

1 PLAINTIFF: Ms. Potter
2 WITNESS: Karen Wilson
3 DEFENSE COUNSEL 1: Mr. Baker
4 DEFENSE COUNSEL 2: Mr. Fisher

5
6 WARM UP

7 DIRECT EXAMINATION

8 MS. POTTER: The record should reflect that we are
9 here today to take the deposition of Karen Wilson.
10 Let's state appearances, please.

11 MR. BAKER: Thank you. Steven Baker for / the
12 defendant, Ron Johnson. My client is not present.

13 MR. FISHER: Dan Fisher for the defendant, Target.

14 MS. POTTER: Thank you. And I am Susan Potter for
15 the plaintiff, / Margaret Peterson. The record should
16 reflect my client is present today.

17 Is there something that you want to put on the
18 record before we get / started with the witness?

19 MR. FISHER: Yes, ma'am. Thank you.

20 I just would like to stip with all counsel that the
21 witness has been given an instruction / sheet of some
22 kind which states the rules that we are to all abide by
23 for the purposes of today's depo.

24 MS. POTTER: Yes. It is an / advisement that I
25 always provide to witnesses who come to my office for
26 deposition. I will so stipulate that Ms. Wilson has

1 been provided with / that.

2 MR. BAKER: That's fine. It is just a preamble that
3 lets the witness know what to expect and what the
4 procedures are.

5 MR. FISHER: Yes. I agree.

6 MS. POTTER: Okay. / Ms. Wilson, do you have any
7 questions before we begin?

8 THE WITNESS: I don't believe so. Thank you.

9 MS. POTTER: Well, let's get started. The witness
10 has been sworn. */

11 EXAMINATION

12 Q. BY MR. BAKER: Ms. Wilson, my name is Steven
13 Baker. I represent Mr. Ron Johnson, a defendant named
14 in this lawsuit.

15 On August 15, 2009, were / you shopping at the
16 Target store near your residence?

17 A. Yes, I was.

18 Q. Do you remember what day of the week that was,
19 by any chance? /

20 A. No, not really. I have a calendar in my
21 handbag that I could check.

22 Q. No. That's all right. We just want your best
23 memory today. /

24 A. Okay.

25 Q. Let me begin by asking you, Ms. Wilson, are you
26 currently employed at the present time?

1 A. Absolutely.

2 Q. And were you employed back in August / of 2009?

3 A. Yes, I was.

4 Q. Where are you employed, ma'am?

5 A. Currently, I volunteer at the preschool at my
6 church.

7 Q. Okay. Is that where / you were employed last
8 year as well?

9 A. No. Last year I was working out of my home. I
10 only started at the preschool this summer. /

11 Q. All right. What exactly do you do at the
12 preschool?

13 A. I am a classroom helper. Basically, I am there
14 to help the teacher with the / students and to assist in
15 any way possible.

16 Q. Okay. Is this a paid position you have now?

17 A. Yes, sir. My grandchildren also attend that
18 preschool. */

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20 **END OF WARM UP**

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1 EXAM

2 Q. BY MR. BAKER: Ms. Wilson, you testified last
3 year you were employed out of your residence for some
4 period of time. What exactly were you doing for
5 employment? /

6 A. I used to watch some neighborhood children out
7 of my home. The children I was caring for moved away
8 earlier this year.

9 Q. These weren't your / grandchildren, then?

10 A. They were some neighborhood children. Their
11 parents are close friends of ours. I would watch them
12 in the morning, take them to school, / and then pick
13 them up in the afternoons. Their parents worked, so I
14 was helping.

15 Q. I see. Now, back to August of 2009, / on the
16 day that you were shopping at Target. Do you actually
17 remember that particular day, August 15?

18 A. Yes, I do. I remember it very / well.

19 Q. What time of day did you go to Target?

20 A. I believe it was about 9:00 o'clock in the
21 morning.

22 Q. Were you shopping for anything / in particular?

23 A. I was shopping for a birthday gift for a friend
24 of mine. I also needed to pick up some household
25 supplies, cleaning supplies. /

26 Q. Now, thinking back, do you happen to remember

1 which part of the store you started your shopping in, or
2 where you first went upon entering? */

3 A. Well, I usually just go straight when I enter
4 the store and begin making my rounds.

5 Q. Is that true even if you have a list / with
6 specific items that you are shopping for?

7 A. Yes, that's correct. It is just habit.

8 Q. During your shopping trip, when did you
9 initially observe the / plaintiff that day?

10 A. I came around the corner and I saw her laying
11 on the ground.

12 Q. Did you notice whether she was alone on the /
13 ground?

14 A. I didn't notice anyone else laying on the
15 ground. There were plenty of people around her, but she
16 was the only one laying on / the ground.

17 Q. Please describe what you observed when you came
18 around the corner.

19 A. I heard some crying and that's what got my
20 attention at first. /

21 Q. Did you overhear the crying before you saw
22 someone laying down?

23 A. Absolutely. I heard the crying. It got
24 louder. Sounded like someone was getting upset. /

25 Q. What happened then?

26 A. As I rounded the corner, the woman was laying

1 on the ground. There was an employee trying to help her
2 get up. /

3 Q. How many people were around the woman when you
4 arrived?

5 A. Ten people.

6 Q. How many were employees versus shoppers?

7 A. I think it was half and half. */

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1 START TYPING

2 Q. BY MR. BAKER: Did you observe any major
3 equipment in the area surrounding where everyone was
4 gathered around?

5 A. There was a very large basket they have to
6 stock / the store. It is similar to a pallet that they
7 put merchandise on and wheel it out to set up the
8 displays.

9 Q. Anything else?

10 A. There / was also a floor sweeper. I don't know
11 if it was a vacuum or a buffer. It is the kind of
12 machine that has the / handlebars and you can use it for
13 cleaning the carpet.

14 Q. Am I correct that you didn't see how the woman
15 got on the ground?

16 A. Yes, / that's correct.

17 MR. BAKER: I have nothing further at this time.

18 MS. POTTER: Very well. Mr. Fisher, please proceed
19 with your questions at this time.

20 EXAMINATION

21 Q. BY MR. FISHER: Ms. Wilson, I have / several
22 questions for you regarding this incident.

23 A. All right.

24 Q. Just to remind you, my name is Dan Fisher, and
25 I represent Target.

26 A. Yes. I remember. /

1 Q. Can you estimate how long you had been in the
2 store before you heard the crying that you told us
3 about?

4 A. I would say probably / about 15 minutes.

5 Q. Do you remember what department you were in
6 when you heard the crying?

7 A. I was making my way to the back of */ the store
8 where the supplies are. I was walking through the
9 women's clothing department.

10 Q. All right. Were you pushing a basket at the
11 time?

12 A. Yes. / I always get a basket when I go
13 shopping.

14 Q. Okay. You testified you had been shopping for
15 about 15 minutes prior to hearing the crying? /

16 A. That's correct.

17 Q. Had you selected any items and put them in your
18 cart?

19 A. I picked out a couple things for the present I
20 was buying. /

21 Q. Do you remember what specifically was in your
22 cart that morning?

23 MS. POTTER: Is that really relevant, what was in
24 her basket?

25 MR. FISHER: I want to know if / she had anything
26 that would potentially block her line of sight.

1 MS. POTTER: Just ask her that question, then.

2 It's not really relevant what she had in / her
3 basket.

4 Q. BY MR. FISHER: Ms. Wilson, was there anything
5 in your cart that was blocking your vision as you were
6 shopping?

7 A. No. I only had a couple / items in my basket
8 when the crying started.

9 Q. Okay. You mentioned that you were shopping for
10 supplies. What kind of items are you talking about? /

11 A. Just paper towels and cleaning supplies you
12 need around the house. I was walking to that department
13 of the store when I heard the crying. */

14 Q. Now, had you previously shopped in that Target
15 on any prior occasions?

16 A. Yes.

17 Q. Do you know if you had ever seen this woman in
18 that / Target before that morning?

19 A. She kind of looks familiar sitting here today,
20 but I don't believe so.

21 Q. Okay. It wasn't a situation where you were /
22 seeing someone that you knew laying on the ground?

23 A. No. I mean, when you hear someone crying and
24 you see a woman on the ground, / you just want to help
25 her.

26 Q. But you didn't recognize her that morning; is

1 that correct?

2 MS. POTTER: I object. The witness has already
3 answered that question. /

4 Q. BY MR. FISHER: All right. It wasn't a
5 situation where she was a friend of yours; is that
6 correct?

7 A. No. I didn't know her name until I got / the
8 subpoena to appear here for the deposition.

9 Q. Very well. Now, you have testified you didn't
10 personally see how she ended up on the ground / that
11 morning; is that correct?

12 A. That's right.

13 Q. Did you have any contact with the woman on the
14 ground?

15 By that question I mean did you / speak to her.

16 A. Not initially. The gentleman who was trying to
17 get her up was talking to her, and he was calling for
18 medical help. */ I was only waiting to see if she
19 needed anything.

20 Q. At that time did you notice any other shoppers
21 in the area?

22 A. Certainly. There were / a few.

23 Q. Did you notice any other shoppers who were
24 speaking to the woman on the ground?

25 A. There was a gentleman who was asking if / she
26 wanted to use his cell phone to call anybody.

1 Q. Did you overhear that conversation?

2 A. He offered his phone for her to make a call. /

3 Q. Ms. Wilson, how long did you remain in the area

4 that morning?

5 A. I was there the entire time. I didn't want to

6 leave until I / knew she was all right.

7 Q. Were you present when the paramedics arrived?

8 A. Yes, sir.

9 Q. Do you remember if the man with the radio was

10 still / present?

11 A. Yes. I believe he was the one who called for

12 help.

13 Q. When the paramedics arrived, do you remember

14 how many people were in the / area?

15 A. There were people walking by the whole time we

16 were there.

17 Q. I am asking about the immediate area where the

18 woman was on the / ground with the paramedics. How many

19 people were surrounding her at that time?

20 A. When help arrived, there were two employees.

21 Q. The employees who were there, */ had they

22 remained there the entire time you were present?

23 A. Definitely. It was the employee with the radio

24 and another man.

25 Q. Do you know the / names of either of those

26 gentlemen?

1 A. I didn't know their names then, but I know who
2 they are now.

3 Q. Who are they?

4 A. The gentleman with / the radio was the manager.
5 His name is David. The other employee was Ron Johnson.

6 Q. Do you know Mr. Johnson to be an employee of /
7 Target?

8 A. That's what I have been told.

9 MR. BAKER: I object. Hearsay.

10 MR. FISHER: It is noted for the record.

11 MR. BAKER: Thank you.

12 Q. BY MR. FISHER: Did you know Mr. Johnson before
13 that / day?

14 A. No, I did not.

15 Q. Did you know personally he was an employee that
16 day?

17 A. He definitely looked like an employee to me.

18 Q. Is that / because he had on a uniform that
19 would perhaps identify him?

20 A. Yes. And he was working in the area.

21 Q. Did you observe him to be / working in the area
22 before you saw the woman on the ground?

23 A. He wasn't working when I first saw him.

24 MR. FISHER: No further questions right now. /

25 EXAMINATION

26 Q. BY MS. POTTER: Ms. Wilson, as you know, I

1 represent Margaret Peterson, the woman who fell in the
2 store that morning.

3 A. I understand.

4 Q. On the day you fell */ -- pardon me. Strike
5 that.

6 On the morning you witnessed my client on the
7 ground, had you had any conversation with anyone in the
8 store?

9 A. You / mean before I saw her?

10 Q. Correct.

11 A. No. I may have said good morning to somebody,
12 but no conversation.

13 Q. All right. I believe you previously testified
14 / you had not had any personal contact with my client
15 before you discovered her on the ground; is that
16 correct?

17 A. That's correct.

18 Q. Were you present / when my client was lifted
19 from the ground to a chair?

20 A. Yes, I was. I stayed there the entire time.
21 In fact, we left the / store together.

22 Q. Are you speaking of my client?

23 A. Yes. After she was finished with the medical
24 people, I walked her out to her car to / make sure she
25 was physically able to drive home.

26 Q. Now, when my client was being treated at the

1 store, did you observe whether or not / she was
2 administered any medication?

3 A. I didn't see that happen.

4 Q. What did you observe in that regard?

5 A. I saw them check her blood pressure and /
6 things like that, but they didn't give her a shot or a
7 pill or anything.

8 Q. Okay. Did you overhear any conversation that
9 was had between */ Margaret Peterson and the people
10 treating her?

11 MR. BAKER: That would be hearsay. Objection.

12 MR. FISHER: Join in the objection.

13 Q. BY MS. POTTER: You may answer the question,
14 Ms. Wilson.

15 A. I heard / them asking her questions about how
16 she was feeling, what had happened. I really didn't
17 hear her responses because she speaks so softly.

18 Q. Did you / observe whether or not they put any
19 kind of brace or medical device on the body of my
20 client?

21 A. I believe they were giving her / a sling for
22 her arm, but she said she didn't want it.

23 Q. Do you know if my client went to the hospital
24 that morning?

25 A. They / wanted to transport her to the hospital,
26 but she didn't want to go.

1 Q. I am just asking what you observed. You can't
2 testify to what / you think, just what you personally
3 observed yourself.

4 Do you know if my client went to the hospital that
5 morning?

6 A. No. I don't believe so. / We exited out to the
7 parking lot together. I saw Margaret get into her car.

8 What she did after that, I wouldn't have any idea./

9 Q. Let me ask you a few questions about that.

10 You testified that you exited out of the store
11 together; is that correct?

12 A. Yes, ma'am.

13 Q. You */ also mentioned that you were just
14 beginning your shopping when you saw my client fall?

15 MR. BAKER: Objection. Misstates the testimony.

16 MR. FISHER: Join in the objection.

17 Q. BY MS. POTTER: Ms. Wilson, / let me rephrase
18 my question to you.

19 You testified that you had only been in the store
20 for about 15 minutes before you heard the / crying and
21 observed my client on the ground; is that correct?

22 A. That's correct.

23 Q. And I believe you also testified that you only
24 had a few / things in your basket at the time; is that
25 correct?

26 A. That's right.

1 Q. Is it fair for us to assume that you didn't
2 complete your shopping / during that morning before you
3 left Target?

4 A. No. I finished my shopping and then I left.

5 Q. You testified previously you exited out to the
6 parking / lot with Margaret Peterson; is that correct?

7 A. That's correct.

8 Q. So explain to us how that happened. Did my
9 client wait for you to finish your / shopping and then
10 you exited together?

11 MR. BAKER: Objection. Leading.

12 THE WITNESS: What happened was that when she got up
13 and was ready to leave, I asked her if / she wanted some
14 assistance out to her car. She said she would be okay.
15 I asked her to kindly wait for me so I could */ help her
16 outside.

17 Q. BY MS. POTTER: Okay. Did she wait for you
18 somewhere in Target?

19 A. Absolutely. We immediately walked over to
20 where the snack bar is. There are / tables and chairs
21 over there. I bought her a cup of coffee, and she sat
22 there and relaxed for a little bit.

23 Q. Did you remain / there with her? What
24 transpired after the coffee?

25 A. I left her there, and I went and picked up a
26 few more things that I needed / and then checked out.

1 After I had paid for my items, then I met her back over
2 at the table and chairs.

3 Q. Was she in / the same position she was in when
4 you originally left her there?

5 A. You mean sitting at the same table?

6 Q. Was she seated at the same / table where you
7 had left her drinking coffee?

8 A. Correct. We walked over there. I asked her
9 not to go anywhere and to wait for me. / She promised
10 she would wait for me. She patiently waited.

11 Q. Okay. After you made your purchases, did you
12 immediately leave the store?

13 Tell us what / happened.

14 A. When I met her back over by the snack bar, I
15 sat down and we chatted for a little bit. She was still
16 drinking */ her coffee, and so we just remained there
17 drinking coffee and relaxing.

18 Q. Did you have any conversation with Margaret at
19 that time?

20 A. Well, of course. / I asked how she was feeling
21 and if she needed anything to eat.

22 Q. Without telling us what she said to you,
23 describe to us exactly / what happened.

24 A. I'm not sure I understand.

25 Q. Did you have any discussion with my client
26 regarding what had transpired that morning in Target?

1 A. Certainly. She / told me what happened.

2 Q. All right. Without telling us what her words
3 were, did she relay to you what it was that caused her
4 to / be on the ground when you first saw her?

5 A. Yes, she did.

6 Q. Did she express to you what she believed
7 happened prior to her fall? /

8 A. Yes, she did.

9 Q. Approximately how long did you remain in the
10 Target food court?

11 A. I would estimate we were only there probably
12 another 20 minutes. / I ended up getting myself a cup
13 of coffee, and we just remained seated and chatted for a
14 bit.

15 Q. Would it be accurate to say / that you and
16 Margaret Peterson are approximately the same age?

17 A. Yes, ma'am. We talked about our grandchildren
18 and all the things we have in common. */

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*****EACH EXAM VARIES. THE ACTUAL TEST GIVEN MAY BE
24 SLIGHTLY DIFFERENT*****

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