

RECEIVED

Mar 07 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS COMPENSATION
COMMISSION

W.C.C. FILE NO. 1206236

Appellate Case NO. 2019- 001936

Jennie Cox, Employee

Appellant,

v.

Palmetto State
Transportation, Employer,
and Cherokee Insurance
Company, Carrier

Respondents,

SUPPLEMENTAL RECORD

George Gallagher
PO BOX 11669
Columbia, South Carolina
29211(803) 748-2259
ggallagher@speed-seta.com
Attorney for Respondents

Appendix

2013 Wage Records	1
2014 Wage Records	3
Hillcrest Family Practice Medical Records (Dr. Jennifer T. Ellis)...	5
2015 Tax Returns	9
Letter regarding Work Accommodations	14
Claimant's Benefits History	15
2015 W-2	18
Deposition of Jennie Cox.....	19

url127
01/31/2017

Palmetto Stai
Workers Comp

Name	St	Check Date	Gross Wages	Taxable	Non Taxable
Cox, Jennie	SC	01/04/13	650.48	594.04	56.44
Cox, Jennie	SC	01/11/13	650.48	594.04	56.44
Cox, Jennie	SC	01/18/13	1,511.84	1,455.40	56.44
Cox, Jennie	SC	01/25/13	1,260.13	1,200.92	59.21
Cox, Jennie	SC	02/01/13	1,307.50	1,241.06	66.44
Cox, Jennie	SC	02/08/13	938.38	881.94	56.44
Cox, Jennie	SC	02/22/13	692.64	579.76	112.88
Cox, Jennie	SC	03/01/13	1,326.24	1,269.80	56.44
Cox, Jennie	SC	03/08/13	1,301.20	1,244.76	56.44
Cox, Jennie	SC	03/15/13	1,305.04	1,248.60	56.44
Cox, Jennie	SC	03/22/13	1,349.12	1,292.68	56.44
Cox, Jennie	SC	03/29/13	1,324.32	1,267.88	56.44
Cox, Jennie	SC	04/05/13	1,326.00	1,269.56	56.44
Cox, Jennie	SC	04/12/13	1,098.47	1,042.03	56.44
Cox, Jennie	SC	04/19/13	1,279.76	1,223.32	56.44
Cox, Jennie	SC	04/26/13	1,441.00	1,381.32	59.68
Cox, Jennie	SC	05/03/13	1,869.36	1,797.38	71.98
Cox, Jennie	SC	05/10/13	341.25	289.27	51.98
Cox, Jennie	SC	05/31/13	1,349.24	1,193.30	155.94
Cox, Jennie	SC	06/07/13	1,339.52	1,281.90	57.62
Cox, Jennie	SC	06/14/13	1,259.74	1,202.12	57.62
Cox, Jennie	SC	06/21/13	1,260.00	1,202.38	57.62
Cox, Jennie	SC	06/28/13	1,326.24	1,268.62	57.62
Cox, Jennie	SC	07/05/13	1,327.44	1,269.82	57.62
Cox, Jennie	SC	07/12/13	1,310.72	1,243.10	67.62
Cox, Jennie	SC	07/19/13	1,374.96	1,317.34	57.62
Cox, Jennie	SC	08/02/13	423.28	308.04	115.24
Cox, Jennie	SC	08/23/13	1,325.04	1,152.18	172.86
Cox, Jennie	SC	08/30/13	1,279.76	1,222.14	57.62
Cox, Jennie	SC	09/06/13	1,326.48	1,268.86	57.62
Cox, Jennie	SC	09/13/13	1,331.52	1,273.90	57.62
Cox, Jennie	SC	09/20/13	1,423.84	1,366.22	57.62
Cox, Jennie	SC	09/27/13	1,300.96	1,243.34	57.62
Cox, Jennie	SC	10/04/13	1,348.40	1,290.78	57.62
Cox, Jennie	SC	10/11/13	1,326.24	1,268.62	57.62
Cox, Jennie	SC	10/18/13	1,343.12	1,285.50	57.62
Cox, Jennie	SC	10/25/13	1,304.56	1,246.94	57.62
Cox, Jennie	SC	11/01/13	1,072.62	1,015.00	57.62
Cox, Jennie	SC	11/08/13	1,785.58	1,727.96	57.62
Cox, Jennie	SC	11/15/13	1,344.32	1,286.70	57.62
Cox, Jennie	SC	11/22/13	1,327.31	1,269.69	57.62
Cox, Jennie	SC	11/29/13	1,360.07	1,286.22	73.85
Cox, Jennie	SC	12/06/13	1,411.84	1,354.22	57.62

372

Cox, Jennie	SC	12/13/13	1,387.70	1,330.08	57.62
Cox, Jennie	SC	12/20/13	1,343.12	1,285.50	57.62
Cox, Jennie	SC	12/27/13	1,315.92	1,258.30	57.62
			-----	-----	-----
			57,602.75	54,592.53	3,010.22
			-----	-----	-----
			57,602.75	54,592.53	3,010.22

Workers omp Report

Enter Data to Print :

Check_Date Be : 01/0 /13

Check_Date En : 12/3 /13

Em lo ee: COXJ 648

373

url127
01/31/2017

Palmetto State
Workers Comp R

Name	St	Check Date	Gross Wages	Taxable	Non Taxable
Cox, Jennie	SC	01/03/14	1,381.92	1,324.30	57.62
Cox, Jennie	SC	01/10/14	1,398.32	1,340.70	57.62
Cox, Jennie	SC	01/17/14	1,321.92	1,264.30	57.62
Cox, Jennie	SC	01/24/14	2,388.79	2,318.98	69.81
Cox, Jennie	SC	01/31/14	1,392.48	1,334.86	57.62
Cox, Jennie	SC	02/07/14	1,338.56	1,260.94	77.62
Cox, Jennie	SC	02/14/14	1,531.18	1,473.56	57.62
Cox, Jennie	SC	02/21/14	1,229.30	1,171.68	57.62
Cox, Jennie	SC	02/28/14	1,352.48	1,294.86	57.62
Cox, Jennie	SC	03/07/14	1,384.32	1,326.70	57.62
Cox, Jennie	SC	03/14/14	1,300.96	1,243.34	57.62
Cox, Jennie	SC	03/21/14	1,345.28	1,287.66	57.62
Cox, Jennie	SC	03/28/14	1,319.04	1,261.42	57.62
Cox, Jennie	SC	04/04/14	1,298.56	1,240.94	57.62
Cox, Jennie	SC	04/11/14	1,326.72	1,269.10	57.62
Cox, Jennie	SC	04/18/14	1,382.17	1,263.82	118.35
Cox, Jennie	SC	04/25/14	1,417.20	1,359.58	57.62
Cox, Jennie	SC	05/02/14	1,808.84	1,751.22	57.62
Cox, Jennie	SC	05/09/14	1,382.16	1,324.54	57.62
Cox, Jennie	SC	05/16/14	1,353.84	1,296.22	57.62
Cox, Jennie	SC	05/23/14	1,413.84	1,356.22	57.62
Cox, Jennie	SC	05/30/14	1,413.60	1,355.98	57.62
Cox, Jennie	SC	06/06/14	1,348.08	1,294.74	53.34
Cox, Jennie	SC	06/13/14	1,654.99	1,601.65	53.34
Cox, Jennie	SC	06/20/14	1,412.40	1,359.06	53.34
Cox, Jennie	SC	06/27/14	1,396.29	1,342.95	53.34
Cox, Jennie	SC	07/04/14	1,382.40	1,329.06	53.34
Cox, Jennie	SC	07/11/14	1,516.42	1,420.18	96.24
Cox, Jennie	SC	07/18/14	1,411.20	1,357.86	53.34
Cox, Jennie	SC	07/25/14	1,511.28	1,457.94	53.34
Cox, Jennie	SC	08/01/14	1,349.04	1,295.70	53.34
Cox, Jennie	SC	08/08/14	1,543.74	1,490.40	53.34
Cox, Jennie	SC	08/15/14	1,834.04	1,780.70	53.34
Cox, Jennie	SC	08/22/14	1,349.04	1,295.70	53.34
Cox, Jennie	SC	08/29/14	1,378.32	1,324.98	53.34
Cox, Jennie	SC	09/05/14	1,349.04	1,295.70	53.34
Cox, Jennie	SC	09/12/14	1,475.20	1,421.86	53.34
Cox, Jennie	SC	09/19/14	1,347.84	1,294.50	53.34
Cox, Jennie	SC	09/26/14	1,386.00	1,332.66	53.34
Cox, Jennie	SC	10/03/14	1,414.32	1,360.98	53.34
Cox, Jennie	SC	10/10/14	1,379.52	1,326.18	53.34
Cox, Jennie	SC	10/17/14	1,469.76	1,416.42	53.34
Cox, Jennie	SC	10/24/14	1,439.52	1,386.18	53.34

374

Cox, Jennie	SC	10/31/14	1,457.26	1,403.92	53.34
Cox, Jennie	SC	11/07/14	1,924.52	1,871.18	53.34
Cox, Jennie	SC	11/14/14	1,482.72	1,429.38	53.34
Cox, Jennie	SC	11/21/14	1,442.88	1,389.54	53.34
Cox, Jennie	SC	11/28/14	1,381.92	1,328.58	53.34
Cox, Jennie	SC	12/05/14	1,442.80	1,389.46	53.34
Cox, Jennie	SC	12/12/14	1,365.74	1,312.40	53.34
Cox, Jennie	SC	12/19/14	1,732.51	1,679.17	53.34
Cox, Jennie	SC	12/26/14	1,404.50	1,351.16	53.34

-----	-----	-----
75,464.77	72,461.11	3,003.66

-----	-----	-----
75,464.77	72,461.11	3,003.66

Enter Data to Print : Workers omp Report

Check_Date	Be	:	01/0	/14	
Check_Date	En	:	12/3	/14	
Em	lo	ee:	COXJ		648

375

Progress Note

Patient Name: Jennie Cox
Patient ID: 55780
Sex: Female
Birthdate: August 14, 1952

Visit Date: July 1, 2011
Provider: Jennifer T. Ellis, MD
Location: Hillcrest Family Practice

Chief Complaint

- Routine f/u; Needs RF's on meds
- Follow up for anxiety

History Of Present Illness

The patient returns for follow up of Her anxiety Since the last visit She has been doing well doing well. She is currently taking the following prescription medications: Alprazolam Oral mg Oral Tablet and Restoril Oral Capsule 15 mg She is not taking any over the counter medications for the symptoms. She has been compliant with the medication regiment. She feels like the following symptoms have improved: anxiety. And she feels like the following symptoms have worsened: none have worsened. She is not currently experiencing any additional or new symptoms. She denies difficulty concentrating, difficulty performing routine daily activities, fatigue, insomnia, loss of appetite, social withdrawal, loss of interest in pleasurable activities, and out of control feelings. She has no current issues exacerbating the condition. She is not currently seeing a therapist. This patient feels that she is able to care for herself. She currently lives alone.

She returns today for routine follow-up of lipid issues. Overall, the patient states she is doing well and has no complaints at this time. She specifically denies chest pain, shortness of breath, abdominal pain, nausea, vomiting, diarrhea, myalgias, fatigue, and weakness. She remains on dietary management alone for intervention and claims to be adhering well to it thus far. She is fasting in anticipation for labs today.

Takes alprazolam about once/ week.

Uses restoril every night. Will drive 11 hrs; off 14 hrs. awakes rested.

Denies fried foods. Busy, no formal exercise.

Past Medical History

Disease Name	Date Onset	Notes
Anxiety Disorder	--	--
Bone Infection	2001	Dr. devault- I & D ? R hamstring insertion/ infection. a/w overuse unloading hand truck. infxn noted upon re-attachment of hamstring per pt?
Hypercholesterolemia	11/26/2010	h/o given. willing to work on diet/ exercise. re check 4 mos.
Insomnia	--	--
Irritable Bowel Syndrome	2004-2007	w/u by GI Assoc- for IBS- Hartley- upper GI, small bowe series, U/S, HIDA Scan 2004-2007
Joint Pain	11/26/2010	pt wishes to address at fu. tyl arthritis discussed. xray at fu if desired.
Low Back Pain	--	? HNP L5/s1

Past Surgical History

Procedure Name	Date	Notes
Appendectomy	? at time of ooph	--
Colonoscopy	8/16/04	int/ext hemorrhoids; tortuous colon
EGD	10/04	mild erythema
hystw/ooph	age 20s/ 1990s	hyst for bleeding; took out ovaries later b/c of adhesions to colon and previous tubal surgery
Lysis of adhesions	1990s	bladder adhesions to colon after hyst/ ooph surgeries

Medication List

Name	Date Started	Instructions
Alprazolam Oral mg Oral Tablet	01/27/2011	take 1 tablet (0.5 mg) by oral route once daily
Restoril Oral Capsule 15 mg	05/31/2011	take 1 capsule (15 mg) by oral route once daily at bedtime as needed for 30 days

History and Physical

Patient Name: Jennie Cox
Patient ID: 55780
Sex: Female
Birthdate: August 14, 1952

Visit Date: December 8, 2011
Provider: Jennifer T. Ellis, MD
Location: Hillcrest Family Practice

Chief Complaint

- COMPREHENSIVE EXAM

ROUTINE VISION

History Of Present Illness

Jennie C. Cox is a 59 year old White, Not Hispanic or Latino female who presents for her annual comprehensive exam. It has been 1 year since her last check up. She is due for the following health maintenance items: DRE, EKG, fasting labs, hemocult testing, mammogram, pap smear, urinalysis, and visual exam.

Exercise History

She does not exercise regularly but is very active.

Dietary Habits

She provided the following examples for meals on an average day. A typical breakfast might consists of some or all of the following: fast food biscuit or breakfast sandwich. Lunch is usually comprised of some or all of the following: fruit and some vegetables. Some examples of typical supper food would be some or all of the following: fast food. She does not eat desert very often. Typical beverages consumed throughout the day include coffee and regular sodas. She regularly consumes sugar-sweetened beverages. On a typical day she might consume one sweet drink. She does not drink alcohol.

Tobacco History

She uses cigarettes 2 pack/s per day.

Current Medical Problems Followed by Us

She is followed by us for hyperlipidemia. The patient's mixed lipid levels have been poorly controlled with diet alone and are detailed in the laboratory reports.

Past Medical History

Disease Name	Date Onset	Notes
Abdominal Radiologic Abnormality	3/5/08	see CT report- L adrenal gland abnormality
Anxiety Disorder	--	--
Bone Infection	2001	Dr. devault- I & D ? R hamstring insertion/ infection. a/w overuse unloading hand truck. Infxn noted upon re-attachment of hamstring per pt?
Hypercholesterolemia	11/26/2010	h/o given. willing to work on diet/ exercise. re check 4 mos. Did not tolerate simvastatin- felt "sick," malaise
Insomnia	--	--
Irritable Bowel Syndrome	2004-2007	w/u by GI Assoc- for IBS- Hartley- upper GI, small bowe series, U/S, HIDA Scan 2004-2007
Joint Pain	--	--
Low Back Pain	--	? HNP L5/s1

Past Surgical History

Procedure Name	Date	Notes
Adenoidectomy	--	--
Appendectomy	? at time of ooph	--
Colonoscopy	8/16/04	int/ext hemorrhoids; tortuous colon- Refuses more scopes, b/c hospitalized after wth emesis
EGD	10/04	mild erythema
hystw/ooph	age 20s/ 1990s	hyst for bleeding; took out ovaries later b/c of adhesions to colon and previous tubal surgery
Lysis of adhesions	1990s	bladder adhesions to colon after hyst/ ooph surgeries
Tonsillectomy	--	--

Medication List

308

[Digital Signature Validated]

- o Hillcrest Profile (HCFP PRO) -- 12/08/2011
 - General health panel This panel must include the following: Comp (80050) -- 12/08/2011
 - Lipoprotein, direct measurement; high density cholesterol (HDL c (83718) -- 12/08/2011
- o Urine culture (87086) -- 12/08/2011

Medications

- o pravastatin Oral Tablet 20 mg
SIG: take 1 tablet (20 mg) by oral route once daily for 30 days
DISP: (30) tablets with 11 refills
Prescribed on 12/08/2011
- o Restoril Oral Capsule 30 mg
SIG: take 1 capsule (30 mg) by oral route once daily at bedtime as needed for 30 days
DISP: (30) capsules with 5 refills
Adjusted on 12/08/2011
- o simvastatin Oral Tablet 20 mg
SIG: TAKE 1 TABLET EVERY DAY
DISP: (90) tablet with 1 refills
Discontinued on 12/08/2011

Instructions

- o Recommend regular exercise
- o Recommend working on weight loss as we discussed
- o Recommend a heart healthy diet
- o Schedule screening mammogram
- o The labs you had drawn today should be back within 3 business days. We will call you only if there are abnormalities that we need to discuss.

Disposition

- o RTC In/on 1 month +/- 2 days (17577).

Electronically Signed by: Jennifer T. Ellis, MD -Author on December 8, 2011 05:24:36 PM

313

[Digital Signature Validated]

Patient's name: <u>Jerrie Col</u>		Patient's DOB	Social Security Number
What primary condition prevents the patient from working? <u>Fatigue / weakness</u>			
Symptoms:		Objective Findings:	
When did symptoms first appear? <u>3/20/16</u>	Date of new patient consultation	If pregnancy, what is EDC?	
Is condition due to accident? <u>Yes</u> ☒ No ☐ If yes, date and description of accident.			
Are any secondary conditions preventing the patient from working? <u>Yes</u> ☒ No ☐ <u>Weight (121)</u>		If yes, what are those secondary conditions?	
Please list all dates of treatment patient received medical advice, diagnosis or treatment including prescription medication for this condition or a related condition for the 18 months prior to this disability to the present. <u>3/11/16, 3/22/16, 4/17/16, 4/22/16, 5/19/16</u>			
List any test(s) performed and submit a copy of the results. <u>Lab</u>		List any surgeries performed with the date and procedure code (CPT) (Attach a copy of the operative report)	
Restrictions (What the patient SHOULD NOT DO)			
Limitations (What the patient CANNOT DO)			
How soon do you expect significant improvement in the patient's medical condition? <u>1-2 months</u> ☒ 3-4 months ☐ 5-6 months ☐ more than 6 months ☐		Expected return to work <u>5/30/16</u>	
Dates unable to work (full-time): From <u>3/20/16</u> To <u>5/19/16</u>	Dates unable to work (part-time): From <u>3/20/16</u> To <u>5/19/16</u>	Actual date released to return to work	
Does this patient have permanent restrictions/limitations? <u>Yes</u> ☒ No ☐	If not employed, list dates of house confinement: From <u>3/20/16</u> To <u>5/19/16</u>	House Confinement means you are kept at home by your condition. "At Home" means in your house or yard. However you may follow your doctor's orders, even if it means leaving home.	
Please check the activities of daily living that the patient is unable to perform: <u>dressing</u> ☒ eating ☐ meal preparation ☐ toileting ☐ continence ☐ bathing ☐ transferring ☐			
Have you referred patient for other types of consultations? <u>Yes</u> ☒ No ☐		How often do you see the patient?	
Name and Address of Hospital		Name and address of Specialist	
Dates of Hospitalization (Last 3 months)			
Signature of Physician: <u>[Signature]</u> Date: <u>5/17/16</u> Physician's Specialty: <u>Family Practice</u>			
Telephone number: <u>(864) 522-5400</u>	Fax Number: <u>(864) 522-5405</u>	Tax ID or SSN: <u>13-4290167</u>	
Physician/Group Name: <u>Fuller Family Practice</u>		Patient Account Number	
Mailing Address: <u>111 S.E. Main Street, Spartanburg, SC 29141</u>		Do you accept Medical Records request by Fax? <u>Yes</u> ☒ No ☐	
Was patient referred to you by another physician? <u>Yes</u> ☒ No ☐		Do you have authorization on file to release information to Colonial Life? <u>Yes</u> ☒ No ☐ <u>UNKNOWN</u>	
Provide the following information for referring doctor. Name:		Phone number	
Address		Fax number	

Colonial Life products are underwritten by Colonial Life & Accident Insurance Company, for which Colonial Life is the marketing brand.

64387-12

08/13-Visit us online at ColonialLife.com

5

322

2029



STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE

2015 INDIVIDUAL INCOME TAX RETURN

SC1040
(Rev. 7/21/15)
3075

Your social security number 	Check if deceased ☐
Spouse's social security number	Check if deceased ☐



DO NOT USE THIS FORM TO FILE A
CORRECTED RETURN. SEE SC1040
INSTRUCTIONS FOR ADDITIONAL
INFORMATION.

For the year January 1 - December 31, 2015, or fiscal tax year beginning		2015 and ending	2016
Enter your first name and initial JENNIE		Last name COX	Suff.
Spouse's first name, if married filing jointly		Last name	
Check if new address ☐	Mailing address (number and street, Apt. no or P.O. Box) Foreign address, see instructions 222 WEST CHAPMAN RD		County code 23
City BELTON	State SC	Area code (864)	Daytime telephone 233-0082
Check if address is outside US ☐	Foreign country address including Postal code (see Instructions)		
Check this box if you are filing SC Schedule NR (Part-year Nonresident) ☐ Check this box ONLY if filing a composite return on behalf of a partnership or "S" corp. Do not chk this box if you are an individual. ☐ Check this box if you have filed a federal or state extension ☐ Check this box if you served in a Military COMBAT ZONE during the filing period ☐ Enter the name of the combat zone: _____ Check this box if this return is affected by a federally declared DISASTER AREA ☐ Enter the name of the disaster area: _____			
CHECK YOUR FEDERAL FILING STATUS (1) ☒ Single (3) ☐ Married filing separately. Enter spouse's SSN here: _____ (2) ☐ Married filing jointly (4) ☐ Head-of-household (5) ☐ Widow(er) with dependent child			

Federal Exemptions

Enter the number of exemptions from your 2015 federal return 1

Enter the number of exemptions listed above that were under the age of 6 years on December 31, 2015

Enter the number of taxpayers age 65 or older, as of December 31, 2015

Dependents:

First name	Last name	Social security number	Relationship	Date of birth (MM/DD/YYYY)

30751028



INCOME AND ADJUSTMENTS COX

2015

1 Enter federal taxable income from your federal form. If zero or less, enter zero here.
Nonresident filers complete Schedule NR and enter total from line 50 on line 5 below

Dollars

35,272.00

ADDITIONS TO FEDERAL TAXABLE INCOME

a State tax addback, if itemizing on federal return (See instructions) a 4,193.00
b Out-of-state losses (See instructions) b 00
Check type of loss: ☐ Rental ☐ Business ☐ Other
c Expenses related to National Guard and Military Reserve Income c 00
d Interest income on obligations of states and political subdivisions other than South Carolina d 00
e Other additions to income. Attach an explanation (See instructions) e 00
2 Add lines a through e and enter the total here. These are your total additions 2 4,193.00
3 Add lines 1 and 2 and enter the total here 3 39,465.00

SUBTRACTIONS FROM FEDERAL TAXABLE INCOME

f State tax refund, if included on your federal return f 1,800.00 Dollars
g Total and permanent disability retirement income, if taxed on your federal return g 00
h Out-of-state income/gain - Do not include personal service income (See instructions) h 00
Check type of income/gain: ☐ Rental ☐ Business ☐ Other
i 44% of net capital gains held for more than one year (See instructions) i 00
j Volunteer deductions (See instructions) Check type of deduction:
☐ Firefighter ☐ HazMat ☐ Rescue Squad
☐ DNR ☐ Reserve Police ☐ Other j 00
k Contributions to the SC College Investment Program (Future Scholar) or the SC Tuition Prepayment Program (See instructions) k 00
l Active Trade or Business Income deduction (See instructions) l 00
m Interest income from obligations of the US government m 00
n Certain nontaxable National Guard or Reserve Pay (See instructions) n 00
o Social security and/or railroad retirement, if taxed on your federal return o 00
p Caution: Retirement Deduction (See instructions)
p-1 Taxpayer: date of birth p-1 00
p-2 Spouse: date of birth p-2 00
p-3 Surviving spouse #1: date of birth of deceased spouse p-3 00
p-4 Surviving spouse #2: date of birth of deceased spouse p-4 00
q Age 65 and older deduction (See instructions)
q-1 Taxpayer: date of birth q-1 00
q-2 Spouse: date of birth q-2 00
r Negative amount of federal taxable income r 00
s Subsistence allowance days @ \$8.00 s 00
t Dependents under the age of 6 years on December 31 of the tax year t 00
u Consumer Protection Services u 00
v Other subtractions (See instructions) v 00
4 Add lines f through v and enter here. These are your total subtractions 4 (1,800.00)
5 Residents subtract line 4 from line 3 and enter the difference. Nonresidents enter amount from Schedule NR, line 50. If less than zero, enter zero here. This is your South Carolina INCOME SUBJECT TO TAX 5 37,665.00
6 TAX: enter tax from SOUTH CAROLINA tax tables 6 2,141.00
7 TAX on Lump Sum Distribution (Attach SC4972) 7 00
8 TAX on Active Trade or Business Income (Attach I-335) 8 00
9 TAX on excess withdrawals from Calastrophe Savings Accounts 9 00
10 Add lines 6 through 9 and enter the total here. This is your TOTAL SOUTH CAROLINA TAX 10 2,141.00
11 Child and Dependent Care (See instructions) 11 00
12 Two Wage Earner Credit (See instructions) 12 00
13 Other non-refundable credits. Attach SC1040TC and other state return(s) 13 00
14 TOTAL non-refundable credits. Add lines 11 through 13 and enter the total here 14 0.00
15 SUBTRACT line 14 from line 10. Enter the difference BUT NOT LESS THAN ZERO here 15 2,141.00

15 SC2

BWF 1040

Form Software Copyright 1996 - 2018 HRB Tax Group, Inc.

30752026

336



COX

2015

PAYMENTS AND REFUNDABLE CREDITS

16 SC INCOME TAX WITHHELD (Attach W-2 or SC41)	4,193.00	20 Other SC withholding (Attach Form 1099)	00	23 Add lines 16 through 22 and enter the total here	23	4,193.00		
17 2015 estimated tax payments	00	21 Tullion tax credit (Attach I-319)	00	24 If line 23 is LARGER than line 15, subtract line 15 from line 23 and enter the OVERPAYMENT	24	2,052.00		
18 Amount paid with extension	00	22 Other refundable credit(s)	00	25 If line 15 is LARGER than line 23, subtract line 23 from line 15 and enter the AMOUNT DUE	25	00		
19 NR sale of real estate	00	Check type: ☐ Anhydrous Ammonia (Attach I-333) ☐ Milk Credit (Attach I-334) ☐ Classroom Teacher Expenses (Attach I-380) ☐ Exceptional Needs Children Education (Attach I-361)		26 USE TAX due on internet, mail-order or out-of-state purchases	26	00.00		
				Use tax is based on your county's sales tax rate. See instructions for more information. If you certify that no use tax is due, check here ☒	27	00		
				27 Amount of line 24 to be credited to your 2016 Estimated Tax	27	00		
				28 Total Contributions for Check-offs (Attach I-330)	28	00		
				29 Add lines 26 through 28 and enter the total here	29	00		
				30 If line 29 is larger than line 24, go to line 31. Otherwise, subtract line 29 from line 24 and enter the AMOUNT TO BE REFUNDED TO YOU (line 30a check box entry is required) REFUND	30	2,052.00		
REFUND OPTIONS (subject to program limitations)								
30a Mark one refund choice: ☐ Direct Deposit (30b required) ☐ Debit Card ☐ Paper Check *SCDOR Income Tax Refund Prepaid Debit Card issued by Bank of America								
30b Direct Deposit (for US Accounts Only) Type: ☐ Checking ☐ Savings								
Routing Number (RTN) Must be 9 digits. The first two numbers must be 01 through 32.								
Bank Account Number (BAN) 1-17 digits								
31 Tax Due: Add lines 25 and 29. If line 29 is larger than line 24, subtract line 24 from line 29 and enter the amount.							31	00
32 Late filing and/or late payment: Penalties Interest (See instructions) Enter total here							32	00
33 Penalty for Underpayment of Estimated Tax (Attach SC2210) (See instructions and enter letter in box if applicable) Exception to Underpayment of Estimated Tax							33	00
34 Add lines 31 through 33 and enter the AMOUNT YOU OWE here. Attach Form SC1040-V with payment. BALANCE DUE							34	00

Pay electronically free of charge at www.dor.sc.gov. Click on DORePay and pay with Visa, Mastercard or by Electronic Funds Withdrawal (EFW) or include SC1040-V with your check or money order for the full amount payable to "SC Department of Revenue". Write your social security number and "2014 SC1040" on the payment.

I declare that this return and all attachments are true, correct and complete to the best of my knowledge and belief.			
Your signature		Date	Spouse's signature (if married filing jointly, BOTH must sign)
Taxpayer's Email			
I authorize the Director of the Department of Revenue or delegate to discuss this return, attachments and related tax matters with the preparer.		Yes ☐ No ☒	Preparer's printed name
If prepared by a person other than the taxpayer, his declaration is based on all information of which he has any knowledge.			
Paid	Preparer signature	Date	Check if self-employed ☐ PTIN
Preparer's		02-10-2016	P00391883
Use Only	Firm name (or yours if self-employed) and address and Zip Code	FEIN 570659566	
	H AND R BLOCK WILLIAMSTON SC 29697	Phone No. 864-847-7811	

MAIL TO:

REFUNDS OR ZERO TAX

BALANCE DUE

SC1040 Processing Center, PO Box 101100, Columbia, SC 29211-0100

Taxable Processing Center, PO Box 101105, Columbia, SC 29211-0105

30753024

337

JENNIE C COX

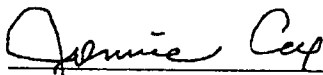
Authorization to Electronically Sign Documents

I agree to use the below as my electronic signature and provide my permission to HRB Tax Group, Inc. and Boff Federal Bank to apply an image of it to any applicable documents throughout my interview. I understand and agree that every time I choose "Apply" on the signature keypad, I show my intent and act to sign the document as if I had signed by my hand in ink.

- I acknowledge and agree that these documents will be presented to me electronically for my review and signature, but that I will be provided copies of all documents at the end of the interview, either in paper form or via electronic delivery via my H&R Block My Block account.
- I acknowledge and agree that I must use the hardware and software made available in the office of the tax preparer and that I may withdraw my authorization to use electronic signature at any time.
- I acknowledge and agree that if I withdraw my authorization for use of electronic signature all signature documents will be required to be completed in paper-form.
- I acknowledge and agree that all information provided in my application(s) is true and correct and that my electronic signature attests to this fact. I further acknowledge and agree that my electronic signature signifies my agreement to the terms and conditions of one or more products, as applicable, and that it is my choice to use my electronic signature to enter into binding contractual agreements regarding one or more products.

By providing your electronic signature, you agree that you have read and accepted the terms of this Electronic Signature Authorization.

CLIENT COPY



Taxpayer Signature

2/10/2016

Date

Spouse's Signature (Required if MFJ status)

Date

15AUTHHRB1

01/17/2015

338

JENNIE C COX

H&R BLOCK®

CLIENT SERVICE AGREEMENT
TAX SEASON 2016 - TAX YEAR 2015

WELCOME TO H&R BLOCK®

Thank you for choosing H&R BLOCK®. If you are having your taxes prepared, and you are at an office operated by HRB Tax Group, Inc. ("HRB"), your tax return will be prepared by HRB. If you are at a franchised H&R BLOCK® office, your return will be prepared by an independently owned and operated franchisee ("Franchisee"). In either case, this Client Service Agreement ("CSA") explains what you should expect from your tax preparer and from other companies that may provide products and services to you. It also explains what is needed from you so that they can provide the great service you expect. This CSA contains an Arbitration Agreement, the terms of which are set forth below.

The office you have chosen will prepare your tax return(s) and/or provide other products and services you request. If you are having your taxes prepared, your tax preparer will (1) interview you to learn details that affect your taxes, and (2) ask you for documents to help accurately record your income, credits or deductions. You agree to provide information related to all products and services you receive, including your W-2(s) and other information that affects your tax situation, and to verify the accuracy of this information (including any W-2 you download for pick-up in the tax office). If you discover that you did not provide complete and accurate information, you agree to file an amended return. Your tax preparer would be happy to prepare any amendment for you, but there may be an additional charge. If you obtain a Refund Anticipation Check ("RAC"), your fees are not due and payable until all services are complete, which is typically when your RAC funds are disbursed to you (but in no event more than 21 days after your return is e-filed).

If your tax return is prepared by HRB, HRB and HRB Technology LLC ("HRBT") may provide you technology services in order to facilitate e-filing and other tax preparation-related technology services (collectively "Facilitation Services") on your behalf. HRB and/or HRBT own or have licenses to provide the Facilitation Services, but HRB and HRBT do not grant any copyrights, patent rights, trademarks, or other intellectual property rights to you, either expressly or by implication.

ARBITRATION IF A DISPUTE ARISES ("ARBITRATION AGREEMENT")

1. **Scope of Arbitration Agreement.** All disputes and claims between you and any one or more of the H&R Block Parties (as defined below) shall be resolved through binding individual arbitration unless you opt out of this Arbitration Agreement using the process explained below. However, either you or the H&R Block Parties may bring an individual claim in small claims court, as long as it is brought and maintained as an individual claim. All issues are for the arbitrator to decide, except that issues relating to the validity, enforceability, and scope of this Arbitration Agreement, including the interpretation of paragraph 3 below, shall be determined by the court and not the arbitrator. For purposes of this Arbitration Agreement, the term "H&R Block Parties" shall include HRB, HRBT, Emerald Financial Services, LLC, and Franchisee; as well as any of their direct or indirect parents, subsidiaries, and affiliates. This term also includes the predecessors, successors, officers, directors, agents, employees and franchisees of any of them.

Right to Opt Out of This Arbitration Agreement: You are not required to accept arbitration even though you must sign this CSA to receive service today. You may opt out of this Arbitration Agreement within the first 60 days after you sign this CSA by fully filling out the form found at www.hrblock.com/goto/optout, or by sending a signed letter to Arbitration Opt-Out, P.O. Box 32818, Kansas City, MO 64171. The letter should include your printed name, the first five digits of your Social Security Number, state, zip code, and the words "Reject Arbitration." If you opt out of this Arbitration Agreement, any prior arbitration agreement shall remain in force and effect.

2. **How Arbitration Works.** Either party may initiate arbitration, which shall be conducted by the American Arbitration Association ("AAA") pursuant to its Consumer Arbitration Rules ("AAA Rules"), as modified by this Arbitration Agreement. The AAA Rules are available on the AAA's website www.adr.org, or by calling the AAA at (800) 778-7879. In the event the AAA is unavailable or unwilling to hear the dispute, the parties shall agree to, or the court shall select, another arbitration provider. Unless you and the H&R Block Parties agree otherwise, any arbitration hearing shall take place in the county of your residence. We encourage you to call (855) 267-2202 in advance of filing a claim for arbitration to see if the dispute can be resolved prior to arbitration.

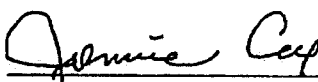
3. **Waiver of Right to Bring Class Action and Representative Claims.** All arbitrations shall proceed on an individual basis. The arbitrator is empowered to resolve the dispute with the same remedies available in court, including compensatory, statutory, and punitive damages; attorneys' fees; and declaratory, injunctive, and equitable relief. However, any relief must be individualized to you and shall not affect any other client. The arbitrator is also empowered to resolve the dispute with the same defenses available in court, including but not limited to statutes of limitation. You and the H&R Block Parties also agree that each may bring claims against the other in arbitration only in your or their respective individual capacities and in so doing you and the H&R Block Parties hereby waive the right to a trial by jury, to assert or participate in a class action lawsuit or class action arbitration, to assert or participate in a private attorney general lawsuit or private attorney general arbitration, and to assert or participate in any joint or consolidated lawsuit or joint or consolidated arbitration of any kind. If a court decides that applicable law precludes enforcement of any of this paragraph's limitations as to a particular cause of action, then that cause of action (and only that cause of action) must remain in court and be severed from any arbitration. The H&R Block Parties do not consent to, and the arbitrator shall not have authority to conduct, any class action arbitration, private attorney general arbitration, or arbitration involving joint or consolidated claims, under any circumstance.

4. **Arbitration Costs.** The H&R Block Parties will pay all filing, administrative, arbitrator and hearing costs. The H&R Block Parties waive any rights they may have to recover an award of attorneys' fees and expenses against you.

5. **Other Terms & Information.** This Arbitration Agreement shall be governed by, and interpreted, construed, and enforced in accordance with, the Federal Arbitration Act and other applicable federal law. Except as set forth above, if any portion of this Arbitration Agreement is deemed invalid or unenforceable, it will not invalidate the remaining portions of the Arbitration Agreement.

THIS CONTRACT CONTAINS A BINDING ARBITRATION PROVISION

The H&R Block Parties agree to be bound by the terms above. I have the authority to sign on behalf of the taxpayer(s), and I understand and voluntarily agree to the terms of the Arbitration Agreement described above, as well as all other terms, conditions and disclosures presented in this Client Service Agreement.


Client's Signature

2/10/2016
Date

Spouse's Signature (Required only if MFJ and Spouse is Present)

Date

TS16 Client Service Agreement
15CLISER1

339 1/5/2016

SPEED, SETA, MARTIN, TRIVETT & STUBLEY, LLC
ATTORNEYS AT LAW

WALLACE SPEED (GA & TN)
LESLI R. SETA (GA & FL)
SETH C. MARTIN (GA & FL)
ERIC L. TRIVETT (GA)
M. STEPHEN STUBLEY (SC)
STEPHANIE A. ROCKWELL (GA & TN)
JAMES E.L. FICKLING (SC & NC)

REPLY TO
P.O. BOX 11669
COLUMBIA, SOUTH CAROLINA 29211
PHONE (803) 748-2919
FAX (803) 748-2735
www.Speed-Seta.com

BOB HORNER
BHorner@Speed-Seta.com
(803) 748-2919

ALEXANDER ADKINS (GA & TN)
HUNTER CHANDLER (GA & TN)
MELISSA CRUZ (GA)
C. BENTON HILBURN (GA)
JASON A. LANAHAN (GA)
ERICA LOUDIN (SC)
ANDREA S. OWEN (GA)
BRITTANY SCHWANITZ (GA)
DANIELLE TAYLOR (GA)
BRITTANY BELL TURNER (GA & FL)

c/o

GRANT LANFORD (GA & FL), of counsel
TOM PATTERSON (GA & AL), of counsel
GEORGE D. GALLAGHER (SC), of counsel
BOB HORNER (SC & NC), of counsel

October 6, 2016

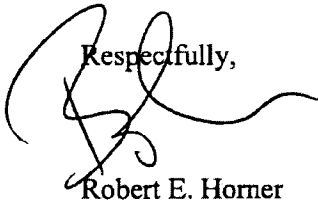
Juliette B. Mims, Esquire
Mims Law Firm
100 E. Poinsett Street
Greer, SC 29651

RE: Jennie Cox v. Palmetto State Transportation
WCC No.: 1206236
Claim No.: WC34192
DOA: 5/31/12
Our File No.: 1800-0061

Dear Juliette:

I am following up on our conversation from the mediation wherein the possibility of Ms. Cox returning to work at Palmetto State Transportation as a team driver. We have confirmed with Palmetto State that they would be able to accommodate Ms. Cox's return to work as a team driver. We would appreciate your notifying her of the same. If you have any questions, please do not hesitate to let me know.

Respectfully,



Robert E. Horner

cc: Michael DeCarolis

340

Check Log

Wed, Sep 28, 20 • 3:59 PM

Page

Totals	\$39,546.35	\$10,882.05
--------	-------------	-------------

242

342

Liberty Bell Agency, Inc.

Check Log

Wed, Sep 28, 20 • 3:59 PM

Number of checks in list: 74

Check No	Date	Status	Check Type	Claim No	Name	Pay To/Received From	Memo	Withdrawal	Deposit
484663	08/14/15	Issued	Claimant Che	WC34192	Cox, Jennie	Jennie Cox	1 Week TTD Benefits	\$725.47	
515696	07/21/16	Cleared	Claimant Che	WC34192	Cox, Jennie	Jennie Cox	1 Week TTD Benefits	\$0.00	
517416	08/15/16	Issued	Claimant Che	WC34192	Cox, Jennie	Jennie Cox	Mileage Reimbursement	\$1,460.17	
			Claimant Che	WC34192	Cox, Jennie	Jennie Cox	Mileage Reimbursement	\$476.19	
Totals								\$42,208.18	\$10,882.05

343

343

Copy C-For EMPLOYEE'S RECORDS (See Notice to Employee on the back of Copy B.)		41-0852411 OMB No. 1545-0008	
a Employee's soc. sec. no.	1 Wages, tips, other comp.	2 Federal income tax withheld	
	63693.25	11831.63	
	3 Social security wages	4 Social security tax withheld	
	63693.25	3949.01	
b Employer ID number (EIN)	5 Medicare wages and tips	6 Medicare tax withheld	
57-0940376	63693.25	923.54	
c Employer's name, address, and ZIP code			
PALMETTO STATE TRANSPORTATION CO., INC. 1050 PARK WEST BOULEVARD GREENVILLE SC 29611-6124			
d Control number			
34			
e Employee's name, address, and ZIP code			Suff
JENNIE C. COX 222 WEST CHAPMAN ROAD BELTON SC 29627			
7 Social security tips	8 Allocated tips	9	
10 Dependent care benefits	11 Nonqualified plans	12a Code	
		DD 6544.75	
13 Statutory employee	14 Other	12b Code	
Retirement plan		12c Code	
Third-party sick pay		12d Code	
SC 25309250-3	63693.25	4193.14	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement **2015** Dept. of the Treasury - IRS
This information is being furnished to the IRS. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.

326

South Carolina Workers' Compensation Commission
WCC File # 1206236

Jennie Cox,	)	
	)	
Employee,	)	Deposition
	)	
Claimant,	)	of
	)	
vs.	)	Jennie Cox
	)	
Palmetto State Transportation,	)	
	)	
Employer,	)	
	)	
Cherokee Insurance Company,	)	
	)	
Carrier,	)	
	)	
Defendants.	)	

Deposition of Jennie Cox, taken pursuant to the South Carolina Rules of Civil Procedure and the Administrative Procedures Act, commencing at the hour of 11:05 a.m., Monday, August 29th, 2016, at the offices of Juliette B. Mims Law Firm, 100 E. Poinsett Street, Greer, South Carolina.

COPY

Reported by
Sandra M. Austin

SCOTT REPORTING SERVICE
P.O. Box 290482, Columbia, SC 29229 ♦ (803) 736-2408
www.scottreporting.com ♦ bscott@scottreporting.com

Appearances

For the Employee/
Claimant:

Juliette B. Mims, Esquire
Juliette B. Mims Law Firm
100 E. Poinsett Street
Greer, SC 29651

For the Employer/
Carrier:

Robert E. Horner, Esquire
Speed, Seta, Martin, Trevitt &
Stubley, LLC
P.O. Bx 11669
Columbia, SC 29211

Reported By:

Sandra M. Austin

Index

Stipulations	4
Examination by Mr. Horner	4
Examination by Ms. Mims	64
Re-examination Mr. Horner	76
Re-examination by Ms. Mims	77
Re-examination Mr. Horner	78
Certificate	80

Exhibits

No exhibits marked.

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

SCOTT REPORTING SERVICE
P.O. Box 290482, Columbia, SC 29229 ♦ (803) 736-2408
www.scottreporting.com ♦ bscott@scottreporting.com

1 Stipulations

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

5 Whereupon,

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

10 The Court Reporter: State your name for
11 the record.

12 The Deponent: Jennie Cox.

13 Examination

14 By Mr. Horner:

15 Q Ms. Cox, we just met. My name is Bob Horner, and I
16 understand that you have been deposed before in
17 this lawsuit, this claim, and -- but the rules
18 still require me to, sort of, remind you of the
19 deposition rules. If I ask you a question that
20 doesn't make sense or you need me to repeat it,
21 just let me know, and I'll rephrase it or repeat it
22 as many times as necessary. You just can't look to
23 -- to your attorney for any help answering the
24 question. And if we take a break for any reason,
25 -- Just let me know if you need one, but if you

1 take a break, anything you talk to Ms. Mims about
2 I'm allowed to ask you about just to make sure you
3 didn't get any help during the break or anything.
4 And she wouldn't give you any because she knows the
5 rules, but I have to tell you that. And then if I
6 ask you a yes/no question, just try to verbalize
7 yes or no as opposed to head nods and things like
8 that. This deposition is going to be a little,
9 probably, difficult for me in the sense that I'm
10 going to be jumping around. I'm not going back
11 through the stuff that you've already been through.

12 A Okay.

13 Q I read that deposition and everything, but if I --
14 if I'm repeating myself, I'm mostly intending to
15 find out any new answers as opposed to anything
16 that you already covered, but bear with me if I ask
17 you something that you may have already answered
18 once, but I'm just trying to cover basically the
19 last 15 months or so as far as getting information
20 from you.

21 A Okay.

22 Q Okay. And these are always the hardest because
23 you're always kind of jumping around with bits and
24 pieces, but I'll do my best. As far as our being
25 here, is it my understanding that, since your last

1 deposition, you have developed some new issues or
2 difficulties that have either made it harder for
3 you to work or prevented you from working?

4 A Yes.

5 Q Okay. Let me just ask you generally, up front, if
6 you could tell me in your own words what the issues
7 are that you are currently having that you feel
8 like impact your ability to work.

9 A It's getting the nutrition I need to maintain my
10 weight and energy level.

11 Q Okay. As far as -- I have heard and seen the word
12 fatigue go around.

13 A Yes, sir.

14 Q Is that the word you would use, as well, fatigue?

15 A Yes, I do get fatigued very easy.

16 Q Okay. Now, just hypothetically, if tomorrow I gave
17 you a pill that cured your fatigue and only your
18 fatigue so you had some energy, are there other
19 physical problems or limitations you have, as well,
20 that would prevent you from going back to drive a
21 truck tomorrow, if I could cure the fatigue part?

22 A Explain that a little bit better.

23 Q Okay. I asked you to sort of tell me what problems
24 you are having, and this first one is the nutrition
25 and fatigue, --

1 A Right.

2 Q -- and that's all tied into getting some energy
3 back and feeling like you could do the job. Is
4 that --

5 A Right.

6 Q -- right? Are you having physical pains or aches,
7 as well, on top of the fatigue that would prevent
8 you from driving a truck tomorrow if I could get
9 rid of the fatigue part?

10 A It's -- Even if you got rid of the fatigue part,
11 --

12 Q Yes, ma'am.

13 A -- still the mouth bothers me, and the shoulder.

14 Q Okay. Now -- And it's probably just easier for
15 you to tell me instead of trying to compare your
16 prior testimony. What is it about your mouth that
17 is bothering you, as we sit here today, that would
18 make it difficult or impossible for you to drive?

19 A It's really hard for me to eat the same types of
20 food that I ate before. I'm more limited on what I
21 can eat. It's more soft foods. It's really hard
22 to chew. I drink Ensure.

23 Q Now, as far as -- As far as -- If you take away
24 those difficulties, as far as like physical pain in
25 your jaw or face area, are you having -- is there a

1 point that -- on your face or around your jaw where
2 you're having physical pain, as well?

3 A My teeth don't line up --

4 Q Okay.

5 A -- they never will -- because when I got hurt, this
6 jaw (indicating) was knocked sideways, and all
7 these teeth (indicating) were broken down to the
8 gums, and that's why they had to take them out and
9 -- Okay. I've got a son-in-law going through this
10 right now, that's getting implants. His implants
11 was done different, because they cut mine -- They
12 left one tooth in the front, and I asked the
13 surgeon, I said, "Why did you leave that one
14 tooth?" He said, "I had to have something to line
15 your jaws up. I had nothing to work with." And,
16 so, therefore, these teeth (indicating) don't meet
17 right, which bothers my chewing. And right here
18 (indicating) --

19 Q Okay.

20 A -- is where -- This part right here (indicating),
21 it's got more damage. I can bite on it and slobber
22 on it and everything else. But they said it's due
23 to the nerves right there (indicating).

24 Q And that's the left -- lower left --

25 A Mm-hmm.

1 Q -- is that right --

2 A Yes.

3 Q -- that you were pointing at? Do you have any --
4 I know -- I'm trying to separate it out, and I
5 know it's -- it's sort of all the issues together,
6 and I get that. Are there any -- any specific
7 pains in your jaw that you take pain medication
8 for, like -- like a spot on your jaw that always
9 hurts or anything like that that -- or is there any
10 activity, like eating, that causes certain pains to
11 come about, if we're -- I'm just looking at it
12 from a pain standpoint. I understand all the
13 other, sort of, everyday issues that are probably
14 aggravating and annoying and prevent you from
15 eating what you want to eat, but is there a
16 specific pain component that's going on on top of
17 everything, or is it just the whole just everything
18 added together; it's one big annoying frustrating
19 process?

20 A I think you just said it right there, one big
21 annoying process. It will never be the same.

22 Q Okay.

23 A This part (indicating) of my head does not -- This
24 part (indicating) feels like a sixty-four-year-old
25 is supposed to. This (indicating) don't.

1 Q Okay.

2 A It feels like it don't even belong to my body.

3 Q And just for -- because she's typing stuff down,

4 you're talking about the left side doesn't feel

5 normal, --

6 A Right.

7 Q -- doesn't feel like it belongs to you?

8 A Right.

9 Q Okay. Now, the last time you had your deposition,

10 you were going to have a follow-up, I think within

11 a week or two, with Dr. Cobb, and your deposition

12 was back in 2015, so it was over a year ago. Is

13 Dr. Cobb your primary, I guess, dentist or oral

14 surgeon at this point in time?

15 A He's the oral surgeon, and Dr. Ridgell is the one

16 that takes care of these teeth (indicating).

17 Q Okay. Have you seen Dr. Cobb or Dr. Ridgell,

18 either one of them, in 2016?

19 A Yes. These (indicating), the bottom teeth, I

20 cannot take out.

21 Q Okay.

22 A The top I can. They snap in. The bottom, they

23 take them out twice a year and clean them, but they

24 have to take them out. I can't. And --

25 Q And is it Dr. Ridgell who would clean -- take them

1 out --

2 A Yes.

3 Q -- and clean them?

4 A And, also, Dr. Fowler, --

5 Q Okay.

6 A -- the original doctor that put me back together,

7 he -- Last August -- Last July, he had to take --

8 remove the last plate because it -- They thought I

9 was getting an infection, but it had grown scar

10 tissue and was pulling down and started oozing

11 outside my jaw here (indicating) --

12 Q Okay.

13 A -- because they had plates here (indicating), and

14 he told me that the bone was real tiny now.

15 Q And again just for the court reporter, because

16 she's typing stuff down, you motioned to the left

17 side of your, sort of, chin/jaw area. Is that --

18 A Yes.

19 Q -- right? Now, in the deposition last year, there

20 was some discussion about a knot. Is that where

21 the plate --

22 A That's --

23 Q -- was?

24 A -- where that was, and it was removed.

25 Q And it was removed. So, is the -- the knot itself

1 gone now that the plate was removed?

2 A Yes, --

3 Q Okay.

4 A -- but it's -- it's still -- I can tell. It pulls
5 on these muscles (indicating), and the doctor also
6 told me that he didn't know if I'd be able to
7 tolerate this stud right here (indicating)--

8 Q Okay.

9 A -- because of the bones.

10 Q The stud is for the implants?

11 A Yes, sir.

12 Q And do you know how many studs you have on the
13 bottom? Is it --

14 A I think I have six on top, and I -- I don't -- I
15 -- It's either four or six.

16 Q Okay.

17 A Don't quote me on it because I don't ever see that
18 part.

19 Q Okay. So, is there some concern on Dr. Fowler's
20 part that maybe the stud closest to where the --
21 the plate was may have to be removed at some point,
22 when you said not sure you can --

23 A Yes.

24 Q -- tolerate --

25 A Yes.

- 1 Q Okay.
- 2 A So far, I've done good with it, except it's pulling
3 on this muscle down through my neck (pointing), --
- 4 Q Okay.
- 5 A -- but every once in a while, this -- You can see
6 all where the scar is, and it itches, and -- The
7 main thing he said that he was worried about at
8 that time was -- When he seen it, as soon as he
9 seen it, he said, "You've got -- The plate's got
10 to come out." He thought I had a bone infection,
11 but he caught it in time.
- 12 Q Now, you said that was last July or August or so,
13 give or take?
- 14 A Yeah, it was July and August, because I went back
15 to work in August.
- 16 Q Do you remember roughly how long you would have
17 been out of work while they -- while they took that
18 out?
- 19 A It was about six to eight weeks I was out.
- 20 Q Now, when you came back from having the plate
21 removed by Dr. Fowler, did that impact, positively
22 or negatively, your ability to eat and what you
23 could eat, or was it -- basically, was it the same
24 --
- 25 A The same.

- 1 Q Okay. Now, the -- You mentioned -- mentioned the
2 mouth and then the fatigue, and then you also
3 mentioned your shoulder. And I did -- I saw on
4 the records where you had a shoulder injury at the
5 time of the accident. Correct?
- 6 A Yes.
- 7 Q And from what I could tell, the only treatment you
8 received on the shoulder was nonsurgical; there was
9 no -- It was no surgery; it was mostly like
10 physical therapy. Is --
- 11 A Right.
- 12 Q -- that right?
- 13 A Yes, sir.
- 14 Q What's going on with the shoulder today? Tell me
15 -- Tell me what problems or pains or aches and --
16 that you're having in the shoulder today.
- 17 A Today I'm not having none. I ain't done nothing
18 either, but --
- 19 Q Okay.
- 20 A -- if I get out and actually do stuff, it starts
21 back in here (indicating) and comes up to my neck.'
- 22 Q I mean, -- I'm sorry. When you said back in here,
23 --
- 24 A It's on the left (pointing), --
- 25 Q Okay. So, --

1 A -- left shoulder blade.

2 Q It looks like the bottom of your shoulder blade and

3 going up to the --

4 A Yeah, --

5 Q -- top?

6 A -- and you can also hear it popping, the joint, --

7 Q Okay.

8 A -- sometimes.

9 Q The popping part, I know I had seen a reference to

10 that in the old deposition and in a medical record

11 or two. Has that -- The actual popping itself,

12 has it gotten better, gotten worse, stayed the same

13 --

14 A It's --

15 Q -- in the last year?

16 A It's about the same.

17 Q Now, you said your shoulder isn't bothering you

18 today because you haven't done anything. What type

19 of activities have you noticed cause the shoulder

20 to begin to hurt? What kind of things, either

21 around the house or when you were working at work,

22 would cause the shoulder to hurt?

23 A Like pulling the pins on the tractor-trailers and

24 stuff that we have to do and just any kind of real

25 heavy lifting or anything like that.

1 Q Now, around the house, as far as everyday chores or
2 even hobby-type stuff, are there things that you do
3 around the house that will cause the shoulder to
4 begin to ache?

5 A Not -- Most of the time, my kids come take care of
6 the stuff for me.

7 Q Okay. And in talking about the -- the shoulder,
8 when did you -- when did you stop driving?

9 A I went back -- I was running team, and I went back
10 -- I couldn't quote you a date now. All right.
11 Then I had this surgery (pointing), and I went back
12 again, and I was still running team, and they lost
13 that run, and then we started to run single, and I
14 just -- Just running it back-to-back, you know, it
15 -- it was wearing me out.

16 Q Okay. So, when you -- You said you thought you
17 returned to work in August or so of 2015 after
18 having the plate removed?

19 A Right.

20 Q And you went back to running double at that point?

21 A Yeah.

22 Q Were you running doubles or singles by the time
23 Thanksgiving came around, Christmas?

24 A Let's see. We lost that run I think in October.

25 Q Okay. Was that a -- What run was that? Where did

1 you go?

2 A It was a dedicated run to Brownsville, Texas.

3 Q So, that was the one I saw about Texas. Now, when
4 you would do the Texas run, how many -- how many
5 days -- It was a dedicated run, so I'm guessing it
6 was pretty much the same every time?

7 A Every trip.

8 Q How many days was the full trip down there and
9 back?

10 A Well, see, running team, the truck didn't stop.
11 We'd leave out -- We'd leave out on Monday. We'd
12 get back in on Wednesday, leave again Thursday and
13 get back again on Saturday. We'd stop to fuel and
14 drop and hook a trailer, and other than that, it
15 was rolling.

16 Q So, you could go from here, basically, to Texas and
17 back on a Monday through a Wednesday --

18 A Yes, sir, --

19 Q -- nonstop?

20 A -- running team.

21 Q All right.

22 A And that's all the way to the Mexican border.

23 Q And what would -- What was -- How did the shifts
24 work? Was it a number of hours on before you --
25 before the other driver took over?

1 A Yeah. We could -- We're allowed to drive ten
2 hours a day, but we've got to stop, take a 30-
3 minute break, and we've got to fuel and stuff like
4 that.

5 Q Okay. And you'd get Sunday off?

6 A Then I did. Before, I had to work every Sunday.

7 Q All right. So, when -- when that ended, when that
8 route was lost and you couldn't run as a double,
9 what route did you then get put on?

10 A There was no telling.

11 Q Okay.

12 A I might run Florida, then run a California trip by
13 myself, Maryland, Mass.

14 Q So, there was no dedicated route that they just --

15 A No.

16 Q -- handed you and said here is your new --

17 A No.

18 Q -- you've got to run it single? All right.

19 A I did run a couple times to Washington. It --

20 Q State --

21 A -- was --

22 Q -- or DC?

23 A Washington state, Oregon, up through there with --
24 with another driver.

25 Q Now, if they sent you somewhere like Mass or

SCOTT REPORTING SERVICE
P.O. Box 290482, Columbia, SC 29229 ♦ (803) 736-2408
www.scottreporting.com ♦ bscott@scottreporting.com

1 California, -- well, let's just say California --
2 that's pretty far -- would that be by yourself or
3 would they have stuck you with another driver for
4 that?

5 A Actually, it was gonna be a team run, and the
6 driver had a death in the family at the last
7 minute, and they didn't have another team to put on
8 it, so I run it by myself.

9 Q And when did you -- When was the last time you --
10 It looked like, from what I could tell, you've --
11 you stopped working in, say, earlier this year,
12 maybe March or so, came back for just a little bit
13 and then stopped again. Does that sound about
14 right?

15 A Yeah, because I was getting so run down, and, to be
16 honest with you, I knew I was in trouble because I
17 was losing weight, and I didn't want to hear what
18 the doctor had to say, and it finally got to the
19 point, I came in, -- I was driving another guy's
20 truck -- come in from Maryland -- I had to get it
21 so he could take it out west -- and I done good to
22 make it to my house. And most of the stuff is
23 still in my car. And then I went to the doctor,
24 and I weighed 90-something pounds.

25 Q And your lawyer filed something, which is what I'm

1 reading from, about the time that you were working,
2 and -- or weren't working, and she listed the dates
3 March 3rd through May 31st you weren't working.
4 You went back to work, it looks like, for about two
5 weeks and then stopped working a second time on
6 June 14th. Does that sound about right?

7 A That sounds about right.

8 Q Now, the incident that you just described for me
9 where you barely made it back and left all your
10 stuff in the car, was that --

11 A June.

12 Q -- in March or that was in June?

13 A June.

14 Q That was in June. Okay. And where was that run?

15 A I had run Maryland.

16 Q Maryland.

17 A I had run two trips that week to Maryland.

18 Q Now, you said you ran two trips that week. The one
19 that you just described, coming back, that was the
20 second trip that week?

21 A Yes.

22 Q Let me ask you this. After -- At the end of that
23 first run, did you feel less fatigued? Did you
24 feel fatigued; you just fought through it? Did you
25 feel --

1 A I fought through it.

2 Q Okay. And was there -- You said that's when you
3 got weighed and -- and you were told you were in
4 the 90s. What had you been up to before that? I
5 -- I had seen, in the past, where your weight did
6 go down and then you got it back up. What do you
7 think it was, let's say, before -- right before you
8 went back to work, around June 21st? What do you
9 -- What do you think your weight, roughly, would
10 have been before that two-week period where you
11 started back?

12 A Normally I weigh about what I'm up to now. I've
13 gained some, --

14 Q Okay.

15 A -- and that's why I had called and asked Scott
16 about seeing the workers' comp doctors, and he
17 said, well, let him check, and he told me, he said,
18 "They said no." I said, "Scott, I have to do
19 something." So, I went and seen my own doctor, and
20 I knew what was gonna happen when she seen that
21 weight, --

22 Q Yeah.

23 A -- and she said, "You can't keep going like this."

24 Q The -- You said you're back up to your, sort of,
25 normal weight following -- following your workers'

1 comp injury. What is that now? What are you at
2 now?

3 A They weighed me Monday, and I weighed 114.

4 Q Now, when you asked to see the work comp doctor,
5 who did you make that request to that --

6 A Scott Justice.

7 Q And as far as like which doctor you had in mind
8 they would send you to, who -- who -- Who did you
9 have in mind when you said can I go see the work
10 comp doctor?

11 A It's the same one that -- that originally took care
12 of me before.

13 Q Dr. Ellis?

14 A No. Dr. Ellis is my own doctor.

15 Q Okay.

16 A Because I had one -- Dr. Newsome was a female
17 doctor, --

18 Q Okay.

19 A -- and then she left, and a man took her place.

20 Q Okay. So, is that Dr. Newsome's practice, though,
21 where she was?

22 A No. Uh-uh. I mean, she did practice there, but
23 she had moved on somewhere, got married or
24 something.

25 Q But which doctor did you think they would send you

1 -- If they had said yes, --
2 A Back to that --
3 Q Back to that practice?
4 A Yeah, to that practice.
5 Q Where Newsome had been before she moved?
6 A Yeah.
7 Q Okay. And when you were seeing her, was she down
8 in Columbia, Lexington?
9 A No. She's out --
10 Q Up here?
11 A -- on Grove Road in Greenville.
12 Q Okay.
13 A She was. I don't know where she's at now.
14 Q I think she's in Columbia.
15 A I heard she had moved that way. Now, I don't know.
16 Q Yeah, I think so. Now, -- And -- When you asked
17 to go see the doctor from Scott, what -- was there
18 some specific -- Was it the fatigue that you
19 wanted to go talk to the doctor about?
20 A Yeah. I wanted -- They never done therapy on me,
21 the whole body therapy, --
22 Q Okay.
23 A -- and I went months -- Like I said, my son-in-law
24 is having this surgery done, or having his teeth
25 done, and he's a pretty heavysset guy, okay? But

1 right now, that belt's a-getting tighter and
2 tighter because he's a-losing weight quick.

3 Q Got you.

4 A And he hasn't been through what I've been through.
5 And I told my daughter, "Keep up with his weight."
6 He's done took his belt up four notches. And, so,
7 I went from doctor to doctor -- Dr. Cobb is the
8 one that done the -- oral surgeries. Ridgell had
9 to keep doing these impressions once they done it,
10 -- and, actually, my sister would take me for the
11 surgery, and I don't even remember going to
12 Ridgell. When I woke up again, I was on the couch
13 at home. And, so, I don't even remember getting
14 out the car. They just took me from doctor to
15 doctor. And, so, during all this process, I
16 couldn't have nothing but liquids. My mouth was
17 wired shut for four weeks, four or five weeks, but
18 they could not leave it wired shut for eight
19 because I would have lost the use of my bottom jaw.
20 But even after they took the wires off, I had to go
21 back to surgery and let them take the screws out.
22 I still could not eat solid foods because the jaw
23 hadn't healed. It takes eight, ten weeks for the
24 bones to heal. So, I'm going all these months on
25 liquid, and I'm a-getting littler and littler.

SCOTT REPORTING SERVICE
P.O. Box 290482, Columbia, SC 29229 ♦ (803) 736-2408
www.scottreporting.com ♦ bscott@scottreporting.com

1 Q Yeah.

2 A I sure didn't gain none.

3 Q Yeah. But when you said, like, when you made the
4 request to Scott, you were thinking body therapy,
5 what -- what specifically would you be looking for
6 a doctor to do in that situation?

7 A I wanted somebody to send me to therapy to work --
8 be able to work my muscles and get my body built
9 back up because it had went down so far, because
10 Proaxis done the shoulder and nothing else.

11 Q I got you. And, so, that's what you had in mind
12 back when you asked Scott about going back to see
13 the work comp doctor, to sort of -- to get into a,
14 sort of, program of physical therapy to build your
15 strength back up, all of your strength?

16 A Exactly.

17 Q Now, do you -- You mentioned your shoulder and
18 everything. It looked like, from the -- just the
19 records I saw, your doctors recorded that physical
20 therapy did help your shoulder at the time of the
21 accident?

22 A It did.

23 Q Okay. Do you feel like in addition to, sort of,
24 the full physical therapy program, that you need
25 some physical therapy again directed at your

1 shoulder due to the symptoms you're having now, or
2 do you think maybe full body therapy would take
3 care of that in the process?

4 A I -- Well, it has helped, because when they done
5 this (indicating), I couldn't even pick nothing up.
6 I had to take this hand (indicating) and use this
7 (indicating).

8 Q Yes, ma'am.

9 A I mean, it -- the machine left a spot back there
10 (indicating), so I don't know if that's what done
11 it or what, but I couldn't even -- you know, I
12 couldn't put nothing in the refrigerator. I had to
13 take this hand (indicating) and use it with that
14 (indicating), and it did help that, yes, and that
15 was all they done. There was no other -- and I
16 couldn't bite down on nothing because I -- I had
17 surgery after surgery --

18 Q Right.

19 A -- after surgery, --

20 Q If I --

21 A -- okay?

22 Q If I could send you to physical therapy tomorrow
23 but they were just going to look at your shoulder
24 and work with your shoulder again, hypothetically,
25 I told you where to go tomorrow and they were only

1 going to look at your shoulder, do you think that
2 would be beneficial to the symptoms you're having
3 with your shoulder, or do you think that wouldn't
4 really benefit you unless you got all of it looked
5 at?

6 A All of it. And as a matter of fact, I pay for it
7 out of my pocket. I do go.

8 Q So, you -- you have been to a physical therapy --

9 A I go to --

10 Q -- session?

11 A -- the Life Center.

12 Q The Life Center?

13 A Yes, sir.

14 Q Okay. Is that in --

15 A Greenville, part of the Greenville Hospital System.

16 Q Okay. When did you start that?

17 A I've been there three times. I was there
18 yesterday.

19 Q Okay.

20 A They see me twice a week, and we work out, and
21 that's what I do, working on my legs and my arms,
22 chest.

23 Q And, so, you -- I know you've only been three
24 times. Do you feel any better after -- after those
25 three visits of -- Can you tell a difference so

1 far?

2 A Oh, yeah, because I'm sore. I'm good and sore
3 afterwards, but -- I mean, they're good at what
4 they do, and it has helped.

5 Q What -- What do you feel like it's helped with as
6 far as how you feel -- I know you're sore, your
7 muscles ache, but how do you feel better? How do
8 you feel like it's helped?

9 A I feel like it has helped my muscles a lot --

10 Q Okay.

11 A -- because of stuff I couldn't do.

12 Q Do you feel like you've got some strength back that
13 you didn't have?

14 A Exactly. And I get hungrier more, even though I
15 can't eat that much. But I can eat a lot of ice
16 cream, let me tell you, and shakes and stuff.

17 Q Okay.

18 A But it does help me with my appetite, --

19 Q Okay.

20 A -- and I'm not sitting home on the couch. I'm
21 being active when I do it.

22 Q Has it -- Has it helped with your fatigue level so
23 you feel like you've got more energy on top of
24 strength, or do you still feel the fatigue is the
25 same? How does it play in with your -- your

1 feeling of being tired or fatigued?

2 A Well, I don't sleep very well anyway, but it -- it

3 makes me feel better when I do it.

4 Q Did they -- Have y'all talked about how many weeks

5 the program is or do they have an idea of how long

6 they want to see you? Is it --

7 A No, --

8 Q -- 12 weeks or --

9 A -- because, see, this ain't -- Workers' comp

10 wouldn't give me no answer, and I asked Juliette if

11 I could go to one, and she said, "I guess." So, I

12 went, I said, --

13 Q Okay.

14 A -- because I can't just keep sitting here and I

15 ain't getting no better. I was gonna get worse.

16 Q Okay.

17 A So, I made the appointment, and --

18 Q Right.

19 A -- I got -- You can get the trainers to work with

20 you, and it's a little young girl, and I told her

21 my problem and I need to start getting my strength

22 back, and, --

23 Q Okay.

24 A -- so, --

25 Q Is it -- How long of a session is it? Is it an

1 hour?

2 A It's 30 minutes.

3 Q Thirty minutes. Do you feel like if you were put
4 in a full, sort of, program of full body therapy
5 and sort of -- sometimes they call it work
6 hardening for -- to get your strength back up that
7 you could potentially return to driving some
8 routes?

9 A I hope so -- I -- because I've worked all my life.
10 That's my goal.

11 Q Okay. So, was there a -- Going back to the -- the
12 March -- from March until May when you didn't work,
13 was there a specific incident that you can recall
14 led you to going out of work? I know that in --

15 A Just --

16 Q -- in early --

17 A Because I --

18 Q -- late May it was the -- You -- We talked about
19 the Maryland trip, and you -- you kind of had that
20 story associated with, like, you -- you'd reached
21 the end. Was there some trip like that in March
22 where it was you just one day woke up and said I --
23 I can't get out of bed, I can't do it anymore?

24 A I just -- Yeah, I was running so hard till I just
25 couldn't do it. I had to have a break from it.

1 And, so, Scott asked me, he said, "Do you think you
2 can do it?" I said, "I don't know till I get back
3 in the truck," --

4 Q Got you.

5 A -- so --

6 Q And in March -- From March until May, did somebody
7 -- did one -- one of your doctors write you out of
8 work for you?

9 A Yes. Dr. Ellis.

10 Q Dr. Ellis. And then when you went back for two
11 weeks, did she write you back to work for those two
12 weeks, or release you?

13 A Yeah, she did, --

14 Q Okay.

15 A -- because I had -- I had gained up to -- over a
16 hundred pounds for her to do that.

17 Q Okay. Now, in -- From June 14th to the present,
18 has someone written you out of work for that period
19 --

20 A Nope.

21 Q -- of time? Do you recall the last time you've
22 been to see Dr. Ellis?

23 A It was the last time she released me to go back to
24 work.

25 Q Okay. Now, I have that you recently went to see

1 two doctors, one of them being a Dr. Grady and one
2 being a PhD, Dr. Brabham. Do those ring a bell?

3 A Yeah.

4 Q Okay.

5 A Yes, sir.

6 Q Now, -- And I know they were evaluating you rather
7 than treating you. Dr. Grady, I've got a report
8 from him where he mainly talks about your left
9 shoulder. When you went to see him, is that
10 primarily the body part he was evaluating?

11 A Yes.

12 Q Okay. And what -- What did -- What did he do?
13 In the exam, what did he -- what kind of -- What
14 kind of, I guess, maneuvers did he do on you that
15 you can recall?

16 A Just twisting my arm all around and taking
17 measurements, and you could actually -- the way he
18 would move it, you could hear it pop up in here
19 (indicating).

20 Q Okay. And did he ever discuss for you what his
21 recommendation would be if he were your doctor, or
22 what recommendation you should -- what kind of
23 treatment you should go get from a doctor as -- to
24 your -- to help your shoulder?

25 A No, he hasn't.

- 1 Q Okay. Did he -- Did he ever tell you personally
2 that you should return to -- that his opinion was
3 you should return to your shoulder doctor that you
4 had after your accident?
- 5 A That was them workers' comp doctors.
- 6 Q Okay.
- 7 A They refused to do it.
- 8 Q Okay.
- 9 A Well, they told Scott they couldn't do nothing else
10 for me.
- 11 Q Right. Did Dr. Grady think you needed further
12 treatment for your shoulder?
- 13 A I didn't ask him.
- 14 Q Okay. It just didn't come up. And then Dr.
15 Brabham is a PhD. It looked like he administered
16 some tests to you. Is that correct?
- 17 A Yes, he did.
- 18 Q Other than administering the tests, what did --
19 what did that meeting, or that appointment, consist
20 of?
- 21 A My general health, I guess you'd say.
- 22 Q Okay. A lot of it, just conversation about your
23 general health and how you were feeling and things
24 like that?
- 25 A Yeah, and he was watching my movements and all and

1 --

2 Q All right. And he saw you on August 5th. Since

3 August 5th, when you saw Dr. Brabham, have you seen

4 any other doctor since then?

5 A No.

6 Q Okay. And the only medical care you've received in

7 -- I guess, really, since Dr. Ellis last saw you,

8 would --

9 A Yes.

10 Q -- be the physical therapy that you're doing?

11 A Yes.

12 Q All right.

13 A Which I need to make an appointment with Dr. Ellis

14 because she does that yearly checkup, and it's --

15 Q Okay.

16 A -- time for it.

17 Q Prescription-wise, what prescriptions do you take

18 now on a regular basis?

19 A I take the generic of Restoril, which is for sleep,

20 --

21 Q Okay.

22 A -- and then I take the generic, as needed, of

23 Xanax.

24 Q And the Xanax is generally just to -- for anxiety,

25 right?

1 A Yes.

2 Q Okay. Dr. Brabham mentions that you were on
3 Wellbutrin, which is an antidepressant. Are you
4 still on that?

5 A No.

6 Q Did you go off of it since seeing him on August
7 5th?

8 A That was -- Some of the ones Ellis -- The only
9 two I take is the two I just told you, --

10 Q Okay.

11 A -- because I took -- I come off the rest of them
12 because I didn't like the way they made me feel.

13 Q Okay. Was there a specific feeling you got with --
14 with being on the other one or two that -- that she
15 prescribed?

16 A It seemed like it made me more depressed.

17 Q Okay. And do you -- Do you remember how long
18 you've been off the last one, the Wellbutrin?

19 A It's been a while.

20 Q Okay. Like more than a month, you think?

21 A Oh, yeah.

22 Q Since you -- Since you took yourself off, or since
23 you went off the two -- the one or two that didn't
24 make you feel good, do you now feel better than you
25 did when you were on them?

1 A Yes, I do.

2 Q Okay.

3 A I got really depressed when I first come out.

4 Q Yes, ma'am.

5 A And, actually, I made the comment to my daughters
6 that I wished I would have died that day because
7 it's changed my whole life.

8 Q Yes, ma'am.

9 A I'm a woman that worked. I mean, I've worked since
10 -- I could come in, mow my grass, go back out on
11 my next run, no problem. I ain't even to those
12 kids the same mama no more, and it bothers me not
13 working. I've been with this company 11 years.
14 I've never even called in sick.

15 Q Yes, ma'am.

16 A And, so, I've drove a truck since 1985, and I love
17 my job, and Palmetto means a lot to me, but this --
18 all this here, you know, just waiting around and
19 trying to get better and then now you can't do this
20 and now you can't do that --

21 Q Yes, ma'am.

22 A And, so, the girls come down -- They know I'd
23 probably leave if I knew they was coming
24 beforehand. They called me about 15 minutes from
25 my house, said, "Mama, we'll be there in a few

1 minutes," --

2 Q Got you.

3 A -- and they said, "Mama, you're the strongest woman

4 we know of. This is a job you love, and you're

5 giving up." And I said, "I just can't do it."

6 Q Right.

7 A And, so, you know, those kids are watching me, and

8 so is those grandkids, and that means a lot to me,

9 because I work in a field that very few women work

10 in, --

11 Q Right.

12 A -- and, I mean, I had a -- an excellent driving

13 record. I've never called in sick on none of my

14 jobs. Unloaded groceries at US Foods. We actually

15 rolled them groceries in the restaurants. Never

16 had a problem. And then this hits, and it's turned

17 my life upside down.

18 Q Did you feel like your depression got better when

19 you could get back out on the road and you were

20 driving again without having major issues, major

21 fatigue? I mean, did -- did your depression get

22 better being able to work while -- when you went

23 back for about --

24 A Yeah.

25 Q -- two years or so -- two and a half years?

- 1 A (Nods head.)
- 2 Q Okay. And then do you feel like some of your
- 3 depression now is attributed to the fact that you
- 4 can't get back to work because you feel bad?
- 5 A Because I -- I don't have the strength to do it.
- 6 Q Because you don't have the strength. But you
- 7 definitely feel better not being on the medications
- 8 than you did when you were taking them; is that --
- 9 A Yes, I do.
- 10 Q -- right? Do you feel like if you could get your
- 11 strength back and go back to work that you would
- 12 have less depression than you would not working, I
- 13 guess?
- 14 A Yeah, because I've -- I mean, I grew up in a poor
- 15 family, and I'm used to working, man.
- 16 Q Right.
- 17 A I mean, my mom and dad had nine kids, --
- 18 Q Okay.
- 19 A -- and I learned to cook on a wood stove. I'm used
- 20 to working.
- 21 Q Yes, ma'am.
- 22 A I'm not used to just getting --
- 23 Q Sitting around doing nothing?
- 24 A Right.
- 25 Q Yeah.

- 1 A And my whole family's that way.
- 2 Q Working gives you, sort of, a purpose in a life, a
3 sense in life?
- 4 A Exactly, and -- and, like I said, those daughters
5 and those grandkids, they're watching Grandma.
- 6 Q Right.
- 7 A How I deal with it is how they're gonna deal with
8 life later, and that means a lot to me as a mama
9 and as a grandma.
- 10 Q Yeah. There's -- Dr. Brabham says there's never a
11 day when you're -- when you're pain-free.
- 12 A There's not.
- 13 Q Okay. What -- What specific pain --
- 14 A (Pointing.)
- 15 Q Your mouth pain. Okay. You can have some days
16 with your -- where you're pain-free as far as your
17 shoulder goes; it that right?
- 18 A As far as my shoulder, yeah.
- 19 Q Okay. He mentioned neck pain. Is that --
- 20 A That's from this (indicating), --
- 21 Q Okay.
- 22 A -- down through here (indicating).
- 23 Q Is -- Is that connected to the -- the jaw, where
24 the plate was, that you --
- 25 A Mm-hmm.

1 Q -- have some pain?
2 A Yeah, --
3 Q Okay.
4 A -- down through there (indicating).
5 Q So, it's, I guess, the corner of your mouth, going
6 down into the front part of your neck?
7 A Right.
8 Q A lot of times, in our business, people talk about
9 neck pain as being in the back of their neck where
10 the spinal cord is, but you don't have pain there.
11 Is that --
12 A Once in a while, if I sleep really hard, I'll go to
13 wake up and I have to take my hands and raise my
14 head up off the pillow because --
15 Q Okay.
16 A Usually, this thing (indicating) gives me a hard
17 time. I take the top plate out when I sleep, --
18 Q Okay.
19 A -- but it's trying to get comfortable on this left
20 side, --
21 Q Yes, ma'am.
22 A -- and I have to wiggle and work my head around
23 until I can get it comfortable to go off to sleep.
24 Q And if you do that, sometimes you sleep too hard
25 and you end up waking up with a --

- 1 A Oh, yeah, I'll be done --
- 2 Q -- stiff neck?
- 3 A -- rolled over on that back and have a real stiff
- 4 neck --
- 5 Q Okay.
- 6 A -- and --
- 7 Q And earlier you were talking about your shoulder
- 8 pain coming up through the top of your shoulder.
- 9 Does it stop right at the base of your neck
- 10 usually, just sort of the top of your shoulder?
- 11 A Well, it comes up through there (indicating), but
- 12 -- and, to be honest with you, I put Salonpas on
- 13 it, those patches.
- 14 Q Yes, ma'am.
- 15 A I put it on the shoulder blade back here
- 16 (indicating).
- 17 Q And that helps, typically?
- 18 A And that helps.
- 19 Q All right.
- 20 A And it helps relieve the pain, and then I just go
- 21 on my way.
- 22 Q Do you take any pain medications that aren't from
- 23 the drugstore, Tylenol, Aleve?
- 24 A I take Tylenol.
- 25 Q Now, everybody wants you to stop smoking.

- 1 A No kidding.
- 2 Q Dr. Brabham, in his report, says that -- it's
- 3 nothing you haven't already said -- that you have
- 4 some level of depression but that you told him
- 5 you're not really interested in seeing a counselor
- 6 or therapist for depression. Is that right?
- 7 A That's true.
- 8 Q Let me ask you this. The impression I get from you
- 9 is you want the full body physical therapy because
- 10 you want to try to return to work?
- 11 A Yes, I do want to try --
- 12 Q Okay.
- 13 A -- my best to return to work.
- 14 Q And you're not interested in spending the rest of
- 15 your days just sitting on the couch watching TV?
- 16 A No, sir. I could care less about the darn TV.
- 17 Q I got you. Do you think -- And this is hard
- 18 because I know I'm just asking you to sort of
- 19 guess. Do you feel like if you go through the full
- 20 body PT and you come out and you get some strength
- 21 back -- do you still think there's a maximum, sort
- 22 of, route you could drive or maximum days you could
- 23 drive without putting yourself back into that
- 24 position of being fatigued?
- 25 A I think if I went ahead, when I started feeling it,

1 and said look, I need to take a run off --
2 Q Yeah.
3 A -- instead of just taking back-to-backs and --
4 Q Got you.
5 A You know, I can't do it -- which that run there, I
6 took a Peterbilt, and it's a straight-drive. It's
7 one of the older ones, take a 40-acre field to turn
8 it around. And when I come back in, one of the
9 drivers had laid out, and they said, "We need you
10 to go back to Perryman, Maryland," and I said,
11 "Well, I ain't going in that Peterbilt," so they
12 gave me one of the newer Freightliners, which is
13 automatic, and it is a lot better riding truck.
14 But by the time I got back, I was just worn out --
15 because I had to get that man's truck back.
16 Q Got you. Does -- The trucks that you drive, are
17 they company-owned?
18 A Mm-hmm.
19 Q Okay. So, they have some control over what truck
20 they could put you in, to some degree?
21 A To some degree, yeah, because they got, you know,
22 West Coast trucks and --
23 Q Okay.
24 A -- and they got drivers that -- that are like I
25 was, dedicated, -- they're not really dedicated,

1 but they're dedicated to California -- or either we
2 got drivers that run, you know, up to Washington
3 every week.

4 Q State or DC?

5 A State.

6 Q Okay. I thought so. So, they have to have a
7 certain kind of truck or a truck that has certain
8 features to make that run?

9 A Well, yeah, because, see, you're talking about a
10 team, and they need their truck -- You know, most
11 of them have their CBs and stuff like that in it.
12 And I know I took one boy's truck, and he didn't
13 leave his CB in it, and I said, "Well, Nathan, I've
14 got your truck," and he said -- I said, "Why
15 didn't you leave me the CB, man?" He said, "I've
16 got to have it worked on." And I told him, I said,
17 "All right." So, he called the other drivers when
18 he got back, and he said, "I don't know what Jennie
19 done to my truck," said, "but my durn truck ain't
20 never been this fricking clean." He said, "She can
21 drive it any time she wants to."

22 Q When you were -- When you had to go to Florida,
23 what -- what part of Florida was the run that you
24 made when you were no longer as a team? Was it
25 like --

1 A Let me teach you something about trucking.
2 Q You can teach me everything about trucking because
3 I know nothing.
4 A We are LTL. You know what that is?
5 Q I don't.
6 A Less than a load. That means in multiple stops.
7 Q Okay.
8 A If you're a truck load, that means you got one
9 stop.
10 Q Got you.
11 A So, you might start in Jacksonville and wind up in
12 Miami.
13 Q And would you know that ahead of time or do you --
14 as the call comes in, they'll be like now you've
15 got to go to --
16 A No. When I get to work, my -- they -- the trailer
17 will be loaded, --
18 Q Okay.
19 A -- and my manifest will be there with all the
20 stops. Sometimes they change it up on you, now.
21 Q Okay.
22 A You know, they might throw a curve ball in there
23 every once in a while.
24 Q The -- So, really, though, as sort of a solo
25 driver, the -- the dedicated routes aren't really

1 there like they are when you were driving as a
2 team?
3 A No.
4 Q You said that you get -- the -- Let's just say you
5 get your strength back, you go through the -- the
6 PT program, you feel good, you've got your weight
7 up, and it may help if you could take a run off --
8 A And I could -- They probably, maybe, would let me
9 do that, you know.
10 Q Yeah. If you did that, where you'd take a run off
11 -- I guess since October coming forward, when you
12 have driven solo, if you took a load off, would
13 that essentially cut your salary in half -- is that
14 -- or --
15 A I get paid the miles and the stops. Yeah.
16 Q Okay. And when you went to being a solo driver,
17 was there a drop in the miles and the stops anyway
18 associated with just no longer being part of a
19 team, or were you still making about --
20 A There was a -- We roughly make about the same,
21 but, yeah, there's gonna be a drop in pay. It's
22 according to how much time you want to take off,
23 you know.
24 Q Got you. Now, let me ask you, if you had come to
25 them -- And I understand where you're coming from.

1 I -- I grew up with the same work ethic that you've
2 got. My dad had it, and you don't call in sick and
3 you don't take a day off and you -- you don't go on
4 vacation unless it's really, really worth it.

5 A Exactly.

6 Q If you had a -- If you had called off on that
7 second Maryland trip back in the end of May, did
8 you feel like there would have been some
9 repercussion at work?

10 A No. I just -- I don't think there would have
11 been, --

12 Q Okay.

13 A -- but, actually, I couldn't call in because I was
14 standing in the office when --

15 Q Right.

16 A -- they said you got to go back. I said, "No."
17 So, I couldn't call them.

18 Q Right. And, so, part of that's just a work ethic
19 and pride and I'm here to do the job, I can do the
20 job, yeah, I'll do it?

21 A Exactly.

22 Q I understand. Do they have drivers who work less
23 hours or do less runs? I mean, I don't want to say
24 part-time because that's probably not the right
25 word to use in -- in the industry, but if you went

1 to them and said I want to work, I want to do one
2 -- I want to do one-third less runs, -- let's just
3 talk about on runs of three -- I want to take one
4 of them out, the one in the middle, are there
5 drivers who -- who do skip runs or do work less
6 than others, either because they don't have the
7 ethic or they've got something else going on in
8 life?

9 A Yeah, because, see, we got some retired drivers
10 that -- You know, they might work a week, take two
11 weeks off.

12 Q Got you. And I guess what I was getting at is
13 they're not inflexible with the work schedule; if
14 for some reason your health or your -- you wanted
15 to balance your -- your fatigue and everything,
16 they are -- there's the ability to be flexible?

17 A Yes.

18 Q Now, the -- Are you having any problems with your
19 low back bothering you at all? Like, you know,
20 your low spine, does that bother you --

21 A No.

22 Q -- at all? No problems. I know there was -- At
23 the time of your injury, there was an issue with
24 your chest being -- some -- some bruising either to
25 the ribs or the chest wall itself and some pain

1 associated with that. Have you had any more of
2 that return at all?

3 A No. It bruised the lung.

4 Q The lung. Okay.

5 A I think me and the woman and Grady got into it over
6 that, because I told her I was having a heart
7 attack, and she told me I wasn't.

8 Q And your lawyer is acting in your best interest and
9 just being cautious when she lists potential
10 problems with body parts because if you don't list
11 them, you -- you can't -- sometimes you can't come
12 back later. So, she's being very cautious, or just
13 protecting you, when she adds some body parts, but
14 are you having any issues with your breathing at
15 all that you relate to the injury back in 2012?

16 A No.

17 Q Okay. We've talked about the depression and the
18 weight loss. And as far as your -- I guess your --
19 your memory and your ability to do -- I guess
20 problem solve and things like that, your brain
21 function, was that the same in 2012 as it is today?

22 A I don't know. I had some birthdays since then.

23 Q I can relate to that. But have you felt like
24 you've -- like the accident caused you some sort of
25 inability to problem solve or you can no longer,

1 like, figure out new contraptions at home or
2 anything like that?

3 A That's what I've got granddaughters for, --

4 Q Okay.

5 A -- "Hook this TV up."

6 Q I was telling somebody the other day it used to be
7 a lot harder to hook up a VCR than it is today.

8 A Uh-uh. That's a --

9 Q Well, it used to be harder to program a -- record a
10 program, because now it's all automated. But you
11 don't feel like you have any brain injury as a
12 result of your accident itself?

13 A No, I don't.

14 Q Okay. You didn't strike me as -- as coming close
15 to that.

16 A I don't know. My daughters -- I -- I could have
17 swore that in the hospital they took me on a
18 elevator -- I remember that. Now, this didn't
19 even happen, they said, okay, but I remember my
20 youngest daughter outside the doors, and I was
21 like, "They're leaving my young'un," and I said,
22 "Why did y'all leave Tammy? Why didn't somebody
23 else get off the elevator and let her come with her
24 mama?" They said, "Mama, that didn't happen." I
25 said, "Well, it's some good drugs, then."

1 Q The -- The daily pain that you have in your jaw
2 and your face and -- If the doctor had asked you
3 to rate it on a scale of one to ten all the time,
4 how would you -- how would you rate your pain, if
5 ten's the worst pain ever and one is, you know, a
6 mild headache? Where -- Where does -- Where
7 would you say you fell in that range?

8 A As far as the whole mouth hurting all the time?

9 Q Yes, ma'am.

10 A I would say between a five and six.

11 Q Okay. Are there some things that make it worse? I
12 mean, does -- does eating make it worse or, like,
13 sleeping on it wrong make it worse?

14 A Certain foods I eat get up under this (indicating),
15 and I have to use these brushes to clean out from
16 under it.

17 Q And that will make it --

18 A It'll --

19 Q -- spike?

20 A Oh, it can be just a tiny little seed under there,
21 and it's gonna drive you crazy.

22 Q Okay.

23 A But, now, at night, when I'm home, I don't wear the
24 top ones.

25 Q Okay.

1 A And I forgot the other day and went to the store,
2 and I got to the store and I was like uh-oh, I
3 forgot my teeth. I didn't talk to nobody either.
4 Q When you -- When you don't wear your top ones,
5 does that bring the pain level down?
6 A Yeah.
7 Q It's more painful with it in?
8 A Yeah, and it's -- it's because the jaws are so
9 crooked, and, I mean, I'd never even heard of a
10 osteo -- whatever doctor you call him, --
11 Q Yeah.
12 A -- Dr. Ridgell, which is almost like a prosthetic
13 doctor.
14 Q If you don't -- If you don't wear the top one,
15 does the pain go down to --
16 A It seems to.
17 Q Would it go down to lower than a five?
18 A Yeah.
19 Q And I've got some random notes. Let me just -- I
20 think I'm almost done. I just -- You haven't
21 gotten married since your last deposition, have
22 you?
23 A (No response.)
24 Q Just had to ask. I'm going to take that look as a
25 no.

1 A You took it right. I'm tired of giving my money
2 away.
3 Q Been there, done that. Is Scott Justice your
4 direct supervisor, or is it still Johnny --
5 A Johnny Dumit.
6 Q -- Dumit? Okay. Is Scott Justice above him in the
7 pecking order of --
8 A Johnny's the one that's over the drivers.
9 Q Okay.
10 A Scott's kind of -- I don't know what you call him.
11 Q Is he over Johnny?
12 A He does, like, the insurance and --
13 Q Okay. A --
14 A -- stuff like that.
15 Q A different side of the business?
16 A Right.
17 Q The -- The HR, human resources?
18 A There you go.
19 Q Okay. When you stopped working this year, --
20 A I didn't stop. Well, I had to.
21 Q Well, I'm not -- I'm not -- I don't mean it as an
22 insult. I just mean when -- Were you still
23 getting paid \$30 for a stop on your trips?
24 A Yes.
25 Q Okay. And since your deposition last year, which

1 was in April, have you had any new accidents of any
2 kind, car accidents, trip-and-falls, anything like
3 that where you've re-injured yourself?
4 A No.
5 Q Are you still right-handed?
6 A Yes, sir.
7 Q I'm just teasing you with that one. And do you --
8 A Do you know where Barnwell, South Carolina is?
9 Q I do know where Barnwell is.
10 A Do you?
11 Q I do. Lawyers like me don't want to go to
12 Barnwell.
13 A Why?
14 Q They like to give away a lot of money in Barnwell,
15 and nobody pays me to give away a lot of money.
16 A That's where we trailer out -- used to trailer out
17 of. I couldn't ride -- I'd be scared to death to
18 get back on a horse, but we --
19 Q I saw that. How long did you ride horses? I saw a
20 mention of it in your other --
21 A Till --
22 Q -- deposition.
23 A -- I got hurt.
24 Q Till you got hurt. You haven't done it since?
25 A I'm scared to.

1 Q Yeah.

2 A I'm scared to get on a pony now, what you talking
3 about.

4 Q In the last deposition, there was some talk about
5 the -- the knot in your neck, which we've talked
6 about has gotten better and everything.

7 A Yeah.

8 Q And y'all were talking, in the last deposition,
9 about how it hurt a lot to look up because of the
10 pulling.

11 A Mm-hmm.

12 Q And you said it still hurts?

13 A Oh, yeah, I feel it.

14 Q Is it -- Is it less painful, though, without it in
15 there, without the plate in there, than it was last
16 April when --

17 A I can still -- Inside my mouth, I can feel it
18 pulling down --

19 Q Okay.

20 A -- there (indicating) where the stud is.

21 Q I got you. There was a conversation -- There was
22 a mention in the last deposition about Dr. Fowler
23 potentially doing more surgery. I think -- I
24 think you called it a lifestyle lift. Does that
25 ring a bell?

- 1 A No.
- 2 Q Okay. Have you talked to Dr. Fowler about any
- 3 potential surgeries in the future?
- 4 A The only thing he told me was he didn't know if I'd
- 5 be able to tolerate that. Other than that, no.
- 6 Q Okay. Have you had any panic attacks in the last
- 7 six months or so?
- 8 A Not that I'm aware of.
- 9 Q It looked like Dr. Ellis said back in April you
- 10 tried to go off the Restoril, just to go off of it,
- 11 but that you couldn't really sleep off of it. Do
- 12 you recall that? It looked like you took three or
- 13 four days off and slept even worse, I guess?
- 14 A Yeah.
- 15 Q Okay. Have you tried to go off of it for any
- 16 period of time since then, or you --
- 17 A No.
- 18 Q -- pretty much take it every night?
- 19 A I'm taking it. Well, now, if I'm driving my truck,
- 20 I don't.
- 21 Q Right. Yeah.
- 22 A Well, I mean, I don't take it and drive. None of
- 23 those are taken when I'm driving.
- 24 Q Yeah. That -- Sorry. That's definitely not what
- 25 I meant. The Xanax, if you're not driving, is

1 there a particular pattern to when or where you
2 would take a Xanax?

3 A It's -- I don't even take that on the road with me
4 because --

5 Q But I mean at home. Since you've been home in the
6 last six months, for the most part due to the
7 fatigue and everything, have you -- is there a
8 pattern -- have you noticed certain situations in
9 which you feel like you need to take the Xanax?
10 How are you taking that, I guess?

11 A It's -- Just like I told him in the first
12 deposition, it's when I lost my grandson is when
13 they put me on it, --

14 Q Yes, ma'am.

15 A -- and that's why I'd rather be working and doing
16 something and not dwelling on something like that,
17 --

18 Q Yes, ma'am. Have you --

19 A -- and if I'm sitting at the house, I'm gonna think
20 about him.

21 Q Okay. So, --

22 A I'm gonna think about that more, so -- I'm
23 thinking about all I couldn't do --

24 Q Right.

25 A -- no more.

- 1 Q So, you'll -- If you've got to spend the day in
2 the -- in the home and you don't have some errands
3 to run, you're not gonna get out and go to the
4 store and you feel like you're gonna be in the
5 house all day, you'll just take --
- 6 A I make myself go. I make myself actually go to the
7 store.
- 8 Q Yeah.
- 9 A Even though I smoke, I ain't gonna buy enough
10 cigarettes to get me through the day, --
- 11 Q Right.
- 12 A -- so I'll have to get out.
- 13 Q Have to get out.
- 14 A And I have a sister that has very bad depression,
15 and I don't want to be on all that medicine.
- 16 Q She takes a bunch of medicine for it?
- 17 A She takes some high-powered medicine.
- 18 Q Is she -- Is she younger or older?
- 19 A Younger.
- 20 Q Does she live near you and --
- 21 A Yeah. Both sisters have depression, but -- and --
22 and I don't want that. I'm -- They're a lot
23 calmer than I am, --
- 24 Q Right.
- 25 A -- and I'm -- I keep telling them I don't think

1 we're really brothers -- we're really sisters, we
2 need to have a DNA test done, and they're like no,
3 but I'm more the -- the kind that likes to stay
4 going --

5 Q Right.

6 A -- and doing.

7 Q Okay. We -- Now that you've -- you've been out of
8 work this last couple of months due to the fatigue,
9 do you just take like a Xanax in the morning at
10 some point when you wake up or -- I mean, to keep
11 your mind off, you know, --

12 A No. It's usually at night --

13 Q Usually at night. Okay.

14 A -- at night or some -- Now, if it bothers me
15 during the day and I'm not going to work, yeah,
16 I'll take one, but --

17 Q Okay. Would you -- Do you -- Do you still --
18 Would you still have -- Well, let me ask you this.
19 As far as seeing people, treaters, medical care
20 treaters, doctors, things like that, -- Obviously,
21 I can't fix some of your problems. If -- If I
22 were to -- If I were given the ability right now
23 to do whatever I wanted, as far as writing you a
24 note to see whoever you wanted to see for any of
25 your problems, who would you want to see and about

1 -- and like what problem would you want to see
2 somebody about?
3 A I guess Dr. Ellis --
4 Q Okay.
5 A -- because she keeps up with me. She's pretty hard
6 on me about cholesterol and stuff and my weight.
7 And my therapy.
8 Q Your physical therapy that you're doing?
9 A Yes. And she did sign off on that. She did sign
10 for it because they wouldn't let me take it until
11 -- and, I mean, I didn't even bother with the other
12 one. They wasn't gonna let me go.
13 Q Okay. So, if I could get you into physical
14 therapy, you would want that -- and that's for the
15 whole body, the whole work-hardening to sort of
16 rebuild your strength -- and then somebody like Dr.
17 Ellis or -- Dr. Ellis, who's like a family
18 physician, who could monitor your weight and your
19 medications and your fatigue, as well?
20 A Right.
21 Q And then you already get to go to see Dr. Ringell
22 -- or it's --
23 A Ridgell.
24 Q -- Ridgell twice a year --
25 A Yeah.

1 Q -- already? And as far as you know, the pain and
2 the issues you have with eating solid, normal,
3 foods, nuts, potato chips, that's just by virtue of
4 your accident, --
5 A Right.
6 Q -- correct? There's nothing any -- You're not
7 aware -- Nobody has told you there's anything more
8 they could do for you as far as making that part
9 easier; --
10 A No.
11 Q -- is that right?
12 A They -- There's nothing they can do. They've done
13 -- I'm a miracle to have this (indicating) as bad
14 as they were.
15 Q Yes, ma'am.
16 A And, actually, when I -- when I bite down, I can
17 actually almost stick my tongue through -- between
18 the teeth on this side (indicating) and these teeth
19 (indicating), you know, --
20 Q Right. Because of the alignment?
21 A They're lined up over here (indicating) -- but when
22 you ain't got nothing to work with, you know, --
23 Q Yeah.
24 A -- you do the best you can do, and I understand
25 that. They're not miracle workers.

1 Q Yes, ma'am.

2 Mr. Horner: I don't have any further
3 questions for you.

4 A I just -- You know, you'd have to look at my
5 medical records to see the date of the accident and
6 then when they released me to go back to work --
7 because Newsome released me from that group on
8 Grove Road, and I said, "Lady, I can't go back to
9 work." I said, "I don't have no teeth. I got a
10 broke jaw," and she said, "Don't worry about the
11 mouth." And that's what I was told. And I told --
12 I went home -- and my sister that I was talking
13 about, she has a master's in nursing, and I told
14 her what the lady said. She said, "Take a --
15 somebody with you the next visit." So, I went in,
16 and I had my oldest sister with me, and the nurse
17 said, "Who is she?" I said, "That's my sister." I
18 said, "She's going back there with me." "No, she's
19 not." I said, "Why can't she go back there?" "Our
20 rooms aren't big enough." And they refused to let
21 anybody back there with me. But she told me that
22 they wasn't worried about my mouth and sent a work
23 note, and I still hadn't even had none of the
24 surgeries --

25 Q And --

- 1 A -- on my mouth.
- 2 Q Yes, ma'am. I -- I did mean to ask you one other
3 thing. I think your attorney has already told us
4 this, but I just -- Sometimes we ask things we
5 know the answers to. As far as income right now,
6 you don't have any; is that right?
- 7 A No, sir.
- 8 Q Okay. Have you applied for any assistance through
9 any programs, Social Security disability, anything
10 like that?
- 11 A No, sir. Now you want to know how I'm paying my
12 bills?
- 13 Q I was going to ask.
- 14 A Was you, seriously?
- 15 Q Uh-huh. Just --
- 16 A I grew up poor. I learned how to do it. Nobody's
17 gave me nothing, but I did have it covered.
- 18 Q I understand. When you were out before, -- and I
19 mean before 2016 -- you got a check for being out
20 that was like two-thirds of your pay. Is that
21 right?
- 22 A Hmm, --
- 23 Q Do you remember getting that? It's been --
- 24 A It was like --
- 25 Q -- a while.

1 A -- 725, something like that.

2 Q Yeah.

3 A Yeah.

4 Q Okay. And you haven't gotten that this year, since
5 you've been out this year?

6 A No. No, sir.

7 Q I didn't think so. I just had to check.

8 Mr. Horner: All right.

9 Ms. Mims: Let me clear up a couple of
10 things.

11 Examination

12 By Ms. Mims:

13 Q In the -- Mr. Harden --

14 Ms. Mims: (to Mr. Horner) Is it Harden?

15 I want to say --

16 Mr. Horner: Horner. Horner.

17 Ms. Mims: Horner. I'm sorry. I wanted
18 to make sure --

19 Mr. Horner: I know I've got --

20 Ms. Mims: -- I got it right.

21 Mr. Horner: Yeah.

22 Q He asked you questions about -- There wasn't a
23 two-and-a-half period where you have not been out
24 on temporary total; is that right?

25 A (No response.)

1 Q Since you got hurt, you have had several surgeries;
2 you're -- you work -- you would work and then go
3 back, -- is that right -- be -- I mean have the
4 surgery, be off and then go back to work?

5 A Yeah.

6 Q Okay. And, so, there -- has there been a
7 continuous time that you've just worked two and a
8 half years without medical treatment and being off?

9 A No.

10 Q Okay. And, so, you -- The medical records will
11 reflect all of that; --

12 A Yes.

13 Q -- is that right? Yeah, but -- Yeah, it wasn't --
14 Let me clear up another thing. Has there been any
15 accident in the last year that you've been involved
16 with with someone else? He asked you if you had
17 any injuries in a accident. Have you been in any
18 -- any accidents?

19 A I was in a accident in Maryland in the big truck,
20 but it didn't -- He'd asked me physical.

21 Q Right.

22 A Right.

23 Q But I wanted to be -- There was an accident. You
24 didn't go -- Did you go -- Well, let me ask you.
25 Did you go to a doctor?

- 1 A No, I did not.
- 2 Q Did you get any treatment?
- 3 A No.
- 4 Q Did you complain about that?
- 5 A No.
- 6 Q Have you filed a workers' comp --
- 7 A No.
- 8 Q -- action? Okay. And was anybody hurt in that
- 9 accident, that you know?
- 10 A The lady, but neither one of us was cited, so I
- 11 don't know --
- 12 Q So, you didn't get charged with the accident?
- 13 A No.
- 14 Q Okay. I want it to be clear as to the -- what I
- 15 think is really -- The mouth and shoulder bothers
- 16 you, you say. Is that -- And you've told us about
- 17 this happens -- bothers you all the time. Now,
- 18 you've been off these weeks that you -- You made a
- 19 decision you couldn't work; is that right?
- 20 A (Nods head.)
- 21 Q And why did you make that decision?
- 22 A Because I couldn't.
- 23 Q Okay.
- 24 A That's why I'm seeing --
- 25 Q Have you seen --

SCOTT REPORTING SERVICE
P.O. Box 290482, Columbia, SC 29229 ♦ (803) 736-2408
www.scottreporting.com ♦ bscott@scottreporting.com

- 1 A -- Ellis.
- 2 Q -- an improvement since you have not worked? From
- 3 before, when you -- you were off and you -- you
- 4 went to Dr. Ellis this -- back in March and -- And
- 5 she wrote you off, right, said that you couldn't
- 6 work?
- 7 A Right.
- 8 Q Okay. Are you getting better?
- 9 A Slowly, yes.
- 10 Q Okay. And you've already told Bob that you feel
- 11 like that -- that if you got some care -- And
- 12 that's what you've asked for; is that right?
- 13 A Right.
- 14 Q You went to Scott and asked him, you know, and he's
- 15 told you that you couldn't be seen; is that right?
- 16 A As far as I was told.
- 17 Q And I think you just went on to your doctor, and
- 18 the next thing you know, you were -- the doctor
- 19 wrote you off and you were not going -- you were
- 20 not working?
- 21 A (Nods head.)
- 22 Q Okay.
- 23 A Exactly. Well, I knew when them clothes was
- 24 getting baggier and baggier -- and I was already
- 25 little. I was like oh, God, I know what she's

1 gonna say.

2 Q And losing a lot of weight, did it affect your --
3 your strength, --

4 A Oh, yeah.

5 Q -- ability? And does it -- Does driving a truck,
6 a 18-wheeler -- does that require you to be able to
7 have strength?

8 A Yes.

9 Q Okay. And what is -- Basically, just for the
10 record, what does that require? I mean, do you
11 just drive all day and just sit and drive, or what
12 are you doing in this job?

13 The Deponent: (to Mr. Horner) You
14 fixing to learn something, son.

15 A Here we go. The drive axles of a tractor-trailer
16 can only weigh 12,000 pounds, the steer axle. The
17 two behind the cab of the truck can only weigh
18 34,000, and the ones on the trailer can only weigh
19 34. It equals up to 80,000 pounds. Sometimes you
20 gonna get loaded and then one of them axles is
21 gonna be over, because very seldom are they exactly
22 right. So, we got pins you have to pull -- We
23 call them pins. They're not really a pin. It's a
24 leader.

25 Mr. Horner: Okay.

- 1 A Some of them are -- Like some of your trailers --
2 When you're going back to Columbia, if you'll look
3 at the trucks as you go by the trailer tires back
4 there, sometimes you'll see a handle and sometimes
5 you won't, but you'll see holes up under there.
6 That's so many pounds per hole, and that's how we
7 equal out our weight, and that fifth wheel behind
8 the tractor also slides. But, now, theirs is 500
9 pounds, but it ain't got holes. It's just a big
10 old plate. So, we're constantly opening and
11 shutting the doors, and some of them might shut,
12 some of them might not want to shut, and it can be
13 a struggle to shut them sometimes when you're
14 dropping off and picking up.
- 15 Q So, are you saying you need a lot of strength to do
16 that?
- 17 A Oh, yes.
- 18 Q Okay. Do you think I could do that? Don't make
19 fun of me. Okay.
- 20 A To be honest with you, no, I don't.
- 21 Q Okay. Now, so, you've been off, and you say you --
22 you've gained weight. You're improving with that.
23 Is that correct?
- 24 A Yes.
- 25 Q And, as I understand it, and what I've heard here

SCOTT REPORTING SERVICE
P.O. Box 290482, Columbia, SC 29229 ♦ (803) 736-2408
www.scottreporting.com ♦ bscott@scottreporting.com

- 1 today is you liked your job and -- Is that right?
- 2 A Yeah, I like my job.
- 3 Q Okay. And you would like to return to your job, --
- 4 is that correct -- or go --
- 5 A That's my goal.
- 6 Q -- go back to work? Yeah. Now, why -- Why is it
- 7 that you told us today that you're not interested
- 8 in seeing someone for counseling when you've told
- 9 several different people that you're -- you're
- 10 suffering with depression? Why don't you want to
- 11 see a counselor? What does that mean?
- 12 A I get depressed, and -- Well, you know, Sonya and
- 13 Tammy, those are my counselors, because they know
- 14 Mama's gonna call, and they're gonna do something
- 15 about it, you know.
- 16 Q So, you -- You do get depressed, but you don't
- 17 want any -- but you don't want to get any help
- 18 right now. Is that it?
- 19 A They are my help.
- 20 Q Okay. Okay.
- 21 A I don't want to be on a -- a bunch of medication,
- 22 and the problems I have, I've got to face them.
- 23 Q Okay. And when you're driving, you can't -- is it
- 24 true that you can't be on medication?
- 25 A There's certain kinds you can't be on.

1 Q Okay. And the ones that you are on, are you able
2 to be on it when you drive, the two, the Xanax and
3 --

4 Mr. Horner: The Restoril.

5 Ms. Mims: Yeah.

6 The Deponent: Yeah.

7 A No, you don't take them and drive. I mean, you can
8 take them, but it's only if I'm gonna be off ten
9 hours, --

10 Q Okay.

11 A -- because you got to have a ten-hour break.

12 Q Right. And you have a responsibility not only to
13 yourself but to the general public; isn't that
14 correct?

15 A And to the federal government, also.

16 Q Right. Okay. Now, before this accident and all
17 the surgeries, how would you describe your health?

18 A I'd come home, mow that grass, have a little to do
19 with the horses, went trail riding, --

20 Q You were in good health. Is that what you're
21 telling me?

22 A Yeah. But that don't happen no more.

23 Q Okay.

24 A I do good to get the dogs fed.

25 Q Were you suffering from any condition that you

1 could describe for us today under -- under doctor's
2 care?
3 A As in?
4 Q Before the accident.
5 A Am I worse?
6 Q No. Before you got hurt in this injury, this
7 accident, were you under any doctor's care, under
8 any --
9 A No, except Dr. Ellis when I needed her.
10 Q Okay. Had you ever hurt your shoulder before?
11 A No.
12 Q Did you have any injuries to your mouth, your head,
13 your neck?
14 A No.
15 Q Okay. And, generally, you weren't going -- You --
16 You weren't being seen by a physical therapist; is
17 that correct?
18 A No.
19 Q Okay. So, you would -- Would you describe your
20 health as very good?
21 A Heck yeah, unloading them groceries.
22 Q Okay. Okay.
23 A Yeah, unload that big boy all day long.
24 Q And what's the difference now? What is your health
25 now?

1 A You can't put that into vocabulary.
2 Q Well, do the best you can. Just --
3 A It's not good.
4 Q Okay. And you feel like -- Do you feel like that
5 you can get better, though?
6 A I'm gonna keep up the hope.
7 Q Okay.
8 A I ain't gonna give up the hope, even though it is
9 taking my bank account --
10 Q Do you remember how many surgeries you have had to
11 your mouth now, where you've started --
12 A No, I don't, like I said, because I was drunk.
13 Q I mean -- I don't mean --
14 A I couldn't tell you a number --
15 Q But over the course of these -- these last several
16 years, you've had several surgeries; is that right?
17 A I don't -- I've had a lot.
18 Q Right.
19 A I mean, I've been put to sleep so many times, I was
20 like I'm gonna be addicted to morphine here.
21 Q Right. Well, let me ask you -- But you -- you --
22 As you understand it, what first -- what happened
23 to you at first in terms of this -- in terms of a
24 injury to the mouth and -- and jaw and chin and all
25 of that?

1 A The recollection I've got is waking up at
2 Greenville Memorial Hospital.

3 Q But you know, since then, what happened. What --
4 Did this (indicating) have to be rebuilt, the --

5 A Yeah, plus, you know, it broke the bones in front
6 of both ears. Those had to be put back in.

7 Q The bones in both -- in front of both ears?

8 A Mm-hmm.

9 Q Okay. And you lost all of your natural teeth; is
10 that correct?

11 A Yes.

12 Q Okay. And, so, now, where before you had your
13 natural teeth, you do not have them; is that
14 correct?

15 A No, I do not.

16 Q Okay. You have -- Have you ever had complaints to
17 your doctors about your hearing?

18 A No.

19 Q Okay. So, you're -- you're not having problems
20 with that?

21 A No.

22 Q What about your speech? Have you talked to the
23 doctors about your speech pattern?

24 A No. I have my kids, though, --

25 Q Okay.

SCOTT REPORTING SERVICE
P.O. Box 290482, Columbia, SC 29229 ♦ (803) 736-2408
www.scottreporting.com ♦ bscott@scottreporting.com

1 A -- and they have noticed that -- I'm glad you
2 brought it up -- that there's things that I can't
3 say like I used to.

4 Q Okay.

5 A I'm more self-conscious about it, I guess you'd
6 say, of my speech, and --

7 Q Now, are you wanting -- Are you wanting to see a
8 doctor and be treated by a physical therapist or --

9 A I'm going to one now.

10 Q Yeah. Well, I mean, that is --

11 A Do I want to continue?

12 Q That is -- Is that a physical therapist you're
13 seeing, or you're going to a fitness center? Isn't
14 that right? Just --

15 A I'm going to the Life Center.

16 Q To get some exercise, or to help with that; is that
17 right?

18 A Right.

19 Q And you're seeing some improvement; is that
20 correct?

21 A Yes. I have --

22 Q But these --

23 A -- a trainer.

24 Q These people have not reviewed your medical records
25 or anything like that, have you -- have they?

1 A No.

2 Q Was it your problems -- Did family members tell
3 you, suggest, that you go -- you know, you should
4 see someone because they -- they saw you going
5 down, your health?

6 A No. They just knew that I was already run down --

7 Q Right.

8 A -- and then worrying about my job and --

9 Q Okay.

10 A -- no income and --

11 Q Are you -- Are you asking that you -- Do you need
12 -- temporary total benefits?

13 A Until I can get well enough to go back.

14 Ms. Mims: Okay. I think that's all I
15 have.

16 Mr. Horner: I don't have any.

17 [Off the record briefly at
18 12:38 p.m.]

19 Mr. Horner: I have one short question.

20 Re-examination

21 By Mr. Horner:

22 Q I think your attorney gave us a copy of your taxes
23 that you filed in 2015. Did -- And I believe you
24 worked all of 2015. Does that sound about right?

25 A It sounds right.

1 Q Okay. And at that time, your income was around
2 \$63,000. Would that have been a normal average
3 year for you --

4 A Yeah.

5 Q -- in the last ten years or so?

6 Mr. Horner: Okay. That's all I have.

7 A Between 60 and 70 usually.

8 Mr. Horner: Okay.

9 Re-examination

10 By Ms. Mims:

11 Q In '15, you had that surgery. Weren't you off for
12 a period?

13 A I was. Was that the '15?

14 Q That was last year. We're in '16 now, right, so --

15 A That's right.

16 Q -- if we need to --

17 A Yeah, I --

18 Q We can -- You can look at your --

19 A For the 17th time, yeah, --

20 Ms. Mims: (to Mr. Horner) There was a
21 period that she had the surgery in '15 --

22 Mr. Horner: Well, now that I say that --

23 Ms. Mims: You -- We gave you '15, and
24 that's all I asked her for because that's what
25 --

1 Mr. Horner: Yeah.

2 Ms. Mims: -- Steve asked for.

3 Mr. Horner: Got you.

4 Ms. Mims: But we can -- We probably
5 need to -- We can look at that, but --

6 Q It's not been a year -- that I remember.

7 A It's just -- Yeah, it's been a year this month.

8 Re-examination

9 By Mr. Horner:

10 Q What was the surgery for that you had in --

11 A The (pointing) --

12 Q -- '15?

13 A That was --

14 Q Oh. To --

15 A -- to the plate.

16 Q Okay.

17 Mr. Horner: It was after the deposition

18 --

19 Ms. Mims: Mm-hmm, that's what --

20 Mr. Horner: -- took place.

21 Ms. Mims: Yeah, that's right.

22 Q And you were out for four six to weeks or something
23 for that?

24 A It was six -- six or eight weeks.

25 Q Six or eight weeks. Okay. All right. Thank you.

State of South Carolina)
)
 County of Lexington)

Certificate

Be it known that the foregoing deposition of Jennie Cox was taken before me;

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

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

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

That the deponent reserved her right to read and sign the deposition transcript, and Review by Deponent and Errata sheets were provided to the deponent with instructions that they were to be returned within thirty (30) days with any changes/corrections to said deposition transcript.

That the foregoing transcript of 79 typewritten pages represents a true, accurate and complete transcription of the testimony so given at the time and place aforesaid to the best of my skill and ability;

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

Signed this 30th day of August 2016.

Sandra M. Austin

Sandra M. Austin

Notary Public for South Carolina
 My commission expires August 29, 2023.

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

SCOTT REPORTING SERVICE
 P.O. Box 290482, Columbia, SC 29229 ♦ (803) 736-2408
www.scottreporting.com ♦ bscott@scottreporting.com

SPEED, SETA, MARTIN, TRIVETT, STUBLEY & FICKLING, LLC
ATTORNEYS AT LAW

REPLY TO

WALLACE SPEED (1940-2020)
LESLI R. SETA (GA & FL)
SETH C. MARTIN (GA & FL)
ERIC L. TRIVETT (GA)
M. STEPHEN STUBLEY (SC)
JAMES E.L. FICKLING (SC & NC)
STEPHANIE A. ROCKWELL (GA & TN)
ANDREA S. OWEN (GA)
HUNTER CHANDLER (GA & TN)

114 STONE MOUNTAIN STREET
LAWRENCEVILLE, GEORGIA 30046
PHONE (770) 822-2911
FAX (770) 822-2912
www.Speed-Seta.com

ALEXANDER ADKINS (GA & TN)
ANDYNE B. ANDERSON (GA)
SCOTT H. ANDREWS (GA)
MELISSA CRUZ (GA & TN)
JEREMY T. ENGLAND (AL & MS)
C. BENTON HILBURN (GA)
SARA P. MORRIS (SC & NC)
CALEY A. PITTS (GA)
KELSIE L. QUEEN (SC & NC)
JENNIFER S. RAY (GA)
LAWRENCE ROSS (GA)
SARAH V. SNIPES (GA)
LINDSEY R. STEWART (GA)
MATTHEW W. STRUBLE (GA)
MARK M. STUBLEY, JR. (AL, NC & SC)
BRIGGS P. TUCKER (SC)
BRITTANY BELL TURNER (GA & FL)
LILY D. WILKERSON (GA & FL)
∞
GEORGE D. GALLAGHER (SC)
CHARLES A. KINNEY (GA, NC & SC)

March 7, 2022

VIA EMAIL: CTAPPFILINGS@SCCOURTS.ORG

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate St.
Columbia, SC 29201

RE: Jennie Cox v. Palmetto State Transportation
Appellate Case No.: 2019-001936
Claim No.: WC34192
DOA: 5/31/12
Our File No.: 1800-0061

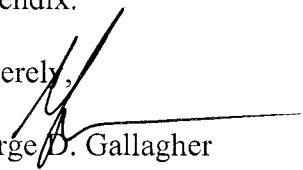
Dear Ms. Kitchings:

Please find enclosed our Supplemental Materials in the attached Appendix to the Record on Appeal for the above-referenced matter.

This filing is made with the consent of all attorneys on record under SCACR Rule 212(b). Respondents seek to supplement the Record on Appeal to include documents included in prior records but were not included in Appellant's most recent Record on Appeal.

By copy of this letter to Adrienne Turner, attorney for Appellant, I am serving her a copy of this Appendix.

Sincerely,


George D. Gallagher

GDG/kgf
Enclosures

cc: Adrienne Turner, Esquire
Marjan Palushaj

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

RECEIVED

Mar 07 2022

SC Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS COMPENSATION
COMMISSION

W.C.C. FILE NO. 1206236

Appellate Case NO. 2019- 001936

Jennie Cox, Employee

Appellant,

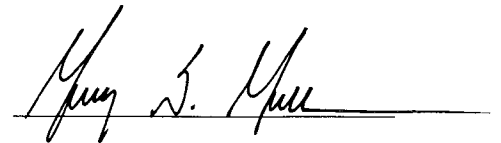
v.

Palmetto State
Transportation, Employer,
and Cherokee Insurance
Company, Carrier

Respondents,

CERTIFICATE OF COUNSEL

The undersigned certifies that this Supplemental Record complies with Rule 212 (b), SCACR and that this filing is done with the consent of all attorneys of record.



George D. Gallagher
Speed, Seta, Martin, Trivett & Stubley, LLC
Post Office Box 11669
Columbia, SC 29211
803-748-2259
ggallagher@speed-seta.com
Attorney for Respondents

Columbia, South Carolina
March 7, 2022