortable.

19 Q. Did you and Mr. -- go ahead. I'm sorry.

20 A. It was fairly comfortable for the -- I mean,
21 you could make it the way you wanted it to be to be more
22 comfortable.

23 Q. Could you walk around while you worked?

24 A. Sure. You could walk around.

25 Q. Okay. Did you guys, you and Mr. Mitchell, talk

1 about any personal issues, like how are you doing, this
2 is what is going on in my family, what's going on in
3 yours?

4 A. We did. All of us did. You spend that type of
5 time everyday with people, you tend to get into the
6 personal relationships and talk about life and things
7 like that. So yeah, we -- I would say with Ray, we did
8 that as well. I did that with pretty much all of my
9 team.

10 Q. Was there ever times during his tenure with UPS
11 where Mr. Mitchell went out of work on disability?

12 A. I'm aware of the disability leave, yes.

13 Q. Okay. Did he ever share with you the reasons
14 he was out?

15 A. No.

16 Q. Okay. Did he ever tell you about any problems
17 with his hands or back, or any problems that he thought
18 were attributable to his work conditions or his work
19 environment?

20 A. I don't -- his work environment, no, I don't
21 recall anything specific.

22 Q. Okay. Did he ever tell you about -- again,
23 just to be more clear, did he ever tell you about any
24 hand or back problems?

25 A. Not that I can recall, no, sir.

1 Q. Did he ever tell you about any service in the
2 military?

3 A. Yes, he did.

4 Q. Did he ever tell you that he had any injuries
5 or problems as a result of his service?

6 A. He did. He said that he was blown up in
7 Afghanistan, and that he had resulting injuries from
8 that.

9 Q. Did he describe those injuries to you?

10 A. Not that I can recall in detail, no, sir. I
11 mean --

12 Q. Fair enough. And I'm not asking you to
13 speculate.

14 Did you ever have occasion to meet Mr. Mitchell
15 outside of work?

16 A. Yes. We had group lunches together, and I
17 attended a barbecue at his mother's house.

18 Q. When you attended the barbecue at his mother's
19 house, did you go alone?

20 A. I went with my son. He was two years old at
21 the time, I believe.

22 Q. So you took your son over to his house?

23 A. Yes.

24 Q. And at that time, was Mr. Mitchell working or
25 was he out on disability?

1 A. He was out on disability at the time, I think.

2 Q. You mentioned earlier that there are several
3 coaches out there available for the ISRs; is that
4 correct?

5 A. Yes. There are multiple.

6 Q. Are there also multiple supervisors?

7 A. Yes. I mean, there's eight to ten supervisors,
8 and then there's managers. I mean, there's --

9 Q. If --

10 A. There's a whole array of people that you could
11 reach out to for help.

12 Q. If you were an ISR or an ISR manager, are there
13 other people that you can reach out to if you're not
14 happy with a coworker, coach, supervisor?

15 A. Absolutely. There is management. There's
16 human resources. There was a director. It's pretty
17 much an open-door policy. You could go and speak to
18 whoever, whenever you needed to.

19 Q. You mentioned earlier that y'all had some work
20 lunches. Did you go to lunch with Mr. Mitchell in June
21 of 2013, specifically June 21, 2013?

22 A. Yes, sir.

23 Q. Okay. Was that with other coemployees?

24 A. It was. There was several of us that went.
25 There was three other -- three other ISRs and myself

1 went, and we met Ray there, Mr. Mitchell.

2 Q. You met Ray there. Was Ray not working at the
3 time?

4 A. No, he was not.

5 Q. Was he on disability?

6 A. To my knowledge he was, yes.

7 Q. Okay. Did you provide a statement to UPS
8 and/or the police as it pertains to the events of that
9 June 21, 2013 luncheon?

10 A. Yes, sir, I did.

11 Q. Okay. I'm not going to go into much of that
12 lunch then, ma'am, because I know that's a sore subject.
13 But I would like to ask you this, after June 21, 2013,
14 after that luncheon, did you speak with Mr. Mitchell
15 again?

16 A. No, I did not.

17 Q. After that luncheon, June 21, 2013, did you
18 receive any correspondence or communication from
19 Mr. Mitchell?

20 A. Yes, I received text messages and a package
21 from him.

22 Q. Did you write about that package and how it
23 made you feel and provide testimony about that package
24 and how it made you feel as it pertains to his criminal
25 trial?