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SC Court of Appeals

**APPELLANT'S
NOTICE OF APPEAL**

August 9, 2019

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS
COMPENSATION COMMISSION

T. Scott Beck, Commissioner

WCC File No.: 1322347

RECEIVED
AUG 14 2019
SC Court of Appeals

Courtney Ray Mitchell,

Appellant,

v.


United Parcel Service and
Liberty Corporation,

Respondents.

NOTICE OF APPEAL

Appellant Courtney Ray Mitchell appeals the decision of Honorable T. Scott Beck, who issued his Orders filed on July 15, 2019, respectively. Appellant received a copy of this decision on or about July 17, 2019.

August 9, 2019



Donald L. Smith, (SC Bar#6699)
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

Other Counsel of Record:

O. Shayne Williams, Esquire
McAngus Goudelock & Courie, LLC.
P O Box 1349
Myrtle Beach SC 29578
shayne.williams@mgclaw.com
843-848-6018

**FORM 7
PROOF OF SERVICE
FILING OF NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS
COMPENSATION COMMISSION

T. Scott Beck, Commissioner

WCC File No.: 1322347

RECEIVED
AUG 14 2019
SC Court of Appeals

Courtney Ray Mitchell,

Appellant,

v.

United Parcel Service and
Liberty Insurance Corporation,

Respondents.

PROOF OF SERVICE

I certify that I have served a copy of Appellant's Notice of Appeal, upon The T. Scott Beck, Commissioner of South Carolina Workers' Compensation Commission, at PO 1715, 1333 Main St, Columbia, SC, 29202-1715, and Respondents United Parcel Service and Liberty Insurance Corporation, by and through their counsel of record, O. Shayne Williams, Esquire, McAngus Goudelock & Courie, LLC, at PO Box 1349, Myrtle Beach, SC 29578, by depositing copies of it in the United States Mail, postage prepaid, on August 9, 2019.



Donald L. Smith, (SC Bar#6699)
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

August 9, 2019

FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING NOTICE OF APPEAL

August 9, 2019

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia South Carolina 29211

**RE: Courtney Ray Mitchell v. United Parcel Service and
Liberty Insurance Corporation
WCC File No.: 1322347**

Dear Ms. Kitchings:

Please find enclosed the following materials:

- 1) Notice of Appeal;
- 2) A copy of appealed SCWCC Full Commission Order, dated July 15, 2019;
- 3) A check amounting to Two Hundred Fifty Dollars (\$250.00) for filing fee; and,
- 4) Proof of Service for same.

I am respectfully submitting these materials to the Honorable Court for consideration.

Sincerely,



Donald L. Smith, SC Bar#6699

Attorney for Appellant

122 N. Main Street

Anderson SC 29621

Telephone: (864) 642-9284

Facsimile: (864) 642-9285

attorneydonaldsmith@gmail.com

cc: Hon. T. Scott Beck, Commissioner of South Carolina Workers' Compensation
Commission
O. Shayne Williams, Esquire

RECEIVED

AUG 14 2019

SC Court of Appeals

**AMENDED
NOTICE OF APPEAL
August 15, 2019**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS
COMPENSATION COMMISSION

T. Scott Beck, Commissioner

WCC File No.: 1322347

Courtney Ray Mitchell,

RECEIVED
AUG 19 2019
SC Court of Appeals
Appellant,

v.

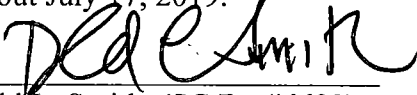
United Parcel Service and
Liberty Corporation,

Respondents.

AMENDED NOTICE OF APPEAL

Appellant Courtney Ray Mitchell appeals the decision of the Honorable T. Scott Beck, who issued his Order filed on May 23, 2019, and the Full Commission Order, filed on July 15, 2019. Appellant received a copy of this decision on or about July 17, 2019.

August 15, 2019


Donald L. Smith, (SC Bar#6699)
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

Other Counsel of Record:

O. Shayne Williams, Esquire
McAngus Goudelock & Courie, LLC.
P O Box 1349
Myrtle Beach SC 29578
shayne.williams@mgclaw.com
843-848-6018

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723



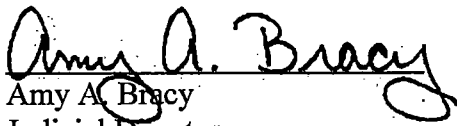
WCC File #: 1322347

Date of Injury: 06/21/2013

ADMINISTRATIVE ORDER

Courtney Mitchell v. United Parcel Service Inc.
WCC File No: 1322347

The Request for Commission Review in the above captioned case is dismissed. The appellant brief was not timely filed pursuant to R.67-705 H(3). Brief was due by May 12, 2019 and no extension was requested.


Amy A. Bracy
Judicial Director

Date: May 23, 2019

CERTIFICATE OF SERVICE

I hereby certify on May 23, 2019, I served this document on the parties listed below by electronic mail or depositing a copy hereof, postage prepaid, in the United States mail and addressed as follows:

Donald L. Smith
Attorney At Law
122 N. Main Street
Anderson, SC 29621

United Parcel Service Inc.
55 Glenlake Pkwy NE
ATLANTA, GA 30328

O Shayne Williams
McAngus Goudelock & Courie, LLC
PO Box 1349
Myrtle Beach, SC 29578

RECEIVED
AUG 19 2019
SC Court of Appeals

By: Eugenia C. Hollmon, Judicial Department

FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING MOTION FOR LEAVE TO FILE AMENDED NOTICE OF APPEAL
AND AMENDED NOTICE OF APPEAL

August 15, 2019

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia South Carolina 29211

**RE: Courtney Ray Mitchell v. United Parcel Service and
Liberty Insurance Corporation
WCC File No.: 1322347**

RECEIVED
AUG 19 2019
SC Court of Appeals


Dear Ms. Kitchings:

Please find enclosed the following materials:

- 1) An original and six (6) copies of Appellant's Motion for Leave to File Amended Notice of Appeal;
- 2) Amended Notice of Appeal;
- 3) A copy of appealed Commissioner T. Scott Beck Order, dated May 23, 2019;
- 4) A copy of appealed SCWCC Full Commission Order, dated July 15, 2019;
- 5) A check amounting to Fifty Dollars (\$50.00) for motion fee; and,
- 6) Proof of Service for same.

I am respectfully submitting these materials to the Honorable Court for consideration.

Sincerely,



Donald L. Smith, SC Bar#6699
Attorney for Appellant
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

cc: Ms. Amy Bracy, Director, South Carolina Workers' Compensation Commission
Hon. T. Scott Beck, Commissioner of South Carolina Workers' Compensation Commission
O. Shayne Williams, Esquire

CLAIMANT/APPELLANT'S SELECTED APAs

Review Print Out

Employee MITCHELL, COURTNEY

Submitted By: JONES, VELMA

Date: 8/20/2012

Follow Up Date: 9/6/2012

Topic: Focused Coaching

SubTopic: Call time, producing, bids

Meeting Notes

Recommending Ray to go onto focus coaching for call time, territory management, and bid activity. Being the numbers in the territory he inherited, Ray has accepted 10 bids since the first of June that are running an average of \$10.00 in growth. His total talk time for August to date is 9.3 hours (CMS) which is averaging around .62 hours per day. We have discussed this twice with Ray, and no improvements to the number of calls he is making. He entered into the territory on May (with several weeks of sit with, with Ellen Coleman to acclimate him to the territory).

Commitment (The above Employee's written submission of their Understanding and Commitment RE: the topic discussed in Meeting Notes.)

Ray states he is committed to making all the goals and plans, that he has worked very hard to get here and does not want to jeopardize his work.

Next Steps

Focus Coaching, 90 days to show improvement, or will move to a critical coaching stage.

Comments

At this time I do not see the Skills reflected in Ray to be able to maintain the rigors of an ISR position.

Employee:	MITCHELL, COURTNEY	Date:	
Specialist:	_____	Date:	_____
Coach:	_____	Date:	_____
Supervisor:	_____	Date:	_____
Manager:	_____	Date:	_____

1 of the team; you know, let him know that there's
2 specialists, coaches, myself, peers around him to
3 answer questions and provide assistance.

4 Q Were you part of the group that hired
5 him?

6 A No.

7 Q So when you had that first conversation,
8 what was your expectation? What did you think of
9 him, at that point? Did you have a belief?

10 A No. I don't make jump conclusions, about
11 anybody, when I first meet them.

12 Q For this discussion, we'll say that when
13 he got there, he was at baseline, all right? How
14 would you say that he progressed from there, in a
15 professional manner? Did he go up, or down?

16 A I would say, down. He struggled with
17 being on the phone; talking effectively to the
18 customers; understanding the products, and the
19 skill set, and the acumen.

20 He struggled with the systems; just
21 overall, was not comfortable with the job, and the
22 expectations, themselves.

23 Q Did he recognize that?

24 A I think so.

25 Q Did he tell you that he wasn't capable of

1 doing the job?

2 A I don't think he specifically -- I don't
3 recall if he, specifically, told me he wasn't
4 capable of doing the job.

5 Q Did he tell you that the stress was too
6 great, and he wished to be moved to another
7 position?

8 A He asked to move to another position,
9 based on some medical issues he was having.

10 Q What were they?

11 A He explained that he was -- I think, at
12 one point, he said that he thought he had MS; and
13 that he was losing feeling in his hands and legs,
14 if I remember correctly.

15 Q Did he show signs of stress with this
16 job?

17 A I don't think any more than any other
18 person; because, I think, everybody gets stressed
19 at work, for various reasons.

20 Q How did the stress come out?

21 A To my knowledge, I would say -- maybe he
22 would say -- if he was struggling with something,
23 if he needed help, can you help me with this.

24 Q How often did you work with him, to make
25 him a better salesman?

1 But I never told him he couldn't do the
2 job, and he never said he couldn't, specifically,
3 do the job.

4 Q What was your position on him going on
5 disability?

6 A That's a direction employees do, if they
7 need. That's why our organization offers that
8 service, to ensure that people can do whatever they
9 can to get healthy, and well, and that's why we
10 offer it.

11 So we always suggest that, as an option,
12 if need be, to ensure that we're doing everything
13 we can to help an individual.

14 Q And as a supervisor, what was
15 Mr. Mitchell on disability for?

16 A Whatever medical issues he had, at the
17 time. I don't know what they were; we don't get
18 into specifics, a lot of times, with individuals,
19 or get overly personal with them. We just say, if
20 you have trouble, or have medical issues, we offer
21 this option for you to utilize, and send them in
22 that direction. There's a specific department we
23 refer them to.

24 Q So as his supervisor, you didn't have
25 knowledge of his issues.

1 A He just mentioned that he had to go to
2 doctors; and like I said, he had mentioned that he,
3 potentially, had MS, from one of his doctor visits,
4 and was having the tingling in his hands, and the
5 loss of feeling in his leg; and instructed, you
6 know, that might be an option for him, either
7 short-, or long-term, to try to get yourself well;
8 because at UPS, we offer that option to get
9 yourself well.

10 Q Following the lunch, how often did you
11 correspond with Mr. Mitchell?

12 A I did not.

13 Q Not at all?

14 A He sent me a couple texts; I did not
15 reply.

16 MR. SMITH: Mark this as Plaintiff's
17 Exhibit 2, please.

18 (Battista Exhibit 2, June 24, 2013
19 E-mail, marked for identification.)

20 BY MR. SMITH:

21 Q Are these the texts you received?

22 A Yes.

23 Q What is your interpretation of them?

24 A The first one, I guess -- let's see. To
25 me, he was upset with Dwight, for some reason; and

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 SCOTT BROWN

DATE TAKEN: Thursday, October 15, 2015

TIME BEGAN: 2:50 p.m.

TIME ENDED: 3:00 p.m.

LOCATION: McAngus Goude-lock & 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 APPEARANCES :

2
3 LAW OFFICE OF DONALD L. SMITH
4 BY: DONALD L. SMITH, ESQUIRE
5 122 North Main Street
6 Anderson, South Carolina 29621
7 864.642.9284
8 attorneydonaldsmith@gmail.com
9 Representing the Claimant

10 MCANGUS GOUDELOCK & COURIE, LLC
11 BY: O. SHAYNE WILLIAMS, ESQUIRE
12 55 E. Camperdown Way, Suite 300
13 Greenville, South Carolina 29601
14 864.239.4000
15 shayne.williams@mgclaw.com
16 Representing the Defendants

17 ALSO PRESENT :

18 (None.)
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I N D E X

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E X H I B I T S

(None marked)

1 (It is hereby stipulated and agreed
2 by and between counsel for the respective
3 parties that this deposition is being
4 taken in accordance with the South
5 Carolina Workers' Compensation Commission
6 and the Administrative Procedures Act;
7 and that the deponent does not waive
8 reading and signing of this deposition
9 transcript.)

10 - - -

11 SCOTT BROWN, after having been
12 first duly sworn, was examined and
13 testified as follows:

14 - - -

15 EXAMINATION

16 - - -

17 BY MR. SMITH:

18 Q Mr. Brown, my name is Don Smith. I
19 represent Mr. Mitchell in a workers' compensation
20 claim against UPS; and pursuant to that, I'm taking
21 your deposition today.

22 If I ask you a question that you don't
23 understand, please ask me to rephrase it; if I say
24 something that you can't hear, ask me to restate
25 it; if you answer my question, I'll believe that

1 you understood what I was asking, and answered
2 appropriately.

3 Please verbalize your answers, yes or no;
4 no shakes of the head. If you need a break, we'll
5 let you take one.

6 State your name for the record, please.

7 A My name is Scott Brown.

8 Q Where do you live, Scott?

9 A Right now, we just moved to a new place;
10 it is, 105 Lucille Drive, in Gray Court; but at the
11 time, I was at 7207 Cedardon Circle.

12 Q Who do you live there with?

13 A My wife.

14 Q How long have you been married?

15 A Thirty-four years.

16 Q Where'd you get your education?

17 A In Wisconsin.

18 Q Do you have a college degree?

19 A No. I do not.

20 Q What education do you have?

21 A High school and some LTC -- it's a
22 technical college.

23 Q Do you have any certifications, or
24 licenses?

25 A No. I do not.

1 Q Where do you work?

2 A I work at UPS, for inside sales.

3 Q How long have you been in that position?

4 A Five years.

5 Q Is that the length of time you've been
6 with UPS?

7 A Yes.

8 Q What are your responsibilities?

9 A Overseeing numerous accounts with, you
10 know, trying to get business.

11 Q Where did you work prior to UPS?

12 A I was an outside sales rep for various
13 printing companies.

14 Q How long did you do that?

15 A About 34 years.

16 Q What can you tell me about the lunch
17 date, in this particular matter?

18 A It was very uncomfortable.

19 Q Can you tell me, in your words, what
20 happened.

21 A From start to finish?

22 Q Yes, sir.

23 A Okay. We came in, as a group, and Ray --
24 or Courtney -- was already at the table with a cup
25 of coffee; and we came in. And the first thing he

1 says to me is, Hey, Mr. Scott, I got a new toy; I
2 said, What's that, Ray? He said, It's a
3 high-powered military sniper rifle with armor
4 piercing bullets. I said, Why do you need that,
5 Ray?

6 And he told me that it's a new business
7 that he and his wife was doing; and I said, What is
8 that? And he said, repo-ing; and I said, Cars? He
9 said, Cars and people. And from there, we sat
10 down, and he was getting -- I've never seen him
11 like this before.

12 And, yeah, that's pretty much -- it was
13 just -- I mean, I can go on and on, if you want me
14 to.

15 Q What was your relationship like?

16 A It was a coworker.

17 Q Did you ever see him outside of work?

18 A No.

19 Q Did you ever talk to him outside of work?

20 A No.

21 Q Did you know anything about his history?

22 A Not at all; only from what he told me.

23 Q What did he tell you?

24 A That he had a military background, and
25 that was it, pretty much. I didn't know him that

1 well, outside of work.

2 Q Did you have a desk adjacent to his, at
3 any time?

4 A Yes.

5 Q What did you observe?

6 A He got frustrated; I tried to help him.

7 Q What were the characteristics of his
8 frustration?

9 A Just huffing and puffing; sometimes he'll
10 just walk away from his desk.

11 Q Would you say, anger, or sadness; any
12 terms like that?

13 A Not anger, so much; just frustration.

14 Q Did it happen often?

15 A Not really often. I mean, how often is
16 often? You know, just a couple times a week,
17 maybe.

18 Q It's all relative, right?

19 A We all got frustrated.

20 Q Did he get more frustrated than anyone
21 else?

22 A No. He, maybe, showed it differently;
23 but everybody is frustrated when they can't meet
24 their goals.

25 Q Did you notice any difference in

1 Mr. Mitchell's behavior, prior to that lunch?

2 A No.

3 Q Prior to that lunch, how would you have
4 described him?

5 A Ray was -- he just looked like he got
6 lost, trying to comprehend what he's doing at his
7 desk; and he, like I said, got frustrated because
8 he just took the simplest task, and he just, like,
9 couldn't comprehend.

10 Q Did he ask you for help?

11 A No. He did not, but I offered it.

12 Q How would you say his focus was, at that
13 lunch?

14 A His focus? He had a rage in his eyes,
15 and one that I've never seen before; and he looked
16 totally, like I said, raged; and he kept a
17 conversation with four of us, at the same time.

18 Like, he was talking one-on-one to each
19 us, carrying it on. I couldn't keep up with all
20 the conversations that were going on.

21 Q Did anybody tell you anything about his
22 history?

23 A Not at all.

24 Q Not even after the event?

25 A Not at all. Like, what do you mean, his

1 history?

2 Q Any problems he may have had.

3 A Just what I read in the news, or, you
4 know, he was arrested again, a second time. But we
5 really didn't discuss Ray, too much; too busy
6 working.

7 Q So no discussion?

8 A Not that I can recall.

9 Q What was said in that meeting, right
10 after lunch?

11 A The meeting with all of us?

12 Q Yes.

13 A We all felt very uneasy, and we figured,
14 he needs help; so we decided, we have to tell
15 somebody; so we went right into Reggie's office,
16 and we explained what happened about the lunch;
17 that Ray might do something that he's gonna regret.

18 Our intention was to help Ray, and
19 it's -- it didn't get him help. I mean -- and I
20 would think, with my opinion, I think it was more
21 on Ray's end than UPS's; that UPS tried to help
22 Ray, and Ray fought them.

23 Q How did they try to help?

24 A Well, during his time at UPS, he's had
25 many people sit with him, helping him with his job;

1 but after that luncheon, they tried to approach
2 him, from what I hear; and a couple people just
3 told me what he said to them.

4 Q Who tried to approach him?

5 A I really don't know.

6 Q I thought you said, a couple people tried
7 to approach him.

8 A No. A couple people told me.

9 Q What did they tell you?

10 A They just said, we went out -- that UPS
11 went out to his house and tried to talk to him.

12 Q What were they gonna tell him?

13 A I don't know; I wasn't part of that.

14 Q Any question, to you, whether Courtney
15 was in the right frame of mind, or his normal state
16 of mind?

17 A At what time?

18 Q On that lunch.

19 A No. He was -- that's what we were afraid
20 of; he wasn't.

21 Q What did he say when he left?

22 A He mumbled under his breath, I love you
23 guys, but then he just got up; and that was after
24 he was walking out. I don't think anyone else
25 heard him. I was watching him, as he walked out.

1 Q But you heard him, though.

2 A I did hear.

3 Q Are you aware of him wanting to move to
4 another position?

5 A He was talking about going to corporate
6 security.

7 Q Why is that; do you know?

8 A In his mind, he was a better fit for
9 that.

10 Q Was he struggling with his sales?

11 A He struggled with his sales, and when he
12 got help with them, he brought his numbers up,
13 some; but like I said, he never really
14 concentrated, too much, to keep the numbers up; but
15 that's not me, that's what I'm observing.

16 MR. SMITH: Yes, sir. I have nothing
17 further.

18 MR. WILLIAMS: I have no questions.

19 MR. SMITH: Thank you for your time.

20 - - -

21 (The deposition concluded at 3:00 p.m.)

22 - - -

23 (Witness excused.)

24 - - -

25

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 DONALD LOUIS CANADY

DATE TAKEN: Thursday, October 15, 2015

TIME BEGAN: 11:55 a.m.

TIME ENDED: 12:25 p.m.

LOCATION: McAngus Goudebeck & 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

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APPEARANCES :

LAW OFFICE OF DONALD L. SMITH
BY: DONALD L. SMITH, ESQUIRE
122 North Main Street
Anderson, South Carolina 29621
864.642.9284
attorneydonaldsmith@gmail.com
Representing the Claimant

MCANGUS GOUDELOCK & COURIE, LLC
BY: O. SHAYNE WILLIAMS, ESQUIRE
55 E. Camperdown Way, Suite 300
Greenville, South Carolina 29601
864.239.4000
shayne.williams@mgclaw.com
Representing the Defendants

ALSO PRESENT :

(None.)

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E X H I B I T S

CANADY EXHIBIT	DESCRIPTION	PAGE
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1 (It is hereby stipulated and agreed
2 by and between counsel for the respective
3 parties that this deposition is being
4 taken in accordance with the South
5 Carolina Workers' Compensation Commission
6 and the Administrative Procedures Act;
7 and that the deponent does not waive
8 reading and signing of this deposition
9 transcript.)

10 - - -

11 DONALD LOUIS CANADY, after having
12 been first duly sworn, was examined and
13 testified as follows:

14 - - -

15 EXAMINATION

16 - - -

17 BY MR. SMITH:

18 Q Mr. Canady, my name is Don Smith; and
19 we're taking your deposition pursuant to a workers'
20 compensation claim that Courtney Mitchell has made
21 against UPS; and I'm gonna ask you questions
22 regarding your knowledge of events, your knowledge
23 of Courtney, your history with UPS, and so forth.

24 I tend to mumble, or speak too fast. If
25 I do so, please ask me to restate the question. If

1 I say something that's confusing, please ask me to
2 rephrase it. If you answer it, that means, to me,
3 that you understood what I was asking you, and you
4 answered it appropriately. Okay?

5 A Okay.

6 Q You have to verbalize your answers,
7 rather than headshakes, or nods, what have you, so
8 she can write down what we're saying. Okay?

9 A Understood.

10 Q Could you state your name for the record,
11 please.

12 A Donald Louis Canady.

13 Q Where do you live, Mr. Canady?

14 A In Aiken, South Carolina.

15 Q Your address?

16 A 53 Flat Trail Court, Aiken, South
17 Carolina, 29803.

18 Q How long have you been there?

19 A Approximately, 12 years.

20 Q Who lives there with you?

21 A My wife, my daughter, my son.

22 Q What is your educational background?

23 A I attended USC, Aiken -- excuse me, let
24 me back up. I graduated from South Aiken High
25 School in 1982; I attended USC, Aiken, in 1983,

1 1984, and 1985.

2 Q And what was the result of that
3 attendance?

4 A I did not graduate.

5 Q Have you pursued certifications, or
6 licenses, or anything of that nature?

7 A Only through UPS.

8 Q Through UPS, what have you garnered?

9 A Nothing specifically garnered, just a lot
10 of internal studying through UPS; they have an
11 online university.

12 Q Do they give you any completion
13 certificates, or anything?

14 A Just for completion of the different
15 courses.

16 Q Is there a topic that they're centered
17 on, or focused on?

18 A Just management skills, in general.

19 Q What position do you maintain?

20 A I'm the security manager.

21 Q For who?

22 A For UPS, for the South Carolina area of
23 the South Atlantic District.

24 Q How long have you been in this position?

25 A Since 2000.

1 Q Is there a position that you can move up
2 to?

3 A There is.

4 Q What would that be?

5 A The division manager over security.

6 Q Who is currently in that position?

7 A Brian Westbrook.

8 Q Where is he located?

9 A Atlanta.

10 Q Who's underneath the division manager,
11 all the east coast?

12 A No. The South Atlantic District would
13 consist of: South Carolina, North Carolina, and
14 Georgia.

15 Q What positions did you maintain, prior to
16 this position?

17 A I started my career with UPS, in 1986, as
18 a delivery driver; I was promoted, in February of
19 1991, to what was then called, loss prevention.
20 I'm not sure of the year, but I spent some time in
21 claims, for UPS; in 1996, I was in the hub, for
22 UPS, in Columbia; in 1998, I became a supervisor in
23 the Aiken, South Carolina, facility; in 2000, I was
24 promoted to the manager of the Aiken, South
25 Carolina, facility; subsequently, in 2000, I had a

1 lateral rotation into security, where I've
2 remained.

3 Q What are your responsibilities?

4 A To protect the assets and the reputation
5 of UPS.

6 Q How do you go about doing that?

7 A I'm responsible for the physical
8 security. My area of responsibility is -- well, is
9 any theft related to my area of responsibilities.
10 My primary job is the reduction of
11 claims.

12 Q Does claim reduction keep you busy?

13 A Yes, it does.

14 Q What all is encompassed in the claims
15 that we're talking about?

16 A Any package that's shipped through UPS --
17 whether it's the origin or the destination --
18 coming into my area of responsibility, if there's
19 any type of claim, whatsoever -- whether it be a
20 damage, a no-record, a fallout -- any type of
21 claim, itself, is what I'm responsible for; every
22 aspect of it.

23 Q So claims relating to the picture that
24 was smashed when it got to me; that's a claim,
25 maybe, right? The actual things that you're

1 shipping.

2 A Actual things that were shipped, correct.

3 Q Does it go beyond that -- a car accident?

4 A No.

5 Q Does it deal with workers' comp?

6 A No.

7 Q How did you become acquainted with
8 Courtney Mitchell's story?

9 A I received a call from someone at the
10 inside sales center, I believe, on the day that the
11 luncheon took place.

12 Q Were you ever in the military?

13 A No.

14 Q Do you believe attention to detail is one
15 of your strong suits?

16 A It is.

17 Q Who did you receive that call from?

18 A I'm not certain.

19 Q Who's your liaison? Who do you talk to
20 in Greenville?

21 A Prior to that date, I didn't have a
22 liaison.

23 Q So you talked to the manager, a
24 supervisor, a worker?

25 A I didn't talk to anybody, prior to that

1 day, as far as I know.

2 Q But on that day, who had the
3 responsibility to call you?

4 A I'm not certain; I would only be
5 speculating.

6 Q Could it have been Reggie Owens?

7 A Could have been Reggie Owens.

8 Q Whoever you spoke to, what was your
9 understanding from the conversation?

10 A That there was a luncheon that took place
11 off the premises, from UPS, with Courtney Ray
12 Mitchell, and, I believe, four other employees;
13 during the process of the luncheon, there were
14 things that were mentioned that were disturbing to
15 the employees; and those things were conveyed to
16 me.

17 Q Do you know if you spoke to someone that
18 had been there? If it was Reggie, he just heard
19 what they said, right?

20 A I don't recall if I talked to anybody
21 that had been there, or not, at that point.

22 Q Did you afterwards?

23 A Yes, I did.

24 Q Did you talk to each individual?

25 A I'm not certain.

1 Q Do you have a Courtney Mitchell file?

2 A I do not have a file, no. I, personally,
3 do not have a file; there may be a file.

4 Q Did you take contemporaneous notes?

5 A Yes.

6 Q Where would those be?

7 A I have no idea where the notes are from
8 when this took place, over two years ago.

9 Q Yes, sir. Did you give them to somebody?
10 Or do they have a file, or something kind of like a
11 file?

12 A Honestly, I don't know. I haven't gone
13 to go look for them.

14 Q What do you recall, at this juncture?
15 The conversations that you had with whomever -- who
16 did you interview?

17 A I'm not certain who I talked with. I'm
18 sure that I talked to some, or all, of them, at
19 some point. I'm not certain which ones I talked
20 to, sir.

21 Q How often does something like this
22 happen?

23 A Not very often.

24 Q Can you think of another incident,
25 similar to this?

1 A There are incidents, yes, where threats
2 have been made against management employees; yes,
3 sir.

4 Q When you say, threat, what's your
5 understanding of a threat?

6 A A threat would be -- whether it be a
7 veiled threat, or direct threat -- would be a
8 threat that would involve someone becoming injured,
9 in one way, shape, or form.

10 Q And that happened here?

11 A Yes, sir.

12 Q Could you explain your understanding of
13 the threat in this situation.

14 A Upper management is gonna be carried out
15 in a box, is a threat; combined with, I have bought
16 a rifle, I've bought the best rifle, I've bought a
17 sniper rifle; combined with, I have bullets that
18 are armor piercing; combined with upper management
19 to be carried out in a box.

20 Q Was that all of what was said?

21 A I'm certain that's not all that was said,
22 no; that's just what I recall from the top of my
23 head.

24 Q Do you recall that, after the carried out
25 in a box statement, he stated that he didn't mean

1 that; he meant his stuff carried out in a box?

2 A Correct.

3 Q But you're discounting that, right?

4 A That was after the statement was already
5 made, sir.

6 Q What did you do with regard to this
7 incident?

8 A I contacted the local supervisor that's
9 responsible for that area, that works for me.

10 Q Who is that?

11 A Matt Colbertine. I contacted my boss.

12 Q Who's that?

13 A It was Greg Barber, at the time. And I
14 contacted law enforcement in Anderson County.

15 Q Why did you call Anderson County?

16 A That's the county he lived in; he wasn't
17 at work.

18 Q What did you tell Anderson County?

19 A I reviewed my knowledge of the
20 conversation that had taken place at lunch, with
21 the officer, and asked him to make a face-to-face
22 visit with the individual, to determine if the
23 threat was credible, or not.

24 Q So you asked Anderson County to do a home
25 visit?

1 A I did. A knock and talk.

2 Q What all was part of your request? Did
3 you make it anything, other than go see him?

4 A That was it. To, please, make a
5 face-to-face visit, to determine if this threat is
6 a viable threat, or not.

7 Q Do you believe that, I'd like to see him
8 go out in a box, that's a threat?

9 A Yes, sir.

10 Q If he'd like to see it -- I mean, what
11 was he threatening to do?

12 A The veiled threat came from, I have
13 armor-piercing bullets; I've bought rifles; I have
14 a stash of guns; I've now bought the gun of all
15 guns, a sniper rifle. And the next comment that I
16 was told was made, upper management will be carried
17 out in a box; in conjunction with all that, that is
18 considered a threat; that's why we went to law
19 enforcement and asked law enforcement to pay a
20 visit, to determine whether or not that was a
21 viable threat.

22 Was it taken out of context? Is it a
23 viable threat? We don't know. I had not spoken to
24 the employee; I was asking law enforcement to do
25 that.

1 Q Had you ever spoken to him?

2 A Who?

3 Q Courtney Mitchell.

4 A Negative.

5 Q Did you ever?

6 A I did, at some point, yes; that evening,
7 I believe.

8 Q How did that transpire?

9 A I'm not certain. I think Courtney called
10 me after the police left -- I believe. It was a
11 very short, very brief conversation. He said he
12 was upset; that the police coming to his house,
13 upset his child, and, I believe, his mother; ended
14 conversation, and he hung up.

15 I tried to speak to him; he would not
16 reciprocate in our conversation, whatsoever; he
17 hung up on me; which also led me to believe that
18 there could be an issue here. He wasn't willing to
19 talk about it, or converse about it, in any way,
20 shape, or form. He made it very clear that he was
21 in charge.

22 Q What do you know about his work
23 performance?

24 A Absolutely nothing.

25 Q What do you understand as to his request

1 to change positions, or anything like that?

2 A I don't know that I know anything about
3 it, prior to this incident; I've heard things.

4 Q What have you heard?

5 A I heard, at one point, he was looking for
6 a position in security, somewhere, after all this
7 took place; or asked to be considered for a job in
8 security.

9 Q What else have you heard, since that
10 time?

11 A In regards to?

12 Q Mr. Mitchell.

13 A Everything I've ever heard?

14 Q Sure.

15 A I'm not as -- I'm not comfortable stating
16 everything I've ever heard because this was over
17 two years ago; and it's not as clear to me, exactly
18 what took place, two years ago.

19 Q Yes, sir.

20 A I'm not sure that I'll get the sequence
21 of events, or the information, exactly, correct.

22 Q All right. I'd just like to hear what
23 you do recall.

24 A There was some -- there was a phone call
25 from Courtney Ray, to -- okay. Let's go back to

1 the night that all this transpired.

2 Actually, that's all I knew, up to the
3 night this transpired. That night, the officer
4 called me back, and said, Look, I don't think this
5 is a viable threat; I went and talked to the guy; I
6 had a face-to-face visit with him.

7 He seemed to think that things were taken
8 out of context; that he didn't mean any of it; he
9 was very sorry. Then I received a phone call on
10 Monday, from the same detective, that said, Look,
11 you need to take all precautionary measures to take
12 care of your employees, immediately; this is a
13 viable threat; this person is dangerous, and we're
14 calling to alert you, right now, that this is a
15 viable threat.

16 He informed me that Courtney Ray Mitchell
17 had come to the police department, and told them
18 that his wife had barricaded herself inside their
19 home, with their son; and that he was worried for
20 his son's welfare. The police went to the house,
21 to do a welfare check, and found absolutely no
22 evidence that anybody had barricaded anything, or
23 that a child was in any danger, whatsoever.

24 They felt so concerned about
25 Mr. Mitchell, at the time, that they made a

1 suggestion that he get psychiatric help,
2 psychiatric evaluation, voluntarily go to the
3 hospital. He said that he had voluntarily gone to
4 the hospital, but, subsequently, disappeared; that
5 he had gone back to Anderson County and complained
6 about the way they handled the situation, and his
7 son's welfare; that he was so disturbed that he,
8 subsequently, drove to Columbia and drove to SLED
9 and complained how Anderson County was handling the
10 situation, and was sent home from Columbia by SLED;
11 that he felt that he was a viable threat, and we
12 should do everything that we needed to, to take
13 precautionary measures for our employees.

14 Q So he's considered a threat, despite the
15 fact that he's going to the proper channels,
16 driving to Columbia to tell somebody something.

17 A Sir, I'm answering what the detective
18 told me; I can't speak for his judgment.

19 Q So he said the things you discussed were
20 the reasons that he was a viable threat.

21 A Correct.

22 Q What did you do, based on that?

23 A I called my boss; we reviewed it; we
24 called local law enforcement, and arranged to have
25 off-duty officers, around the clock, as long as our

1 facility was open. We escorted certain people from
2 the building to their car, each day; we staffed the
3 facility with somebody from UPS security around the
4 clock, each day, for long periods of time.

5 Q Did you go to Greenville?

6 A I did.

7 Q What did you do when you got here?

8 A I talked to some of the individuals that
9 were involved in the case. I don't remember if I
10 talked to all of them, or not; there was some
11 conversation with some of them. The supervisor
12 that worked for me, was here, as well; I reviewed
13 the information with Ken Baca and Reggie and
14 Sharon, I believe, is her name.

15 Then there was an incident, later, where
16 someone was sent a box of items. One of the things
17 in the box of items was the concealed weapon permit
18 -- expired concealed weapon permit from this
19 individual, along with other items; there were
20 phone calls that were made by Courtney Ray Mitchell
21 on the night in question; from what I remember,
22 there may have been a trespass notice written to
23 someone, that he's not allowed back on the
24 property -- I'm not sure which person that was,
25 whether it was Battista, or who.

1 That's, pretty much, my involvement with
2 it.

3 Q So they sent a couple trespass notices?

4 A I believe so.

5 Q What was your involvement with the law
6 enforcement?

7 A Setting up the schedules, so they could
8 show up and be there on time; and make sure they
9 were paid appropriately; providing them with a
10 picture of Courtney Ray Mitchell, to make sure that
11 they knew who he was.

12 Q Did you help them with breach of peace?

13 A I'm not a law enforcement officer; no,
14 sir.

15 Q Did you make any suggestions?

16 A Not that I recall.

17 Q How long were you up here, before you
18 went back to Columbia?

19 A I don't remember.

20 Q Your notes will have who you spoke to,
21 and what they said, right?

22 A Probably not. There would be some notes,
23 but I think most my stuff was probably discarded;
24 there was probably e-mails with a generic overview
25 of the case.

1 Q With regard to Mr. Mitchell's mental
2 makeup, did you speak to anybody regarding that?

3 A I spoke to the detective who told me he
4 was unstable and should be considered a threat; I
5 conveyed that to Ken Baca, to Reggie, and to my
6 boss, Jim Grover.

7 Q The detective's name?

8 A Cochran, I believe.

9 Q From your discussions with Greenville,
10 were you aware of any stressors, or anything like
11 that, that Mr. Mitchell may have had?

12 A I'm not sure what you're asking for, sir.

13 Q Did someone give you a description of
14 Mr. Mitchell -- their thoughts -- so you understood
15 what you were dealing with?

16 A No, sir.

17 Q No one described Courtney Mitchell.

18 A Not that I recall. Describe him in what
19 manner?

20 Q Describe his demeanor.

21 A Not that I recall, other than the
22 employees that we talked to, described his
23 demeanor.

24 Q Yes, sir. What did they say?

25 A I'm trying to think back two years;

1 please bear with me, it's been a while. They said
2 that his actions, as well as his appearance,
3 alarmed them, greatly; that they were concerned
4 because of his behavior at lunch.

5 Q On that day, was he acting consistently
6 with the way he normally acted?

7 A I believe they said, He seemed agitated.
8 They were more concerned with -- maybe there was
9 some vocalization, by him, to use some curse words
10 to describe someone, calling them different names;
11 as well as, they were concerned for their boss; as
12 well as, all management; greatly concerned for
13 their safety because of the comment about being
14 carried out in a box.

15 Q Did you discuss with them, his
16 performance?

17 A No, sir.

18 Q Did they give you any reason why he would
19 be like this?

20 A Someone mentioned that they thought,
21 because of items he said, that he may have been
22 suffering from PTSD.

23 Q Do you remember who said that?

24 A I do not.

25 Q So the character sketch that you gave the

1 police about him, is what?

2 A I didn't give them a character sketch. I
3 related the facts of evidence: This was what took
4 place; this was what was said; please go forward,
5 and see if it's a viable threat.

6 Q Are you responsible for background
7 checks?

8 A No, sir.

9 Q Who is?

10 A Human resource.

11 Q How often do you do those on an
12 individual?

13 A Next to never. They're done by human
14 resources.

15 Q Do you know of any disciplinary action
16 taken against Mr. Mitchell?

17 A I do not.

18 Q Do you know of any complaints that were
19 made against him?

20 A I'm not certain; I don't recall.

21 Q Were you aware of his health, or mental
22 issues, at any point?

23 A Only after this incident began.

24 Q What did you learn?

25 A I learned that the information that I was

1 provided by the police; that they felt he was a
2 threat to our employees.

3 Q Who was responsible for his termination?

4 A I'm not sure.

5 Q If he had asked to be moved for stress --
6 whatever reason -- would you be aware of that?

7 A No, sir.

8 Q Did you have a discussion with him, other
9 than him calling you to tell that you his family
10 wasn't pleased, or he wasn't pleased that his
11 family was bothered?

12 A I don't remember; I may have, but I don't
13 think so.

14 Q Did he make any threats toward you?

15 A Not that I recall.

16 MR. SMITH: Make this exhibit 1, please.

17 (Canady Exhibit 1, Handwritten Notes,
18 marked for identification.)

19 BY MR. SMITH:

20 Q I'm showing you what has been marked as
21 Plaintiff's Exhibit 1. Can you tell me what this
22 is.

23 A I have no idea. They're notes with my
24 name written on them, misspelled; improperly
25 diagnosed as a security officer.

1 Q Okay. Who's Fuller?

2 A I have no idea.

3 Q To your knowledge, was Mr. Mitchell ever
4 an issue prior to this, prior to the lunch?

5 A Can you please clarify.

6 Q Did you know about Courtney Mitchell,
7 prior to this lunch?

8 A No, sir.

9 Q Did anybody tell you of any psychological
10 issues that he may have had previously, or during
11 this event?

12 A During this event, someone mentioned
13 that, maybe, he had some PTSD from an injury he
14 sustained -- an alleged injury he sustained during
15 an IED explosion in Afghanistan, as these notes
16 say; I don't remember it, though.

17 Q When you say, alleged, have you learned
18 anything further, since that time?

19 A Everything is alleged, until I know for
20 certain.

21 Q Well, what have you learned, since then?

22 A I don't have any knowledge, at this
23 point.

24 Q Why do you use that term, alleged?

25 A Everything is alleged, until I understand

1 that it actually happened.

2 MR. SMITH: I have nothing further.

3 MR. WILLIAMS: No questions.

4 MR. SMITH: Thank you for your time, sir.

5 - - -

6 (The deposition concluded at 12:25 p.m.)

7 - - -

8 (Witness excused.)

9 - - -

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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 DWIGHT INMAN

DATE TAKEN: Thursday, October 15, 2015

TIME BEGAN: 2:30 p.m.

TIME ENDED: 2:42 p.m.

LOCATION: McAngus Goude-lock & 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 APPEARANCES :

2

3 LAW OFFICE OF DONALD L. SMITH
4 BY: DONALD L. SMITH, ESQUIRE
5 122 North Main Street
6 Anderson, South Carolina 29621
7 864.642.9284
8 attorneydonaldsmith@gmail.com
9 Representing the Claimant

7

8 MCANGUS GOUDELOCK & COURIE, LLC
9 BY: O. SHAYNE WILLIAMS, ESQUIRE
10 55 E. Camperdown Way, Suite 300
11 Greenville, South Carolina 29601
12 864.239.4000
13 shayne.williams@mgclaw.com
14 Representing the Defendants

11

12 ALSO PRESENT :

13 (None.)

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I N D E X

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E X H I B I T S

INMAN EXHIBIT	DESCRIPTION	PAGE
1	Diagram	16

1 (It is hereby stipulated and agreed
2 by and between counsel for the respective
3 parties that this deposition is being
4 taken in accordance with the South
5 Carolina Workers' Compensation Commission
6 and the Administrative Procedures Act;
7 and that the deponent does not waive
8 reading and signing of this deposition
9 transcript.)

10 - - -

11 DWIGHT INMAN, after having been
12 first duly sworn, was examined and
13 testified as follows:

14 - - -

15 EXAMINATION

16 - - -

17 BY MR. SMITH:

18 Q Mr. Inman, my name is Don Smith. I
19 represent Mr. Mitchell for a workers' compensation
20 claim that he's brought against UPS.

21 With that in mind, we're taking a
22 deposition to further that case, I guess. I'll be
23 asking questions regarding your relationship to
24 Mr. Mitchell, UPS; and getting some background on
25 you, so I have a better understanding of you, as an

1 individual.

2 I'll be asking questions, somewhat,
3 rapidly; and if they're too rapidly, so as to make
4 it so you can't understand it, or can't hear it,
5 ask me to restate it; I'll be happy to do that. If
6 I ask a confusing question, which I'm known to do,
7 please ask me to ask it a different way; because if
8 you answer it, I'll think you understood whatever I
9 asked; so if you could just do that, we'll be in
10 good shape.

11 You have to verbalize all your answers
12 because of the fact that she is recording what we
13 are saying; so that way, she can prepare a
14 transcript of the testimony.

15 Could you tell us your name, please.

16 A Dwight Inman.

17 Q Where do you live?

18 A 4 Newport Drive, Travelers Rest, South
19 Carolina.

20 Q How long have you lived there?

21 A Since January. I bought the house, the
22 end of January.

23 Q Where did you live prior to that?

24 A Plantations at Haywood, which is an
25 apartment complex off Haywood Road.

1 Q Where did you get your education?

2 A I'm sorry?

3 Q Where did you get your education?

4 A Oh. Augusta State University.

5 Q What was your undergrad degree in?

6 A Business administration.

7 Q Where do you currently work?

8 A UPS.

9 Q How long have you been there?

10 A Five years in February.

11 Q What's your position?

12 A I'm an ISR; inside sales representative.

13 Q Has that been your position the whole
14 time?

15 A Yes.

16 Q What is your patch of land, if you will?

17 A I handle the Virginia area; and I have
18 the 81 corridor from Buena Vista to Harrisonburg;
19 and then I've got the Charlottesville area.

20 Q Where did you work prior to UPS?

21 A I was unemployed.

22 Q Well, where was the last time?

23 A Prior to that, I worked at State Farm.

24 Q What did you do there?

25 A Insurance sales; worked for an agent.

1 Q Do you remember when Mr. Mitchell started
2 with UPS?

3 A No. I don't remember, exactly, when he
4 started because I can't remember if he was already
5 with the team when I joined it, or not.

6 Q What would you say your relationship was
7 with him?

8 A Coworker.

9 Q Did you talk outside of work?

10 A Just -- we'd go to lunch, every now and
11 then.

12 Q What did you talk about?

13 A I don't recall all of it, but just what's
14 written down there, I mean.

15 Q When you went to lunch, what did you talk
16 about? Hunting?

17 A Yeah. I mean, he would talk about
18 hunting; and I know he mentioned his brother had
19 been in the NFL; and he was on a farm; just stuff
20 like that.

21 Q So he talked about hunting and guns and
22 stuff?

23 A Yeah. He mentioned hunting and guns.

24 Q What do you recall from those
25 conversations? Anything of note?

1 A No. Nothing really of note. I mean,
2 he's just a coworker; didn't really stand out,
3 so...

4 Q What was his work performance like?

5 A I can't speak to that because I don't
6 know. I didn't have any interaction with him; I
7 tried to help him a couple times; he asked me a
8 couple questions; and that's it.

9 Q So he was concerned about his work
10 performance?

11 A I mean, I don't know if he was concerned.
12 He was just like everybody else that's new. If you
13 don't understand something, you ask a question.

14 Q Was his desk close to yours, ever?

15 A Yes. He sat right next to me; not the
16 whole time, but, I know, at one point.

17 Q What were your observations?

18 A What do you mean?

19 Q Did you see anything out of the ordinary?

20 A No.

21 Q How were his emotions?

22 A Just like anyone else; just sat there and
23 did his job, as far as I know.

24 Q You were at that lunch?

25 A Yes. I was at the lunch.

1 Q Please tell me about it, in your words.

2 A I mean, it's written down. I can go over
3 the statement; it's a pretty lengthy statement, so,
4 I mean, I can tell you what I remember.

5 If it matches up, it matches up; because
6 I'm, kind of, doing it from memory, and that was,
7 what, two-years ago.

8 We went to lunch at the Olympian; he was
9 already waiting on us when we got there; he seemed
10 a little agitated, or irritated; and I sat -- if I
11 remember correctly, he was at this end of the
12 table, kind of like where you are; and I was
13 sitting over where that gentleman is; and there
14 were a couple people in between us.

15 But he just seemed irritated; and he was
16 talking with several people at the same time,
17 making statements about management; making
18 statements about friends he had known in, I guess,
19 the Army, or wherever, in his past; making
20 statements about, I guess, some altercation he had
21 outside of -- I think it was a Five Guys.

22 And then he just got up and left, like,
23 very abruptly; got up and left. I think he only
24 had a coffee, if I remember correctly; so we just,
25 kind of, thought it was strange.

1 Q Was he making any sense?

2 A Not a lot, in my opinion.

3 Q Was he having one conversation?

4 A No. Like I said, it seemed to me, he
5 was, kind of, carrying on conversations with all of
6 us; little conversations here and there, which I
7 think I mentioned.

8 Q Could you draw a table -- the table that
9 you were sitting at -- and where you guys were
10 sitting.

11 A And this is to memory. I just know
12 that -- I know Ray was here -- this was Ray. And
13 I'm pretty sure I was here; and I think Gina was
14 here; and I can't remember where Scott and Leonard
15 were. I know one of them -- I can't remember if it
16 was Scott or Leonard -- were directly across from
17 me, so...

18 Q Based on what you heard coming from
19 Mr. Mitchell, what were your thoughts?

20 A What were my thoughts?

21 Q What were your thoughts.

22 A What were my thoughts? My thoughts were
23 that we need to tell somebody that he had made
24 these statements; and that we wanted him to get
25 help.

1 Q Help for what?

2 A Well, obviously, he was disturbed. I
3 mean, I don't know for what; he just seemed
4 disturbed, at that luncheon.

5 Q Had you ever seen anything like it?

6 A No. That's why we were all, kind of,
7 taken back; because it was like he was a different
8 person at that lunch.

9 Q Were you aware that he had asked to be
10 moved, in the company?

11 A Yes.

12 Q What positions did he ask to be moved to?

13 A The only thing I ever heard him mention
14 was, I think, security.

15 Q Do you know if he had the opportunity to
16 talk to somebody about that? Or was that just an
17 aside?

18 A It was just, I knew he was interested in
19 it. I don't know if he talked to anybody about it,
20 or not.

21 Q Did he tell you about his struggles at
22 work?

23 A No.

24 Q He didn't tell you that he was having
25 trouble with the calls, and so forth?

1 A No. We didn't have that kind of
2 relationship.

3 Q Did he ask you for help?

4 A No. I mean, he asked me for help, like,
5 how do I enter this into the computer; but not
6 like, I don't know what I'm doing.

7 I mean, like I said, everybody needs help
8 figuring out the systems, and things like that;
9 those are the general questions that he asked me.
10 Hey, where I do look this up, or where do I look
11 that up?

12 Q With regard to the other workers, did he
13 ask more questions or less questions, than other
14 people?

15 A Compared to me, he probably asked less,
16 because I asked a lot; but he seemed to ask about
17 the same as everybody else. I mean, people ask a
18 lot of questions when they go on the floor, so...

19 Q How many questions did you ask him?

20 A I didn't really ask him any questions.

21 Q Why not? You just said you had
22 difficulty.

23 A No. When I first got on the floor, I had
24 difficulty. When he got there, I'd been with the
25 company for a while, so...

1 Q So you were before him.

2 A Oh, yeah. I started in 2011.

3 Q Did you ever see anything like that
4 lunch -- anything at all -- by Mr. Mitchell?

5 A No.

6 Q Do you recall what your testimony was
7 in -- hold on one second, please.

8 How did Mr. Mitchell exit the restaurant?

9 A Just paid for his cup of coffee and got
10 up and left.

11 Q Did he say goodbye?

12 A Not that I recall. I know he was going
13 to do something to his truck. He might have
14 mentioned, hey, headed out to do something to my
15 truck; because I know he was getting accessories to
16 put on his truck; so, to the best of my knowledge,
17 he exited, saying, hey, I'm going to get something
18 done to my truck.

19 Q Other than the names, and whatever, at
20 that lunch, had he ever been negative to you, in
21 any way?

22 A Yeah. I don't know if he really cared
23 for me that much, but, so...

24 Q What would give you that thought?

25 A I just -- some of the stuff -- well, I

1 guess I take that back because it was really the
2 stuff that he said at the lunch that made me think
3 he was negative; calling me a taxi driver, and the
4 things he said at the lunch.

5 Q So prior to that?

6 A No.

7 Q Did he come within arm's length of you
8 that day?

9 A I'm sure he did. I'm sure I probably
10 shook his hand.

11 Q Did he call at your house?

12 A Yes.

13 Q What did he say?

14 A He asked me why I called the cops on him;
15 and I tried to tell him that I didn't call the cops
16 on him; and he told me that, yes, you did.

17 The cops came to my door; they scared my
18 wife; they scared my little boy; and I was no
19 longer allowed on his property; I would be
20 receiving a letter from his lawyer.

21 Q And did you receive something from him?

22 A Yes.

23 Q What was that?

24 A It was a letter that came to the office.

25 Q What was it?

1 A I think it was --

2 Q Trespass notice?

3 A Yeah. Trespass notice.

4 Q Did he attempt to call you, at any time,
5 after that?

6 A Not that I know of.

7 Q Did he tell you he was going to Atlanta?

8 A He mentioned going to Atlanta with a
9 file.

10 Q A file? What's your understanding of
11 that?

12 A I didn't know what he meant. He just
13 said, I'm going to Atlanta with a file, watch the
14 news.

15 Q But not coming to anybody's place and
16 hurting them, right?

17 A No. He didn't verbally say that.

18 Q Scott Brown asked him about his gun,
19 didn't he?

20 A I believe so. One of us did; it was
21 probably Scott.

22 Q And Gina Jones talked about her pistol.
23 Did she have a Glock?

24 A I don't recall.

25 Q Was Courtney a different person that day?

1 A In my opinion, he was a different person.

2 MR. SMITH: I have nothing further.

3 MR. WILLIAMS: You're done. Thank you,
4 sir.

5 COURT REPORTER: Did you want to mark
6 this as an exhibit?

7 MR. SMITH: Yeah.

8 MR. WILLIAMS: No objection.

9 (Inman Exhibit 1, Diagram, marked for
10 identification.)

11 - - -

12 (The deposition concluded at 2:42 p.m.)

13 - - -

14 (Witness excused.)

15 - - -

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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 MICHAEL LEONARD

DATE TAKEN: Thursday, October 15, 2015

TIME BEGAN: 9:45 a.m.

TIME ENDED: 10:55 a.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 APPEARANCES :

2

3 LAW OFFICE OF DONALD L. SMITH
4 BY: DONALD L. SMITH, ESQUIRE
5 122 North Main Street
6 Anderson, South Carolina 29621
7 864.642.9284
8 attorneydonaldsmith@gmail.com
9 Representing the Claimant

7

8 MCANGUS GOUDELOCK & COURIE, LLC
9 BY: O. SHAYNE WILLIAMS, ESQUIRE
10 55 E. Camperdown Way, Suite 300
11 Greenville, South Carolina 29601
12 864.239.4000
13 shayne.williams@mgclaw.com
14 Representing the Defendants

12

13 ALSO PRESENT :

14 (None.)

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I N D E X

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E X H I B I T S

LEONARD EXHIBITS	DESCRIPTION	PAGE
1	Diagram	23
2	June 21, 2013 Statement	39
3	June 24, 2013 Statement	40

1 (It is hereby stipulated and agreed
2 by and between counsel for the respective
3 parties that this deposition is being
4 taken in accordance with the South
5 Carolina Workers' Compensation Commission
6 and the Administrative Procedures Act;
7 and that the deponent does not waive
8 reading and signing of this deposition
9 transcript.)

10 - - -

11 MICHAEL LEONARD, after having been
12 first duly sworn, was examined and
13 testified as follows:

14 - - -

15 EXAMINATION

16 - - -

17 BY MR. SMITH:

18 Q Mr. Leonard, my name is Don Smith, as you
19 know; and we're here today on a workers'
20 compensation claim brought by Courtney Mitchell,
21 versus UPS; and the purpose of this event is to
22 find out a little bit more about Mr. Mitchell's
23 work at UPS, as well as, your understanding of
24 events, and participation in same.

25 I would ask, when you answer my

1 questions, that you do it verbally; so that way,
2 the court reporter can make a record. If you don't
3 understand what I'm asking you, please ask me to
4 rephrase; because if you answer me, I will think
5 that you understood what I was asking you; and I
6 have a tendency to mumble, so if you don't hear me,
7 or what have you, please ask me to restate the
8 question. If you need a break, please ask me; and
9 we'll, of course, stop.

10 Could you state your name for the record,
11 please.

12 A It's Michael Leonard.

13 Q And Mr. Leonard, when were you born?

14 A April 14, 1962.

15 Q Where do you currently reside?

16 A Charlotte through the week, and
17 Spartanburg on the weekends.

18 Q Do you have a residence in both places?
19 Do you have a house in both places? Where do you
20 get mail?

21 A Both locations.

22 Q All right. Tell me your educational
23 background.

24 A I have a bachelor's in political science,
25 and I'm currently working on a master's in business

1 administration.

2 Q Where'd you go to school?

3 A I went to UNC, Charlotte; the masters in
4 business will be from Florida Institute of
5 Technology.

6 Q Who are you currently employed with?

7 A UPS; United Parcel Service.

8 Q How long have you been with them?

9 A Six years in October.

10 Q What was the year of your birth, again?

11 A 1962.

12 Q What are your responsibilities with UPS?

13 A When I first worked there, I was an
14 inside sales rep; currently, I'm an account
15 executive, on the outside, in business development.

16 Q How many positions did you move up in the
17 ladder, if you will, to get to where you are now?

18 A One.

19 Q So you just went from inside sales to
20 account rep.

21 A Correct.

22 Q And that's outside sales.

23 A Correct.

24 Q When did that transition take place?

25 A February of this year, 2015.

1 Q Where did you work, immediately prior to
2 UPS?

3 A I worked for a company called, The
4 Cellular Store, Carmichael Wireless.

5 Q How long were you with them?

6 A I think it was 18 months. It was, kind
7 of, a contract position with a gentleman that owned
8 that business.

9 Q Prior to that?

10 A Follett Higher Education Group.

11 Q How do you spell that?

12 A F-O-L-L-E-T-T.

13 Q And what were your responsibilities
14 there?

15 A I was a store director with them.

16 Q What were your responsibilities?

17 A Ran a university book store.

18 Q Were you there a lengthy time?

19 A Five years.

20 Q And immediately prior to that?

21 A Harris Teeter.

22 Q How long were you with Harris Teeter?

23 A Twelve years.

24 Q Why did you leave Harris Teeter?

25 A I was living in Atlanta, and they were

1 pulling out of Atlanta and South Carolina, in the
2 Upstate; and I had an opportunity to go work for
3 Follet Education, at Georgia State University.

4 Q And you left Follett, why?

5 A Moved back up to help take care of ailing
6 parents, on both sides of the family.

7 Q And the Carmichael job, was that up in
8 the Upstate, here?

9 A Correct.

10 Q And you left for UPS, why?

11 A For the benefits. I was paying for
12 benefits, out of pocket, because it was, kind of, a
13 contractual position; it didn't offer benefits.

14 Q So you started with UPS when?

15 A Probably six years -- 2009.

16 Q What were your responsibilities, as
17 inside sales?

18 A We had an account base that was assigned
19 to us, and we were required to make calls each day.
20 At the time, we were asked to make at least 15, to
21 20 calls a day, to discover new volume; what we
22 called penetration and conversion opportunities
23 within those customers.

24 Q What was your area for calling?

25 A Let me think. When I first started with

1 them, I had the Georgia area.

2 Q So was it all of Georgia?

3 A Not all of Georgia, I had Atlanta. I'm
4 trying to think. It was Atlanta, and then Macon,
5 and that area. It was set up with specific zip
6 codes in a geographical area, but Atlanta would be
7 the primary.

8 Q Did you stay in Georgia the whole time?

9 A No, sir. They restructured the sales
10 groups; and when we restructured, I went into
11 Virginia.

12 Q Is that the whole state of Virginia, or
13 close to DC?

14 A Richmond. And then the surrounding area,
15 like Powhatan.

16 Q Williamsburg?

17 A Didn't go over to Williamsburg.

18 Q With regard to your employment with UPS,
19 is Virginia the last area that you had, prior to
20 taking the step up in position?

21 A No, sir.

22 Q Where were you at next?

23 A I had Pennsylvania.

24 Q What part of Pennsylvania?

25 A Reading and Lancaster.

1 Q Harrisburg?

2 A Yes, sir.

3 Q When did you have that area?

4 A Up until I moved to the position in
5 February.

6 Q How did you do in Harrisburg?

7 A I did all right.

8 Q How long were you in Pennsylvania?

9 A If I remember correct, it was about a
10 year-and-a-half, give or take.

11 Q UPS wants you to reach a certain
12 percentage; is that right? A certain goal, or what
13 have you.

14 A Correct.

15 Q What is that goal?

16 A For inside sales?

17 Q Yes, sir.

18 A It would be, that you need to be, at
19 least, 100 percent on, what we call, bid growth;
20 and also, you had to meet a standard for your, what
21 we call, CV VAT, but, I guess, revenue; and it's a
22 cumulative, validated sales total, is what it comes
23 out to.

24 So you had three criteria under that,
25 that you had to meet, at 100 percent; that would

1 be: Ground, air, and hundredweight.

2 Q Did you say, hundredweight?

3 A Hundredweight. Those are three of the
4 services that we offer through the small package
5 system.

6 Q Hundred-percent bid growth, what does
7 that entail?

8 A That would be when you're talking to your
9 customers, and you're figuring out whether they
10 have additional revenue, or penetration
11 opportunities, you would structure a new pricing
12 agreement, or discounts, if you will, for that
13 customer; and based on the volume where they were
14 when you put that bid in place, and the new volume
15 that came in, under that new contract -- would
16 create that new percentage, in terms of growth.

17 Q How were you doing, on average, during
18 that year-and-a-half?

19 A Met the goals in those areas. On bid
20 growth, it was -- I don't remember, specifically,
21 I'm sorry; but it was over 100 percent.

22 Q And that was your average, over that
23 time. What did you start off with? Was it a tough
24 place?

25 A It was mid-90s, when I took over.

1 Q So a year-and-a-half prior to the
2 beginning of this year; is that right? Latter part
3 of 2013?

4 A Yes, sir.

5 Q The last month you had it, what was the
6 bid growth?

7 A I don't remember, specifically, I'm
8 sorry. It was over 100, though. I would not have
9 been able to move to the A position, without it
10 being above 100.

11 Q Do you remember when Courtney Mitchell
12 began working at UPS?

13 A I don't remember the specific year, no.

14 Q What was his position, in relation to
15 yours?

16 A Same, similar position; inside sales rep.

17 Q During that time that you were inside
18 sales rep, did your desk, or space, remain the same
19 the entire time?

20 A No, sir. They moved the configuration
21 around, every once in a while; just to change
22 things up, and give you a different perspective, or
23 view, I guess.

24 Q 2012, where were you?

25 A 2012, we were in the old building. I

1 think we were on the sixth floor of the Fluor
2 Daniels building.

3 Q Where are you now?

4 A I'm in Statesville, and Salisbury, North
5 Carolina.

6 MR. SMITH: Can we go off the record, a
7 second.

8 (Discussion off the record.)

9 BY MR. SMITH:

10 Q Courtney Mitchell started in 2012, about?

11 A Probably.

12 Q Where was his area; meaning, where he
13 sat, compared to yours?

14 A I don't remember, at the time.

15 Q When he first got there, was he
16 friends -- fast friends with anyone? Who did he
17 hangout with the most?

18 A Not that I can recollect, no.

19 Q When did you talk to him?

20 A I would stay late, sometimes, and he
21 would be there late; and we would talk, sometimes,
22 in the evenings; but as far as a specific time, I
23 don't remember.

24 Q Do you recall his abilities, or skills,
25 or anything relating to the job?

1 A He struggled with the job; he did not
2 appear to be very computer savvy; was reluctant to
3 get on the phone.

4 Q Did you, at any time, provide counseling,
5 or help him in any way?

6 A I would make suggestions to help him
7 target customers to call.

8 Q Where was he at immediately prior to his
9 departure? And I'm talking about the sales area.

10 A He was on disability when he left.

11 Q The last place that he was selling to?

12 A I don't know his area; I don't remember.

13 Q Could it have been Harrisburg?

14 A If it was, I didn't see any notes in our
15 teams, which is our customer relations management
16 system that had his name on it.

17 Q Who was selling there, immediately prior
18 to you?

19 A Harrisburg -- I don't remember. I'm
20 sorry.

21 Q Do you remember Mr. Mitchell being
22 written up, or anything of that nature?

23 A No, sir.

24 Q Did you ever have the opportunity to have
25 a desk located immediately next to him?

1 A I recall, at one time, I think we were
2 adjacent to one another.

3 Q Where was your sales area, at that time?

4 A It would have been the Virginia area.

5 Q Do you have a salesman of the month, or
6 anything like that?

7 A No, sir.

8 Q Do you have any awards, or certificates,
9 that are given to someone who has, either,
10 surpassed their goals, to a certain extent, or had
11 the best sales, or anything like that?

12 A They would do recognition on Fridays.

13 Q And what's involved with recognition?

14 A We do, what we call, a pre-call meeting,
15 PCM; and on Fridays, they would recognize people
16 that had brought in a lot of volume, either on 100
17 weight or ground or international.

18 We had, like, a little contest; and
19 people that would have, you know, the largest
20 increase from the previous week, would be
21 recognized.

22 Q And that was on a weekly basis.

23 A Yes, sir.

24 Q Do you recall if Courtney ever went in
25 that, or succeeded in that?

1 A Not that I recall, no.

2 Q Did you have anything on a monthly basis?

3 A There would be contests for time off, you
4 know, a day off; or, you know, X number of hours
5 off. On a monthly basis, they would run a contest
6 for the month, and you had to have, you know, a
7 certain goal to be met, to be part of that.

8 Q But there was nothing given for employee
9 of the month, or salesman of the month, or
10 something to that extent.

11 A No, sir.

12 Q What is your assessment of Courtney
13 Mitchell?

14 A I'm not sure what you're asking.

15 Q If you were to describe him, how would
16 you describe him?

17 A A disturbed individual; there was a lot
18 of angst and anger.

19 Q Can you give me an example of what we're
20 talking about.

21 A This is put in the perspective that, when
22 we first became acquaintances on the team, that he
23 was an Iraq and Afghanistan Veteran; and
24 understanding, as a civilian, that we could not,
25 probably, comprehend some of the things that he

1 saw, and that he alleged he experienced -- because
2 I don't know if he was actually a veteran or not.

3 Based on the comments, you could tell
4 that he was deeply troubled by things that,
5 allegedly, occurred when he was overseas.

6 Q Yes, sir. What do you know, now? You're
7 prefacing your statements, so what is your
8 understanding now?

9 A I have no clarification whether he has
10 been, or was not, in the service. My interactions
11 with him, originally, were predicated on him being
12 a war veteran.

13 Q Since that time, you've learned what?

14 A Nothing, one way or the other.

15 Q So what you're saying, then, is, the only
16 information that you have, is that, he was a
17 veteran, according to him; you don't have anything
18 else.

19 A No, sir. I do not.

20 Q I guess I don't understand.

21 A Well, maybe I should not use the word,
22 alleged. That may not have been a good word
23 choice, on my part.

24 Q But you'd agree with me, since you used
25 that term, that means you have a question about

1 that.

2 A Personally, I do. Yes, sir.

3 Q And you base that on what?

4 A Just on my own feeling. I have nothing
5 concrete to base it on.

6 Q Did you have any discussions about
7 Mr. Mitchell with other fellow employees?

8 A Not anything other than what happened
9 that particular day at lunch, no.

10 Q Never talked about him, beforehand?

11 A No, sir.

12 Q What knowledge did you have of any issues
13 that he may have had, prior to the lunch?

14 A As far as, what type of issues?

15 Q Anything that might have been watercooler
16 talk, or something of that nature; scuttle-butt, I
17 guess.

18 A I have no knowledge, prior to that.

19 Q No discussions, at all?

20 A No, sir.

21 Q Did you have a name for him? Do you have
22 any nicknames?

23 A Other than -- I can't think of how it was
24 worded, but we watched a shooter video, and
25 everybody -- because Ray had become increasingly

1 agitated at work. I can't remember what it was,
2 but there was a nickname.

3 I'm sorry. I can't remember,
4 specifically, what it was.

5 Q Shots fired?

6 A Yeah. Thank you.

7 Q How was that -- I mean, do you know who
8 started that? I mean, who created that?

9 A I think it was just association from that
10 video because I think it was the title of that
11 video; but putting that in perspective -- I know
12 this is, probably, not relevant -- but thinking
13 that he was suffering some type of trauma, or
14 stress, from being a veteran.

15 I think, at that time, you know, we could
16 see that something was going on with Ray, or felt
17 like something was going on; I don't know. Bottom
18 line of that was -- or that thought is -- we felt
19 like Ray needed to seek some kind of help, but we
20 didn't know how to approach it.

21 Q Did he ever talk to you about his
22 difficulties with the position?

23 A He just said he had a hard time making
24 the calls; he didn't like it; and he had a hard
25 time working the different programs we had to use,

1 to do our job.

2 Q His difficulties, did they become
3 increasingly obvious with the passage of time?

4 I mean, could you see a direct increase
5 in his angst, on a month-to-month basis?

6 A That would be fair to say, but that was
7 across the board for everybody. Like I said, you
8 have goals you have to meet; and if you're not
9 hitting those goals on a monthly basis, you'll have
10 a hard time meeting your year-end goal.

11 So it wasn't just, necessarily, Ray; it
12 was me, and everybody else.

13 Q How was he doing in the beginning?

14 A He struggled in the beginning, but
15 everybody struggles in the beginning, as you're
16 learning the systems. There's a learning curve,
17 and I don't think Ray ever got past the
18 learning-curve part.

19 Q Do you know of him asking to go into
20 security, or something like that, to get away from
21 the sales, and the difficulties he was having?

22 A I remember him mentioning that he wanted
23 to go into a different area. I don't recall that
24 it was, specifically, security.

25 Q All right. You don't know what it was,

1 necessarily, but did you understand why?

2 A I think it was because he could not do
3 what was required for us to do, at the desk.

4 Q When did he start voicing that thought?

5 A It would have been prior to his going
6 out, so it would be sometime -- I'm trying to
7 remember when Ray wasn't there, so I apologize;
8 just before him not being there.

9 Q Well, let's say the lunch was June 26,
10 2013.

11 A Okay. It would have been late 2012.

12 Q Do you know who he asked for that? Would
13 it have been Reggie Owens?

14 A I mean, to start any type of request, you
15 would have gone through your coach, and then
16 supervisor; but we have a very open-door policy, so
17 he could have approached Reggie about it, directly,
18 too.

19 Q If you do it the way you're supposed to,
20 he would have spoken to whom, first?

21 A Either Gina Jones or Mike Battista.

22 Q Gina Jones' position, was what?

23 A She was the coach, at the time.

24 Q Who was your coach?

25 A Gina was.

1 Q And Mike's position?

2 A Supervisor.

3 Q Were you ever a coach?

4 A No, sir.

5 Q What was your relationship with
6 Ms. Jones?

7 A Just coach; colleagues.

8 Q What was her relationship with
9 Mr. Mitchell, from your perspective?

10 A Colleagues.

11 Q You previously said that you didn't know
12 how to address the indications you had about
13 Mr. Mitchell; is that right?

14 I mean, did you tell Gina Jones, your
15 coach, that you were concerned about Mr. Mitchell's
16 mental health?

17 A I don't believe I did. No, sir.

18 Q Did you have any discussions with
19 coworkers, prior to that lunch?

20 A Concerning Ray's state of mind?

21 Q Yes.

22 A No, sir.

23 Q Are you aware of anyone discussing it,
24 prior to that lunch?

25 A No, sir.

1 Q Can you tell me what happened at the
2 lunch; who was involved; who was there.

3 A Went to lunch; I rode over with Dwight,
4 Gina, and Scott. When we got to the restaurant,
5 Ray was sitting at the table; which surprised me
6 because, I think, he was out on some type of leave,
7 at the time.

8 Q Gina Jones had not told you that he was
9 coming?

10 A No. I don't remember her saying that. I
11 just remember walking in and being surprised that
12 he was there.

13 Q Was that at the Olympian?

14 A Yes, sir.

15 Q I'm going to hand you a piece of paper,
16 and pen, and I'd like you to draw the table, or
17 wherever you were sitting at; and then, if you
18 would, put everyone around the table where they
19 were sitting.

20 A (Witness complying.)

21 MR. SMITH: Thank you. We'll make that
22 Plaintiff's Exhibit 1.

23 MR. WILLIAMS: No objection.

24 (Leonard Exhibit 1, Diagram, marked for
25 identification.)

1 BY MR. SMITH:

2 Q Go ahead and tell me how lunch began, for
3 you, when you got there; how did it play out?

4 A Well, I think we all sat down, and, you
5 know, kind of, asked Ray how he was; and he, kind
6 of, pretty much, took over the conversation, at
7 that point in time.

8 Q Do you know -- well, how did the
9 conversation begin? Was there a topic? Do you
10 know why he was on disability?

11 A I do not.

12 Q Give your memory of the lunch. Just tell
13 me the story.

14 A Well, I was going, and then, just,
15 general conversation; and then the conversation
16 really went downhill; and, like I said, it became,
17 pretty much, a one-sided-type situation, with Ray
18 talking about, he had started a -- I think he said
19 he started a new business; he was going into the
20 repo business for bodies and cars and whatnot; and
21 then he talked about a new handgun, or rifle, that
22 he had purchased, that he had -- I can't remember
23 if it was -- you know, some kind of body piercing,
24 or body-armor-piercing-type ammo, to go with it --
25 long range rifle; and then several derogatory

1 remarks.

2 There was something about driving
3 somewhere, and he said something about Dwight being
4 a crappy driver; and then he started talking about
5 how he disliked Sharon and Reggie and Ken.

6 Q Do you recall why?

7 A Basically, that they were not trying to
8 work with him on whatever his requests were, at the
9 time.

10 Q Do you know what the requests were?

11 A No, sir. I don't recall.

12 Q Do you recall any specific statements
13 about any of those individuals?

14 A Not verbatim. He -- I don't remember the
15 specific wording that he used towards Sharon, or
16 whatnot. Big momma and black -- I don't recall,
17 completely.

18 Q About how long did the lunch last?

19 A Probably, 35 minutes, 40 minutes, because
20 we had an hour; so between driving back and forth,
21 and to get in and out.

22 He was -- my regret was not stopping the
23 conversation because he was very loud, and some of
24 the terms he was using towards Reggie and Sharon,
25 were derogatory. Like I said, I don't remember,

1 specifically; I haven't thought about it much -- or
2 any more than I had to -- between then and now, but
3 I know, embarrassment; and then, I guess, being
4 ashamed for not telling him to knock it off because
5 there were other people in the restaurant.

6 Q What did you do in preparation for today?

7 A Other than having a conversation with
8 Shayne, alerting me that I was going to be here...

9 Q Did you review anything?

10 A No, sir. I have not.

11 Q With regard to his conduct, did anyone
12 say anything to him about it?

13 A No. From my perspective, I was in shock;
14 and like I just said, I wish I had, but I think we
15 were all just -- my perception of everybody at the
16 table, was, just, are we really hearing what we
17 think we're hearing? Especially in regards to the
18 comments toward Ken.

19 Q Please explain.

20 A He had mentioned that he wanted to see
21 Ken go out in a box; and then he corrected himself,
22 saying, No, no, I'm gonna have his job, and I'm
23 gonna help carry his stuff out in a box.

24 That's one thing that's stuck in my mind,
25 because it was like, he implied that he wanted to

1 have him to go out in a box; meaning, a dead box.

2 You know what I'm saying?

3 Q Yes.

4 A Well, no. You may not know, but...

5 Q I understand. How soon after, did he
6 correct what he was saying?

7 A Probably within a minute. I think he
8 realized what he said, and he said, No, no. I
9 don't mean it like that.

10 Q So he also said that he wanted to replace
11 him.

12 A He wanted to have his job. He was gonna
13 have his job; and he was gonna help carry his stuff
14 out; something to that effect.

15 Q Do you know why?

16 A No, sir, I don't. Like I said, the
17 specifics of what was going on with him, we're not
18 privy to.

19 Q What was his relationship with Mike
20 Battista?

21 A I think professional, in terms of, you
22 know, being -- you know, talking to him when he had
23 issues, and Mike being responsive.

24 I mean, what are you asking for,
25 specifically?

1 Q I mean, do you know anything about the
2 relationship that was good, or bad?

3 A No, sir. Neither, or.

4 Q How would you describe Mike Battista?

5 A Mike is low key. He expects you to do
6 what you need to do, and hit your metrics. I know
7 from a -- and that's, pretty much, it. He's pretty
8 straightforward about what his expectations are.

9 Q How would you characterize his leadership
10 capabilities?

11 A If I were evaluating Mike for a position
12 above where he is, I would consider him for it.
13 He's fair; he's impartial; but he has expectations,
14 and will communicate that to you.

15 Q If he believes that you're not meeting
16 your standards, how does he go about addressing it?

17 A From a personal perspective, when I was,
18 at times, not where I needed to be, Mike would pull
19 you off the floor. Each group has a whole area,
20 they can go and meet; and he would meet with you,
21 in person, and say, What's going on; what's
22 impeding your progress; what can I do to help.

23 Q Did you ever consider his demeanor, and
24 his way of leadership, as being derogatory? Was he
25 hard on you, at all?

1 How did he tell you that you weren't
2 doing well?

3 A We'd sit across from one another, like
4 you and I are, right now; and he'd say, you know --
5 he'd have the numbers, and say, okay, you're below
6 here. What's going on? What's driving this? Can
7 you explain to me why that number is low?

8 You know, be able to explain your
9 progress, or lack of progress, in that case; and
10 then what barriers, or obstacles, are you hitting
11 that are not allowing you to get that number to
12 where it needs to go; and then, what can we do to
13 help.

14 Q Did he ever ask you to write yourself up?

15 A You would write an acknowledgment, is the
16 way I looked at it, that you had the conversation;
17 and then they would ask you, what I call, smart
18 goals; what specifically are you going to do to
19 correct that; what's your measurement; how are you
20 gonna achieve it.

21 I can't remember all the little acronyms,
22 but timing is -- when can we expect this number to
23 start going up like it's supposed to, or meet the
24 goal.

25 Q Tell me about the ride back to the

1 office.

2 A I think we were all -- I don't know if
3 dumbfound is the right word to use, but just struck
4 by what we had heard; and we all felt that we
5 needed to report to HR, Reggie.

6 Q Who was the leader of the discussion?

7 A I think all of us were, equally; and Gina
8 and Dwight, I think, really took over; and I think
9 we may have deferred to Gina because she was the
10 coach, at the time.

11 Q So you get in the vehicle, and who starts
12 talking? Who was the first one?

13 A I think, collectively, we all said, Oh,
14 crap, about the same time.

15 Q So when you got back to the office, what
16 was the game plan?

17 A We, as a group, were gonna go to HR.

18 Q Is that what you did?

19 A Yes, sir.

20 Q All four of you?

21 A Correct.

22 Q Who did you meet, and where?

23 A I think when we first got in the
24 building, Sharon was, either, coming off, or
25 getting ready to get on an elevator; and we told

1 her that she needed to come with us; and we went to
2 Reggie's office and started to report the lunch
3 conversation to him.

4 Q How did you report it to Reggie?

5 A Verbally, initially; and then -- I can't
6 remember if he wanted us to write statements, at
7 that time, or if it was after the police came.

8 Q How soon after you talked to Reggie, did
9 the police get involved?

10 A I don't know what time they,
11 specifically, arrived there; but when we went down
12 to meet with them, it was, probably, within 25 to
13 30 minutes; but I don't know, specifically, when
14 they got to the site.

15 They may have met with Reggie, prior to
16 meeting with us.

17 Q So within 30 minutes of this discussion,
18 the police were there; is that what you said?

19 A Thirty minutes, or less.

20 Q The police that were there, were they the
21 ones that were always at UPS?

22 Was there always a city police officer
23 that --

24 A No, sir. The city police officers were
25 not assigned to -- or requested to be at the site,

1 until after all this transpired.

2 Q Do you have any now?

3 A I haven't been to the site, since I left.
4 They were there when I left in February, so I would
5 think there, probably, still is police presence, at
6 the building.

7 Q Who were the individuals present when you
8 were last there, working?

9 A I can't remember if it's the Greenville
10 police. It's the blue -- maybe it's the county.

11 Q Was it the same guys that were there,
12 prior?

13 A No, sir. When we were at Halton, I think
14 they were in a different jurisdiction. I want to
15 say, it may have been the city police when we were
16 at Halton; and then, I think, it went to county; or
17 vice versa.

18 Q Yes, sir. When you went to the meeting
19 with Reggie, who did the talking?

20 A We all started, and it was, kind of like,
21 hang on; and then, Gina and Dwight -- we all added
22 our comments, you know, kind of a round robin; you
23 know, it started here and ended here.

24 Q But it was, essentially, a consensus.

25 A Yes, sir.

1 Q What did you tell them?

2 A We recounted the conversation at lunch,
3 as best we could; and, you know, the threats and
4 the comments that were conveyed by Ray at lunch.

5 Q Threats? What threats?

6 A Well, threat, may not be the right word
7 to use, but the comment that he made about Ken. We
8 felt like, between talking about having a
9 high-powered rifle, and taking Ken out in a box --
10 we all took that to mean, was he gonna do bodily
11 harm to Ken.

12 Q Who else talked about guns that day?

13 A Ray's the only one that talked about
14 guns.

15 Q Anybody ask him about a gun?

16 A I don't know how that conversation
17 started. I think it went back to where he said he
18 was thinking about starting a new business, in the
19 repo business, and then he started talking about a
20 gun purchase; so I don't know how that all got
21 woven together.

22 Q Gina have a pistol?

23 A I don't know if Gina owns a pistol, or
24 not.

25 Q She didn't talk about her gun, at the

1 lunch.

2 A I don't recall her doing it, no.

3 Q Do you recall Scott Brown asking about a
4 gun, initiating the conversation?

5 A Like I said, I don't recall how the gun
6 conversation got started. It could have very well
7 been something Scott had said.

8 Q But, to your recollection, you believe
9 that Courtney's the only one that spoke about a
10 gun, or guns.

11 A To what I remember; yes, sir.

12 Q And, once again, who all was in the room,
13 in the conversation? It was you, and your lunch
14 companions, Sharon, and Reggie.

15 A And then Ken came in because Reggie and
16 Ken had a meeting; and so, Reggie told Ken, We've
17 got something serious going on; we need to postpone
18 that meeting, and you need to come back in.

19 Q With regard to Ken, was it your
20 understanding that Courtney didn't appreciate his
21 leadership? Or what was the complaint?

22 A The issue, probably, with Ken's
23 leadership -- Ken is, again, demanding; has high
24 expectations; and that's conveyed in his meeting
25 with the suits. I don't know if there was any

1 direct contact between Ray and Ken, though.

2 I never had any type of -- I mean, from
3 my perspective, I never had -- other than passing
4 in the hallway to say hello -- never had any type
5 of -- and since we were talking about how we were
6 evaluated, I'll use the term, performance -- never
7 had any type of performance meetings with Ken, on
8 how I was doing, or not doing; so I don't know if
9 he would have had that conversation with Ray; but
10 again, I don't know.

11 Q So during that conversation about the
12 box, and everything, did he say why he wished to
13 see him not have a job there?

14 A It had something to do with him not being
15 able to move out of the area, go do something
16 different. And as we talked -- forgive me.
17 Something I do remember, is that, he -- I don't
18 remember if it was to Reggie, or to Sharon --
19 trying to move out of the area. He wanted to
20 become a permanent fixture, in what we called, at
21 the time, the growth group. That's just where they
22 hand you a list, and you make calls.

23 He didn't want to have to worry about bid
24 growth; he didn't want to have to worry about
25 hitting the other performance measures; he wanted

1 to try to be a permanent fixture in growth group,
2 so there was some...

3 Q Who gets in growth group?

4 A All new-hires start in growth group.
5 It's, kind of, a training area to where you, kind
6 of, learn the systems, become acclimated to the
7 systems and making calls; and then it's, kind of
8 like, a resource pool.

9 So when someone leaves the floor, or gets
10 promoted, you have someone that can move into that
11 vacant desk.

12 Q So the growth group works on leads for
13 you, as inside salesmen.

14 A Yes. That's probably a good way to
15 describe it. When I was in growth group -- and I
16 don't know how it was when Ray was there -- we
17 worked, specifically, on what we call, sales leads,
18 slim leads; this is a list of leads that came in --
19 and for our area, we covered the east coast, so it
20 could be -- I could be calling a customer in New
21 York; I could be calling a customer in Georgia, or
22 wherever; just depends on how those leads got
23 assigned to me.

24 So you'd have X number of calls, and when
25 I was in growth group, I think we had to do 25

1 calls a day; and the expectation was, the calls
2 needed to be 25 calls; and then you had a talk-time
3 metric that you had to meet, as well; so you had, I
4 think, two-and-a-half hours of talk time.

5 Q Keep them on the line?

6 A Correct.

7 Q Did Courtney express how he was going to
8 make changes, or go about making changes, with the
9 unit itself, or the way things were done?

10 A In terms of how he, personally,
11 approached his work?

12 Q Well, the changes that he thought were
13 necessary, how did he think he could get anything
14 done?

15 Did he say he was going to Atlanta, to
16 talk to, apparently, you know, the higher ups?

17 A I think that was something he mentioned
18 at the lunch; he was gonna go to Atlanta to talk to
19 somebody.

20 Q Is that because -- did he say why? Did
21 he not feel that he could talk to the people in
22 Greenville?

23 A That may have been why; I don't know that
24 that was the case. Like I said, the open-door
25 policy -- if you don't feel like you're getting

1 what you need here, you can go to the next level;
2 so I think he was, maybe, just gonna go to the next
3 level.

4 Q So he did mention, he was going to
5 Atlanta, and that was, like, a plan.

6 A I believe so.

7 Q What was the fallout from the meeting
8 that you had after the lunch? What ended up
9 happening, as a direct result of that meeting?

10 A They had city police officers assigned to
11 our location; and, at that time, they had two
12 roving police cars in the Fluor lot, during the
13 day; and then you had a police officer stationed at
14 each entrance.

15 Q What was your contact with Mr. Mitchell,
16 from that point forward?

17 A After lunch, zero.

18 Q No contact, him-to-you; you-to-him.

19 A No, sir.

20 Q With regard to Reggie Owens asking you to
21 do something -- did the police ask you to do
22 something, directly; or did Reggie?

23 A I think Reggie said we would write
24 statements; and when the police got there, we gave
25 them the statements; and, I think, at the same

1 time, or right after that, we did a personal --
2 same thing that mirrored what we gave the police,
3 to Reggie.

4 Q Did you write two statements?

5 A I remember writing one on the form, for
6 the police officer. They gave us a form to fill
7 out, and I, pretty much, used that to do the one to
8 Reggie.

9 Q Was the first one -- the first report
10 that you wrote, was it more elaborate, or a little
11 bit more specific than the second one?

12 A I tried to make them as equal as I could.
13 I'm not overly great on the details. I mean, if
14 you look at it, compared to others, it's probably
15 not as detailed as some of the others.

16 Q My question earlier was, you had two
17 different statements; one is shorter than the
18 other, like it's paraphrased.

19 I mean, is that how it was done?

20 A That would be an accurate description.
21 Yes, sir.

22 MR. SMITH: Mark this as Plaintiff's
23 Exhibit 2.

24 (Leonard Exhibit 2, June 21, 2013
25 Statement, marked for identification.)

1 BY MR. SMITH:

2 Q What we're looking at in Plaintiff's
3 Exhibit 2, is what?

4 A I'm sorry. Say that again.

5 Q This is Plaintiff's Exhibit 2. What is
6 this?

7 A This is the statement that I wrote out
8 and gave to Reggie.

9 MR. SMITH: And mark this Plaintiff's
10 Exhibit 3.

11 (Leonard Exhibit 3, June 24, 2013
12 Statement, marked for identification.)

13 BY MR. SMITH:

14 Q Can you tell me the differences that you
15 see in these.

16 Well, which one was done first, how about
17 that?

18 A This one was done first; the one that's
19 dated June 21st.

20 Q Well, I see the date there, sir; but is
21 the smaller one, the one that's paraphrased?

22 A That would be correct, yes. Sorry. I
23 didn't understand your question.

24 Q I understand. You did the long one,
25 first, and then you made a small one for the

1 police; is that right?

2 MR. WILLIAMS: Object to the form of the
3 question. Please answer.

4 WITNESS: The one to police was probably
5 short because I was trying to keep it on that
6 little report form they gave us.

7 If I remember, it would have mirrored
8 more of this one, just to hit the highlights.

9 BY MR. SMITH:

10 Q So the longer version -- would you say
11 that's the one you wrote first?

12 A No. The paraphrased one would have been
13 the first one; and then, I think, it may have been
14 after our loss prevention people got involved into
15 it and wanted us to go back and be a little bit
16 more comprehensive.

17 Q So you weren't paraphrasing then.

18 A On the longer one, no.

19 Q My questioning is based on -- this is my
20 interpretation. You do a long report, and then you
21 do a synopsis, or a smaller version, for
22 efficiency, to fit in the space you had; but you
23 don't believe you did the longer one first.

24 A I don't recall correctly -- no. I would
25 think, knowing my personality, I did this one,

1 first, just to hit the, you know -- I don't know if
2 highlights is the right word, but, the pertinent
3 points.

4 And they wanted us to -- I want to say it
5 was LP, and I may not be correct on the timeframe
6 -- wanted us to, you know, write down everything
7 that we could possibly remember that day.

8 Q On page two of Plaintiff's Exhibit 3,
9 look at number four. Can you talk to me about
10 that. What is that about?

11 A Yeah. He talked about, he had been
12 prescribed medications, and that he wasn't supposed
13 to be driving. And I remember thinking, you know,
14 if you're not supposed to be driving, why did you
15 drive up here and -- I'm thinking that to myself.

16 Q Did you ever notice --

17 A And he said he was in pain, and I said,
18 well, you shouldn't not take -- that's a double
19 negative, I guess -- but take your pain meds
20 because you don't want to have to fight the pain,
21 physically, because, I said, that creates more
22 stress, you know, on your body.

23 Q Did you ever notice that -- did you ever
24 have an opportunity to see him in a state that you
25 believed he was medicated; meaning, the effect of

1 the medication was clear to you?

2 A There was one time, he came into work,
3 where he was on medication; and I don't know what
4 type, but something to do with an IED explosion had
5 created pain in his neck and back; and he had
6 difficulty because, obviously, he sat in a chair
7 all day long, and I think it bothered him; and I
8 think there were a couple times, he came in, where
9 he had been on something for that.

10 I don't know if it was prescription, or
11 whether it was over the counter.

12 Q On page three of that same Plaintiff's
13 Exhibit, can you tell me about your closing.

14 A Well, this goes back to working under the
15 thought that Ray was a combat veteran. I guess I'm
16 particularly attuned to that; I grew up in a
17 military family; would have been in the military,
18 had I not blown my knee out; I have friends that
19 have served overseas.

20 I mean, I grew up in a military town,
21 I'll just put it that way, so I have close contact
22 with people that served. Understanding -- and over
23 the course of my career, working with people that
24 have been veterans, I know that there are specific
25 things, that they experience, that you and I will

1 never experience; and I don't know how that affects
2 them, so I didn't want to pry too much with Ray.

3 I mentioned earlier, you know, that there
4 would be times I would stay late, at night, just so
5 I wouldn't have to fight the traffic to go home;
6 and we would talk -- and he'd talk about his
7 experiences; so I just wanted to be there, to
8 listen, for him; so that's where that came from.
9 But then, keeping with the thought that he was a
10 stressed, ex-veteran, based on the comments he made
11 here, there was something, obviously, in my mind,
12 that had gone awry in Ray's thought process; and I
13 think what we wanted -- or what I wanted -- and
14 when we approached Reggie that day -- was to get
15 Ray some help.

16 Q Regardless of any military relationship,
17 did Courtney need help?

18 A Help as far as?

19 Q Mentally.

20 A I'm not qualified to answer that; but, I
21 mean, just in terms of what I thought he needed,
22 especially after that -- I thought he needed help.
23 Here again, not prying into what he was doing, I
24 would think that he would have availed himself to,
25 you know, the VA, or someone, for working through

1 what he experienced in Afghanistan.

2 Q And this statement, was this based on the
3 lunch, alone? Or were there other things that you
4 had seen?

5 A That was based, partly, on the lunch; and
6 partly, on some of the conversations that we would
7 have at night.

8 Q Can you give me some examples of the
9 conversations.

10 A There was one, you know -- going back --
11 mentioning the injury to his neck and back, where
12 he had been in a convoy -- and I can't think of the
13 pass, but he was talking about the pass, and they
14 hit an IED, and the vehicle got overturned, and
15 things like that; and that's when he sustained
16 these type injuries, and he mentioned that people
17 had died.

18 And I didn't pry because I'm not
19 qualified to start delving into those type
20 situations; but if he wanted to talk about it, I
21 thought, listening to him, at least, provided a
22 catharsis -- I don't know if that's the right
23 word -- a release for him, to help work through
24 what he had experienced.

25 Q Did you have -- what were your beliefs as

1 to his mental situation, during those
2 conversations?

3 A I felt that he was, somewhat, stable, and
4 that he was just using that to work through it. I
5 didn't think there was as much of a disconnect, as
6 there was when we were at lunch that day -- between
7 what I had experienced with him, prior to the
8 lunch.

9 Q But you recognized that he needed help.

10 A Correct.

11 Q Was that a thought of the group? Or was
12 that just your thought?

13 A That's just my thought. I think that,
14 after the lunch, we all thought -- and here again,
15 you know, we're working -- you know, he's an
16 ex-veteran -- that he needed help.

17 And the purpose of that, at least from my
18 perspective, partly, to alert Reggie and Sharon and
19 Ken, what was said, was that, there was concern on
20 all our parts. I know there was on mine and Scott
21 and Dwight's, and probably Gina, if you asked her;
22 that Ray really needed help because he would -- you
23 know, he related that to me, and probably related
24 some of the same things to Scott and Dwight and
25 Gina.

1 I don't know that for a fact, but hearing
2 him talk about what he experienced, I don't know
3 how I would be, coming back into the civilian
4 world.

5 Q Recounting every individual that was in
6 the ride home, what -- were the individuals
7 offering any prior situations they had seen, that
8 correlated with this lunch?

9 A I think we had all heard the story about
10 the IED -- because of the injury -- so we all had
11 that; and I think, you know, we all -- okay, we
12 need to let them know.

13 But why we, also, wanted to go, was that,
14 knowing Ray was out -- we didn't know why he was
15 out; but, obviously, he needed to have some type --
16 in our minds -- some type of help to deal with what
17 he was dealing with.

18 Q What did Gina Jones say, in that ride
19 back to the office?

20 A Specifically, I don't remember. Like I
21 said, I think we all sat in the car, and were like,
22 Holy crap, we need to go -- well, probably more
23 specific than that -- but we need to go -- let
24 people know what was going on; and I think we were
25 all talking, and we all had a concern for Ray, that

1 he needed help; and that was one of the reasons why
2 we went to HR.

3 Q Were there any anecdotes -- that reminds
4 me of the time -- so to speak?

5 A No. I remember when we were in the car,
6 and Gina got a text, or Dwight got a text -- it may
7 have been Gina because it was addressed towards
8 Dwight, about, tell him not to act like such a --
9 put a boot in his rear-end for me.

10 Q Did you perceive that as an attempt to be
11 humorous, or coarse?

12 A I would say, coarse humor.

13 Q Did he ever threaten anybody?

14 A At that table, that day?

15 Q At any time.

16 A Other than what we perceived as a threat
17 towards Ken, I'm not aware of any other situations;
18 and I don't know if that's encompassing the -- I
19 don't know if implied threat would be correct, but
20 when he had someone deliver the -- I think it was a
21 leaf-blower motor, and I know there was some type
22 of envelope that had items in it, but I don't know,
23 specifically, what those items were; but I think
24 that got -- I don't think.

25 It upset a lot of people, on the contents

1 of that envelope that was delivered.

2 Q So did you know the content of the
3 envelope?

4 A I understand there was some notes,
5 receipts, and cellphones; and that's all I know
6 that was in there. As far as what was on any of
7 the cellphones, or what the notes were, or what the
8 receipts, specifically, had on it, or whatnot; I
9 don't know. I just know the general contents.

10 Q So, as you said, there was no interaction
11 between you, at all; you didn't get any e-mails, or
12 texts, or anything, from Courtney.

13 A No, sir. After that -- that lunch was
14 the last time I had any type of contact with Ray.

15 Q Do you know what Gina Jones' involvement
16 was, in this particular situation, from the lunch
17 to his dismissal; or anything of that nature?

18 A I don't know what her involvement was, in
19 terms of his dismissal. I think that it was,
20 probably, more personal for her; and I don't know
21 if personal is the right word; but her engagement,
22 after the lunch, was greater activity, on her part,
23 than mine; she was more involved. I don't know how
24 to word that.

25 Q Did she, or anyone else, offer any new

1 information to you that you were unaware of?

2 A No, sir. Other than, that she had an
3 envelope that had those general items in it. She
4 didn't ask for details -- I didn't ask for details,
5 and she didn't offer them.

6 At that point in time, if it didn't
7 involve you, directly, so to speak, at that
8 point -- UPS is of the mindset that these matters
9 are private, to a point; that if it doesn't involve
10 you, directly, at that point in time, then you
11 don't really need to know what's going on.

12 They would keep us abreast of general,
13 you know, progress of what was going on, you know;
14 was Ray incarcerated, or was Ray out; but as far as
15 any details on what was in that, no.

16 Q Are you aware that Ms. Jones made a
17 statement regarding the events, and so forth? Did
18 you ever have an opportunity to read that?

19 A No, sir. I've not read anybody's
20 statements.

21 Q Are you aware that she did create
22 something like that?

23 A I believe we all created statements from
24 that lunch that day.

25 Q When did you believe that Courtney was

1 not the same person that had started working there?

2 A If I had to state a definitive point, I
3 would say, it was that day, at lunch.

4 Q Did Courtney ever win any awards, any
5 achievements, or anything?

6 A I don't recall; no, sir.

7 Q If you got an award, would you get a
8 reward, like, monetary, or credit card sort of
9 thing?

10 A There may have been gift cards. I know,
11 typically, what we got was, like, a coupon for time
12 off; you got -- well, that was birthday
13 recognition. Sharon would give everybody, like, an
14 ice cream card; I think it was T-B -- I can't think
15 of the place.

16 You know, I don't know. I never got
17 anything that had money, as far as, you know, a
18 gift card that said, here's X number of dollars on
19 it. Most of mine were, either, time off -- what we
20 call a time-off certificate, or a time-off coupon,
21 or hours-off coupon.

22 MR. SMITH: One moment, please.

23 (Off the record.)

24 MR. SMITH: I have nothing further.

25 MR. WILLIAMS: No questions.

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You are free to go.

COURT REPORTER: Shayne, you mentioned
you want --

MR. WILLIAMS: Read and sign.

- - -

(The deposition concluded at 10:55 a.m.)

- - -

(Witness excused.)

- - -

1 THE COURT:

2 Thank you so much. Is it Ms. Jones?

3 MS. JONES:

4 (Inaudible).

5
6 THELMA JEANA JONES:

7 being first duly sworn was examined and testified as
8 follows:

9 THE COURT:

10 Thank you.

11 EXAMINATION BY MR. GALYEAN:

12 Q. Ms. Jones, could you start with the events of June
13 21st of 2013 and tell us what happened on that day?

14 A. Well, two days prior I received a text message from
15 Mr. Mitchell. He was out on disability from work. I
16 don't know the specifics of it. I'm not privy to
17 that. But he asked me to go to lunch on Friday. I
18 had already had plans, you know, with some of my
19 co-workers. So I asked my co-workers, hey, is it okay
20 if, you know, Ray joins us for lunch? He wanted to
21 meet for lunch. And they were all, oh, that's fine,
22 we'll see how he's doing.

23 So he met us for lunch at the Olympian Restaurant, I
24 believe was the name of it, on that Friday probably a
25 little after 12:00. He was already there. He had

1 been there for a little while. He had been drinking
2 water and, it looked like, coffee. We all sat down,
3 and he immediately went into talking about, you know,
4 what he'd been doing. Him and his wife were working
5 on some things privately. There was multiple
6 conversations that started up. I mean, it was talking
7 to me, talking to - - I mean, talking to Dwight,
8 talking to Mike Leonard. And they were all happening
9 at the same time, like one was talking about him being
10 upset about work. One was talking about him and his
11 wife starting up a business of repo-ing stuff. And I
12 asked him, like repo-ing what? He's like, cars, you
13 know, people. I was like, okay, that's odd. One
14 conversation was with Dwight, and he made -- he called
15 Dwight -- and my apologies. He called him a pussy.
16 I'm not quite sure what the disgruntlement was there.
17 He made the comment about Dwight about driving like --
18 driving like an Arab or something, just put a turban
19 on him and call him Sumeer and he could be a New York
20 taxi driver. I mean, he was making some really
21 derogatory comments right to Dwight. And I looked at
22 Ray, and I was like, you know, seriously? He was
23 like, I'm just kidding, Jeana. I was like, no, you're
24 not. And he said, "No, I'm not really, not really.
25 I'm not kidding."

1 He went on, just getting louder. People -- there was
2 a table that got up and moved. There was a table with
3 some children who requested to be moved away from us
4 in the restaurant. There was a couple of tables
5 around that were just looking at us mortified, I
6 guess, terrified because he was raging -- he was just
7 louder and louder, hand gestures, just very angry.
8 And he talked about he had gotten a new sniper rifle
9 and that he'd gotten armor-piercing bullets. And, you
10 know, he -- he -- all of the management and our team,
11 you know, above Mike Batista was -- was just shit.
12 Sorry. And that he would take care of them. He made
13 some comments about watching the news. It was --
14 And he made some comments about prior history in the
15 military with one of his privates getting some sort of
16 disease, and the doctor doing horrible things to this
17 guy to cure it. I mean, he was just so many different
18 things all at one time that it -- it was just, it
19 didn't make sense.
20 But he threatened Ken. He said, "You know, my main
21 purpose" - my main drive, my focus, my -- I'm trying
22 to remember the exact word. The fixation "My main
23 fixation is to have Ken Baca removed from that place
24 in the box -- I mean, with his stuff beside me in a
25 box." So he corrected himself really quick. And that

1 was at the point where it really got scary with us.
2 (Witness crying).
3 And there was no remorse. There was no -- he meant
4 what he was saying. He didn't waiver on it at all.
5 He -- he made comments about Sharon can't make her way
6 out of a box -- I mean, a manager way out of the box.
7 You know, something to the extent of calling her
8 Sister Madea. I mean, it was horrible things to say.
9 I mean, he -- he was pretty clear, and then he just
10 got up and left. He just bolted out of there. He was
11 like -- I thought he was going to the restroom, but he
12 was gone. He just got up and went -- got in his
13 truck. He threw some money on the table, and it was
14 like he didn't eat. He didn't do anything. He was
15 just like there raging at us. (Witness crying) I
16 apologize, Your Honor.

17 THE COURT:

18 That's all right. Take your time.

19 WITNESS CONTINUES:

20 **A.** So after he left, I looked at my co-workers and I was
21 like, what just happened, I have -- I have to tell my
22 management what he just said. And we didn't know
23 where he went. But we were all in agreement. We
24 heard the same things, that he was -- he was very
25 angry and he was capable of doing harm, you know, the

1 references to the guns, the references to the bullets,
2 the specialized bullets, and all of the military
3 references, and all the stuff that he told us about
4 prior at work. He was in the military. He was an MP.
5 He was blown up at Afghanistan. You know, he had been
6 on the front lines. I mean, all this -- all of this
7 put together was terrifying.

8 So we went back to work, and we actually run into
9 Sharon on the elevator coming up. And she -- she
10 looked at us and asked us what was wrong. And we
11 didn't tell her, because we were kind of in public.
12 We were like, we're okay, we're okay. I told Mike
13 Batista, my immediate supervisor, what had happened,
14 and we went downstairs and reported it to Reggie
15 Owens.

16 And eventually, Ken, you know, kind of came in. He
17 wasn't aware of anything. We reported it to him at
18 that time we were telling H.R. We didn't know where
19 he went. He just kind of disappeared. He did send a
20 text message about, I can't believe I said all that
21 stuff about Ray, and some sort of jovial comment. But
22 it was gone, like -- like our immediate thought was,
23 okay, we're right -- we were right there at work where
24 we were eating. He could have went over there right
25 then and done something. But he was very clear about

1 But he started sending text messages about, you know,
2 money and having balls, you know, he read it, whatever
3 it was. And he sent text messages to Mike Batista as
4 well in regards to family and taking away the family.
5 So Mike had actually just had a baby. So, I mean, it
6 was almost like he was relating, well, you took me
7 away from my family, so I'm going to take you away
8 from yours. And then he sent the package and the leaf
9 blower. It was the result of him, Ray, helping
10 another co-worker. His name was Darryl Bailey.
11 During the process of all that help, the leaf blower
12 quit working, and Ray took it to try to help him get
13 it fixed or something. I don't know the whole details
14 of the whole leaf blower thing.

15 But the leaf blower came back that Friday, the 26th,
16 along with a package. And the package was given to
17 Darryl, and Darryl came straight to my desk and said,
18 "Jeana, I need to talk to you." And I was like okay.
19 And he's like, let's -- let's go to a room right now.

20 MR. SMITH:

21 Objection as to hearsay.

22 **WITNESS CONTINUES:**

23 A. And I saw he had a -- an envelope in his hand. It was
24 -- it wasn't a new one. It was rolled up like it had
25 been re-used. I'm like, okay. I mean, I had no idea

1 what it was. And he said -- he said, "Jeana, a man
2 just dropped off my leaf blower from Ray."

3 **MR. SMITH:**

4 Objection, hearsay.

5 **THE COURT:**

6 I will allow it. Go ahead, ma'am.

7 **WITNESS CONTINUES:**

8 **A.** Okay. "A man just dropped off my leaf blower from
9 Ray, and he said, specifically, 'Take this package to
10 Jeana Jones, Coach, immediately.'" And I said okay,
11 so let's see what's in it. So nobody knew. It was
12 just me and Darryl in a room. We opened up the
13 envelope, poured the contents out, and it had the
14 trespass notices for Dwight and Ken that was in the
15 box to me, but whatever, the concealed weapons permit.
16 It was on old one of Ray's, Mr. Mitchell's, and three
17 cell phones. Two were powered down and one was up,
18 which I thought was kind of odd. Two -- two pieces of
19 like notepad paper, one of them was a hunting club,
20 and he had jotted something on it. The other one was
21 like the \$80,000. I don't -- stuff that doesn't have
22 anything to do with me, to be honest. I don't have
23 anything to do with whatever happens. I'm just a
24 coach on his team. But it had a receipt from the 7-11
25 in it. It didn't really occur to me at that point.

1 I just looked at what he bought. And he bought a
2 six-pack of Stella beer, which I do remember one time
3 prior we were talking about beers and stuff, and I
4 told him that Stella was one my favorite beers. But
5 it didn't really occur to me that was going on with
6 the receipt. I just thought it was odd. And then
7 there was a business card for a nursery, like trees,
8 stuff like that in Anderson in there. Obviously, the
9 only thing that really struck me, initially, was the
10 concealed weapons permit. It kind of goes along with
11 the lunch -- I have the gun -- and being that it was
12 addressed straight to me, it was brought straight to
13 me, and he's like, Jeana, I've got a gun.
14 So I took it -- I took it down to H.R. and let them
15 know I had gotten this and the leaf blower that had
16 showed up and everything, alerted Reggie Owens and was
17 showing him, going through it. They now had -- had
18 everything. And I said, "I'm going back upstairs. I
19 need to think about this," because this is a message.
20 There's a reason he put these things in this. So I
21 sat down and really started thinking about it, and I
22 was like, what -- what's the receipt about? Why a
23 receipt with beer? I mean, yeah, I like Stella beer.
24 And so I went back down -- I went back down, and I
25 retrieved the stuff. By this time, you know, Ken had

1 it in his office with Reggie. And I picked it up, and
2 I looked at it. And that's -- that's the -- that's
3 the gas station at my mom's house. He has no business
4 out there, like he doesn't live there. I know where
5 his mom lives. It's 15 minutes from me. His mom
6 lives 15 minutes from me, like that's a good 45-minute
7 hike.

8 But, anyway, I was like, okay. All right, I got that
9 message. So you know where my mom lives. Okay,
10 you've got a gun, all right. Go through the phones.
11 I went and powered up the phones, because being that
12 it was a with a leaf blower, I was like, you know,
13 this thing could be a bomb. You know, you see this on
14 T.V. You can activate a bomb with a cell phone.
15 That's what I thought. That's what I thought was
16 going on with the leaf blower. So I went and powered
17 up the two powered down cell phones, but I did look
18 through the one that was powered up to see if maybe if
19 there was some random message for me in there. I
20 didn't see anything.

21 I went back upstairs and kept trying to figure out
22 what was going on with the business card for the
23 nursery. It came to me that that nursery was down the
24 street from the apartment I used to live at. Okay,
25 you know where I live. You know where my family

1 lives. You have a gun. And there's no -- there's no
2 speculation. The message is clear. I did say to the
3 cops repeatedly, "You need to check the leaf blower.
4 Just check it. Please just check it. It could be a
5 bomb or it could not be, anything. But please just
6 check it. There's a reason for the cell phones." And
7 to this day I don't know what that reason was other
8 than maybe to establish fear.

9 But, Your Honor, I am frightened by this man. He made
10 comments about people, about my co-workers, about my
11 management team that -- that normal people don't do.
12 You don't threaten to take people out of their work in
13 a box. You don't -- you don't talk about sniper
14 rifles and having bullets that go through, you know,
15 armor and -- you know, it'll go right through a vest,
16 and you don't -- you don't do that.

17 MR. GALYEAN:

18 Your Honor -- thank you, Jeana. I think what the best
19 thing to do is maybe have each individual Plaintiff
20 rise, state their name, and I'll ask them a couple of
21 questions, if that works. And unless Mr. Smith wants
22 to --

23 MR. SMITH:

24 I'd like to cross-examine.

25 THE COURT:

1 Q. Okay. He -- he was salesman of the month three
2 months in a row, right?

3 A. When he came to the floor, yes.

4 Q. Yes, ma'am. And you -- you said previously
5 that he was lucky, right?

6 A. Yes, I did.

7 Q. Okay. You were the one that split his
8 territory that he had; is that right?

9 A. No, sir. I don't -- I have no authority to
10 change territory.

11 Q. Okay. So he was -- his territory was cut and
12 left him essentially with Harrisburg, right?

13 A. I don't recall. I would have to tell you to
14 ask the leadership -- the supervisors and management on
15 that.

16 Q. Once that occurred, Mr. Mitchell never reached
17 the height that he had initially, right?

18 A. The initial recognition that Mr. Mitchell
19 received was because the territory that he came into, he
20 was inherited by another ISR who was promoted. She was
21 exemplary in her duties, she met all the metrics, and
22 thus was offered a position outside of inside sales. So
23 in my reference to lucky, it was because he had her
24 numbers for the first few months of his coming onto the
25 sales floor.