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Also present:

NIKKI KIRBY, VIDEOGRAPHER

I N D E X

TESTIMONY BY CHERYL WILLIAMS

PAGE

Examination by Mr. Dossett

4

Deposition Concluded

51

Court Reporter's Certificate

52

E X H I B I T S

NUMBER

MARKED

1 Sitters' Log

15

1 THURSDAY, JULY 7, 2011; FORT SMITH, ARKANSAS; 1:40 P.M.

2

3 THE VIDEOGRAPHER: This is the videotaped  
4 deposition of Cheryl Williams, taken on behalf of  
5 the defendant in the matter of Dorothy Brigance  
6 versus The Brookfield. Today's date is July 7th,  
7 2011, and the time is 1:40 p.m. and we are on the  
8 record. All counsel present for previous  
9 depositions in this matter are again present for  
10 this deposition, and stipulations will carry  
11 forward.

12 Would the court reporter please swear in the  
13 witness.

14

15 CHERYL WILLIAMS,  
16 having been called upon to testify in the form of a  
17 deposition, and having been duly sworn or affirmed,  
18 testified as follows, to wit:

19

20 E X A M I N A T I O N

21 BY MR. DOSSETT:

22 Q. Would you please state your full name for the record?

23 A. Cheryl Williams.

24 Q. Cheryl, where do you live now?

25 A. I live now at the Fort Smith Women's Center for

1 domestic violence victims right now.

2 Q. How long have you lived there?

3 A. I've been there for a few weeks now.

4 Q. Is this a temporary situation, you hope?

5 A. Just until my -- yeah. Just until my divorce is

6 final, yes.

7 Q. Do you have any idea when that will be?

8 A. I do not, no. I'm going through legal aid so, yeah,

9 that's a process.

10 Q. Okay. And do you think you'll be staying there at

11 the shelter until your divorce is done?

12 A. Yes, sir.

13 Q. And do you know what you're going to do after that?

14 A. Hopefully, I'm planning on getting a job as a CNA

15 again and going back to school for nursing.

16 Q. Are you going to do that in the Fort Smith area?

17 A. Yes, sir.

18 Q. Are you currently employed?

19 A. Not right now, no.

20 Q. Where and when were you last employed?

21 A. I was last employed at Legacy Heights Retirement

22 Center, and that -- my last day of work was March 24th of

23 this year.

24 Q. And where is Legacy Heights located?

25 A. It's in Van Buren, Arkansas.

1 Q. Okay. What circumstances caused you to leave that  
2 place of employment?

3 A. Well, now, I'm currently six months' pregnant.

4 Q. Okay. Well, congratulations.

5 A. Well, thank you. And I was just -- I had taken ill  
6 with the pregnancy, and it was just the heavy lifting was  
7 just too much for me.

8 Q. Okay.

9 A. Yeah.

10 Q. How long did you work there?

11 A. I worked there for a year, yeah, exactly a year.

12 Q. I'm going to go back in time a little bit, if I can.

13 A. Okay.

14 Q. Obviously, you used to work at Brookfield?

15 A. Yes.

16 Q. And approximately when did you leave Brookfield?

17 A. I want to say August of 2010.

18 Q. Okay. And then whenever you left Brookfield, then  
19 you went to work as a private sitter for the Brigances?

20 A. Yes, I did.

21 Q. And then after that job ended, where did you go to  
22 work next?

23 A. After that job ended, I stayed at home for a little  
24 bit with my kids, then I started my job at Legacy Heights,  
25 yes.

1 Q. Okay. And so that brings us full circle to where we  
2 are now?

3 A. Yes.

4 Q. Now, you mentioned going back to school. What are  
5 you thinking about going back to school to do?

6 A. Ozark, Arkansas Tech.

7 Q. And get what?

8 A. My LPN degree.

9 Q. All right. Okay. You're currently a CNA?

10 A. Yes.

11 Q. Is your certificate still --

12 A. Valid.

13 Q. -- good?

14 A. Yes, sir.

15 Q. I wanted to just ask you some questions about your  
16 time that you worked as a private sitter for Ms. Dot.

17 A. Okay.

18 Q. And, as you know, she had an accident --

19 A. Uh-huh.

20 Q. -- and had an injury, and she passed away. There's  
21 been a lawsuit filed by the Brigance family against The  
22 Brookfield. That's what we're here to talk about. Okay?

23 A. Yes, sir. Okay.

24 Q. I know you have given a deposition at least once  
25 before.

1 A. Yes.

2 Q. Have you given any other depositions before?

3 A. No, sir.

4 Q. You know, basically, how it works then. We are --

5 I'm going to ask you some questions. It's very important

6 that your answers be verbal answers, which you're doing a

7 good job of.

8 A. Okay.

9 Q. Sometimes we tend to shake our heads or point or

10 things like that that don't come out well in a transcript.

11 A. Yes.

12 Q. If I notice you doing that, I'll remind you.

13 A. Okay.

14 Q. But try to remember not to do that. It's also very

15 important that you and I try not to talk over one another

16 so that the transcript will be easier to take down, and

17 run more smoothly. Okay?

18 A. Right. Okay.

19 Q. Sometimes I mess that up --

20 A. Okay.

21 Q. -- and I think you're done, and you're not done with

22 your answer. And if do I that, if you will indicate that

23 to me, I will stop and be quiet and let you finish your

24 answer so I can hear everything you have to say. Okay?

25 A. Okay. Yes.



1 Q. If you have an answer to give, give a verbal answer,  
2 as I said, and if any of my questions are bad questions or  
3 confusing or don't make any sense, if you'll let me know  
4 that you're having a hard time with my question, I'll try  
5 to step back and rephrase it so that you and I can be on  
6 the same page. Okay?

7 A. Okay.

8 Q. And we're going to try to get through this as quickly  
9 as we can because I know you need to pick up your  
10 children, but if, in between that, you have any need for a  
11 break, let me know, and we'll take a break.

12 A. Okay.

13 Q. Take me back, if you would, to your time at  
14 Brookfield. You worked there as a PCA?

15 A. Yes, sir.

16 Q. Slash CNA?

17 A. Yes.

18 Q. And whenever you left The Brookfield, and I'm not  
19 asking you for a particular date because we could go back  
20 and confirm that with the records --

21 A. Okay.

22 Q. -- and there's no reason for me to have you guess at  
23 that, but what was the reason or reasons why you left The  
24 Brookfield?

25 A. Well, after I did my deposition for the Brigances and

1 that whole case, I just felt real tension between me and  
2 my boss, Mitzi, and I got a lot of dirty stares, a lot of  
3 dirty looks. If I had a question or, you know, I wasn't  
4 clear on something, I would try to take it to my  
5 administrator. She would avoid me at all cost, so I wound  
6 up talking to the marketing director a lot more than I  
7 wound up talking to my administrator. I just felt really  
8 uncomfortable in that situation. I felt as if I had -- I  
9 was being punished for doing the right thing.

10 Q. Okay.

11 A. I was told to tell the truth, the whole truth, and  
12 nothing but the truth, and that's what I knew that I did,  
13 and I felt like I got ostracized for it, so...

14 Q. And this happened after you testified in  
15 Mr. Brigance's case?

16 A. Yes, after I did my deposition.

17 Q. Yes.

18 A. Yes, sir.

19 Q. Okay. Did you ever talk to Mitzi? I assume when  
20 you're referring to Mitzi, there was tension between you  
21 and Mitzi?

22 A. Yes, sir.

23 Q. Did you ever visit with her about it, and try to get  
24 to the bottom of what was going on?

25 A. I did not. I feared for my job. I feared for the

1 retaliation that I could get since she was so much higher  
2 up than I was on the totem pole. I know that she could  
3 have written me up for just anything, so I felt as if, you  
4 know, my best option was just to leave.

5 Q. Okay. And so at the time you resigned, I think you  
6 gave notice?

7 A. Yes, sir.

8 Q. Did you have another job lined up at the time that  
9 you resigned?

10 A. I did not.

11 Q. At some point after you resigned, you were able to  
12 get the position being a private sitter for Ms. Dot?

13 A. Yes.

14 Q. Was there a -- how did you find out that that was a  
15 possibility?

16 A. Well, I had received a call from Mr. Brigance, and he  
17 was just calling just to see how I was doing. He knew,  
18 you know, that I had did my best in the whole deposition  
19 thing. He knew that the stress that I was going through  
20 with my family, and I was the only one working and  
21 supporting the family, and so he was just calling just to  
22 check up on me.

23 Well, in our talking, you know, I was asking him how  
24 Ms. Dot was doing and everything, and he was just telling  
25 me how depressed she was, missing her husband and

1 everything. And I missed her so much, and he had seen my  
2 work, I mean, he was one of the few people that actually  
3 gave me recognition for doing my job, for getting in  
4 there, taking care of his mom or caring for his mom after  
5 his dad's passing, for sitting in there, talking to her.  
6 And he was, like, "Well, you know what, Cheryl, you know,  
7 I feel so bad for you. I know you got those, you know,  
8 three babies, and your husband, he's on disability. Would  
9 you like to come and, you know, do some sitting work?"  
10 And I was like, "Sure," you know. And he said, "Well, let  
11 me get this straightened out. I want to make sure it's  
12 okay, you know, that you can do this," and he said, "I  
13 will give you a call."

14 Q. Okay.

15 A. And that's what he did. So that was a Godsend.

16 Q. Tell me, roughly, what your schedule was or routine  
17 was for when you would go to work and be a sitter.

18 A. Well, I would work -- and, again, this was a while  
19 ago.

20 Q. Okay.

21 A. So I don't exactly remember the exact schedule, but  
22 I'm pretty sure I worked some weekdays and some weekends,  
23 and it would be from morning until, I want to say -- some  
24 mornings until, like, 5:00, and then some weekends when  
25 Ms. Debbie would need off or when she would want off, I

1 would work those. So it would mainly be -- I would mainly  
2 work some mornings if Ms. Debbie needed off, and it would  
3 be some evenings, so I worked -- it was like a swing  
4 shift, a few mornings, a few evenings. And I was pleased  
5 to do that, I mean, I wasn't doing anything else, and God  
6 knows I needed the money, so, yeah.

7 Q. And whenever you would come in when you would have a  
8 day shift, would you come in in the morning?

9 A. Yes, sir.

10 Q. Around 8:00 or so, I think you said?

11 A. Yes, sir, before breakfast.

12 Q. And then you would -- that shift would end around  
13 dinnertime, it sounds like, or shortly before?

14 A. Yes, sir, uh-huh, yes.

15 Q. And somebody would relieve you and stay with Ms. Dot  
16 from that dinnertime, I know that's a vague term, but  
17 dinnertime, essentially, until she went to bed?

18 A. Yes, sir. Yes, sir.

19 Q. Did you ever have -- did you ever do the shift where  
20 you would go from dinnertime to bed?

21 A. Yes, I did.

22 Q. Did both?

23 A. Yes, uh-huh.

24 Q. Did you keep any kinds of records about when you were  
25 there?

1 A. I did. I turned all those in to the family.

2 Q. Okay.

3 A. Just to let them know, you know, what I was doing, my  
4 day-to-day, you know, how Ms. Dot was doing, documenting  
5 on her, documenting on, you know, her care, if something  
6 wasn't getting taken care of by her personal care  
7 attendants who were employed by The Brookfield and, you  
8 know, just the activities of the day, and that's all.

9 Q. Okay.

10 A. And I turned that in to Mr. Brigance, yes.

11 Q. And when you turned that in to Mr. Brigance, it would  
12 also -- in addition to whatever notes you made about what  
13 went on during the day, would it also help to record your  
14 time?

15 A. Yes, sir.

16 Q. I have been provided a notebook, this is a photocopy  
17 of it, and I've been calling it the sitters' log.

18 A. Yes, sir.

19 Q. Is that the document you were just talking about?

20 A. Yes, sir.

21 Q. Okay. I'm going to ask you to help me figure out  
22 which handwriting is yours in a minute.

23 A. Okay.

24 Q. But before I do that, if -- did anybody ask you to  
25 keep a log?

1 A. Yes. Ms. Debbie asked that we do keep a log, and  
2 also Mr. Brigance asked if we could to just to -- so that  
3 they would know that their mom was -- well, that his mom  
4 was getting taken care of, and Ms. Debbie, just to make  
5 sure that the work was getting done, yes.

6 Q. Ms. Debbie would be Debbie Upton?

7 A. Yes, sir.

8 Q. Okay. I thought so, but I thought I better make  
9 sure. Okay. Let me hand you this log.

10 A. Okay.

11 MR. DOSSETT: And we'll mark it as Exhibit 1  
12 to your deposition.

13 (Exhibit 1 was marked for identification.)

14 BY MR. DOSSETT:

15 Q. What I would like for you to do is just -- and it  
16 doesn't matter to me what entry it is at all.

17 A. Okay.

18 Q. I just want you to find an entry in here that's your  
19 handwriting so I know which is which.

20 A. Okay.

21 Q. Would you do that for me?

22 A. Yes, sir. Can I take this off here?

23 Q. Oh, sure.

24 A. I can't see the dates correctly. Okay. Right here  
25 when she states "waiting on Cheryl," and then it comes

1 9/1/09, Tuesday.

2 Q. Okay. Let me see that. Make sure I can identify it  
3 later.

4 So we're looking at the "9/1/09 Tuesday," is that  
5 your handwriting underneath it?

6 A. Yes, sir.

7 Q. And there's a time entry of 6:33. Is that 6:33 entry  
8 yours?

9 A. Yes, yes.

10 Q. Okay.

11 A. Oh, my gosh. I got it all mixed up. I'm sorry.

12 Q. No, I got it. You're all right. I figured it out.  
13 We're good. We're good. I hesitated for a minute, but I  
14 figured it out.

15 A. Sorry.

16 Q. That's all right.

17 Did you have any complaints or concerns or criticisms  
18 of the care that The Brookfield staff was providing to  
19 Ms. Dot?

20 A. I did.

21 Q. And what I would like to do is to talk to you about  
22 each of those.

23 A. Okay.

24 Q. So if it's possible, so that I make sure we don't  
25 miss any of them, if you could just list them for me.



1 A. Okay.

2 Q. Then we'll go back and talk about each one in detail.

3 Okay?

4 A. Okay.

5 Q. So just kind of list for me the complaints or  
6 criticisms you had.

7 A. Okay. Like I said, I would work a few mornings, some  
8 weekend mornings, for Ms. Debbie, and, you know, I would  
9 come in there, and Ms. Dot would be sitting there, and her  
10 hair would not have been attended to, she had not been --  
11 have been dressed, you know, she's waiting on breakfast.  
12 Breakfast would have been already started, and many, many  
13 times I would have to go out, get one of the girls which  
14 are the aides and say, "Well, hey, has Ms. Dot had her  
15 medication?"

16 Because she would voice to me, "Well, Cheryl, I can't  
17 eat until I have my medicine." And I'm like, "Okay,  
18 Ms. Dot." You know, we would wait a little bit, and I'm  
19 like, "Honey, breakfast has already started. You need to  
20 get in there so you'll have time to eat." Because she  
21 would take her time and eat. And, you know, I would have  
22 to go out and find one of the aides to do medication.

23 And on a few occasions I've been in there, and  
24 Ms. Dot would say, "I have to go to the bathroom." Well,  
25 you know, I was told, "Cheryl, you know, you're mainly

1 here to be her companion. You're here for her support and  
2 her company after Mr. Brigance passed away." And, you  
3 know, I would ring the call light and I would be like,  
4 "Hey, guys, you know, Ms. Dot has to go to the bathroom,"  
5 you know, or even sometimes I would call down to the desk.  
6 I would call to the nurses station or the front reception  
7 desk and I would say, "Hey, I've been calling. Ms. Dot  
8 needs to go to the bathroom." And they're, "Okay. We'll  
9 be right there," the aides. And nobody would come.

10 And, you know, I'm like, "Well, honey, you know, I'm  
11 going to take you to the bathroom." And she's like,  
12 "Well, honey, that's not your job." I said, "Ms. Dot, I'm  
13 not going to have you sit here for 20, 30 minutes until  
14 you soil yourself, and then -- you know, I'm just not  
15 going to have you go through that."

16 So I've had to take her to the bathroom, put her on  
17 the toilet, take her off the toilet, attend to her, clean  
18 her, you know, which I'm fine with that because, you know,  
19 I'm a certified CNA. That's what I've done for, like,  
20 ten-plus years, but, again, my job was to be there as a  
21 companion. And, you know, I know Ms. Dot saw me as a  
22 daughter. She saw me as family and, you know, she always  
23 felt like she was imposing on me, it was a burden. So I  
24 would always have to go through this long drawn-out speech  
25 for her, "No, honey, it's okay. This is what I want to

1 do." So, yeah, those were really, really huge issues.

2 Q. Okay.

3 A. Yeah.

4 Q. So these are the ones that I wrote down --

5 A. Okay.

6 Q. -- I mean, so far is that when you would get there in  
7 the mornings sometimes she was not dressed and her hair  
8 fixed?

9 A. Yes.

10 Q. And wasn't ready to go to breakfast?

11 A. Right.

12 Q. Sometimes she was slow in getting her morning  
13 medications which she had to have before breakfast, and  
14 you would have to track somebody down to remind them?

15 A. Yes.

16 Q. And that sometimes when you were there, they were  
17 slow in responding to the call lights when Ms. Dot would  
18 need to go to the restroom, and it would result in you  
19 having to help her yourself instead of The Brookfield  
20 staff?

21 A. Yes, sir.

22 Q. Because you didn't want to wait, if you kept waiting,  
23 you were afraid she might have an accident?

24 A. Yes, sir. And, I mean, maybe sometimes not even at  
25 all they wouldn't come, you know. I would have to go out

1 in the hallway and say, "Hey, hey," you know, then it  
2 feels like, you know -- I just felt like that wasn't my  
3 place to say, "Hey, guys, you know you have a resident  
4 here who is in this room. She needs care and she needs  
5 attention too." So many, many times I've had to go to the  
6 girls and to be like, you know, "Ms. Dot is ready for  
7 this" or "Ms. Dot is ready for that" or "Ms. Dot needs her  
8 bed changed. You know, hey, guys, I came in this morning  
9 and her bed was soiled again. What's going on, you know,  
10 why is this, you know, repeatedly going on? Why is there  
11 a urine-soaked bed at noontime when it's lunch, you know?"

12 I know that it gets hectic. I worked at The  
13 Brookfield. I know about staff turnover. I know about  
14 the short training period. I know that when you get out  
15 on that floor, you don't know what you're going to run  
16 into. I know you have 12, 13-plus patients on one side of  
17 the hallway that you have to get your medications  
18 straight. You have to get your narcotics straight. You  
19 have to give these people each their independent time.  
20 They need that time. So I understand that. But at the  
21 same time, at the same time, these people were paying  
22 4,000-plus-dollars for service, and they did not get it.

23 They did not receive the care, they did not receive  
24 the attention, they did not receive what Ms. Dot was  
25 supposed to get, what she deserved. And I was just -- I

1 was floored. I was floored by it. And, you know, again,  
2 that just goes to me wanting to be a nurse because I have  
3 seen so many, so many nurses out here who say, "Oh, we  
4 care. We love our patients. We love our residents." And  
5 then when it comes right down to it, no. It comes down to  
6 their check. It comes down to, "Oh, I've got another warm  
7 body in this bed." And that's it.

8 Q. Whenever you would have some problem with the staff,  
9 would that be the type of thing that you would record in  
10 the nurses' log?

11 A. Yes, sir.

12 Q. I mean, I'm sorry, the sitters' log?

13 A. Yes, sir, I would.

14 Q. And the sitters' log, would it allow you a couple of  
15 things, one, to make a record of what would happen, and  
16 also to be able to communicate that to the family?

17 A. Yes.

18 Q. Serve both of those purposes?

19 A. Yes, sir. But also I would also talk to Mr. Brigance  
20 about it. I mean, he was there. He was there almost  
21 every day. If he wasn't there, Mrs. Brigance was there,  
22 Ms. Peggy Brigance, she was there. If she wasn't there,  
23 Chris Brigance was there, his son, you know, and Ms. Dot  
24 just loved him to death. And he got down there as much as  
25 he could, but he was in college --

1 Q. Right.

2 A. -- and, you know, he made his time. But, I mean, I  
3 would report it to the family. I would go to them. I  
4 would go to The Brookfield aides. I would talk to them  
5 about it. Since I had been an employee there, you know, I  
6 knew a few of them like Michelle Ensey. And she was the  
7 lead CNA, and I would say, "Hey, Michelle, hey, what's  
8 going on? Why is nobody in here with Ms. Dot?" And she  
9 would say, "I know, Cheryl, I know."

10 And I know, I know in my heart of hearts, that  
11 Michelle sympathized, but Michelle was also in the same  
12 position I was. Michelle had kids. Michelle had  
13 grandkids. Michelle had bills that she had to take care  
14 of. And she knew that if she had said anything or if she  
15 had went to Mitzi, "Hey, Mitzi, this isn't fair. You  
16 know, let's sit down. Let's have a talk, you know.  
17 What's going on? You know, I know how you feel about the  
18 whole situation," Michelle would have lost her job.

19 Q. If she would have done what?

20 A. If she would have approached Mitzi and just talked to  
21 Mitzi about the situation.

22 Q. What do you mean "about the situation"?

23 A. About the whole tension with Ms. Dot, about the  
24 ignoring the call lights, about the medication errors,  
25 about, you know, that whole situation, about Mitzi Bailey,

1 you know, basically, ostracizing Ms. Brigance like she  
2 wasn't even there.

3 So many mornings I came there for breakfast to sit  
4 down there with Ms. Dot because, like I said, I was her  
5 companion, you know, we would have breakfast, lunch or  
6 dinner together. Mitzi would come out there, walk around,  
7 greet each and every other resident. Well, we're just  
8 sitting there, and Ms. Dot said, "Well, honey, did you  
9 notice she didn't even speak to me?" And I'm like, "Yeah,  
10 I did."

11 And even though she was a strong person, she was so  
12 strong, she was very strong for staying there after her  
13 husband died the way he did and in the fashion and the way  
14 that he did, it hurt her. It hurt her that you, as an  
15 administrator, meaning Mitzi Bailey, as an administrator,  
16 would not come to me and say, "Hey, Ms. Dot, I understand.  
17 I'm sorry that this happened," you know, or "Hey, Ms. Dot,  
18 how are you doing today?" or "You look really pretty  
19 today. Your hair is really nice today." No compliments,  
20 nothing, so...

21 Q. Did you ever see Mitzi talk to Dot?

22 A. I did not.

23 Q. Do you believe that she did talk to her maybe when  
24 you weren't around, or you don't think she ever did?

25 A. I don't think so.

1 Q. You mentioned -- let me ask you about the things that  
2 you mentioned to me specifically.

3 A. Yes, sir.

4 Q. Now, when you talked about coming in and finding  
5 Ms. Dot, that she wasn't dressed and ready for breakfast,  
6 her hair not fixed --

7 A. Yes.

8 Q. -- where would she be, would she be sitting in a  
9 chair or in her bed?

10 A. In her chair. She would be in her chair.

11 Q. Was that her routine usually when she got up and she  
12 would go sit in her chair in the morning or --

13 A. Her routine was she would get up, go to the bathroom.  
14 After they got her dressed and everything -- she liked to  
15 get in the bathroom because she would do her powder and  
16 everything, and she liked to have that in the bathroom.  
17 So after that then she would go to her other bedroom,  
18 because she had two bedrooms, she would go to the other  
19 bedroom where she had her nightstand and all her makeup  
20 and her jewelry, and she would need help doing this. She  
21 would get her necklaces and her earrings and get her  
22 curling irons and, you know, just like primp a little bit  
23 and stuff like that, then she would go sit in her recliner  
24 and wait on her meds, yeah.

25 Q. And there would be times whenever you would come in,



1 and she would be in the recliner, but she hadn't done her  
2 routine of getting dressed?

3 A. No -- I'm sorry.

4 Q. Am I following you right?

5 A. Yes, sir.

6 Q. Okay. That's the type of thing you would record in  
7 the sitters' log when it occurred?

8 A. Yes, sir.

9 Q. And whenever you would come in, and Ms. Dot would be  
10 sitting in her chair, and not ready to go, what would you  
11 do?

12 A. First of all, I would call -- I would call or I would  
13 wait. I'd wait a little bit and I'm like, "Okay. We're  
14 going to wait this out a little bit, you know." And  
15 Ms. Dot would be like, "They're not going to come.  
16 They're not going to come, honey." She already knew.

17 So I would call and I would be like, "Hey, is anybody  
18 coming?" You know, "Yeah, yeah, we'll be there. We'll be  
19 there. We're getting the morning meds out. We'll be  
20 there."

21 Okay. So we would wait. We wait. Breakfast would  
22 be out. They would be starting breakfast. All the other  
23 residents are down. Ms. Dot is still in her room. So I'm  
24 like, "Well, honey, let me help you out." So I would go  
25 ahead, get her nightgown off, get her dressed, take her in

1 the other room, get her makeup and stuff done, then we  
2 would walk down to breakfast. And, usually, she would  
3 have to get her pills right there. And she would always  
4 ask, "Why am I the only one getting medicine at the  
5 breakfast table? You know, everybody else gets it in  
6 their room." And, you know, of course, they had nothing  
7 to say about it, but, I mean, it was a good question.

8 Q. With regards to waiting on the morning meds, was that  
9 also something that you would record in the sitters' log?

10 A. Yes, sir.

11 Q. And something you would report to Steve or the  
12 family?

13 A. Yes, sir, definitely.

14 Q. Now, would you always make sure that she got her  
15 meds?

16 A. Yes.

17 Q. Okay. So if you came in in the morning, and you  
18 thought she should have had them by now, but she hadn't,  
19 you still made sure that she got them?

20 A. Oh, yes, definitely, definitely.

21 Q. Did you ever talk to Mitzi Bailey about any of these  
22 problems, or did you just talk to the other aides?

23 A. I talked to the aides, and I talked to the lead CNA,  
24 Michelle Ensey, who was supposed to -- if a resident had a  
25 complaint or an issue, or if the family couldn't find

1 Mitzi, because nine times out of ten, you couldn't find  
2 Mitzi. There was a period of time I remember when I was  
3 working at The Brookfield, Mitzi was gone, and I know that  
4 maybe it wasn't her fault because Bob had her off in Bella  
5 Vista, being another administrator for a whole other  
6 complex, but there was a time when we had issues,  
7 medication errors, narcotic errors, you know, resident  
8 families complaining like what's going on here, and we  
9 couldn't find an administrator.

10 We would have to go to Karen Brown, who is supposed  
11 to be marketing, and, you know, say, "Hey, Karen, you  
12 know, what's the deal, you know? We need help with this."  
13 Well, half the time Karen couldn't answer the question  
14 because she wasn't the administrator. She did not have  
15 the proper training for this. So, you know, we would have  
16 to just do it in the blind, and a lot of times that's what  
17 we did, you know.

18 Q. Okay.

19 A. A lot of times, you know, things did go undone.  
20 There were a lot of people that weren't getting the care  
21 that they were supposed to receive because we had no  
22 administrator.

23 Q. Okay.

24 A. So, yeah.

25 Q. Whenever you were a CNA or a PCA at The Brookfield, I

1 know you took your job seriously.

2 A. Yes, I did.

3 Q. And when you were caring for people, did you go above  
4 and beyond what you had to to make sure that these  
5 residents were getting the care that they needed?

6 A. I did, yes, I did. There were times and, I mean, I  
7 kid you not, I cannot count the times I've went home and  
8 just cried, just broken down to, you know, my husband and  
9 just cried and cried about the situation about, hey, we're  
10 so short-staffed, we can't get these people their  
11 medication on time. We can't get them their pain pills on  
12 time. You know, they'll already been in bed, you know,  
13 called us about five or six times, and we can't do it. We  
14 have showers to give. We have to clean this dining room.  
15 We have to get out medications for the whole building. We  
16 have to count these narcs, you know.

17 We have pills going missing, and we don't know what's  
18 going on here because we have no administrator. We have  
19 no boss to talk to and bring these issues to to get this  
20 stuff together. We had no staff meeting. We did not have  
21 a staff meeting until after this whole situation broke  
22 loose with Mr. Brigance. After that issue happened, oh,  
23 then we have a staff meeting. Oh, then this is what you  
24 do, document, document, document.

25 Sir, I kid you not. I started -- I want to say I

1 started on a Tuesday. I was put on the floor with a med  
2 cart. I'm not a nurse. I've never had pharmaceutical  
3 training. I knew absolutely nothing about narcotics. I  
4 was put on the floor with a girl who had been there two  
5 days longer than I did to do the entire building of  
6 serious narcotics, hydrocodone, tramadol, morphine. We  
7 had a cancer patient. We had to deal with all that. We  
8 had no formal training, nothing.

9 Q. When did you start?

10 A. I don't remember the exact date. I want to say  
11 December of '09.

12 Q. Are you aware of any medications with regards to  
13 Ms. Dot?

14 A. Medication errors?

15 Q. Yes, ma'am.

16 A. I am not aware of any medication errors, but I am  
17 aware of her not getting her medications on time, yes.

18 Q. Okay. Was there ever a time that you were aware of  
19 when she didn't get her medications?

20 A. I'm not aware of that, no.

21 Q. Let me ask you about the call light, which is the  
22 third issue you had listed for me about sometimes they  
23 would either be very slow responding to the call lights or  
24 wouldn't respond at all.

25 A. Right.

1 Q. And you would just do it so that Ms. Dot would be  
2 taken care of.

3 A. Yes.

4 Q. When that would occur, and you were there, you did  
5 make sure that Ms. Dot got the care that she needed,  
6 didn't you?

7 A. Yes, I did, sir.

8 Q. And would that be something that you would document  
9 in the sitters' log?

10 A. Yes, sir.

11 Q. And that you would report to the family?

12 A. Yes, sir.

13 Q. And if I understand it, you might report that to the  
14 CNA or the head CNA?

15 A. Yes, sir.

16 Q. But not directly to Mitzi yourself?

17 A. No, sir.

18 Q. Did you ever make any -- did you ever call in to the  
19 state and make a complaint about the care that was being  
20 provided to Ms. Dot?

21 A. I did not. I just brought it straight to the  
22 Brigance family.

23 Q. How often did you perceive that the call lights  
24 weren't being answered quickly enough?

25 A. That was every day.

1 Q. Every day?

2 A. That was an everyday occurrence, yes.

3 Q. And what was the longest that you recall ever having  
4 to wait or waiting before you gave up?

5 A. I remember Ms. Dot using the bathroom. She had come  
6 back from dinner, and her routine was she would always use  
7 the bathroom and sit there for a little bit, and when she  
8 was finished, I pressed the call light, and we waited.  
9 Okay, 15 minutes passed. I'm like, okay. It's all right.  
10 I understand, you know, they're busy. 20 minutes passed.  
11 All right, guys, what's going on? 25, 30 minutes, 35,  
12 40 minutes.

13 So I'm calling and I'm like, "Hey, guys, you know  
14 Ms. Dot is on the pot. She's ready to get up." "Oh, oh,  
15 we'll be there as soon as possible. We're just giving  
16 showers and we're" -- dah, dah, dah, dah, dah, dah.  
17 Whatever and whatnot. And I'm like, okay, you know,  
18 Ms. Dot is sitting there, squirming on the toilet, really  
19 uncomfortable. It's 45 minutes on the toilet. That's  
20 pretty uncomfortable. She's elderly, you know, so I'm  
21 like, "Honey, let me just help you. I'll do it. I'll get  
22 you off the toilet and get you cleaned up."

23 Q. Did she have kind of a routine where -- or let me  
24 rephrase that.

25 Was she able to go get onto the toilet herself, but

1 needed help getting off?

2 A. She needed assistance with getting on the toilet  
3 because her pants and her hose, she would wear hose, so  
4 she would need help with that.

5 Q. Okay.

6 A. Getting those down. And she would sit herself on the  
7 toilet.

8 Q. What is the routine she had about putting powder on  
9 her? I heard you mention that before.

10 A. Yes. She would like powder on her after she took her  
11 baths.

12 Q. Did she put powder on her whole body or her legs?

13 A. On her entire body after bathing, yes.

14 Q. Did she like to put makeup on her legs?

15 A. Yes, she did, yes.

16 Q. And I know that she was very -- it was very important  
17 for her that she look nice.

18 A. Yes.

19 Q. And she would redo her makeup several times a day, I  
20 think; am I right?

21 A. Yes.

22 Q. And would she also redo the makeup on her legs?

23 A. No. She only had her makeup on one time a day.

24 Q. Okay.

25 A. She would put her makeup on before bed, and she would



1 get her gown on and she would always get it, you know, get  
2 her makeup on her gown, but she would put her makeup on  
3 her legs before bed, yeah.

4 Q. What do you recall about her slippers, those gold  
5 slippers she had? Do you recall her having a pair of gold  
6 slippers?

7 A. Yes.

8 Q. Was there a time when the sitters were trying to  
9 maybe convince her to use a different set of slippers?

10 A. Yes, we were. We asked her if she could use some  
11 flat slippers. They had a tiny wedge on them, I mean,  
12 they weren't like high heels or anything, but they were  
13 like a tiny wedge, and we were really worried. Because at  
14 nighttime -- we knew how slow the girls were in the day,  
15 so we knew at night -- and I have working an 11:00 to 7:00  
16 shift at The Brookfield, I know that those girls were --  
17 because they had to do laundry at night. They had to  
18 clean. They had to dust. They had to clean the entire  
19 facility, pretty much, at nighttime. Those were the  
20 duties. And, I mean, Ms. Dot would call, and nobody would  
21 get to her.

22 Q. Did you ever see that happen at night with Ms. Dot,  
23 or is this something that you were told?

24 A. No, I haven't seen it happen at night, but I was told  
25 that numerous times by the workers, by the aides and by

1 the family, yes.

2 Q. You were told that Ms. Dot would call for help in the  
3 night, and nobody would come?

4 A. Yes. Nobody would come, and I was told by Ms. Dot  
5 nobody would get there. She would say, "Well, I was  
6 trying to get up, and nobody came," so she would soil her  
7 bed.

8 Q. She told -- let me make sure I understand. Ms. Dot  
9 told you that she would try to call for the -- use the  
10 call light in the night, and nobody would come?

11 A. Yes.

12 Q. And that she would end up soiling her bed because of  
13 that?

14 A. Yes, sir.

15 Q. And did anybody else tell you that, or was it Ms. Dot  
16 that was telling you that?

17 A. It was Ms. Dot. It was CNAs that worked there that  
18 worked that shift, particularly, "Well, we couldn't get to  
19 her because we were in the laundry room," or something  
20 like that, you know. And I would have questions. I would  
21 be like, "Well, hey, guys, why is her bed wet? You know,  
22 when you can come in here and take her to the bathroom,  
23 she won't wet herself." And they would be like, "Well,  
24 you know, we just couldn't get to her, you know," dah,  
25 dah, dah, dah.

1 Q. Is it your testimony that the CNAs admitted to you  
2 that they knew she had called -- she had pulled her call  
3 light, but they just didn't go check on her?

4 A. They -- yes, sir.

5 Q. Who told you that?

6 A. Angela Ruckman.

7 Q. Is she deceased now?

8 A. Yes, sir.

9 Q. Anyone else?

10 A. No, sir.

11 Q. Okay.

12 A. The staff turnover was so ridiculous there. There  
13 were only two -- two people that I still really, really  
14 knew and I was close to, yeah.

15 Q. And if something like this happened, if you came in  
16 in the morning, Ms. Dot explained to you what had happened  
17 and why she had to soil herself, was that something you  
18 would record in the log?

19 A. Yes, sir.

20 Q. Okay. And report to the family, I assume?

21 A. Yes, sir.

22 Q. Now, why was it that you were worried about those  
23 slippers that had that small heel?

24 A. I was worried about it because I knew that Ms. Dot,  
25 she was so embarrassed by her bed being wet, she was so

1       embarrassed by having me and Ms. Shirley and Ms. Debbie  
2       having change her beds, and she would apologize over and  
3       over again. So I knew that she would try, maybe try to  
4       get up with those shoes. And so I was like, "Well, if  
5       you're going to try, let's do flat shoes. Let's try these  
6       flat heels."

7               But, yeah, she was just so ashamed about having to  
8       urinate in the bed and, you know, having us change it or  
9       put our hands in it like she would say that she would try  
10      and do it on her own. It got so bad where she would try  
11      and, you know, we're like, "Ms. Dot, just, you know, don't  
12      worry about it. That's what they're here for, you know."

13      Q.    Are you aware of Ms. Dot trying to get up in the  
14      night and use the restroom on her own, other than the time  
15      she fell?

16      A.    I'm not, no. I'm not aware of any other time.

17      Q.    If you were concerned about her trying to do that at  
18      night, did you put her walker in there by her bed so she  
19      could use the walker to get back and forth from the  
20      restroom?

21      A.    Yes.

22      Q.    You did?

23      A.    Yes.

24      Q.    Did you express these concerns to the surveyors when  
25      they came to interview you?

1 A. I do not remember. I don't remember.

2 Q. Do you remember the state surveyors coming to  
3 investigate Dot's accident?

4 A. Yes, I do.

5 Q. Do you remember talking to the surveyors?

6 A. I remember having a phone conversation with the  
7 state, but not a face-to-face, yeah, no.

8 Q. Did you answer all the questions that they asked at  
9 that time?

10 A. Yes, sir.

11 Q. Did you answer them honestly?

12 A. Yes, sir.

13 Q. And did you tell them everything that you knew  
14 about -- or all the concerns you had about the care that  
15 was being provided to Ms. Dot?

16 A. At that time, yes, I did.

17 Q. Okay. Did you ever see Ms. Dot after her accident?

18 A. Yes, I did.

19 Q. Where?

20 A. I saw Ms. Dot in the hospital in Fayetteville. She  
21 was taken to Fayetteville, and it was so bad. Her face  
22 was just smashed up and she had two black eyes and her lip  
23 was busted up and she couldn't talk to me. And she tried  
24 to talk to me, and it was just horrible. And, you know,  
25 it was Peggy, Peggy was there and Christopher was there,

1 and I said, "Well, you know what, guys, I'm going to stay.  
2 I'll stay out here in Fayetteville." At that time I was  
3 living in Barling, and I said, "I'll stay out here in  
4 Fayetteville while she's in the hospital, and I'll watch  
5 over her. I'll sit with her out here, you know, just to  
6 be here for her."

7 Because they had been there, I mean, from the time  
8 she fell, I mean, they had been there to the time she got  
9 transferred to the hospital, they were up there, and  
10 Mrs. Brigance was staying with her son, Chris. And I  
11 stayed in a motel for a couple of days to sit with Ms. Dot  
12 in the hospital, and it was just -- it was horrible, yeah.

13 Q. Okay. Did you ever have an occasion -- I mean, at  
14 that point in time when she was in Fayetteville, she was  
15 not talking, was she?

16 A. She was -- I mean, she would open her eyes, and she  
17 would try to mumble a little bit, but she was pretty much  
18 out of it, all the pain meds she was on and, yeah, so...

19 Q. Did you ever have a time when you were able to go  
20 visit her after her accident where she was back to being  
21 able to carry on a conversation?

22 A. Yes, I did.

23 Q. When was that?

24 A. Well, I was pretty much with her the whole time,  
25 through the whole recovery, from the fall all the way

1 through to her demise, you know, to her passing, so --

2 Q. Did you continue -- I'm sorry.

3 A. Oh, no, no.

4 Q. Did you continue to be a sitter for her?

5 A. Yes, I did.

6 Q. After her fall?

7 A. Yes.

8 Q. And I assume this would be at the different

9 hospitals?

10 A. Yes, sir.

11 Q. Did you keep a sitters' log then?

12 A. Yes, I believe so, yes.

13 Q. Okay. And do you know who has that sitters' log?

14 A. I do not. I do not. I want to say the Brigances,

15 but I'm not sure.

16 Q. Okay.

17 A. Because I moved from Barling back to Fort Smith, and

18 I could have had it with me. I'm not sure.

19 Q. Okay. But you did keep one?

20 A. I did, I did. I kept more of a record of my time

21 because, I mean, they were pretty much up there every day,

22 so, you know, and Steve was checking in with the nurses.

23 He was talking to the doctors, you know, I mean, it wasn't

24 like at The Brookfield where everything was so evasive

25 and, you know, Mitzi running into her office as soon as

1 she saw Steve or as soon as she saw me or one of the  
2 sitters, trying to run and hide and run away from us. It  
3 wasn't like that.

4 The nurse came to Steve and talked to him, told him  
5 how her recovery was going, how her rehab was going. The  
6 doctors talked to Steve, explained to him what was going  
7 on, that whole situation. So he knew. And that -- you  
8 know, I think that's all they really wanted. They just  
9 wanted somebody to say, "Hey, you know, this is what's  
10 going on with your mom. This is what we're doing. This  
11 is what we're trying to do," you know, and nobody -- he  
12 could not get that satisfaction and, I mean, nobody at The  
13 Brookfield offered that. And that was the main part of  
14 care is keeping the families in touch with their loved  
15 ones, you know. These people have been taken out of their  
16 homes, and now they're in a strange place. You know,  
17 we're keeping them informed on what's going on. He  
18 couldn't get that.

19 Q. And was that one of the reasons he asked you to keep  
20 the log?

21 A. Yes, sir.

22 Q. And when you were sitting with Ms. Dot, did she ever  
23 tell you anything about why she got up to go to the  
24 bathroom that night or why she fell or how it happened or  
25 anything like that?



1 A. No, she didn't.

2 Q. Has Mitzi Bailey ever talked -- made any statements  
3 to you or that you overheard that has to do with Ms. Dot's  
4 care?

5 A. Mitzi made a comment to me. She wanted to know what  
6 my schedule was, my work schedule.

7 Q. Okay.

8 A. Because the girls, when it came to her shower, they  
9 were not properly washing her. They would, I mean,  
10 literally, they would go in there and hose her down,  
11 because we had one of the sprayers that came off the wall.  
12 They would literally go in there and hose her down, you  
13 know, and, "Okay, Dot, come on. Let's go. Let's go."  
14 You know, rush her to do everything.

15 And so she came to me and she's like, "Cheryl, what's  
16 your schedule? I just want to know, you know, what  
17 schedule you're working and Debbie and Shirley." And I'm  
18 like, "Why, you know, what's the concern there?" You  
19 know, and, you know, she really never went into that with  
20 me, but she wanted to know, just wanted to know, like,  
21 what hours we were working or when I was going to be there  
22 to do Ms. Dot's shower or something like that.

23 Q. She never explained to you why she wanted to know  
24 that?

25 A. She never -- no. She never explained to me. She

1 never went into details about it but, I mean, I pretty  
2 much figured out because after working for Mitzi and  
3 seeing the type of person Mitzi was, I figured out what  
4 she was up to.

5 Q. And what was your suspicion?

6 A. I figured that she was -- while I was there, she was  
7 going to have all the other girls off doing something else  
8 because she knew -- she's like, "Well, I know Cheryl is  
9 going to get in there, and I know Cheryl is going to take  
10 care of her and she's going to wash her, and she's going  
11 to do this, that, there and other," when they're being  
12 paid to do that. That's all in the care outline for  
13 Brookfield.

14 And I'm a companion, you know, but she knew I could  
15 not stand to sit and see her hosed down like a cow or like  
16 an animal, and herded out and, "Oh, just put on your gown.  
17 Don't really dry off. Your back is still soaking wet,"  
18 and put to bed, you know.

19 Ms. Dot was a person, and so she staffed -- I knew  
20 that she was just trying to staff around me.

21 Q. Okay. But she never said that to you?

22 A. No, she never said it to me, no.

23 Q. Did -- other than her asking you what your schedule  
24 was, did she make any statements to you about Dot's care,  
25 or in your presence?

1 A. She did not, no.

2 Q. How about Bob Brooks?

3 A. Never.

4 Q. There is -- I know there was a time where -- or an  
5 event where Amanda Broughton came to the facility  
6 unbeknownst to the folks working at the facility, and  
7 visited with Dot. Were you there when that happened?

8 A. I was there, yes.

9 Q. And a picture was taken, kind of a group picture  
10 taken --

11 A. Uh-huh.

12 Q. -- that was put on her door?

13 A. Yes.

14 Q. What was the occasion, was there any particular  
15 occasion to that visit?

16 A. There was no occasion, but Ms. Dot would always -- I  
17 mean, she loved Mandy. She loved Mandy like a daughter,  
18 and it hurt her so bad that they were like, you know -- I  
19 know after the deposition and everything, and after Mandy  
20 had been let go, Mitzi, you know, said, "Well, if you see  
21 her on the premises, I want her arrested. You call the  
22 police."

23 And so Ms. Dot was so hurt that they wouldn't let her  
24 back in the building just to visit because, I mean, every  
25 other facility that I worked in, if you had been an

1 employee there or, you know, you quit or you got fired  
2 and, you know, you had a relationship with a resident or a  
3 relationship with a patient, close relationship, you  
4 wanted to go back and visit them and say, "Hey, how you  
5 doing?" Especially under those circumstances, especially  
6 after the traumatic way Jack died and his accident after  
7 that whole deal.

8 Mandy was a huge support for Dot. That's what -- you  
9 know, she loved Mandy because Mandy was the first one who  
10 really -- because Mandy was there before I was. Mandy was  
11 the first one who really took time with Dot, and Dot knew  
12 that, and so it wasn't like a birthday or like an  
13 anniversary or anything like that. It was just something  
14 to have her uplifted. Because from day to day she would  
15 have her good days, she would have her bad days, but they  
16 were mostly bad days.

17 Q. Was Steve Brigance, was he aware of how important it  
18 was for Dot to see Mandy?

19 A. He was, yeah.

20 Q. Whose idea was it to put the -- let me rephrase it.

21 Who put the picture on the door?

22 A. I don't remember who exactly put it up there, I mean,  
23 it could have been me, it could have been Debbie. I don't  
24 remember who exactly did it, but Ms. Dot wanted it on her  
25 door because she had all of her pictures, like, I remember

1 she had her grandbaby's -- her grandbaby's picture on her  
2 door, and she was like, "I want that picture on my door,"  
3 so, yeah.

4 Q. Had her grandbaby's pictures on her door in the hall?

5 A. Yes, sir, yes, sir.

6 Q. At the time that this event occurred where Mandy came  
7 to visit, was this during the time period when Mandy was  
8 not supposed to be on the premises?

9 A. I'm not sure about that, so I don't know.

10 Q. Do you know how Mandy got into the facility?

11 A. I'm pretty sure she just walked in the door.

12 Q. Do you know?

13 A. No, I don't.

14 Q. You were talking a little bit about Mitzi. What is  
15 your opinion of Mitzi, just in general, as a person?

16 A. As a person, I think Mitzi is a very, very  
17 coldhearted person. Mitzi shows no emotion, and I've  
18 never -- I mean, for the exception of psycho and  
19 sociopaths, I've never seen anybody like that, I mean, to  
20 go into nursing, to be a nurse, I've never seen that.

21 I mean, right after Mr. Brigance's accident, after  
22 that incident happened, everyone broke down, everyone  
23 cried, everyone cried with Dot. Everyone went to Dot.  
24 Everyone said, "Dot, I am so sorry. We sympathize with  
25 you." Everyone went to the family, "Oh, Steve, oh, Peggy,

1 I'm so sorry. Oh, Chris, I'm so sorry you lost your  
2 grandfather." Not once did Mitzi Bailey ever do that, not  
3 once. And, I mean as a mom, as a woman, I mean, she just  
4 shows absolutely no emotion. I've never seen that before.

5 Q. Okay. Is it fair for me to gather, from what you're  
6 telling me, you didn't like Mitzi?

7 A. I didn't care for her personality.

8 Q. Okay. The sitters -- it seems like the sitters were,  
9 essentially, with Dot most of her waking time; am I right?

10 A. Yes.

11 Q. And the three sitters that I'm aware of that sat with  
12 Dot were Ms. Shirley, Ms. Debbie and yourself?

13 A. Yes.

14 Q. And that was all?

15 A. All that I know of, yes.

16 Q. That's all that I know of, too.

17 A. Yes.

18 Q. Did she, "she" being Ms. Dot, form a close bond with  
19 you guys, you sitters?

20 A. Yes.

21 Q. Did y'all get close to her?

22 A. Yes.

23 Q. You mentioned awhile ago that she looked at you like  
24 a daughter?

25 A. Yes.

1 Q. Over the months that the three of you spent, you  
2 guys, essentially, spent more time with her than anybody?

3 A. Yes.

4 Q. Even though her family was active and were down there  
5 a lot --

6 A. Yes.

7 Q. -- they weren't there as much as the sitters, were  
8 they?

9 A. Right.

10 Q. And y'all became very close to Dot?

11 A. Yes.

12 Q. You felt like she became comfortable with you all?

13 A. Yes.

14 Q. Did it occur that Ms. Dot became more comfortable  
15 receiving types of personal care from the sitters that she  
16 knew well, versus the staff that was changing from time to  
17 time?

18 A. No.

19 Q. You never noticed that?

20 A. No, no.

21 Q. Okay.

22 A. Ms. Dot -- Ms. Dot -- I'll never forget. Ms. Dot --  
23 and working in the South, I get this a lot. I've dealt  
24 with prejudice all my life, but Ms. Dot, coming from  
25 Alabama, it was my first day working, and they introduced

1 me to Ms. Dot, and her first words to me was, "I voted for  
2 Obama." Those were her first words to me and, I mean, you  
3 know, she was just a welcoming person. That's her  
4 personality. She was a southern belle. That was her  
5 deal, you know. She had hospitality. She was like,  
6 "Well, honey, come on in," you know. And if you put forth  
7 the effort, if you tried, if you tried, if you did your  
8 job, and she knew it, she knew it, if you tried, she would  
9 welcome you, yeah.

10 Q. And I was just wondering if things like having to  
11 shower her and put on her clothes and help her when she  
12 would have an incontinent episode, did you ever notice her  
13 preferring those people she was more comfortable with,  
14 preferring that you all, you sitters, would help with  
15 that, as opposed to the staff, who she didn't know quite  
16 as well?

17 A. No, sir.

18 Q. You didn't notice that?

19 A. No, sir. They were never in there, hardly, to do  
20 anything.

21 Q. Okay. Do you recall a time period when they were  
22 having some technical -- I don't know what the right word  
23 is -- technical or mechanical difficulties with the call  
24 lights?

25 A. I do not. I don't remember that.



1 Q. After Jack Brigance's fall, I think you know that  
2 Steve Brigance made a claim against The Brookfield?

3 A. Yes.

4 Q. And eventually filed the lawsuit.

5 Were you instructed by Mitzi that you shouldn't be  
6 talking to anybody about the facts related to the  
7 accident?

8 A. No, sir.

9 Q. Okay. Did she, or anyone else at Brookfield,  
10 instruct you that it would be improper to be contacting  
11 Steve Brigance to talk to him about the facts of the  
12 accident?

13 A. No, sir.

14 Q. Did anybody ever tell you that you shouldn't be  
15 contacting Steve to ask him for advice on what you should  
16 say in your testimony?

17 A. No, sir.

18 Q. Do you have kind of a common sense feel that it would  
19 be improper for you, as an employee of The Brookfield, to  
20 call up Steve Brigance and ask him, "What should I say  
21 when I have to testify?" Does that seem like that would  
22 be improper to you?

23 A. Yes.

24 Q. Did you ever do that?

25 A. No, sir.

1 Q. This case is set to go to trial at the end of August  
2 or beginning of September.

3 A. Okay.

4 Q. Are you going to be around then to testify if needed?

5 A. Yes, sir.

6 Q. This may be in your first deposition, and I might be  
7 able to get it somewhere else, too, but tell me briefly  
8 about your education. Did you graduate high school?

9 A. Yes.

10 Q. From where?

11 A. I graduated from L.E. Rabouin High School in  
12 Louisiana, New Orleans, Louisiana.

13 Q. And where did you get your CNA?

14 A. I went to a few courses at the YMCA. I got that  
15 through the state because I was getting some help with my  
16 kids, and they offered to pay for my CNA course, so, yeah.

17 Q. Okay. And was that in Louisiana, or up here?

18 A. That was in Louisiana.

19 Q. When did you move to Arkansas?

20 A. I moved to Arkansas 2005.

21 Q. Okay. Have you shared with me today all of the  
22 complaints that you had about The Brookfield staff, and  
23 how they cared or didn't care for Dot Brigance?

24 A. Yes, sir.

25 Q. If you remember any after your deposition today that

1       you realized you forgot to tell me, will you please let  
2       Mr. Chronister know so he can get word to me?

3       A.    I will.

4                       MR. DOSSETT:  Okay.  I think that's all the  
5       questions I have.  Thank you.

6                       THE WITNESS:  Okay.  Thank you.

7                       MR. CHRONISTER:  I don't have any.

8                       THE VIDEOGRAPHER:  Time is 2:39 p.m., and  
9       this concludes this deposition.

10                      (Deposition concluded at 2:39 p.m.)

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1 interested or otherwise in the outcome of this action; and  
2 that I have no contract with the parties, attorneys, or  
3 persons with an interest in the action that affects or has  
4 a substantial tendency to affect impartiality, that  
5 requires me to relinquish control of an original  
6 deposition transcript or copies of the transcript before  
7 it is certified and delivered to the custodial attorney,  
8 or that requires me to provide any service not made  
9 available to all parties to the action.

10  
11 IN WITNESS WHEREOF, I have set my hand and  
12 affixed my seal on this 15th day of July, 2011.

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BETH A. KALTENBERGER, CCR, RPR, CRR  
20 Arkansas LS No. 679  
California CSR No. 9231  
21 Missouri CCR No. 1335  
Nevada CCR No. 505  
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COURT REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, BETH A. KALTENBERGER, LS No. 679, Certified Court Reporter in the State of Arkansas, Certify that the foregoing pages 1-53 constitute a true and correct copy of the original deposition of CHERYL WILLIAMS taken on July 7, 2011.

I declare under penalty of perjury under the laws of the State of Arkansas that the foregoing is true and correct.

Dated this 15th day of July, 2011.

\_\_\_\_\_  
Beth A. Kaltenberger, CCR, RPR, CRR  
Arkansas LS No. 679  
California CSR No. 9231  
Missouri CCR No. 1335  
Nevada CCR No. 505