

## Attachment One

Excerpt of trial transcript containing oral rulings of November 12, 2021 denying Walmart's renewed Motion for Directed Verdict and renewed Motion for New Trial or Mistrial

1 STATE OF SOUTH CAROLINA

2 IN THE COURT OF COMMON PLEAS

3 COUNTY OF FLORENCE

**RECEIVED**

**Mar 15 2022**

**SC Court of Appeals**

4 -----x

5 APRIL JONES, )

6 Plaintiff, )

7 vs. )

Transcript of Record  
2017-CP-21-01375

8 TIM RINGER, WALMART STORE )

9 NO. 630, WALMART STORES, )

10 INC., and WALMART STORES )

11 EAST, LP, )

12 )

13 Defendants. )

14 -----x

Monday, November 8, 2021

JURY TRIAL - VOLUME 1 of 4

B E F O R E:

The Honorable Michael G. Nettles, Presiding Judge; and jury.

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

Roy T. Willey, IV, Esq.

Lane Jefferies, Esq.

Kenneth Thomas, Esq.

Eric Poulin, Esq.

Vanisa Siler, Esq.

Attorneys for the Plaintiff

Nashiba Boyd, Esq.

Robert Blain, Esq.

Regina Lewis, Esq.

Attorneys for Defendants

Recorded by: Court Monitor/DCRP

Transcribed by: Bobbi Fisher, RPR

1 deposition and the items listed in Plaintiff's Exhibit 7.

2 THE COURT: Very good. You're protected on the record.

3 I'm going to ask y'all if y'all could come forward and  
4 take a look at the verdict form.

5 (Counsel conferred off the record.)

6 THE COURT: Very good. Any objection with regard to the  
7 verdict forms from the plaintiff?

8 MR. WILLEY: No. The only thing I would note I did ask  
9 counsel for the defendant if she had an issue with the Walmart  
10 defendants being grouped and identified as Walmart, and she  
11 said no.

12 THE COURT: Any objection from defense?

13 MS. BOYD: No, Your Honor.

14 THE COURT: All right. Very good.

15 Anything further?

16 Ready to proceed forward with arguments?

17 MR. WILLEY: I have some issues as to the charge.

18 THE COURT: Yes.

19 MS. BOYD: I have motions, Your Honor.

20 MR. WILLEY: Oh, she has motions. All right.

21 MS. BOYD: He kept standing, so I thought he was still  
22 going. I apologize.

23 MR. WILLEY: I believed she would have motions.

24 MS. BOYD: Your Honor, Defendants renew their request for  
25 a directed verdict on the issues of whether Walmart created,

1 had actual notice or constructive notice of the nail. Your  
2 Honor...

3 THE COURT: You're protected on the record in that  
4 regard.

5 MS. BOYD: Okay.

6 THE COURT: Anything else?

7 MS. BOYD: Yes. We would also like to renew our motion  
8 for a mistrial based on Ms. Jones's improper testimony about  
9 the settlement offer, Your Honor. We believe that, even with  
10 your curative instruction, the jury may believe that Walmart  
11 was admitting some wrongdoing or some liability by offering  
12 her money, and a substantial amount of money at that.

13 And in our case, we have been arguing no liability the  
14 whole time, and so it seems almost counter to the arguments we  
15 have presented here today, and we believe that that may  
16 negatively impact the jury's verdict.

17 THE COURT: Very good. And you're protected on the  
18 record.

19 MS. BOYD: Okay. I would like to hand up just a brief  
20 for the record, Your Honor.

21 THE COURT: Yes. All right. Anything further?

22 MS. BOYD: No, Your Honor.

23 THE COURT: Any requests -- additional requests to  
24 charge?

25 MR. WILLEY: Just -- and I haven't seen the charge; I