

2023 STAC
Official Rules and Fact Pattern

*Robin Wick, as Individually and
as Personal Representative for the
Estate of Thomas Jordan*

v.

Perkins Uniform Supply Company, LLC

Important Dates:

Problem Release Date: January 26, 2023

Team Participant Registrations Due: February 1, 2023

Requests for Clarifications Due: February 3, 2023

Clarifications Issued: February 13, 2023

Regional Competitions: March 2 – 5, 2023

National Trial Competition: March 30 – April 2, 2023

AAJ STAC OFFICIAL COMPETITION RULES 2023

Students who graduate in December 2022 are eligible to participate only if the competition counts toward their credits for graduation and they will not be admitted to practice prior to March 2023.

Each student participant, including student trial technicians, must be an AAJ student member by February 1, 2023, in order to participate.

REGISTRATION PROCEDURES

Refund Policy

Requests for a refund of a school's registration fee were due in writing before December 1, 2022. Teams placed on the waiting list because the competition is full will be contacted for participation in the order that their registrations were received. Schools that registered two teams but are only able to enter one team because the competition is full will receive a refund of the registration fee for the second team.

AAJ Law Student Membership and Student Team Registration

Student team members must be AAJ members by February 1, 2023, in order to participate. This year, all students must verify their membership and register for their respective team online. Participant registration is now open. AAJ Law Student membership dues are \$15. If you have any questions about AAJ's law student membership, or if you have any trouble becoming a member online, please call the AAJ Membership Department at (202) 965-3500, ext. 8611.

Coach Registration

AAJ must receive the names of the coach for each team in order to have a team contact and to allow them to observe the competition. A coach may be a law student but may not be a student who is competing in the competition. Coaches do not need to be members of AAJ and **should not** register for the STAC event. Coaches must [complete this online survey](#) listing the team the coach is associated with by February 1, 2023. This is the information that will be sent to the regional coordinators to communicate logistics.

Student Substitution Policy

Substitution of team members after February 1, 2023, is not permitted except in the case of personal emergencies or medical diagnoses that do not allow a student to compete.

Requests for substitutions after the February 1, 2023, deadline must be made in writing with an explanation of why the substitution is needed and sent to Jennifer Rafter at AAJ for consideration. These requests must be made to STAC@justice.org.

REGIONAL AND FINAL COMPETITION ASSIGNMENTS

Entering teams will be assigned to one of 10 regional competitions based on time zone *to the extent possible*. Teams from the same law school will be assigned to the same region. If a school's second team is waitlisted, there is no guarantee that second team will be assigned to the same region as the first team.

In order to officially compete in the competition, a team **must** receive its regional assignment. If a team is not informed by AAJ that it is able to compete, that team is not registered for the competition.

COACHES

A coach should work with each team in the regional and the final competitions. The coach for a team that advances to the final competition does not have to be the person who coached the team at the regional competition, but any changes to coaches for the finals must be sent in writing to STAC@justice.org no later than March 24, 2023. A coach may be a law student but may not be a student who is competing in the competition.

Only team coaches or a designee are permitted to attend the coaches' meeting and file formal complaints. If a coach is unable to attend, he or she must notify AAJ and the regional coordinator. Only then will students or another designated person be permitted to attend in the coach's absence.

COMPETITION FORMAT

This is a trial skills competition. There is **no** motion or trial brief writing component. Each team will consist of four law students. Two students will be advocates and two students will play the witnesses for their side in each round. Advocates and witnesses may change their roles from round to round, but roles must remain consistent throughout each individual trial.

Regional Competition

The regional competition will consist of at least three (3) preliminary rounds. The first three rounds will be randomly matched such that each team tries both sides of the case during the first two rounds with a random third round. No team from the same school shall face another team from the same school during the first three rounds.

At the conclusion of round three, the final preliminary round, eight (8) teams shall advance to the elimination rounds of the tournament. The advancement and seeding of teams from preliminary rounds to elimination rounds shall be determined as follows: (1) win-loss record, (2) number of ballots won, (3) total point differentials, and (4) total points. The first elimination round will be paired as follows:

Semifinal #1	1 st Seed	v.	8 th Seed
Semifinal #2	4 th Seed	v.	5 th Seed
Semifinal #3	2 nd Seed	v.	7 th Seed
Semifinal #4	3 rd Seed	v.	6 th Seed

In the next elimination round, the winner of Semifinal #1 will play the winner of Semifinal #2, and the winner of Semifinal #3 will play the winner of Semifinal #4 in the Final Rounds.

If paired regional semifinal round teams have met in the preliminary rounds, they will each represent different sides than in the previous meeting. If they have not yet met, each team will take the side they represented only once in preliminary rounds. If matched teams represented the same side only once, the regional coordinator will flip a coin in the administrative breakout room with the law school host present, and thereby decide sides and then report to schools which side they will represent.

If paired regional final round teams have met in the preliminary rounds, they will each represent different sides than in the previous meeting. If they have not yet met, the regional coordinator will flip a coin in the administrative breakout room with the law school host present, and thereby decide sides and then report to schools which side they will represent.

We do not anticipate any odd number of teams at the regional competitions. When an odd number of teams compete at a regional competition, one randomly chosen team will receive a “bye” in each qualifying round. For ranking purposes, a bye will count as a win and the team with the bye will be deemed to have had three votes and the points equal to the average of the team’s points from the two other qualifying rounds.

The winners of each final round will advance to the National Final Competition, so each region will have two teams advance.

National Final Competition

The National Finals will take place in person, at the U.S. District Court, Eastern District of Louisiana at 500 Poydras Street, New Orleans, LA 70113. Each team will compete in three qualifying rounds. The top eight teams will advance to a single elimination quarterfinal round. The winners of each quarterfinal round will advance to a single elimination semifinal round. The winners of each semifinal round will advance to a single elimination final round.

At the conclusion of the final preliminary round at the National Final competition, the eight teams that shall advance to the elimination rounds of the tournament and the seeding of those teams shall be determined as follows: (1) win-loss record, (2) number of ballots won, (3) total point differentials, and (4) total points.

The first elimination round will be paired as follows:

Quarterfinal #1	1 st Seed	v.	8 th Seed
Quarterfinal #2	4 th Seed	v.	5 th Seed
Quarterfinal #3	2 nd Seed	v.	7 th Seed

Quarterfinal #4 3rd Seed v. 6th Seed

In the next elimination round, the winner of Quarterfinal #1 will play the winner of Quarterfinal #2, and the winner of Quarterfinal #3 will play the winner of Quarterfinal #4 in the Semifinal Rounds.

The winners of each Semifinal round will advance to the National Final Round.

THE TRIAL

The competition this year involves the trial of a civil lawsuit. The same fact pattern will be used in the regional and final competitions, but it may be adjusted for the national finals. The trial judge previously ruled that the case would be bifurcated, and the case being tried in the competition is the first phase of the case—the liability phase. Only evidence relevant to the liability issue will be received. There are no pending third- party claims.

The Federal Rules of Evidence (FRE) and Federal Rules of Civil Procedure (FRCP) are the applicable rules of evidence and civil procedure. Only these rules, and the law provided in the fact pattern, shall be used in argument. Specifically, no statutory, regulatory, or case law shall be cited unless such law is provided in the fact pattern.

Students may argue based upon the comments or advisory notes to the Federal Rules of Evidence but may not cite the cases contained therein. No written briefs, motions, or trial notebooks may be presented to the judge hearing a case. Advocates may show the judge part of the fact pattern that the judge is asked to rule on, only at the time the judge is asked to rule on it.

The trial will consist of the following phases by each team in this order:

- Motions in Limine
- Opening Statements for Plaintiff followed by Defendant
- Plaintiff's Case-in-Chief
 - Plaintiff's direct of Plaintiff's witness #1
 - Defendant's cross of witness
 - Plaintiff's redirect of witness
 - Similar for Plaintiff's witness #2
- Defendant's Case-in-Chief
 - Defendant's direct of Defendant's witness #1
 - Plaintiff's cross of witness
 - Defendant's redirect of witness
 - Similar for Defendant's witness #2
- Closing Argument
 - Plaintiff's Closing
 - Defendant's Closing
 - Plaintiff's Rebuttal Closing

Each side is limited to two live witnesses whom they may call in any order. Plaintiff must call Robin Wick and Aubrey Winston. Defendant must call Perry Perkins and Rory Cassian.

The trial has six (6) major advocacy opportunities for each team: opening statement; direct/redirect examinations (2); cross-examinations (2); and closing argument. Each attorney

member of a team must handle three of the six opportunities. Opening statement and closing argument may not be done by the same person and individual statements may not be split between team members. Each team member must do a direct and cross. Each team member does not need to play an attorney role.

During the competition, each team will represent both parties. Pairing in the qualifying rounds will be at random, with each team representing both plaintiff and defendant at least once in the three rounds.

Except in the final round, the virtual courtrooms will be off-limits to all team members, coaches, friends, and family members who are not associated with either team competing, unless their team has already been eliminated from the competition.

No team may receive any coaching from anyone in any form during a round, including recesses or breaks. During a round, teams shall not have contact with anyone, other than their team members and their student trial technician, until the round ends. The regional or national coordinator, as applicable, has the authority to punish any violation of this rule by disqualifying the team from the remainder of the competition.

Performance at trial will be evaluated by a panel of judges and/or attorneys, one of whom will preside over the trial as Judge, making rulings as necessary, and the remainder of whom will act as the jury.

Motions

Each side will be permitted to make one motion *in limine*. Such motions are limited to 5 minutes per side— to make and to respond to motions.

Motions for a judgment as a matter of law and evidentiary objections are permitted.

Timing of the Trial

Each team will have 70 minutes to present its case (not including the additional 5 minutes per side for motions in limine); time will be stopped during objections. The time limit will be strictly enforced, although it is not necessary that all time allotted be used. There will be no time limits for specific aspects of the trial. Time on cross-examination is charged against the team conducting the cross-examination. Time will be stopped for objections and responses to objections. Team members will be responsible for timing the trials, as no bailiffs will be provided. Teams should meet and confer prior to closing argument if there are any issues regarding timing. If the issue cannot be resolved, it should be brought to the attention of the regional coordinator.

Trial Technology

Teams may use any technology except teleprompters or other script-scrolling apps or devices. Teams may set up their physical spaces however they like, but they may not have (a) virtual backgrounds or (b) anything on screen that identifies their school, state, or region. Any app or program screen share as a virtual background is not permitted.

A case file of all materials will be provided to presiding judges. Advocates should authenticate exhibits, impeach, and refresh recollection by referencing the case file. The case file will be available to the teams before the competition.

Teams may have one additional student on their roster to serve as a trial technician, who shall be responsible for technology needs, such as displaying exhibits. Trial technicians must be listed as a team member, must register for AAJ membership, and may confer with team members throughout the trial for any reason. Teams may also assign those responsibilities to one or more of the other rostered team members.

Witnesses must sit while testifying (unless given permission to stand by the presiding judge). Witnesses should only have their audio and video on while testifying or if asked to turn on their camera to be introduced to the jury during opening statements.

While a witness is testifying, no one may communicate with them privately (e.g., no coaching your witness by text message). Otherwise, advocates and witnesses on the same team may communicate with each other during the trial.

Advocates may choose whether and when to sit or stand. Advocates must mute their audio except when presenting, including the attorneys conducting direct and cross, who may both be unmuted.

During motions and while addressing housekeeping matters, only the attorneys addressing the issues at that time should have their video on.

During opening and closing, only the two attorneys giving that particular speech should have their video on (e.g., during the Plaintiff opening, both the Plaintiff opener and Defense opener should have their video on). During witness examinations, only the two attorneys examining that witness and the witness should have their video on.

During trial, team members may communicate only with each other, judges, the opposing team, and tournament officials. They may not communicate with coaches or anyone else. Teams that violate this rule are subject to sanctions outlined below.

Facts Outside the Record

Advocates must confine the questions, and witnesses must confine their answers to the facts provided in the fact pattern, any matters judicially noticeable under the Federal Rule of Evidence 201, and **necessary inferences** drawn from the case material on non-material facts.

1. **Necessary inference:** An inference is necessary if another and a different inference cannot be reasonably drawn from the facts stated. It is inescapable and inevitable. A necessary inference is NOT any fact that you might wish to be true, nor is it a factual inference that is merely possible or consistent with facts in the fact pattern. For example, if your witness is a police officer, it is a necessary inference that the officer went to and graduated from the police academy. However, it is not a necessary inference that the officer received any specialized training, like training in accident reconstruction.
2. **Material facts:** No inferred fact may be material, which is defined (a) as a fact

that changes the merits of either side of the case or (b) that bears on the credibility of any witness or litigant. So, if one of the witnesses is a police officer, then it is a necessary inference that the officer went to and graduated from the police academy, but it is not a necessary inference that the officer graduated at the top of their class.

3. **Impeachment by omission:** If during a direct examination a witness testifies to a material fact not contained in the case materials, the witness may be impeached during cross-examination through impeachment by omission. A witness must admit that counsel suggested the fact or that the witness him/herself made up the material fact, if true. The opponent should impeach if a witness says something outside the fact pattern.
4. **Cross-examination:** During cross-examination, an advocate may question the witness about non-events that are necessary inferences based on the problem materials. For example, if a police officer witness is testifying and the record is silent relating to DNA samples, it is a necessary inference that a police officer witness did not collect DNA samples from the crime scene. In this example, it is permissible to ask the police officer witness, “You never collected any DNA samples, correct?”

This question is permissible because the witness statements are full and complete statements of everything the witness knows. Therefore, the absence of information in the record about collection of DNA means DNA was not collected. If a witness is asked on cross-examination about the absence of information, the witness must admit that collection or testing was not done. **The witness is prohibited from saying “I do not know” or “that was not asked at my deposition.”**

However, an advocate may not invent facts or use outside resources in their questions to enhance the cross-examination of a witness. Taking the example of a police officer witness testifying and a silent record about DNA samples, an advocate shall not reference topics outside of the case file, such as the reliability of DNA, the scientific theory of DNA, the process of DNA collection, etc. In this example, it is not permissible to ask the police officer witness, “You’re aware that the margin of error for DNA tests can be as high as five percent, correct?” This question is not a necessary inference.

5. **Re-cross examination:** While these rules generally prohibit re-cross examination of a witness, **re-cross examination is allowed for the limited purpose of impeaching the witness**, either by prior inconsistent statement or by omission, if a witness testifies during re-direct examination to a fact not contained in the case materials. The presiding judge will determine, based on arguments and evidence presented by counsel, whether a witness testified during re-direct examination to a fact not contained in the case materials.

In any event, even if a re-cross examination is allowed, under no circumstances will another re-direct examination be permitted after the re-cross examination concludes.

Under no circumstances are witnesses permitted to testify that they were not asked a question that is in their depositions. Any testimony to this effect, alleged by an opponent's objection and verified by at least one scoring judge, will result in an automatic forfeit of all three ballots in that round.

Witnesses

A person of any gender may play any witness. During the pre-trial meet and confer, each team will notify the other team of the gender of each witness.

All depositions are signed and sworn.

The same attorney conducting direct examination of a witness shall also conduct the re-direct examination of the same witness if any.

The only lawyer who may object during witness testimony is the lawyer examining that witness.

Witnesses may not be recalled. Witnesses will not be physically sequestered but may be constructively sequestered by the presiding judge.

*A witness may not intentionally and unreasonably refuse to answer questions during cross-examination (or re-cross examination) and may not take any action designed to exhaust the time of the cross-examining advocate's team, such as repeatedly asking to be refreshed/have questions repeated, offering explanations to simple questions requires a "yes/no" answer, or shown their deposition or statement. **Any team that encourages a witness to violate this rule is subject to sanctions consistent with the rules herein.***

RULE VIOLATION AND FILING OF COMPLAINTS

A competitor or coach violating any rules governing the national Student Trial Advocacy Competition may be subject to sanctions under these rules. All protests must be lodged to the regional coordinator or regional host at the regional competition or the final round coordinator at the final competition within five (5) minutes of the conclusion of the trial in question. Conclusion of the trial means the moment the judges dismiss the competitors after closing arguments have concluded (or otherwise signal that the trial is done); **the trial concludes, and the five-minute clock thus starts, before any feedback from judges is given.** Coaches should immediately notify the coordinator and opposing coach by text or email, then go into the coaches' room on Zoom. If the issue of whether the deadline has expired is raised, the burden is on the protesting team to demonstrate that the protest was made to the appropriate party within the five-minute deadline.

General Protest Procedure

1. At the beginning of each regional competition and the beginning of the final competition, regional coordinators/hosts or the final round coordinator must designate three coaches or representatives of the participating schools to serve as the protest committee for that regional competition or the final competition.

2. Protests concerning witness testimony will be handled in the manner described above. All other protests must be lodged with the regional host, who will promptly convene the protest committee. After lodging an official protest, the protesting coach must inform the opposing team's coach, and coaches from both teams are required to meet in the coaches' room to confer. Protest committee members who are coaches or representatives of the protesting law school or of the law school against which the protest is lodged may not participate in deciding the protest. However, every protest must be decided by at least three (3) protest committee members.
3. If by disqualification, unavailability, or otherwise, less than three (3) members of the protest committee remain, an additional qualified member or members will be selected by the regional coordinator/host or the final round coordinator.
4. Protests may be considered and decided according to such procedures and standards as the protest committee may determine, subject to the following guidelines:
 - (i) **Protests are not intended to be and should not become part of the competitive process.** They are a last resort and should be lodged only for an alleged substantial violation of the competition rules and relevant ethical standards. If the protest committee determines a protest is without merit or frivolous, the protest committee may impose sanctions on the protesting team.
 - (ii) Since uncertainty and surprise play a role in many trials, the protest committee should give weight to whether the protesting team was able, or through the use of resourceful trial techniques should have been able, to neutralize the protested conduct.
 - (iii) The protest committee may, but is not required to, consult with the judges of the protested round, the coaches of the involved teams, the team members, and the witnesses in the round in deciding the protest.
 - (iv) Protests should be determined as soon as practicable.
 - (v) The regional coordinator shall be present during meetings of the protest committee, and will compile a complete report of all protest committee proceedings. This report must be emailed to Jennifer Rafter within an hour of the protest's resolution.

Sanctions

These sanctions are for any violation of the rules contained herein under the "Facts Outside Record" section and only for those specific rules.

1. Guidelines – In determining whether a violation occurred and, if so, the severity of the violation, protest committees shall be guided by the following:
 - (i) Whether the fact testified to was material;
 - (ii) Whether the fact testified to was a necessary inference;

(iii) Whether the conduct was intentional or unintentional

- In determining whether any facts elicited which violate the Necessary Inference Rule were intentional or unintentional, the protest committee shall consider (1) whether the fact was elicited more than once; (2) whether the fact was argued by the team who elicited the fact in closing argument; and (3) whether the advocate who elicited the fact attempted to address the fact by (a) withdrawing the fact; (b) asking the witness to clarify (“are you sure you have previously said ...”); (c) moving to strike the fact; or (d) otherwise informed the presiding judge, scorers, and/or opposing advocates that the fact was unintentionally elicited.

2. Suggested Penalties – AAJ considers violations of this rule serious and wants protest committees to take violations seriously to discourage teams from violating the rule in this and future competitions. The following suggested penalties are not mandatory but shall be used as guidance for protests concerning this rule. Once a violation is found, points may be deducted from the score of the violating team in the following situations:

- (i) Material Violations: If the protest committee finds the violation to be material, they may deduct 3 – 5 points from the violating team’s score on each ballot using the guidelines.
- (ii) Non-Material Violations: If the protest committee finds the violation non-material, they may deduct at least one (1) but no more than two (2) points on each ballot using the guidelines.
- (iii) Unintentional Conduct: If the protest committee finds that the conduct was unintentional, they may choose not to deduct any points.

3. Additional Sanctions – If the protest committee finds the severity of the violation to warrant sanctions more severe than point deductions, the protest committee may:

- Require the offending team to forfeit a ballot;
- Require the offending team to forfeit the round;
- Disqualify the offending team from the competition.

Protests under this procedure are not encouraged. Any complaints should be limited to substantial violations that are well-grounded in fact. All participants are encouraged to act within the spirit and letter of the competition rules.

JURY INSTRUCTIONS

The instructions provided in the fact pattern are the only instructions that will be given. The instructions are the only statements of the applicable substantive law. Instructions will not be eliminated or modified, and no additional instructions may be tendered or will be given.

EXHIBITS

During any trial, counsel may use only: (1) those exhibits provided in the problem itself; demonstrative evidence as defined herein. No other evidence or audiovisual aids will be allowed.

- Nothing in this rule permits teams to create new exhibits or evidence.
- No charts or drawings may reflect facts outside the record.
- All exhibits are stipulated as authentic and genuine for purposes of trial.

For purposes of this competition, “demonstrative evidence” includes diagrams, maps, drawings, graphs, charts, and/or lists that are written or created during the round and/or simulations or demonstrations performed by the attorneys and/or witnesses during the round.

- Any demonstrative evidence that the parties intend to use during trial must be shown to opposing counsel during a meet and confer prior to the beginning of the round. Teams are limited to a total of 30 PowerPoint slides.
- For purposes of these competitions, demonstrative evidence does not include recreations or models of any physical evidence in the case, and any such recreations or models are impermissible. For example, if the case involves a flashlight, a team may not bring a flashlight with them to competition or create a flashlight to be used during the round. For another example, if the case involves a bag of cocaine, a team may not bring a Ziploc bag filled with sugar to represent a bag of cocaine.
- For purposes of these competitions, demonstrative evidence does not include measurements of any of the witnesses, or any portion of the witnesses, in the room. You all know that the witnesses in the room are not the actual witnesses in the case problems and should not be used to physically demonstrate the size of the actual witnesses in the problem. You are restricted to any measurements listed in the packet and cannot compare the measurements in the packet to the actual measurements of the actual live witnesses in the room.

Participants are free to display through screen share any diagram, statement, exhibit, or portion of the fact pattern if it is identical to the item being shared, or if any changes provide no advantage to the party intending to use it.

COMPETITION LOGISTICS (Regional Rounds)

All regional rounds of competition will occur virtually via the Zoom platform. Each region will have a dedicated Zoom room and technology consultant. The Zoom rooms will be divided into breakout courtrooms. All teams will conduct a meet and confer approximately 30 minutes prior to the round through a virtual platform of their choice, and coaches will be provided with contact information of the students and other coaches in their region in order to schedule those meetings. Advocates should ensure they are in their Zoom courtrooms 15 minutes prior to the round of competition.

Below are the finalized start times for the regional competition. The length of each round is estimated at two and a half hours but may be shorter or longer when competing. The start times

for each round are in each region's respective time zone (ET, CT, MT, PT).

- Thursday, March 2 – First Qualifying Regional Round – 5:00 p.m. start
- Friday, March 3 – Second Qualifying Regional Round – 2:30 p.m. start
- Saturday AM session, March 4 – Third Qualifying Round – 10:00 a.m. start
- Saturday PM session, March 4 – Semifinal Regional Rounds – 3:00 p.m. start
- Sunday, March 5 – Final Regional Round – 10:00 a.m. start

There will be five regions competing in Eastern Time, three regions competing in Central Time, one region competing in Mountain Time, and one region competing in Pacific Time.

Each team will be assigned a three-digit number that will be used to identify each team without revealing their law school or state throughout the competition. Advocates will name themselves "NAME – Team #," and witnesses will name themselves "WITNESS NAME – Team #." Trial technicians will name themselves "Trial Technician – Team #."

Rounds will not be recorded. Coaches and observers can watch the round but must name themselves "Coach – Team #" or "Observer – Team #."

Logistics for the National Finals in New Orleans will be sent to teams that advance after the conclusion of the Regional Competitions.

businesses. In early 2021, PERKINS contracted with a company to begin making “stone washed” jeans. That contract required PERKINS to acquire large industrial stone washing machines that PERKINS did not previously have in its facility. Additionally, prior to early 2021, PERKINS had no experience doing this type of work. PERKINS acquired old, worn-down washing machines that were in various states of disrepair.

4. On July 15, 2021, JORDAN WICK was employed by PERKINS and was working with these stone washing machines. More specifically, JORDAN WICK was one of the employees that would load the machines with jeans and remove those jeans once the washing process had been completed. Additionally, JORDAN WICK was one of the employees that would place the pumice stones into the machines and place plastic liners over those stones, all of which was done to give the jeans the stone washed look.

5. On July 15, 2021, JORDAN WICK was working with one of PERKINS’ stone washing machines in its facility. This particular machine did not have a functioning brake that would have allowed the employees to stop the machine from tumbling so they could load/unload jeans from the machine. Instead, and with the knowledge of PERKINS, the employees were using a wooden 2X4 jammed inside the machine to act as a temporary brake while they loaded/unloaded jeans or worked with the stones inside of the machines. That work required ROBIN WICK to often put his torso inside of the machine as they worked.

6. It was also known with this particular machine that it would sometimes turn on without anyone pressing the button to turn it on, which should not have been the case.

7. PERKINS had insufficient safety training for its employees and never instructed the employees, including JORDAN WICK, not to use that wooden 2X4 as a brake when working with the machines.

8. On July 15, 2021, while JORDAN WICK was working inside of this particular machine, the machine turned on and that wooden 2X4 slipped, which allowed the tumbler to begin to tumble, which mangled JORDAN WICK's body and killed JORDAN WICK.

III.

SURVIVAL ACTION

9. Plaintiff adopts and incorporates by reference all previous paragraphs of the complaint as if set forth in their entirety.

10. At the time of JORDAN WICK's death, JORDAN WICK was at PERKINS' facility for the purpose of working as an employee of PERKINS and was acting in the course and scope of that employment.

11. At all times relevant and material hereto, PERKINS, acting individually and/or by and/or through its actual and/or apparent agents, servants, and/or employees was negligent and breached applicable standards of care in a number of ways, including but not limited to the following:

- a. Failing to properly train JORDAN WICK and other employees in how to work with the subject stone washing machines in a safe manner;
- b. Failing to properly supervise its employees, including JORDAN WICK, to ensure that they were operating and working with the washing machines in a safe manner;
- c. Failing to properly maintain and repair those machines to ensure that they were safe to work with for JORDAN WICK and other employees; and
- d. Failing to maintain a safe work environment for its employees, including JORDAN WICK.

12. As a direct and proximate result of the aforementioned negligent acts by PERKINS, Plaintiff's decedent, JORDAN WICK, suffered conscious pain and suffering, mental and emotional distress and anguish, fear of death, severe bodily injuries, stress, discomfort, shock, and

death.

IV.

WRONGFUL DEATH

13. Plaintiff adopts and incorporates by reference all previous paragraphs of the complaint as if set forth in their entirety.

14. As a direct and proximate result off the negligence of PERKINS, as laid out above, Plaintiff has suffered and will continue to suffer mental anguish, emotional pain and suffering, loss of society, companionship, comfort, protection, guidance, attention, care, advice, and counsel, as well as pecuniary damages, amongst other things, in connection with the sudden, tragic, and untimely death of their spouse, JORDAN WICK.

15. All of the injuries, losses, and damages complained of herein were directly and proximately caused by the joint and several negligence and lack of due care by PERKINS with no negligence or want of due care on the part of Plaintiff or JORDAN WICKS contributing thereto.

V.

JURY DEMAND

16. Plaintiff requests a jury trial and tenders the appropriate fee with this Complaint.

VI.

REQUEST FOR RELIEF

17. For the reasons stated above, Plaintiff asks that this Court issue citation for PERKINS to appear and answer, and that upon trial on the merits Plaintiff, both individually and as the Personal Representative of the Estate of JORDAN WICK, recovers judgment for the following:

- a. Past and future pain and suffering;

- b. Loss of wages and earning capacity in the past and future;
- c. Loss of companionship;
- d. Past and future mental anguish;
- e. Funeral expenses;
- f. Loss of society;
- g. Medical expenses;
- h. Loss of household services;
- i. Pre-judgement and post-judgment interest;
- j. Cost of suit;
- k. All other relief, general and special, which Plaintiff is entitled to receive at law or in equity, or for which this Court deems proper.

Respectfully submitted,

/s/ L. W. Yer
Attorney for Plaintiff

IN THE SUPERIOR COURT FOR STEELTON COUNTY

ROBIN WICK, INDIVIDUALLY AND)
AS PERSONAL REPRESENTATIVE)
OF THE ESTATE OF JORDAN WICK,)
Plaintiff)

v.)

CIVIL ACTION NO. AAJ-CV-001-23

PERKINS UNIFORM SUPPLY)
COMPANY, LLC)
Defendant)

DEFENDANT’S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF THIS COURT:

Defendant, PERKINS UNIFORM SUPPLY COMPANY, LLC, files this Original Answer to Plaintiff’s Original Complaint:

1. Admitted.
2. Admitted.
3. Denied.
4. Admitted.
5. Denied.
6. Denied.
7. Denied.
8. Denied.
9. No need to admit or deny.
10. Admitted.
11. Denied.
12. Denied.

13. No need to admit or deny.

14. Denied.

15. Denied.

16. No need to admit or deny.

17. No need to admit or deny.

IV.

AFFIRMATIVE AND OTHER DEFENSES

1. Defendant is not liable to the Plaintiff because JORDAN WICK's own acts and/or omissions proximately caused or contributed to JORDAN WICK's own injury. On the occasion in question, JORDAN WICK failed to exercise that degree of care which a person of ordinary care and prudence would have exercised under the same or similar circumstances, and such failure to use ordinary care for their own safety was a proximate cause of the alleged injuries.

2. The sole cause of the accident was an intentional act by a fellow servant and co-employee, Tad Thomas, who deliberately caused the death of JORDAN WICK.

Respectfully submitted,

/s/ Max Fried
Attorney for Defendant

IN THE SUPERIOR COURT FOR STEELTON COUNTY

ROBIN WICK, INDIVIDUALLY AND)
 AS PERSONAL REPRESENTATIVE)
 OF THE ESTATE OF JORDAN WICK,)

Plaintiff)

v.)

CIVIL ACTION NO. AAJ-CV-001-23

PERKINS UNIFORM SUPPLY)
 COMPANY, LLC)

Defendant)

STIPULATIONS

COME NOW the parties, by and through counsel, and so file the following Stipulations for the trial of this matter, which shall have the binding effect of being taken as established facts if so offered at trial:

1. The Superior Court for Steelton County follows the Federal Rules of Evidence.
2. The Superior Court for Steelton County follows the Federal Rules of Civil Procedure.
3. The Official Competition Rules of this jurisdiction are fully incorporated and adopted herein.
4. All depositions taken in this case are signed and sworn by each respective deponent as being accurate and authentic. None of the witnesses made changes or corrections to their deposition testimony.
5. This case has been bifurcated into a liability phase and a damages phase. For purposes of this trial, the parties will try the liability phase only.
6. Defendant may pursue all, some, or none of its affirmative defenses listed in its Answer to Plaintiff's Complaint.

7. All exhibits are deemed authentic and are true copies, meaning they are what they purport to be. All parties reserve the right to raise other evidentiary objections to the admission of any exhibit at the trial of this matter.

8. All witnesses have personally seen and reviewed all Exhibits contained in the case file.

9. Both parties have attempted to locate and subpoena Tad Thomas and neither party has been able to locate Mr. Thomas or properly serve him with a subpoena.

10. Exhibits 1-3 are admitted and no objections will be entertained with respect to those exhibits at trial.

11. Jordan Wick was pronounced dead after being taken to the hospital on July 15, 2021, and Jordan Wick's cause of death was listed as severe force blunt trauma to the head as a result of being crushed by stones in washing machine.

12. Any potential claims against the manufacturer of the machines in question for products liability or any other claims have been severed from this action and there will be no arguments made regarding the liability of the manufacturer.

13. Plaintiff must call and may only call Robin Wick and Aubrey Winston. Defendant must call and may only call Perry Perkins and Rory Cassian.

IN THE SUPERIOR COURT FOR STEELTON COUNTY

ROBIN WICK, INDIVIDUALLY AND)
AS PERSONAL REPRESENTATIVE)
OF THE ESTATE OF JORDAN WICK,)
Plaintiff)

v.)

CIVIL ACTION NO. AAJ-CV-001-23

PERKINS UNIFORM SUPPLY)
COMPANY, LLC)
Defendant)

JURY CHARGE

LADIES AND GENTLEMEN OF THE JURY:

After the closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with other jurors only when you are all together in the jury room.

Remember my previous instructions: Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the Internet. Do not post information about the case on the Internet. Do not share any special knowledge or experiences with the other jurors. Do not use your cell phone or any other electronic device during your deliberations for any reason.

Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes.

You must leave your notes with the bailiff when you are not deliberating. The bailiff will give your notes to me promptly after collecting them from you. I will make sure your notes are kept in a safe, secure location and not disclosed to anyone. After you complete your deliberations, the bailiff will collect your notes. When you are released from jury duty, the bailiff will promptly destroy your notes so that nobody can read what you wrote.

Here are the instructions for answering the questions:

The Plaintiff's claim is for negligence. "Negligence" means failure to use ordinary care, that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

"Ordinary care" means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.

"Proximate cause" means a cause, unbroken by any new and independent cause, that was

a substantial factor in bringing about an injury, and without which cause such injury would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using ordinary care would have foreseen that the injury, or some similar injury, might reasonably result therefrom. There may be more than one proximate cause of an injury.

“New and independent cause” means the act or omission of a separate and independent agency, not reasonably foreseeable, that destroys the causal connection, if any, between the act or omission inquired about and the injury in question and thereby becomes the immediate cause of such injury.

The term “preponderance of the evidence” means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a “yes” answer, then answer “no.” A preponderance of the evidence is not measured by the number of witnesses or by the number of documents admitted in evidence. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true.

The Plaintiff has the burden of proof on their claim of negligence. That is, the Plaintiff must prove the Defendant was negligent by a preponderance of the evidence.

The Defendant has pleaded the affirmative defense of comparative negligence. The defense asserts that the negligence of Jordan Wick was the proximate cause of Jordan Wick’s injury. The definitions applying to negligence which I have previously given to you, apply to the defense of comparative negligence. The defense has the burden of proof on their affirmative defense. That is, the defense must prove that Jordan Wick was negligent by a preponderance of the evidence before the defense would prevail on that issue.

1. Do not let bias, prejudice, or sympathy play any part in your decision.
2. Base your answers only on what was presented in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not presented in the courtroom.
3. You are to make up your own minds about the facts. You are the sole judges of the credibility of the witnesses and the weight to give their testimony and you may use your common sense in determining issues of fact, the credibility of the witnesses and in rendering your verdict. But on matters of law, you must follow all of my instructions.
4. If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.
5. All the questions and answers are important. No one should say that any question or answer is not important.
6. Answer “yes” or “no” to all questions unless you are told otherwise. A “yes” answer must be based on a preponderance of the evidence. Whenever a question requires an answer other than “yes” or “no,” your answer must be based on a preponderance of the evidence.
7. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.
8. Do not answer questions by drawing straws or by any method of chance.
9. Some questions might ask you for a dollar amount. Do not agree in advance to decide on a dollar amount by adding up each juror's amount and then figuring the average.
10. Do not trade your answers. For example, do not say, “I will answer this question your way if you answer another question my way.”

Once the jury has reached a verdict, one of you to be designated as the foreperson will sign and date the verdict forms.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

IN THE SUPERIOR COURT FOR STEELTON COUNTY

ROBIN WICK, INDIVIDUALLY AND)
AS PERSONAL REPRESENTATIVE)
OF THE ESTATE OF JORDAN WICK,)
Plaintiff)

v.)

CIVIL ACTION NO. AAJ-CV-001-23

PERKINS UNIFORM SUPPLY)
COMPANY, LLC)
Defendant)

VERDICT FORM – QUESTION ONE

QUESTION NO. 1:

For purposes of this question, did the negligence, if any, of the persons named below proximately cause the accident in question?

Answer “Yes” or “No” for each of the following:

PERKINS UNIFORM SUPPLY COMPANY: _____

JORDAN WICK: _____

If you answered “Yes” to Question No. 1 for both PERKINS UNIFORM SUPPLY COMPANY and JORDAN WICK then answer the following question. Otherwise do not answer the following question.

FOREPERSON

IN THE SUPERIOR COURT FOR STEELTON COUNTY

ROBIN WICK, INDIVIDUALLY AND)
AS PERSONAL REPRESENTATIVE)
OF THE ESTATE OF JORDAN WICK,)
Plaintiff)

v.)

CIVIL ACTION NO. AAJ-CV-001-23

PERKINS UNIFORM SUPPLY)
COMPANY, LLC)
Defendant)

VERDICT FORM – QUESTION TWO**QUESTION NO. 2:**

For purposes of this question, you should only assign percentages to those you find caused the damages identified in response to Question No. 1. The percentages you find must total 100%. The percentages must be expressed in whole numbers. The percentage of responsibility is not necessarily measured by the number of acts or omissions found.

For those found by you to have caused the damages, if any, to JORDAN WICK, find the percentage caused by:

PERKINS UNIFORM SUPPLY COMPANY: _____

JORDAN WICK: _____

Total 100%

FOREPERSON

DATE

IN THE SUPERIOR COURT FOR STEELTON COUNTY

ROBIN WICK, INDIVIDUALLY AND AS)	
PERSONAL REPRESENTATIVE OF THE)	
ESTATE OF JORDAN WICK,)	
)	
Plaintiff,)	Civil Action No. AAJ-CV-001-23
v.)	
)	
PERKINS UNIFORM SUPPLY COMPANY,)	
)	
Defendant.)	
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ORAL DEPOSITION
OF ROBIN WICK
July 10, 2022

PROCEEDINGS
ROBIN WICK

having been first duly sworn, testified as follows:

CROSS EXAMINATION

BY DEFENSE COUNSEL:
Q: Good afternoon, can you please state your name for the record.
A: Good afternoon, my name is Robin Wick.
Q: How old are you?
A: I'm 26 years old.
Q: Are you married?
A: Not any longer.
Q: Why not?

1 A: My spouse, Jordan Wick, died while working in that hell hole,
2 so now I'm all alone.

3 Q: When did you and Jordan meet?

4 A: We met in elementary school. No kidding. We've literally known
5 each other since we were like six years old. It's crazy. But we
6 didn't start dating until junior high, and we got married right
7 out of high school. We promised our parents that we would finish
8 high school, but as soon as we were both 18 and both had our
9 degrees we went down to the courthouse and got it done.

10 Q: Do you have any children?

11 A: We do. We have one son, Sammy, and he is 5 years old. And we
12 have a daughter, Sue Ann, and she is 3 years old. They are the
13 light of my life, and they were everything to Jordan.

14 Q: Was your marriage a good one?

15 A: Absolutely. I mean, sure, we fought and there were struggles,
16 just like there are with any young couple. But we were truly,
17 deeply, madly in love with one another. Jordan was my soulmate,
18 and I was going to spend the rest of my life with him/her.

19 Q: I'm showing you what has been marked for admission as Exhibit
20 4, do you recognize this?

21 A: Yes, those are some text messages between Jordan and me from my
22 phone. It's a screenshot you guys took from my phone.

23 Q: Whose messages are in grey and whose are in blue?

24 A: Mine are in blue and Jordan's are in grey.

1 Q: And is Exhibit 4 a true and correct screenshot of those text
2 messages from your phone?

3 A: Yes it is.

4 Q: How do you explain these text messages given what you just told
5 us?

6 A: Again, everyone fights. Sometimes we say hateful things. I don't
7 love seeing those messages now, and I'm sure that's how I felt at
8 the time, but that doesn't change how I felt about Jordan.

9 Q: Where did Jordan work?

10 A: They worked at Perkins Uniform Supply Company.

11 Q: Where do you work?

12 A: I work at a law firm now as an assistant. In fact, it's the
13 same law firm that is representing me in this case. But when Jordan
14 died I was also working at Perkins Uniform Supply Company as an
15 administrative assistant to Perry Perkins, the head of the company.

16 Q: When did Jordan go to work for Perkins?

17 A: It would've been in early 2021. They were hiring a bunch of
18 people then because of that stone washed jeans contract they got,
19 and I was already working there so I told Jordan they should apply
20 for one of those jobs because, at the time, Jordan wasn't working.

21 Q: How long had you been at Perkins at that point?

22 A: I had been there for about a year, maybe a little bit less. Not
23 too long. It was a pretty good job. They treated me well and I
24 liked it there. But I guess I was just blind to all the issues.

1 Q: You said something about a stone washed jeans contract, what
2 are you talking about?

3 A: In early 2021, Perkins got some contract with a jeans company
4 to make stone washed jeans, you know, like they used to wear in
5 the 80s or whatever. Apparently they are coming back into style
6 now. You know, eventually everything that is old is new again, and
7 kids are always into throwback gear. Anyways, it was a big deal
8 for the company. Mr./Ms. Perkins was real excited about it. I
9 remember the day they signed the deal they came bursting into the
10 office humming "We're in the Money" with this big smile on their
11 face. Honestly, it was pretty exciting around the facility for a
12 while with all the new hires and it seemed like the company was
13 really going somewhere.

14 Q: I'm showing you what have been marked as Exhibits 1 through 3,
15 what are these?

16 A: These are pictures showing what the stone washing machines
17 looked like. Exhibit 1 shows the exterior of a bunch of those
18 machines. Exhibit 2 shows the interior drum or tumbler of those
19 machines. And Exhibit 3 shows a person next to one of those
20 machines, which really just shows you how big they are. These
21 aren't the exact ones that we had in the facility, but they looked
22 like this. Same size and style. It's just that the ones we brought
23 in were more beat up.

24 Q: What do you mean brought in?

1 A: Well, we didn't have these machines until we got that contract
2 in early 2021. Prior to that, Perkins just cleaned industrial
3 uniforms. Companies would drop off big bags of uniforms and we
4 would clean them all up. That was the business. And then Mr./Ms.
5 Perkins got the call about stone washed jeans.

6 Q: Were you on that call?

7 A: I wasn't on the call, but I heard a lot of it. I just remember
8 Mr./Ms. Perkins saying, "of course we can do that!," and, "we can
9 absolutely make that work!" Things like that. Really enthusiastic.

10 Q: You said that these pictures didn't look exactly like the ones
11 that the company brought in. What was the difference?

12 A: The ones that the company brought in were pretty beat up. Old.
13 Just kind of busted looking. I mean, they ran, mostly, but they
14 weren't in great condition. They didn't look all shiny and new
15 like this.

16 Q: Do you remember what safety training was done about these new
17 stone washing machines?

18 A: No, but I wouldn't be a part of that. I was an administrative
19 assistant. I was just in the office. I have no idea what safety
20 training was done, if any. I mean, it couldn't have been much
21 because I never heard Jordan talking about safety training. If
22 anything, Jordan was always talking about how dangerous that place
23 was.

1 Q: I'm showing you what have been marked as Exhibits 5 and 6, what
2 are these?

3 A: These are more screenshots of text messages between Jordan and
4 I. My messages are in blue and Jordan's are in grey.

5 Q: And are Exhibits 5 and 6 fair and accurate depictions of those
6 text messages from your phone?

7 A: Yes.

8 Q: What are these texts about?

9 A: You can see it right there, Jordan just complaining and
10 worrying, and I just kept telling Jordan to be careful. These were
11 big machines, dangerous machines, and they didn't look right to
12 me, so I just wanted Jordan to watch out for him/herself and not
13 to do anything stupid.

14 Q: I want to talk about the day Jordan died in a moment, but first,
15 I want to talk about an incident involving another employee, Tad
16 Thomas, and Jordan. When did that take place?

17 A: It was in late June, just a few weeks before Jordan died.

18 Q: How did it start?

19 A: Well, Tad and Jordan worked together on those machines loading
20 and unloading jeans and working with the pumice stones that were
21 used in the machine. Jordan used to tell me how Tad wasn't
22 competent enough to operate the machine and was only really good
23 for manual labor, loading and unloading the machine. Anyways, when
24 you put the jeans in the machine you have to cover the stones with

1 plastic in order for them to get the right look, and one day Tad
2 forgot to do that, which means the jeans came out with holes burned
3 in them and had to be thrown away. Tad wanted to throw them away
4 and not tell anyone, but when the manager, Rory Cassian, came by,
5 Jordan told the truth.

6 Q: How do you know all of this?

7 A: Well, I was on my lunch break and had wandered up to try to
8 find Jordan to see if they wanted to have some lunch with me, just
9 sit down and eat a sandwich, and when I got there I stumbled upon
10 Tad yelling at Jordan, "why would you do that! Why would you snitch
11 on me! We don't do that to each other! We don't snitch to the boss!
12 That's weak shit!" Tad was red in the face, screaming, got right
13 up in Jordan's face. I tried to step in but Rory held me back.
14 That's when I saw Tad spit in Jordan's face right before screaming,
15 "I'll kill you! You're dead!"

16 Q: Did you take that seriously?

17 A: No, not really. It seemed like something that was heat of the
18 moment. I knew Tad. He had been at the company long before Jordan,
19 and he was a good guy. He has kids and couldn't afford to lose
20 that job. So, I think it was just heat of the moment.

21 Q: Do you know where Tad is now?

22 A: Haven't seen or heard from him since the day Jordan died. So,
23 no idea.

1 Q: Okay, let's talk about July 15th. First, how much was Jordan
2 working on a weekly basis leading up to that day?

3 A: A ton. Probably sixty or seventy hours a week. That was pretty
4 typical. You know, when they got that contract, Perkins hired a
5 bunch of new employees, but it must not have been enough because
6 Mr./Ms. Perkins was always complaining, "all these workers are
7 lazy" and "I wish there were more than 24 hours in a day." Stuff
8 like that. And they would talk about extending hours for those
9 employees to meet their quotas.

10 Q: Was Jordan handling that well, working all those hours?

11 A: Not really. I mean, Jordan didn't complain, but most days they
12 was out the door before 5 a.m. and wouldn't get home till 8 or 9
13 at night. It was just a lot, and I don't think Jordan was sleeping
14 very well. Jordan would always tell me, "I just gotta keep my head
15 down, I don't want Rory making trouble for me or thinking I'm lazy.
16 Just gotta keep grinding." Jordan was such a hard worker.

17 Q: Were you there the day Jordan died?

18 A: I was. I didn't see it, but it was about 7:30 a.m. and I had
19 just gotten to the office when someone came running in and told me
20 that Jordan had been hurt. I immediately ran towards Jordan's
21 machine and I saw Jordan lying on the ground. There was blood
22 everywhere. It was awful. As I got closer I didn't recognize Jordan
23 because their head had been crushed. It looked like a Halloween
24 mask. Everyone was just standing around. And then Mr./Ms. Perkins

1 came running up shouting to shut down the machines. After that,
2 Mr./Ms. Perkins hugged me and told me how sorry they were, and
3 then we all got sent home for the rest of the day.

4 Q: When did you go back to work?

5 A: I never did. I couldn't go back to that place. I quit the next
6 day.

7 Q: Did you ever speak with Perry Perkins again?

8 A: When I called to tell him/her that I was leaving and wasn't
9 coming back to work for Perkins, that was the last time we talked.
10 I remember it because they kept telling me how sorry there were.
11 And, after I said I would sue, that they would cover whatever
12 medical or other expenses I had and help me with the kids, but of
13 course I've never seen a dime from them. Shocking.

14 Q: How do you feel about Perkins and Mr./Ms. Perkins now?

15 A: What do you mean "how do I feel?" I hate them. They killed my
16 Jordan. They never cared about him/her or any of their employees,
17 and the worst part is they did it for money. It's just awful.

18 Q: One last thing, I'm showing you Exhibit 7, do you recognize
19 this?

20 A: Yes, it's two pages from our company handbook, which has all
21 the policies for the company in it.

22 Q: And is Exhibit 7 a true and correct copy of that page from your
23 company handbook?

24 A: Yes it is.

1 Q: And did every employee at Perkins receive this to the best of
2 your knowledge?

3 A: Yes, they did, and I know that because when we hired anyone, no
4 matter what they did, they would have to come by my office to get
5 various documents to sign and whatnot, and the company handbook
6 was one of them.

7 Q: Do you remember giving this to Jordan?

8 A: I do! I remember it because I was so excited we would be working
9 at the same place.

10 Q: Have you understood all my questions?

11 A: Yes.

12 Q: Do you have anything to add regarding this matter that you
13 haven't already said?

14 A: Nope, I've told you everything I know.

15 Q: And have you given complete answers to every question without
16 leaving anything out?

17 A: Yes.

18 Q: Thank you, no further questions.

19 A: Thank you.

20

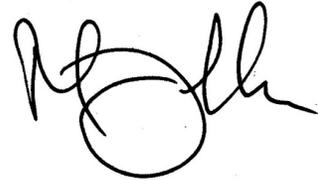
21 (Proceedings Adjourned.)

22

23 I, ROBIN WICK, have read the foregoing deposition and hereby
24 affix my signature that same is true, correct, and accurate, and

1 that all information I have regarding this case has been
2 provided in this deposition and that nothing has been left out.

3
4

A handwritten signature in black ink, appearing to read "Rob Wick", positioned above a horizontal line.

ROBIN WICK

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IN THE SUPERIOR COURT FOR STEELTON COUNTY

ROBIN WICK, INDIVIDUALLY AND AS)	
PERSONAL REPRESENTATIVE OF THE)	
ESTATE OF JORDAN WICK,)	
)	
Plaintiff,)	Civil Action No. AAJ-CV-001-23
v.)	
)	
PERKINS UNIFORM SUPPLY COMPANY,)	
)	
Defendant.)	
)	
)	

1
2 *****
3 ORAL DEPOSITION
4 OF Aubrey Winston
5 July 23, 2022
6 *****

7 PROCEEDINGS
8 Aubrey Winston

9 having been first duly sworn, testified as follows:

10 CROSS EXAMINATION

11 BY DEFENSE COUNSEL:

12 Q: Good afternoon, can you please state your name for the record.

13 A: Good afternoon, my name is Aubrey Winston.

14 Q: How old are you?

15 A: I'm 43 years old.

16 Q: Are you married?

17 A: Not right now, but I'm sure the next one is right around the
18 corner.

19 Q: What does that mean?

1 A: Look, I've walked down the aisle three times and I don't figure
2 I'm done just yet. Just a matter of time really. I figure I gotta
3 get to five to have a full set.

4 Q: Okay. Well, do you have any kids?

5 A: Nope. Hard to figure, right? Three spouses and no children. But
6 that's the real blessing. Can you imagine if I still had to talk
7 to my exes?? Oh boy, that does not sound like a good time. Plus,
8 child support would be a real bummer. Nope, no kids. Just me, my
9 apartment, my dog Walter, and a case of Bud Light and I'm good to
10 go.

11 Q: Where do you work?

12 A: I work at Chimes Department Store right now. I work in the
13 warehouse, running a forklift, loading trucks, moving product, you
14 know, just a lot of manual labor stuff. Kind of what I've always
15 done.

16 Q: Where did you work before you went to work for Chimes?

17 A: I worked for Perkins Uniform Supply Company, and man am I happy
18 to be the hell outta there!

19 Q: Why do you say that?

20 A: Ever work for a place that genuinely did not care about its
21 employees? Well, if not, you have never experienced what it's like
22 to work for Perkins man. Those people care about one thing and one
23 thing only. Money! We weren't humans to those people. Man, I hate
24 those people.

1 Q: Strong feelings huh?

2 A: Look, I shouldn't say "hate." I don't "hate" anyone really. But
3 I left there with a real bad taste in my mouth.

4 Q: I'm showing you what has been marked as Exhibit 8. What is this?

5 A: That's the letter they gave me the day they fired me.

6 Q: And is Exhibit 8 a true and correct copy of that letter?

7 A: Yes it is.

8 Q: How do you explain what they wrote here?

9 A: Lies, lies, and damn lies. That's how I explain it. Just a bunch
10 of bullshit they made up in the hopes of blaming Jordan's death on
11 me, or trying to blame it on Jordan, which is just despicable.
12 That's the only possible explanation.

13 Q: Were you the one that placed that wooden 2X4 into the washing
14 machine to serve as a brake?

15 A: No, that was Jordan. But it wasn't like the company didn't know
16 we had done it. Heck, it might have even been Rory's idea now that
17 I think about it.

18 Q: We'll get back to all of that, but for right now, how did it
19 make you feel to be blamed for Jordan's death?

20 A: Awful. Angry. Jordan was a good person, a good worker, and I
21 like them. I didn't know Jordan well, but what I do know is that
22 they didn't deserve to die like that, and that I had nothing to do
23 with it. And it's infuriating to watch a company try to cover its
24 ass like that. That's how I feel.

1 Q: When did you start at Perkins?

2 A: I came on back in 2019. Back then we were just a company that
3 washed uniforms for other companies and then returned them back to
4 those companies. So, most of my job was just loading and unloading
5 washing machines. Just a different sort of manual labor. Anyways,
6 that was all the company did up until early 2021.

7 Q: What changed in early 2021?

8 A: Perkins got some contract to make stone washed jeans. Apparently
9 it was a big deal. So, at that point I got moved over to do that
10 work.

11 Q: What training did Perkins give you on how to do that work?

12 A: Training? Ummmm, they showed us the machines and how to turn
13 them on and turn them off, and they showed us how to load the
14 jeans, load the pumice stones, and put the plastic lining over the
15 pumice stones, and that's about it. I mean, it wasn't rocket
16 science, it was still manual labor stuff, but it wasn't like they
17 did a bunch of training when they moved me over there.

18 Q: I'm showing you Exhibits 1-3, do you recognize these?

19 A: Yeah, those are the stone washing machines. As you can see,
20 they're huge. Bigger than I am. And you gotta lean in to them to
21 load or unload them, so it's pretty scary sometimes. These aren't
22 the machines we had though. Same kind, so it does show you what
23 they're like, but ours weren't nearly as nice as this.

24 Q: What did the Perkins stone washing machines look like?

1 A: They were old. Rusty. Some of them had parts being held together
2 with duct tape. It was pretty sketchy stuff. When they showed us
3 the machines the first time, Rory - that's Rory Cassian, our
4 manager - told us that Mr./Ms. Perkins bought them used from some
5 closed down factory that used to make stone washed jeans. So, you
6 know, just Perkins being Perkins man.

7 Q: What do you mean by that?

8 A: Cheap. I mean that the company was cheap. Anything to save a
9 buck.

10 Q: Okay, when did you first meet Jordan Wick?

11 A: The company hired some new people when we got the stone washed
12 contract, and Jordan was one of those people. They were so green.
13 No experience really. Had no idea what they were doing. But they
14 threw him/her right in there and put him/her to work alongside the
15 rest of us, loading and unloading those machines, loading and
16 unloading those stones, putting the plastic lining over the stones.
17 Jordan was doing the same stuff I was, just one machine over from
18 me.

19 Q: Just walk us through the process?

20 A: Alright, so the first thing you do it load the machine up with
21 the pumice stones and then you put the plastic liner over those
22 stones because if you don't do that then the rocks will pummel the
23 jeans too much and you'll get a mess on your hands. Then you load
24 up the machine with jeans, close the door, and turn the machine

1 on. When the cycle ends a buzzer sounds. So, you hit the stop
2 button and go over and open up the door to the machine and that's
3 when you put the brake on just as an extra safety measure to ensure
4 that, even if someone were to accidentally hit the start button
5 while you were unloading jeans from the machine, the tumbler
6 wouldn't start to turn. That's important because if you got caught
7 up in that tumbler with all of those stones then you would be
8 crushed to death. Once the machine is unloaded you start the
9 process all over again.

10 Q: Were there daily, weekly, or monthly safety meetings at Perkins?

11 A: Certainly not daily. I mean, Rory would usually say something
12 in the break room while we were all getting our morning coffee
13 like, "everybody be smart out there and don't do anything stupid,"
14 but that's about it. There was a monthly safety meeting, but it
15 was pretty much worthless. Rory would just read stuff off of some
16 generic website. It was never really specific to what we were doing
17 or the machines we were working on and with at Perkins. I don't
18 really think safety was a priority there, which is pretty evident
19 based on what happened to Rory.

20 Q: I'm showing you Exhibit 9, what is this?

21 A: That's a warning sign that used to hang above the stone washing
22 machines.

23 Q: And is Exhibit 9 a true and correct copy of that warning sign?

24 A: Yes, it is.

1 Q: How did you interpret this sign?

2 A: Pretty self-evident, isn't it. If you're going to lean in to
3 the machine to load or unload it, make sure it isn't connected to
4 any power source. Not really difficult to understand.

5 Q: Did you follow this warning?

6 A: No, nobody did.

7 Q: What would you do instead if you wanted to get inside the
8 machine?

9 A: They all had brakes on them. Well, most of them did, Jordan's
10 didn't. Anyways, when you wanted to get inside to either load the
11 jeans or unload the jeans when the process was done you would just
12 put on the brake, which would ensure that even if someone
13 accidentally hit the button to start the machine while you loaded
14 or unloaded it the machine still wouldn't start to tumble. So, the
15 brake was our own little safety feature.

16 Q: Why did you do it that way?

17 A: Rory was always on our case about being too slow and needing to
18 move quicker to hit our quotas. So, we cut corners wherever we
19 could because that's what they encouraged us to do. Stopping to
20 unplug and the plug back in the machine would just take time we
21 didn't have. Time the boss didn't want us taking. So, we just
22 didn't do it. But the brake seemed like a good solution.

23 Q: How long could that have taken?

1 A: If you unplugged a machine it would take you ten minutes to get
2 it started again. Rory wasn't going to stand for that.

3 Q: You said that Jordan's machine didn't have a brake?

4 A: No, the brake on that machine was broken. But Jordan came up
5 with a fix for that.

6 Q: What was that fix?

7 A: Jordan would stop the machine and then jam a wooden 2X4 inside
8 of it to act as a brake. That way, even if someone accidentally
9 hit the button to start the machine while they were inside then it
10 shouldn't start to tumble with him/her inside of it.

11 Q: Did you ever talk about that with Jordan?

12 A: I told him/her once that they should report it to Rory and get
13 it fixed, but Jordan said they already had and Rory didn't do
14 anything about it. So, this was the only solution. I wasn't
15 surprised because that sounded exactly like something Rory would
16 do.

17 Q: Where was the button to start the machines?

18 A: There was a push button station about ten feet away from the
19 machine where the start button was located. That was another safety
20 feature. That way, in general, you couldn't hit the start button
21 on the machine while you were in it because the start button was
22 so far away from the machine.

23 Q: I'm showing you what has been marked as Exhibit 10, what is
24 this?

1 A: It's a diagram showing the washing machine and the push button
2 station.

3 Q: And is Exhibit 10 a fair and accurate depiction of what that
4 setup would've looked like and how far apart those two things would
5 be?

6 A: Yes. And that push button stand would be hard wired to the
7 machine ten feet away.

8 Q: And what is Exhibit 11?

9 A: That's a closeup view of those push buttons that are on top of
10 that push button stand. That green button starts the machine, the
11 smaller red button stops it, and the big red button is the
12 emergency stop. Each machine had its own button.

13 Q: Were there any issues with the start button on Jordan's machine?

14 A: Oh yeah, I remember Jordan telling me that the machine would
15 just come on without anyone pressing the button because it would
16 get stuck or there was a short in the electrical system or
17 something. Another safety issue that Rory wouldn't do anything
18 about I suppose. Anyways, I think Jordan said they reported that
19 one to management as well.

20 Q: Let's talk about what happened on July 15, 2021. Were you
21 working that morning?

22 A: I was. We all got there about 5 a.m. and the accident took place
23 around 7:30 in the morning.

24 Q: Who else was nearby when the accident happened?

1 A: The only other person I remember is Tad Thomas, one of our other
2 coworkers. I remember seeing Tad near the push button station for
3 Jordan's machine right after the accident happened, but I didn't
4 think much of it at the time.

5 Q: Were you aware of any issues between Tad and Jordan?

6 A: I was not. I mean, it did seem like they were standoffish in
7 the weeks leading up to that day and not really talking, but I
8 didn't know about the fight or the snitching at that point. I do
9 now, but Tad couldn't kill someone. He was a hothead, but he wasn't
10 a murderer.

11 Q: I'm showing you what has been marked as Exhibit 18, what is
12 this?

13 A: That's a note that I found in the bathroom right next to the
14 breakroom.

15 Q: Is this a true and correct copy of that note?

16 A: Yes, it is.

17 Q: When did you find this note in the bathroom?

18 A: I found it on July 12th, just a couple days before the accident.

19 Q: Did you ask around to see who wrote the note?

20 A: I didn't think that was wise. I just took it to Rory and handed
21 it over. I didn't want anything to do with it.

22 Q: Okay, so tell us what you remember about the accident?

23 A: So, I remember Jordan was running a load of jeans through the
24 machine and it finished so the buzzer went off. At that point, I

1 saw Jordan hit the stop button on the push button stand and go
2 over to the machine. Jordan opened up the door and jammed that 2X4
3 inside to act as the brake. Then Jordan leaned into the machine
4 and started to unload it. Then, suddenly, while Jordan was inside
5 the machine, it started to whir to life, and that 2X4 snapped right
6 in half like it was nothing, and suddenly Jordan was being tossed
7 around with all of those heavy stones inside that machine. I ran
8 immediately over and hit the emergency stop button on the push
9 button station. I don't know why Tad didn't do that sooner
10 actually. And then I went and pulled Jordan out of the machine.
11 But it was too late. Jordan's face was just...crushed. It was an
12 awful bloody mess.

13 Q: What happened next?

14 A: Rory ran up and stood next to me and said, "holy hell, it
15 finally happened." I assume Rory just meant that something like
16 this was inevitable. Then poor Robin came running up, and I went
17 to call 9-11.

18 Q: Where was Tad at this point?

19 A: No idea. Weird, right? Never saw that guy again.

20 Q: Have you understood all my questions?

21 A: Yes.

22 Q: Do you have anything to add regarding this matter that you
23 haven't already said?

24 A: Nope, I've told you everything I know.

1 Q: And have you given complete answers to every question without
2 leaving anything out?

3 A: Yes.

4 Q: Thank you, no further questions.

5 A: Thank you.

6

7

(Proceedings Adjourned.)

8

9 I, AUBREY WINSTON, have read the foregoing deposition and hereby
10 affix my signature that same is true, correct, and accurate, and
11 that all information I have regarding this case has been
12 provided in this deposition and that nothing has been left out.

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AUBREY WINSTON

IN THE SUPERIOR COURT FOR STEELTON COUNTY

ROBIN WICK, INDIVIDUALLY AND AS)	
PERSONAL REPRESENTATIVE OF THE)	
ESTATE OF JORDAN WICK,)	
)	
Plaintiff,)	Civil Action No. AAJ-CV-001-23
v.)	
)	
PERKINS UNIFORM SUPPLY COMPANY,)	
)	
Defendant.)	
)	
)	

1
2 *****
3 ORAL DEPOSITION
4 OF Perry Perkins
5 August 23, 2022
6 *****

7 PROCEEDINGS
8 Perry Perkins
9 having been first duly sworn, testified as follows:

10 CROSS EXAMINATION
11 BY PLAINTIFF'S COUNSEL:
12 Q: Good afternoon, can you please state your name for the record.
13 A: Good afternoon, my name is Perry Perkins. And can we please
14 hurry this up a little bit, I'm a very busy person and I don't
15 have time for this.
16 Q: Well, I'll do my best. How old are you?
17 A: I'm 62 years old.
18 Q: Are you married?

1 A: I am. I've been married for 40 years now to my wonderful spouse
2 Jessie, and we have two children in their thirties, and a whole
3 mess of grandchildren. I've been very blessed.

4 Q: What do you do for a living?

5 A: I'm the owner or director of Perkins Uniform Supply Company or
6 PUSC for short.

7 Q: How long have you been with the company?

8 A: Ever since I got out of college. It's a family company. My
9 grandfather started the company, my parents took it over, and I
10 took it over from them. So, I started at the company as a manager
11 when I got out of school and I learned the business and then I
12 took over from my parents when they retired about 20 years ago.

13 Q: What does PUSC do?

14 A: Well, the business has always been a laundry service for
15 companies and businesses that need uniforms washed in bulk. So,
16 for example, if you own a factory and your workers all wear
17 uniforms then you can collect those, bring them to us, and we will
18 wash them in large industrial washing machines and get them back
19 to you in a timely manner. It's not like you can just take hundreds
20 of uniforms to the laundromat. So, that's been the business since
21 my grandad started it.

22 Q: Has the business changed?

23 A: A little bit. I wouldn't say "changed" because our business is
24 really the use of large, industrial washing machines and that is

1 what we are still doing on a day-to-day basis. But, back in early
2 2021, we did get a new contract to do stone washed jeans and that
3 did change our business a little bit.

4 Q: I'm showing you Exhibit 12, what is this?

5 A: That's an email about the stone washed jeans deal.

6 Q: And is Exhibit 12 a true and correct copy of that email?

7 A: Yes, it is.

8 Q: What do you mean when you say, "you'll be surprised to learn
9 that we are experts" on how to make stone washed jeans?

10 A: I was just having a little fun. We had never done it before,
11 but I knew it was in our wheelhouse, so just joking around.
12 Everyone takes everything so seriously these days.

13 Q: Did you think Perkins could handle this deal?

14 A: I did. I was confident. You can see it right there. I never
15 doubted us. We just had to buy the machines and get out crew ready
16 to go, and I knew Rory could handle that.

17 Q: Who is Rory?

18 A: My right hand. Rory makes that place work. I would be lost
19 without Rory. Rory is my main manager and was going to be the
20 person that would make this deal go.

21 Q: Now, this email says the deal is worth \$5 million annually.
22 Prior to this deal, what was PUSC's yearly net income?

23 A: Just under \$2 million a year. Not too shabby, but obviously
24 this was going to be game changing money. It would explode our

1 business. Exponential growth. We had never had a contract like
2 this before and we haven't had one since, frankly.

3 Q: Now I'm showing you what has been marked as Exhibit 14, what is
4 this?

5 A: That's an email I got from Rory when Rory found the machines we
6 needed to make this work.

7 Q: And is Exhibit 14 a true and correct copy of that email?

8 A: Yes, it is.

9 Q: Right there it says that the machines were in moderate to below
10 average condition. Were you in the habit of having your employees
11 work on machines in poor condition?

12 A: That's not fair. We say it right there, we had a mechanic look
13 at those machines. And what would you have liked for us to do?
14 It's not like this is something you can go down to the local
15 hardware store and purchase. These machines are rare and old and
16 we did our best with what we found.

17 Q: Did Rory tell you anything else about those machines when they
18 bought them?

19 A: I mean, Rory made it clear that they all ran, which was critical
20 so we could get to work quickly, but also said that some of the
21 safety devices and other parts on those machines might be missing.
22 No specifics that I recall, but that's exactly why we got the
23 mechanic to look at them.

1 Q: Rory also talks about safety in this email. What kind of steps
2 did Rory take on that front?

3 A: You'll have to ask Rory. That's Rory's balliwick. All I can
4 tell you is that safety is a priority at PUSC, and we take it very
5 seriously. So, I'm sure whatever Rory did to get our folks trained
6 up was appropriate.

7 Q: Other than the mechanic that was employed by you, did you have
8 anyone else look at or work on those machines before you put them
9 in to operation?

10 A: No, I didn't need to. Our mechanic is really good at what he
11 does and works on all of the machines in our facility. So I had
12 absolute confidence that he would do a good job and get those
13 machines into a good working condition.

14 Q: Let's back up a little bit and talk about how this work with
15 the stone washed jeans started up. How did you first find out about
16 that opportunity?

17 A: I got a call from a friend that is in the blue jeans business
18 and he was all hot-to-trot because, according to him, stone washed
19 denim jeans were coming back into fashion. You know, kind of like
20 when bellbottoms made a brief resurgence in the 90s when Dazed and
21 Confused came out, for some reason the kids want to wear stuff
22 that we didn't even think was that cool in the 80s. Anyways, my
23 buddy Terry Collins says that he is selling them like crazy and
24 has contracts with retailers to sell them but doesn't have the

1 capacity to make enough of them in his own factory. So, he called
2 and wanted to see if we would be interested in a big contract. \$5
3 million a year for five years and an option to renew after that.
4 I was over the moon, obviously. I mean, in my business you never
5 turn down business, so I was always going to say yes, but I was so
6 excited when I heard those numbers that I said yes before I even
7 heard what we would have to do.

8 Q: Did you know anything about stone washing jeans at this point?

9 A: Ha! No! We were a laundry business.

10 Q: Did you consult with any of your other employees before saying
11 yes?

12 A: Well, no, but I did reach out to Rory as soon as I had accepted
13 the deal. So, it wasn't like I was hiding it from them, I just got
14 too excited. Dollar signs in my eyes and whatnot.

15 Q: What was the first thing you did when you got off the phone
16 with Terry Collins?

17 A: I immediately started investigating what would be required to
18 make these jeans, and that's when I found out that we would need
19 those big washing machines.

20 Q: I'm showing you what have been marked as Exhibits 1 through 3,
21 what are these?

22 A: Those are pictures of stone washing machines like the ones we
23 had at Perkins.

24 Q: Is that what your machines looked like?

1 A: More or less.

2 Q: So, your machines weren't rusty and beat up?

3 A: They weren't brand new, so they had some wear and tear on them,
4 but they got the job done.

5 Q: Do you have any pictures of the machines from your facility?

6 A: I don't.

7 Q: Why not?

8 A: Well, sadly that business went away pretty quickly. Turns out
9 my buddy Terry was full of it and the market on stone washed jeans
10 fell apart pretty quick. So I had them torn apart for scrap metal
11 and didn't think to take a picture of our machines. But these
12 photos give a real good idea of how big they were.

13 Q: So, did you go out looking for machines to buy?

14 A: No, I sent Rory out to do that. I just told Rory to find good
15 machines at a good price.

16 Q: Were you concerned that Rory would buy cheaper machines since
17 every dollar Rory saved could increase the size of Rory's bonus?

18 A: I never really thought about that. But Rory wouldn't do that.
19 Rory worked side-by-side with our employees on those machines, and
20 Rory knew how important having good equipment was.

21 Q: You told us earlier that you got the facility's mechanic to
22 work on those machines to get them into good condition. Was that
23 effort successful?

1 A: Again, those machines were old, so some of the parts we needed
2 were no longer available and we couldn't get them back to mint
3 condition or anything. For example, some buttons might get sticky
4 and some of the brakes had issues. But the mechanic assured me
5 that if the employees were careful then those machines could be
6 used without a problem.

7 Q: How would an employee use a machine carefully in your
8 estimation?

9 A: Well, we had that warning sign up there that instructed them to
10 unplug the machine when they were loading or unloading it. If
11 Jordan had done that then there is no way this accident would've
12 happened. So, that would be a safe way to operate the machines.

13 Q: So, you were relying on your employees to unplug the machine
14 every time they needed to load or unload the machine?

15 A: I was relying on them to follow our required safety measures.

16 Q: Where were the plugs for those machines?

17 A: They were plugged into the wall behind the machines. They just
18 had to shimmy back there and unplug the machine. It was a bit of
19 a pain, but safety doesn't come without a little bit of extra
20 effort.

21 Q: Wouldn't unplugging and then plugging the machine back every
22 cycle take a lot of time?

23 A: I suppose so.

24 Q: So, you're critical of Jordan Wick?

1 A: I have nothing bad to say about Jordan Wick. I just think Jordan
2 got a little careless that day. Jordan always seemed like an honest
3 and hardworking kid and I had real affection for Jordan's spouse,
4 Robin, still do.

5 Q: Other than this accident, how many other accidents did you have
6 involving these machines?

7 A: None. And after that accident we immediately took the machine
8 Jordan had been working on out of service and never used it again.
9 I still don't think there was anything wrong with it that couldn't
10 be fixed by working safely, but I wanted to act with an abundance
11 of caution.

12 Q: What safety policies did Perkins have in place?

13 A: I left that all to Rory. You'll have to speak to him/her. I
14 made it clear that it was a priority and trusted Rory to follow
15 through on making it a priority.

16 Q: Would you ever inspect the machines personally?

17 A: I went down to the floor about once per week to make sure the
18 employees were unplugging the machines like we told them to. I
19 never saw anyone violating our safety policy.

20 Q: Do you know who Tad Thomas is?

21 A: Tad was another employee of ours that worked with Jordan.

22 Q: Were you aware of any issues between the two of them?

1 A: Nope. That would be way below my level. I've heard about it
2 since Jordan died, but didn't know anything about it then. Rory
3 might.

4 Q: I'm showing you what has been marked as Exhibit 17, what is
5 this?

6 A: It's an email that we found when we searched through Thomas'
7 work email.

8 Q: Is this a true and correct copy of that email?

9 A: It is.

10 Q: What did you make of this email?

11 A: I don't make anything of it. I just found it and turned it over
12 to the lawyers. I'm not a detective.

13 Q: I'm showing you Exhibit 8. Is that your signature?

14 A: It is.

15 Q: Why did you sign this letter?

16 A: Rory told me about the 2X4 that Jordan and Aubrey were using as
17 a brake and we couldn't let that kind of thing go without some
18 kind of resolution. I mean, that's just obviously dangerous, and
19 Rory told me that if Rory had known about it then Rory would've
20 put a stop to it a lot sooner. So, we decided to terminate Aubrey.
21 Seemed like the only step we could take.

22 Q: Mr./Ms. Perkins, I'm showing you what has been marked as Exhibit
23 14, what is this?

24 A: That is an OSHA citation we received back in 2020.

1 Q: Is this a true and correct copy of that citation?

2 A: It is.

3 Q: How many OSHA violations have you received?

4 A: This is the only one I know of. They sniffed around for a while
5 after Jordan died, but so far we haven't gotten a citation or
6 anything.

7 Q: How do you explain this citation?L

8 A: Government is always starting trouble and sticking its nose in
9 where it doesn't belong. Just a bunch of bureaucrats with nothing
10 better to do than stick it to the little guy.

11 Q: Have you understood all my questions?

12 A: Yes.

13 Q: Do you have anything to add regarding this matter that you
14 haven't already said?

15 A: Nope, I've told you everything I know.

16 Q: And have you given complete answers to every question without
17 leaving anything out?

18 A: Yes.

19 Q: Thank you, no further questions.

20 A: Thank you.

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(Proceedings Adjourned.)

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I, PERRY PERKINS, have read the foregoing deposition and hereby
affix my signature that same is true, correct, and accurate, and
that all information I have regarding this case has been
provided in this deposition and that nothing has been left out.



PERRY PERKINS

IN THE SUPERIOR COURT FOR STEELTON COUNTY

ROBIN WICK, INDIVIDUALLY AND AS)	
PERSONAL REPRESENTATIVE OF THE)	
ESTATE OF JORDAN WICK,)	
)	
Plaintiff,)	Civil Action No. AAJ-CV-001-23
v.)	
)	
PERKINS UNIFORM SUPPLY COMPANY,)	
)	
Defendant.)	
)	
)	

1
2 *****
3 ORAL DEPOSITION
4 OF Rory Cassian
5 September 2nd, 2022
6 *****

7 PROCEEDINGS
8 Rory Cassian

9 having been first duly sworn, testified as follows:

10 CROSS EXAMINATION

11 BY PLAINTIFF'S COUNSEL:
12 Q: Good afternoon, can you please state your name for the record.
13 A: Hi there. I'm Rory Cassian.
14 Q: How old are you?
15 A: I'm 52 years old.
16 Q: Are you married?
17 A: I have been. Not currently.
18 Q: Any children?
19 A: None that claim me.

1 Q: What do you do for a living?

2 A: I'm the head floor manager at Perkins Uniform Supply Company or
3 PUSC for short.

4 Q: What does it mean to be the head floor manager?

5 A: Well, when we say "floor" we mean the area where all the machines
6 are located, the washing machines in this case. So, I'm basically
7 in charge of that area. I watch over the employees working on the
8 various machines and oversee the other managers that are in that
9 area.

10 Q: How long have you been with the company?

11 A: Since I turned 18. I started out under the old man and I'm still
12 there working for Perry now. I started out working as part of the
13 cleaning crew and I've moved all the way up to where I am now. I
14 know I'm not really part of the Perkins family, but that place has
15 been a home to me for my entire adult life. It's all I know. Like
16 I said, I don't have family, I have Perkins.

17 Q: What does Perkins do?

18 A: We are a uniform cleaning business. Companies will bring in
19 their dirty uniforms and we wash them in bulk and get them back to
20 the customer quickly because we use large industrial washing
21 machines that can handle massive loads of laundry.

22 Q: Do you consider that work safe?

23 A: I mean, anything can be dangerous if you're doing it recklessly,
24 but I would say the work is generally pretty safe. These are large

1 washing machines, but for the most part we're just doing laundry
2 here. Loading and unloading a washing machine shouldn't be that
3 dangerous in general, but there are some chemicals we use that we
4 have to be careful with.

5 Q: What kind of safety procedures do you have in place to deal
6 with those chemicals?

7 A: All of the Material Safety Data Sheets for those chemicals are
8 available for the employees right next to where those chemicals
9 are kept so that they can review them and follow the applicable
10 safety procedures, and I always make sure to remind them to review
11 those MSDS sheets during our monthly safety briefings.

12 Q: Okay, that is the clothes washing business, but what about the
13 stone washing of jeans that you all did at Perkins?

14 A: We don't do that anymore, but yes, when we were doing that it
15 presented some different challenges.

16 Q: How so?

17 A: Well, stone washing literally involves the use of very heavy
18 and very large stones, which adds a level of danger when you're
19 dealing with moving machinery and equipment. It's not hard to
20 imagine all the terrifying things that could happen if someone got
21 stuck in one of those machines with those stones.

22 Q: You just mentioned very heavy and very large stones. How much
23 do you estimate those stones weigh for one load of stonewashed
24 jeans?

1 A: Hard for me to say. I never weighed them. I know that we used
2 to say that they must weigh a ton, but I don't know what that
3 means.

4 Q: So, what safety measures did you put in place with respect to
5 those machines?

6 A: We put up the warning signs that warned them to unplug the
7 machines if they were going to be loading or unloading those
8 machines.

9 Q: Why did you think that was appropriate?

10 A: I believe in simple is better, and the simplest way to avoid
11 anything going wrong while someone was inside one of those machines
12 was to make sure they could not turn on, and the simplest way to
13 do that was to make sure they couldn't get power. So, that's what
14 we did. Safety is 99% common sense, and there isn't much you can
15 do if your employees are going to violate the rules.

16 Q: Do you know if the employees followed that instruction?

17 A: I can't promise you that we got 100% compliance, it's amazing
18 what they will try to get away with to hit one of their productivity
19 bonuses, but as far as I know they were following the instructions.

20 Q: Productivity bonuses?

21 A: Once we got the stone washed jeans contract we started offering
22 an additional \$500 at the end of each week for the employee that
23 made the most jeans that week. Pretty effective. Cash is a
24 remarkable motivator.

1 Q: Did Jordan Wick ever get one of those bonuses?

2 A: More than one. Jordan was a really hard and fast worker. So, I
3 know that Jordan got that bonus at least four or five times.

4 Q: What about Tad Thomas?

5 A: Not that I'm aware of. Maybe he would've gotten one that week
6 when he burned up those jeans but Jordan put an end to that I
7 suppose.

8 Q: Were you able to earn bonuses based on profits from the
9 stonewashed jeans?

10 A: Yes, but that did not have any effect on my work and certainly
11 not on maintaining our standard of safety.

12 Q: You said you had monthly safety meetings, what were those like?

13 A: Nothing fancy. I would remind them to look at and review the
14 MSDS sheets. I would remind them to follow all the warning signs.
15 I would ask them if there were any issues they needed to report.
16 Stuff like that. It was more of a way of just reminding everyone
17 to be smart and be careful. Don't do anything stupid.

18 Q: What instructions, if any, had Perry Perkins given you regarding
19 safety?

20 A: Just that it was a priority and I needed to make sure the floor
21 was safe. And it was as long as employees acted the right way.

22 Q: I'm showing you what has been marked as Exhibit 15, what is
23 this?

1 A: It's a screenshot of a text message I got from Jordan Wick.

2 Jordan's texts are in grey and mine are in blue.

3 Q: Is Exhibit 15 a true and accurate screenshot of your texts with

4 Jordan?

5 A: Yes.

6 Q: What does that exhibit show?

7 A: Jordan was alerting me that there was an issue with the start

8 button on the push button pad for Jordan's machine sticking and

9 the machine starting up on its own.

10 Q: Was that concerning?

11 A: Again, not really. First, we knew there were some issues with

12 those machines when we bought them, so that wasn't shocking, but

13 also, if Jordan was following the instructions then it wasn't a

14 concern because the machine would not be capable of coming on while

15 Jordan was inside it. So, no worries. And that's what I told

16 Jordan.

17 Q: Did you ever have the mechanic go look at the machine after

18 Jordan complained?

19 A: I don't know if I did or not. I'm sure I would've. But again,

20 it wasn't a problem as long as Jordan unplugged the machine like

21 they were supposed to.

22 Q: Did you ever receive any other notices from Jordan about any

23 issues with Jordan's machine?

1 A: Not that I recall. I get a lot of those notices, so it's possible
2 I just don't remember it, but I don't remember it.

3 Q: How often would you walk by Jordan while Jordan was working on
4 that machine loading or unloading jeans or stones?

5 A: Every day. Multiple times a day. I mean, it's not like I was
6 inspecting Jordan's work on watching too closely, but I would pass
7 by as I walked around the facility doing stuff.

8 Q: Did you ever see anything unusual about Jordan's machine?

9 A: No. I found out later that Jordan was using a wooden 2X4 as a
10 temporary brake which is crazy, but I had no idea of that at the
11 time. If I would've seen that then I would've put a stop to it. No
12 question.

13 Q: How long was the 2X4 that Jordan used?

14 A: When I finally got my eyes on it after the accident it looked
15 like it was maybe four or five feet long, maybe a little less. But
16 that's just a guess.

17 Q: And you're telling me that you never saw a five foot long 2X4
18 before the day Jordan died?

19 A: I'm telling you the truth, that's what I'm telling you.

20 Q: Were you the one that actually bought these machines?

21 A: I was. I went out and found them at another factory. Got a real
22 good deal too. They weren't in great shape and the factory wasn't
23 using them, so I got them for about ten cents on the dollar. I

1 knew Perry would like that because that's just more money in our
2 pocket.

3 Q: Did that make you nervous about the quality of the machines?

4 A: No, we had a good mechanic for that exact reason. Our mechanic
5 got those machines up and running in no time and we were off to
6 the races. Plus, again, if they just followed the instructions
7 then the condition of those machines would not have mattered. We
8 knew the machines weren't perfect, but if they weren't plugged in
9 then they couldn't hurt anyone. That's how we played it. I still
10 think we made the right call.

11 Q: You've already told us about the productivity quotas, but was
12 working quickly important?

13 A: It was everything. We had weekly and monthly quotas to meet so
14 we would not lose the contract and Perry was always barking at me,
15 "get 'em moving faster," "more hours," "stop lollygagging," or,
16 "whining is for the weak!" Stuff like that. Always pushing for
17 longer days and more work. And I had to relay that to the workers.
18 I hated it, but that was the way we did things.

19 Q: When you got the machines, what training did you do for the
20 employees that would be working with those machines?

21 A: I got them all together and went over each one of the machines
22 and how they worked. We took the smarter workers like Jordan and
23 put them in charge of the push button station and actually

1 controlling the machines. And we made sure that the rest of the
2 employees knew to stay away from the controls.

3 Q: How is this work done?

4 A: The way the job is done is that pumice stone is soaked in Clorox
5 and these rocks in turn are put into the machines. The rocks are
6 then covered with plastic and then 15 or 20 pairs of jeans at a
7 time are laid on top of the plastic. The plastic is simply to keep
8 the Clorox from burning the jeans while they are loading the
9 machines. The machines are then started and run for about 15
10 minutes at a time—and then the jeans are unloaded—and the same
11 procedure continues.

12 Q: Did you know Tad Thomas?

13 A: I did. Bit of a troublemaker. He was one of the employees we
14 made sure knew to stay away from the controls.

15 Q: Were you there when the accident happened?

16 A: I was. Tad Thomas and Jordan had just started a load of jeans
17 when the pin that held the door closed came loose and the door
18 opened and jeans came spilling out of the machine. I got upset and
19 yelled at them that they needed to get that load back in and get
20 going because we had orders to fill. At that point, and apparently
21 out of my sight, they jammed that wooden 2X4 into the machine to
22 act a brake. Anyways, when I turned back I saw that Jordan Wick
23 was leaning into the machine with the plastic lining and I saw Tad
24 at the push button controls.

1 Q: Was that unusual?

2 A: Yes and no. I mean, that isn't Tad's job, but I assumed he was
3 just taking a breather. He was pretty lazy and prone to just
4 standing around.

5 Q: How did he look?

6 A: I don't recall anything unusual. Maybe a little angry, but I
7 had just yelled at him.

8 Q: What happened next?

9 A: The machine turned on and you know what happened from there. It
10 was awful.

11 Q: Did you see Tad Thomas hit the start button?

12 A: No, I did not. And I was watching, because I was yelling at him
13 to get away from the controls when that machine started up. But I
14 didn't see him do anything. Honestly, I think he did hit it and I
15 just missed it. I'm pretty sure he was up to no good.

16 Q: What did you do when the machine started up?

17 A: I immediately ran over to the push button stand and slammed on
18 the emergency power button.

19 Q: I'm showing you what has been marked as Exhibit 16, what is
20 this?

21 A: It's a specification sheet for those machines.

22 Q: Is Exhibit 16 a true and correct copy of that specification
23 sheet?

24 A: Yes.

1 Q: I'm showing you Exhibit 18, do you recognize this?

2 A: I do. Aubrey gave me that a few days before Jordan died, but I
3 didn't think much of it. Figured it was a prank or something. I
4 threw it away, never looked into it. Maybe that was a mistake.

5 Q: Have you understood all my questions?

6 A: Yes.

7 Q: Do you have anything to add regarding this matter that you
8 haven't already said?

9 A: Nope, I've told you everything I know.

10 Q: And have you given complete answers to every question without
11 leaving anything out?

12 A: Yes.

13 Q: Thank you, no further questions.

14 A: Thank you.

15

16 (Proceedings Adjourned.)

17 *****

18 I, RORY CASSIAN, have read the foregoing deposition and hereby
19 affix my signature that same is true, correct, and accurate, and
20 that all information I have regarding this case has been
21 provided in this deposition and that nothing has been left out.

22

23

24



1
2
3
4

RORY CASSIAN



Exhibit 1



Exhibit 2



Exhibit 3

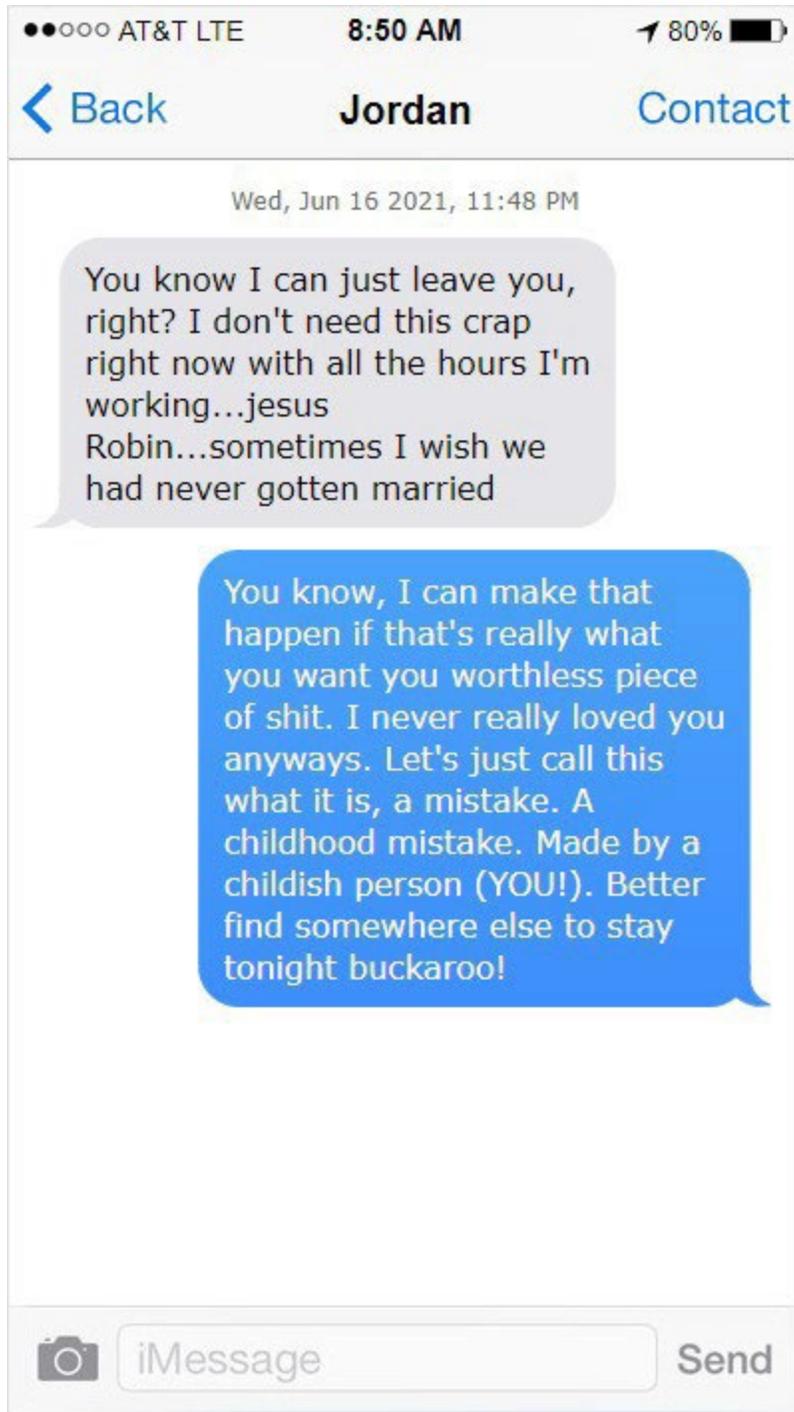


Exhibit 4

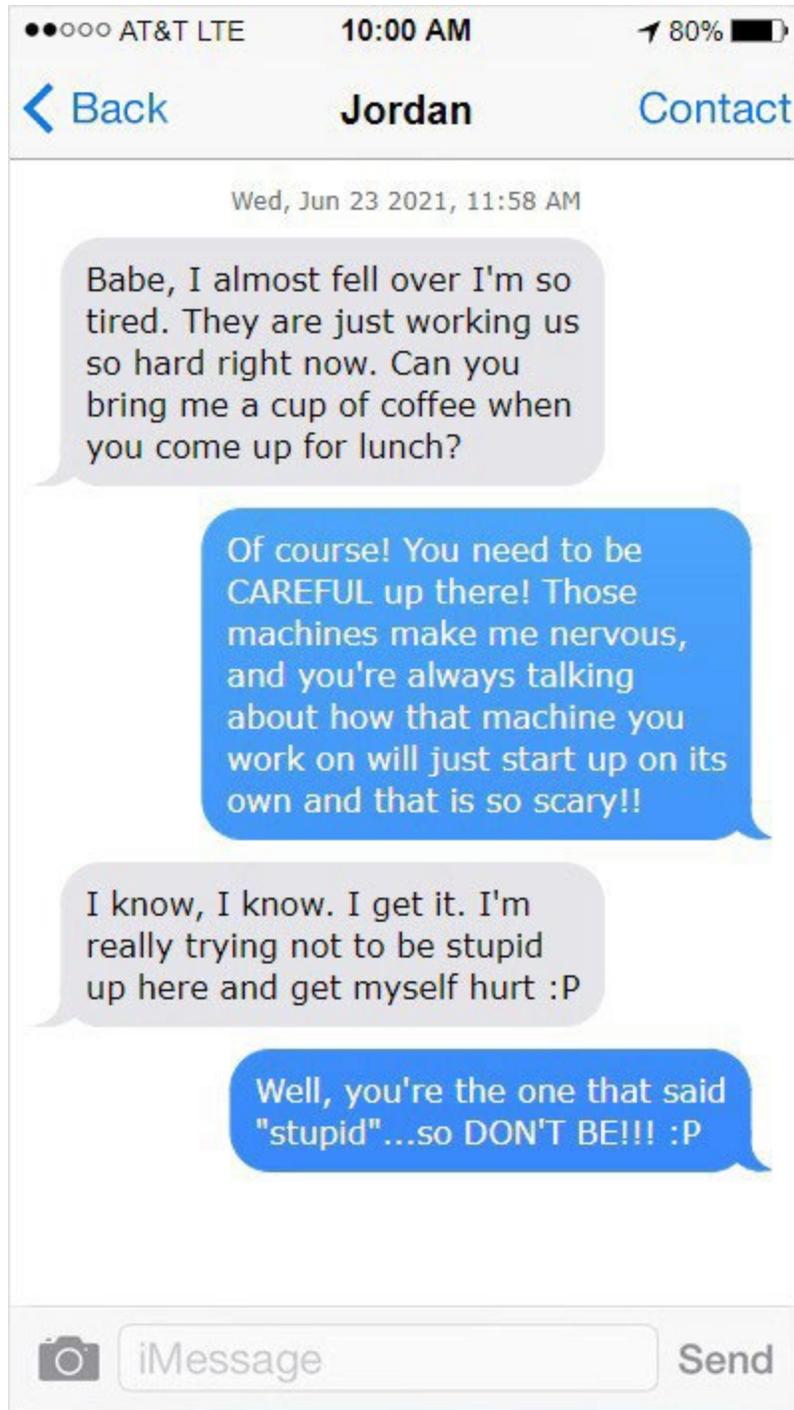


Exhibit 5

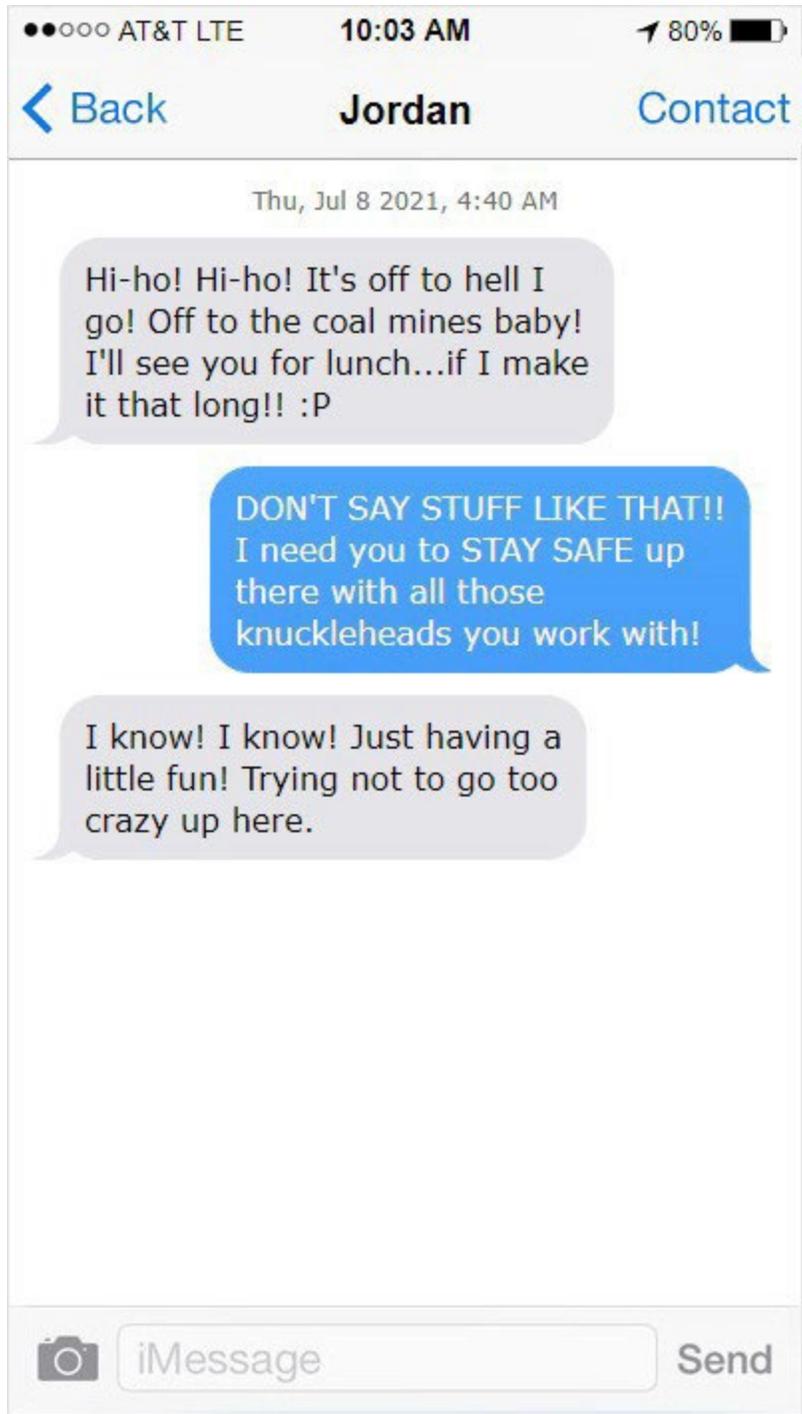
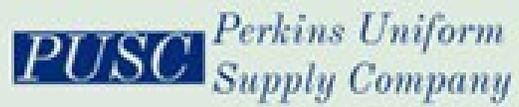


Exhibit 6



EMPLOYEE TRAINING MANUAL

Exhibit 7

Section 9 - Reporting Safety Issues

- 9.1 You have to help us with safety issues! Our employees on the ground will often become aware of safety issues before managers or anyone else will, and it's critical that when you identify a safety issue you immediately notify management so that it can be resolved.
- 9.2 **How to Report** - if you see a safety issue please provide verbal notification to the first manager you are able to locate on the floor at that time. However, you need to also provide written notification to Rory Cassian as quickly as possible so that we will have a copy of that notice in our files and we can ensure that it gets resolved.
- 9.3 **Help us Help you!** We can all work together to make Perkins Uniform Supply Company a safe workplace! So, work with us and do your due diligence and we will make sure to work with you too!



July 20, 2021

Via Hand Delivery

Aubrey Winston
1111 First Street
Steelton, ST

Notice of Termination

Dear Mr./Ms. Winston,

Your employment at Perkins Uniform Supply Company is hereby terminated effective immediately. Enclosed you will find a check covering your next pay period. You will not need to show up for work in order to be paid for that pay period. Please do not return to our premises for any reason.

After investigation, we determined that you and Jordan Wick were acting in a negligent and irresponsible manner on July 15, 2021, which led directly to Jordan Wick's death, which was a horrible tragedy. More specifically, we understand that you placed a 2X4 into the machine to act as a brake, which was obviously a dangerous and deadly choice, and one we cannot tolerate.

Perkins takes safety seriously, and your failure to take it seriously cost Jordan Wick his life. Therefore, we must terminate your employment at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Perry Perkins", is written over a faint circular stamp.

Perry Perkins

Exhibit 8

WARNING!

POWER MUST BE DISCONNECTED
BEFORE ENTERING A MACHINE.

ADVERTENCIA!

LA ENERGIA DEBE DESCONECTARSE
ANTES DE ENTRAR A UNA MAQUINA.

Exhibit 9



Washing Machine

10 Feet



Push Button Stand

Exhibit 10



Exhibit 11

To: Cassian, Rory (rcassian@pusc.com)
From: Perkins, Perry (pperkins@pusc.com)
Date: 4/10/2021 at 11:07 AM
Subject: Struck Gold!

Great news! I received a call from Terry Collins who wants us to help him make stone washed jeans. He delivers the jeans to our facility and we use the tumbler washing machines to give them that "stone washed" look. I don't know, apparently they are coming back in a big way. He will then pick them up and distribute them to local retailers.

Collins asked if we knew how to do that type of processing and you'll be surprised to learn that we are experts in that area   I have started doing some groundwork to figure out how ~~to~~ to make these jeans, so we'll get that figured out.

Oh, and he is talking HUGE numbers here. We're going to have to work around the clock to get these orders done. I do not want to go overboard on incurring additional expenses. We can hire a few more folks, but not too many. We just need more production out of the people we already have on staff.

Keep it between us, but if we pull this off we are talking \$5 million PER YEAR going forward. This is a HUGE deal. HUGE! This guy is crazy. I figure our costs to get this thing started should be less than half a million for labor and materials and machines, which means we are looking at a boondoggle. If we get that done then you have a big bonus coming to you buddy - 5% of the profits or more!

Do the math baby! Let's get this done!

PP

Exhibit 12

To: Perkins, Perry (pperkins@pusc.com)
From: Cassian, Rory (rcassian@pusc.com)
Date: 4/21/2021 at 12:07 AM
Subject: Stone Washed Machines

Boss, I found the machines we need but it wasn't easy. You know nobody has really made these jeans for like 30 years? Anyways, I found an old company that used to do it and they still have some of these machines lying around their factory. They were ecstatic that somebody might actually take them off their hands. I went down and looked at them and they aren't in great condition. I would say moderate to below average. But I don't think we'll do much better than that. But I'll get our mechanic working on them right away to get them into shape and get them working. Should be ready to go in less than a week. The mechanic said he needed longer, but I told him that's the deal, make it happen, just like you wanted.

I'm also going to make sure that I spend some time walking the crew through how to use these machines. I don't want any accidents or any more issues with OSHA. We need to stress safety, so I'll take care of that.

Anyways, start getting that bonus check ready!

Rory

Exhibit 13

Citation and Notification of Penalty

Company Name: Perkins Uniform Supply Company, LLC

Citation 4 Item 8 Type of Violation: **Serious**

The employer did not evaluate the competency of the operator who had previously received training appropriate to the machine, equipment, and/or working conditions encountered.

a) Perkins Uniform Supply Company, LLC - The employer did not ensure that all machine operators were evaluated and found competent before assigning them to operate those machines and/or equipment, and employees were found not to have adequate training to operate machines and/or equipment that they were assigned to.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records

Exhibit 14

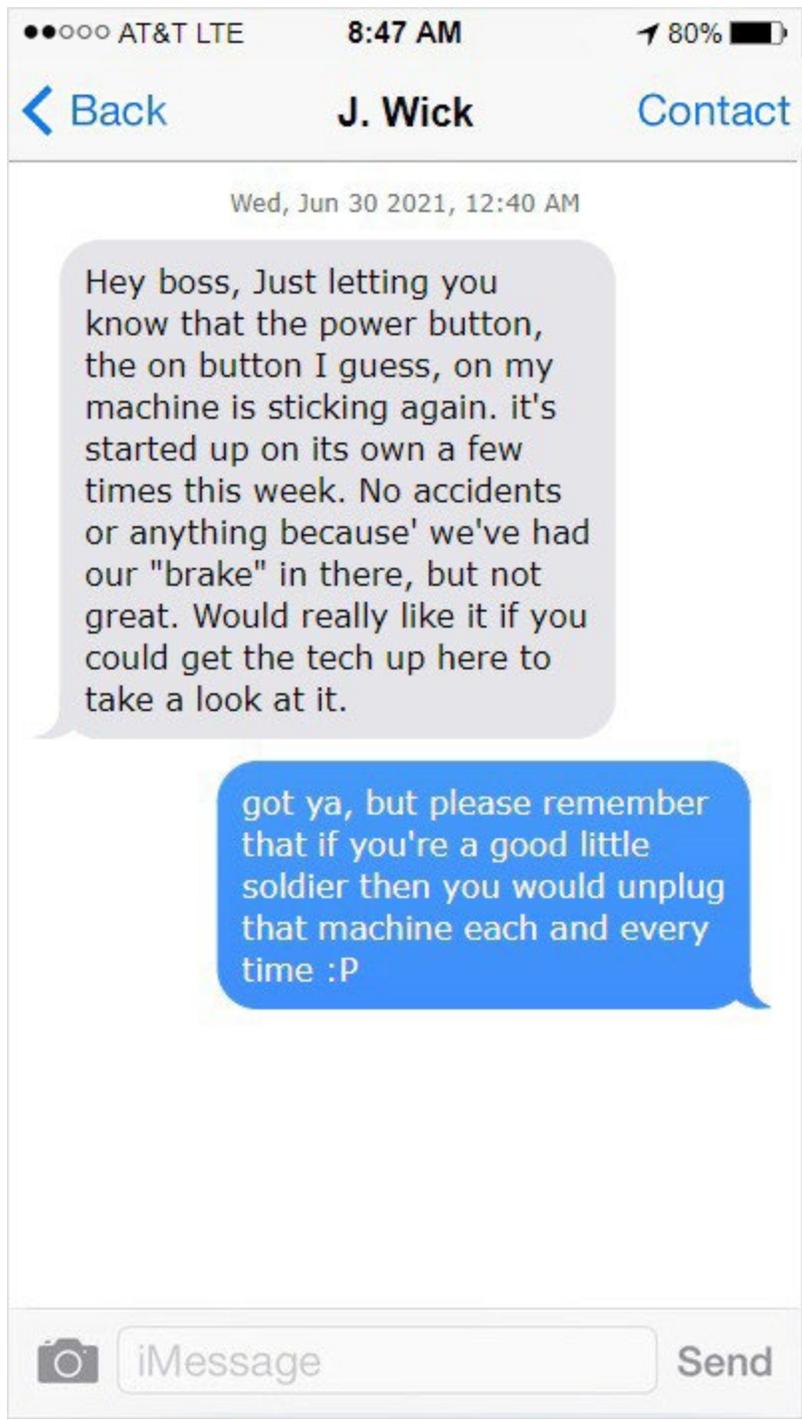


Exhibit 15

DATA and SPECIFICATION

MACHINE DATA

<u>Cylinder Size</u>	<u>42 x 54"</u>	<u>42 x 64"</u>	<u>42 x 95"</u>		
Capacity (Dry Weight)	225 lbs.	350 lbs.	400 lbs.		
Dual Inlet Valve (One Only) Huebson, Float Type Huebson, Air Oper. Air Piston Oper.	2"	2-1/3"	2-1/2"	Control Optional (one only)	Reversing Selectro Cyclamauc Cascade Auto.
				Drain Valve:	8"
Tub Water Inlet	2-1/2"	3"	3"	Tub Water Outlet:	8"
Approx. Shipping Weight				Steam Connection	3/4"
Standard	6550 lbs.	7400 lbs.	7650 lbs.	Air Connection	1/4"
Industrial	6750 lbs.	7700 lbs.	8050 lbs.		
Size of Shipping Crate	60 x 74 x 107	60 x 74 x 137	60 x 74 x 149		

ELECTRICAL SPECIFICATIONS

Drive Motor				Lift Motor	
Standard	3 H.P.	4 H.P.	6 H.P.	All sizes	3 H.P.
Industrial Washer	6 H.P.	6 H.P.	7 – 1/2 H.P.		

For 208-240 Volt, 3 Phase, 28-60 Cycle (Within 60 feet)

Washer	Wire Size	Disconnect Switch	Circuit Breaker	Fuses
42 x 54" & 34"	#8	60 Amp.	40 Amp.	40 Amp.
42 x 96"	#8	60 Amp.	40 Amp.	30 Amp.

EXTRA EQUIPMENT (OPTIONAL)

Unloading Apron
Thermometer
Water Level Gauge

Lower Front Panel
Loading Apron (Industrial Only)

Exhibit 16

To: Barnes, Lauren (greatestescapes@yahoo.com)
From: Tad Thomas (tthomas@pusc.com)
Date: 7/15/2021 at 9:03 p.m.
Subject: Urgent Assistance

Ms. Barnes,

I was given your contact information by my close friend, Jordan Wick. Jordan told me that you planned great vacations and I would like to travel to Venezuela. I'm sorry to email so late, but I am very upset over some things that have happened recently and I need to get out of town to decompress.

I will be at your office at 8:00 am in the morning and hope you see this before I arrive so we can move quickly.

Thank you,

Tad Thomas.

Exhibit 17

S N I T C H E S

G E T

S T I T C H E S

Exhibit 18