

Secretary of Labor v. Wal-Mart Stores, Inc.  
OSHRC Docket No. 09-1013  
Reply Brief for Respondent

Exhibit A  
Secretary's List of Admitted CMI Exhibits

Filed on October 21, 2011

| <b>Sec. Exhibit #<br/>Claim number<br/>(including pgs)</b> | <b>Page #</b> | <b>Portion of page</b> | <b>Highlighted information</b>  |
|--|---------------|------------------------|---|
|  |               |                        |   |
| <b>Sec. Exhibit 112</b>                                    | 1             |                        | "Assoc. was knocked down and trampled by customers during the Blitz Sales"  |
| <b>Sec. Exhibit 113</b>                                    | 1             |                        | "Assoc. was knocked down and trampled by customers"   |
| <b>Sec. Exhibit 114</b>                                    | 1             |                        | "Opening doors for Blitz, pushed against the doors"   |
| <b>Sec. Exhibit 115</b>                                    | 1             |                        | "Opening doors for Blitz, pushed against"   |
| <b>Sec. Exhibit 116</b>                                    | 1             |                        | "Associate injured in Blitz rush"   |
| <b>Sec. Exhibit 117</b>                                    | 1             |                        | "Associate injured in Blitz rush"   |
| <b>Sec. Exhibit 118</b>                                    | 1             |                        | "Associate struck by Blitz rush customers"  |
| <b>Sec. Exhibit 119</b>                                    | 1             |                        | "Associate struck by Blitz rush customers"  |
| <b>Sec. Exhibit 120</b>                                    | 1             |                        | "Associate injured during Blitz rush"   |
| <b>Sec. Exhibit 121</b>                                    | 1             |                        | "Associate injured during Blitz rush"   |
| <b>Sec. Exhibit 122</b>                                    | 1             |                        | "Associate injured in Blitz rush"   |
| <b>Sec. Exhibit 123</b>                                    | 1             |                        | "Associate injured in Blitz rush"   |
|  |               |                        |   |
| <b>Sec. Exhibit 127<br/>BINDER 1 of 4</b>                  |               |                        |   |
| Claim #4280038<br>(9-17)                                   | 9             | Description            | "Opening doors for Blitz, pushed against the doors"   |
|  | 12            | Box 2                  | "Clmt was opening the front doors around 6:05 am, for the Blitz sale and was pushed down and trampled by the crowd. In doing so she hurt her back."   |
|  | 13            | Box 1                  | "ASSOCIATE: s/ clmt at work. She stated that she was opening the doors on the morning of the Blitz. As she unlocked the outer doors, she was pushed down and as she tried to get back up she felt pain on |

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|                            |     |             | the L middle side of her spine. She reported to Mickey Moore in mgmnt on DOI."  |
| Claim #4833445<br>(18-30)  | 18  | Description | "Associate injured in Blitz Rush"   |
|                            | 24  | Box 2       | "Recvd phone call from Bob @ #3473 to advise on 11/25/05 "Blitz Rush" clmt was bombarded by crowd injuring both hands, wrists, left elbow/shoulder/arm, neck, both shoulder blades."  |
| Claim #4836728<br>(31-41)  | 31  | Description | "Associate struck by Blitz Rush customers"  |
|                            | 40  | Box 2       | "11/25/05 @ 8:20a.m. recvd phone call from Bob @ #3473 who advised this morning several associates/customers were injured in trampling over Blitz sale."  |
| Claim #2950213<br>(91-97)  | 91  | Description | "Customer was squished in crowd"  |
|                            | 95  | Box 4       | "...s/w Robin Day-dept mgr...she advised that this happened at front entrance during blitz...they had doors locked and opened them at 6am and a big crowd came in and cl. was one of the first 20-30 people and she got trompled by the crowd..." |
| Claim #2954689<br>(98-112) | 98  | Description | "Customer was pushed and pinned/door"   |
|                            | 99  | Box 5       | "According to the store mgr, the customers had formed a single line outside the door and along the building. People did not start crowding in until doors opened. Clmt. Claims she was pinned by crowd while entering the store."                 |
|                            | 102 | Box 2       | "At 5.45 the doors opened & everyone that had not been there since 3:00 started crowding into the line from several directions. Clmt said she stumbled..."  |

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|                             | 102 | Box 3       | "She was crushed under the people. They were pushing in on her back, she had never seen anything like this in her life. It was like a jungle. Pushing & shoving."  |
| Claim #3115704<br>(205-211) | 205 | Description | "Squeezed against door frame by crowd"   |
|                             | 208 | Box 2       | "Customer Report **Trying to get in the door and got slammed into it and pinned against it.*Chest, Neck and arm...The mob shoved and she was pushed into doorway and smashed into it and couldn't move."   |
|                             | 208 | Box 3       | "s/w Johnny Francis, Asst. Mgr-he stated that it was a mob crowd that squeezed clmt against the glass..."  |
| Claim #3118755<br>(235-239) | 235 | Description | "Customer was pushed to floor by others"   |
|                             | 238 | Box 1       | "clmt was pushed down by another customer upon entering store..clmt knew that store was busy bc of blitz..was pushed to side once and chose to enter into crowd again the 2nd time and pushed upon entering to one knee..."  |
| Claim #3120347<br>(256-262) | 256 | Description | "Blitz Day mob pushed her to the floor"  |
|                             | 259 | Last box    | ..."This inc occurred when they were entering doors. When door ws opened is when it happened. As they went to open the doors. They were basically almost into the str. There were thousand and thousands of ppl. PPL started yelling they are opening the doors. PPL rushed. Knocked her toot the ground. They tried to backout. Not sure how many ppl. hit her. They did knock her ot the floor. Has not seen so many rude ppl. There ws security." |

Secretary's Trial Exhibits 112-130  
As per Judge Rooney's request  
July 14, 2010

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|                             | 260 | Box 1       | "...knocked backward an d sideways. Ws trying to cover her head. One of the ppl she ws with came thru and dragged her to the side. The ppl were wlkng over her, jumping over her."   |
|                             | 261 | Box 1       | "...Clmt ww knocked down and wlkd over by ppl during a blitz rush."  |
| Claim #3122096<br>(270-279) | 270 | Description | "Pushed and stepped on when doors opened"  |
|                             | 275 | Last box    | "...No scart. No one allowed to have scart. P/l was filled, line wrapped around building, no security until 5 minutes before store opened but crowd was out of control. Thirty people were pushed together. These females had on security badges and mgr came out w/loudspeaker to remain in line but not one making crowds stay in line. Opened front doors and 2nd doors open automatically and this is where she got trampled. Five people behind her and someone stepped on back of knee. Clmt pursue went flying and they tried to stop people to get her up. Hit face on floor, scraped knee..." |
| Claim #3256507<br>(280-284) | 280 | Description | "Pushed down by other customers"   |
|                             | 282 | Last box    | "Reached the clmnt. She said she was knocked down to the floor by customers when she was entering the store. She said they pushed her. She was first in line. People behind her started to push when the doors were open."   |
| Claim #4277960<br>(291-306) | 291 | Description | "Blitz morning customers pushing/shovin"   |
|                             | 293 | Last box    | "Cust statement: When coming in  |

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|                             | 294 | Box 1       | <p>this morning a lot of people ran over knock to the floor..."</p> <p>"...after the long wait they opened the doors and before she knew they tumbled her...there were about 10 people in line before her...was not single file lines but crowded line...sd no one came out to warn the crowd to be careful or anything...they onle came out to pass out maps...the store manager did not come and s/w the crowd...sd the people behind her was pushing her snf knocked her off her feet..."</p> |
| Claim #4280786<br>(338-349) | 338 | Description | "Got crushed in customr rush blitz sale"   |
|                             | 341 | Box 1       | "they arrived at the w/m about 5:30 a.m. to take advantage of "Black Friday" sale, they waited in line to enter, there were pallets set on the side to guide people in to the store, there was a mad rush when the doors were open, they were pinned against the pallets outside the door that were stacked there by the store."   |
| Claim #4301311<br>(350-360) | 350 | Description | "Ran over by customers coming in door"   |
|                             | 351 | Last box    | "Companion stated that clmt was knocked down as she was going into the store...Companion stated that the store was so crowded they weren't aware of what was around them, unsure if associate was present."  |
|                             | 352 | Box 1       | "...clmt stated that she was waiting in line to shop the sales the day after Thanksgiving when other customers trampled over her injuring her hip and causing her  |

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|                             | 352 | Box 2       | cathedar to be removed.”<br><br>“...clmt stated that she was waiting in line to shop the sales the day after Thanksgiving when other customers trampled over her injuring her hip and causing her cathedar to be removed.”   |
|                             | 352 | Last box    | “Clmt stated that there was a large crowd outside the front doors waiting for them to open. There was associates giving away coupons. Clmt stated that the customers started pushing causing her to fall down, which she was on the ground she stated that customers walked over her removing her catedar and injuring her hip.”   |
|                             | 353 | Box 1       | “Clmts companion stated that clmt was trampled by customers coming into the store for black friday”  |
|                             | 353 | Box 2       | “Clmt was waiting outside of store for the doors to open, the other customers trampled over her causing her to fall.”  |
| Claim #4836628<br>(409-410) | 409 | Description | “Pushed or fell during blitz sell”   |
| Claim #4836649<br>(411-426) | 411 | Description | “Blitz pushed by customers”  |
|                             | 412 | Box 2       | “11/29/05: From Bob Stephens, store mgr. When I arrived at the store at 3:30 a.m. on the morning of Novemeber 25, 2005, “Blitz Day”, the vestibule was nearly filled w/customers. I was told by my over night associates, and overnight a/m, Gary West and Shannon Prevost that customers began to arrive approximately 10pm to mid-night Thanksgiving night...by opening, 5 a.m. the vestibule was over full and customers surrounded |

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|                             | 415 | Box 1       | both entryways.”<br><br>“...about 4:55 am., associates were pretending they were going to open the door and then they would not, did this numerous times, when they opened the doors they opened all of the doors, was standing right next to doors, when the doors were opened, it created a stampede, her grandson was pinned up against something. Got grandson away from where he was at then someone just pushed her, her head flew back, lost one of her shoes, went flying into the store, hit from behind again, went down to the ground, landed on her left knee, happened in seconds.” |
|                             | 419 | Whole page  | Written statement of Store Manager   |
| Claim #4836685<br>(453-462) | 453 | Description | “Blitz customer was knocked down and trampled”   |
|                             | 455 | Box 1       | “The clmt stated that she was trampled by other customers as she came in the doors. Terry stated that everyone was lined up before the doors opened up but the minute the doors were being opened people tried to push their way through.”   |
|                             | 456 | Box 1       | “The clmt was involved in the Blitz day activities and was walking in the entrance doors. Someother customers started busting through the exit doors and she was trampled.”  |
|                             | 456 | Box 4       | “The clmt stated that when the store opened up the doors in the morning for Blitz day she went in through the entrance door. There were a bunch of people who didn't wait in line and came through the exit door and was trampling other people.   |

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|   |     |       | The clmt stated that she fel down in the midst of this. The crowd pushed her down.”  |
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| <b>Sec. Exhibit 127<br/>BINDER 2 of 4</b> |     |       |  |
| Claim #4836938<br>(670 to 673)            | 672 | Box 1 | “Called store and s/w Christina Foley: She was in the front door when the doors were opened and said that there were 4 associates, p/l security, and police officers in the parking lot, but they were ineffective and when the doors were opened it became a stampede of customers into the store. They were fighting while waiting in line and once they entered the store, they were ramming each other with carts, pushing each other out of the way, and trampeling each other to get to specific merchandise.” |
|   |     | Box 2 | “Rec’d call from clmt. She said that she was pushed down in the store while other customers were trying to stampede into the store.”   |
| Claim #4836967<br>(674 to 841)            | 677 | Box 5 | “Clmt. Was either pushed down or somehow fell down when the crowd of people came through the doors just as they opened for Blitz day.”   |
|   |     | Box 2 | “Clmt. Had been waiting at the store since @ 11pm the prior night & the store opened the doors for Blitz @ 5 am so clmt. Had been standing/waiting for at least 6 hrs.”  |
|   | 678 | Box 2 | “Store opened the doors @ 5 am, store had opened the first entrance doors @ 10 min. til 5 am...At 5 am two people came over & opened the doors, the two people in front of clmt. ran into store & then clmt. went down, the next thing he knew he was on the ground”   |

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|  | 679 | Box 1              | <p>“Just took first step into store &amp; that’s all he remembers”</p> <p>“5:00 two entrance doors are opened by two assoc. &amp; customers appear to immediately start running into store through these doors...Clmt. is about the 5th cust. into the door...Cannot tell if he is pushed down or just falls as the area is very crowded w/customers”</p>  |
|  | 680 | Box 1              | <p>“S/w Chris Godwin (Store Mgr.): Chris did witness in...Opened right hand side entrance doors &amp; Phil opened the left hand side...There was prob. 200 people outside trying to get in...As soon as their keys clicked opened the customers started pouring in...Clmt. was near the front &amp; got about 3 ft. into store &amp; then went down &amp; the other customers just kept pouring in &amp; Phil started trying to block off the other customers from running over clmt.”</p> |
|  | 689 | Customer Statement | <p>“As the door opened Al was pushed down as the crowd poured in Management quickly surrounded him, but not in time for a few people to step on him”</p>   |
|  | 707 | Attorney Letter    | <p>“My client sustained a head injury when the doors to Wal-Mart were opened for a Black Friday sale and he was stampeded by a hoard of customers. The store security guards who opened the doors just stepped back and let the flood of customers enter without any order whatsoever. My client was knocked to the floor immediately upon entering the store.”</p>  |

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| <p>Claim #4837299<br/>(877 to 887)</p> | <p>882</p> | <p>Box 3</p> | <p>“Teresa stated There is video. This occurred at the entrance. The doors were opened and they all made a mad rush. Someone was pushed from behind and fell and the rest of them fell. IT was like a domino effect. Teresa sated tLP and mgmt were at the doors. They used to whole North side entrance. Doorway was approx 8 ft wide. They were trying to do crowd control. 250 customers cutting in front of others, squeezing, pushing, Not in line at all. They unlocked the doors at 5am and they all fell in. One person fell the rest fell on top. Mgmt and LP were yelling to walk, don't run the whole time but they could not be heard over the crowd.”</p> |
| <p>Claim #4837332<br/>(906 to 920)</p> | <p>911</p> | <p>Box 4</p> | <p>“Teresa stated There is video. This occurred at the entrance. The doors were opened and they all made a mad rush. Someone was pushed from behind and fell and the rest of them fell. IT was like a domino effect. Teresa sated tLP and mgmt were at the doors. They used to whole North side entrance. Doorway was approx 8 ft wide. They were trying to do crowd control. 250 customers cutting in front of others, squeezing, pushing, Not in line at all. They unlocked the doors at 5am and they all fell in. One person fell the rest fell on top. Mgmt and LP were yelling to walk, don't run the whole time but they could not be heard over the crowd.”</p> |
| <p>Claim #4837600<br/>(960 to 963)</p> | <p>962</p> | <p>Box 4</p> | <p>“Asked to s/w Sandra Goodman, she sd that clmt was about the 6 person in line, had been there since midnight, as they open the doors the wave of people got her caught in the doors and she broke two ribs. They had 600-800 hundred people</p>   |

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|   |     |       | rushing in the doors. The clmt ws not able to walked pass the nail salon, ribs went into her chest, had hard time breathing. They had police at the counters and at the doors, with the PA trying to make them get in one line. They ripped the doors off. The clmt is her daughter, always spend blitz with her at the store. Sandra open the doors and while she ws still there, another mgr went and got her, that daughter needed her.”   |
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| <b>Sec. Exhibit 127<br/>BINDER 3 of 4</b> |     |       |   |
| Claim # 4837805<br>(982 – 997)            | 984 | Box 4 | “recd call frm clmt...she stated that she was there at 12:30 am waiting for 5 am. She was one of the first ones in line. Everyone outside was pushing and shoving and people were pulling up getting out of their cars and pushing to the front.”   |
|   | 986 | Box 1 | “customers rushed in the door on blitz day and clmt fell.”  |
|   | 987 | Box 1 | “called str to s.w. Ray Miller, mgr...Ray is off today Teresa stated. There is video. This occurred at the entrance. The doors were opened and they all made a mad rush, someone was pushed from behind and fell and the rest of them fell. It was like a domino effect...They were trying to do crowd control. 250 customers cutting in front of others, squeezing, pushing. Not in line at all. They unlocked the doors at 5 am and they all fell in. One person fell on top. Mgmt and LP were yelling to walk don't run the whole time but they could not be heard over the crowd. There is video of this incident.” |

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|                                  | 987  | Box 2       | <p>“What kinds of precautions was this store taking? There is another claim for same store. Were all avl doors open? How many customers (estimated) were in line waiting? Were any associates warning, asking everyone not to run, proceed in normal fashion? Any numbers or any kind of system used to hand out items? How long had this customer been inline? Was she aware of others behind her? Did she notice anyone being antzy and such while in line? Video?”</p> |
| Claim # 4838219<br>(998 – 1006)  | 998  | Description | <p>“Description: Blitz-Pinned Against Door by the Crowd, Carts”</p>   |
|                                  | 1001 | Box 3       | <p>“...claimant was waiting in line w/a thousand or so other cust... Clmt got stamped into a corner.”</p>   |
|                                  | 1002 | Box 3       | <p>“clmt is alleging she was @ the str when the doors opened for Blk Friday...clmt was pushed against the wall by the crowd.”</p>   |
| Claim # 4838509<br>(1009-1014)   | 1011 | Box 1       | <p>“The claimant was injured at the store location during blitz day sales events due to W/M allegedly providing no crowd control.”</p>  |
|                                  | 1012 | Box 2       | <p>“I WAS ONE OF THE MANAGERS THAT OPENED THE DOOR THAT DAY. THE OTHER WAS MY DI. MANG. THERE WAS A LOT OF PUSHING BUT I STOOD THERE TRAPED FOR A GOOD 10 TO 15 MINUES AND DIDN'T HEAR ANYONE COMPLAIN ABOUT GETTING HURT. THANKS- S/M LISA”</p>  |
| Claim # 4839448<br>(1015 – 1040) | 1016 | Box 5       | <p>“Claimant was caught up in the crowd and pined against the door and the shopping cart.”</p>  |

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|                                  | 1018 | Box 2       | "There was a mass rush at the door. We did have 1 poorly trained security guard there he was trying to control this mass people. I saw the older lady get pinned up against the wall and the front of the shopping cart was being pushed with such force."   |
| Claim # 4842801<br>(1074-1076)   | 1074 | Description | "Blitz -- CUSTOMER WAS TRAMPLED COMING IN BUILDING"  |
|                                  | 1076 | Box 1       | "Al Patterson co-gr – He told me that this actually occur. on Black Friday -- They opened up the doors and they had a rush of customers and she was run over. They brought her over to McDonalds. The clmt had a cut over her face."   |
|                                  |      | Box 2       | "PATTERSON, ALBERT Assoc Title: CO MANAGER"  |
| Claim # 5128301<br>(1149 – 1170) | 1149 | Description | "Blitz – PUSHED DOWN BLITZ DAY AND WALKED ON"  |
|                                  | 1150 | Box 1       | "Clmt was pushed down by another customer and trampled by the crowd."  |
|                                  | 1151 | Box 2       | "Spk w/ AM Larry Messer. He was working at the frt doors, there were 4 assoc at the frt doors and other assoc just around the corner working. Once the doors were opened, customers started running. Just as the doors were opened, clmt tried to turn thru the crowd and was knocked down. She was knocked off her feet. He and Carl tried to push thru the crowd to get to her." |
|                                  | 1151 | Box 3       | "Rev'd video. Reg VCR....Once the doors were opened, the crowd began running. The assoc/mgrs   |

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|                                  | 1153 | Box 2 | <p>were actually shoved aside and had to push their way thru the crowd. Could not see the clmt fall but it was apparent she had bc the mgrs and assoc were pushing their way thru the crowd. Nothing on the floor to cause her to fall.”</p> <p>“Clmt was trampled by the crowd when the doors were opened for Blitz.”</p>                |
| Claim # 5128427<br>(1173 – 1266) | 1177 | Box 5 | “Incident: Customer was entering store on black Friday when store opened. Crowd rushed in, CLMT fell, another customer fell on top of her.”   |
|                                  | 1182 | Box 5 | “waiting in line before store opened up / about 25 people ahead / at least 600 people behind her / one minute after the hour – as everyone was rushing into the store / she was pushed flat onto the floor – people kept trampling over her ... / crowd was just rushing in...”   |
| Claim # 5128666<br>(1271 – 1278) | 1273 | Box 1 | “the clmt was rushing in with other customers on blitz days – she was pushed by other customers into the manuel doors and hurt her arm and hands – this is not a 24hr store and this occurred when they opened.”  |
| Claim # 5129407<br>(1333 – 1345) | 1335 | Box 1 | “Clmt said at 4:50 am, everyone started rushing into the store when they opened the doors. There were police in the parking lot...AP Phil said the store opened the doors at 5 am. There were appox 300 people in line. The first 20 customers moved along fine. People in the back started to push forward and fell on top of the clmt.” |
| Claim # 5129407<br>(1333 – 1345) | 1343 | Box 6 | “Asset Protection Phil Wm 4 years. He opened doors at 5 am. First 20 people moved along fine. People in the back pushed forward and fell on   |

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|                               |      |                    | top of clmt. He tried to radio for help. He tried to take people off of clmt. He told people to not pick her up in case her back was broken. Mgr came out with wheelchair. They took the clmt inside. 6 people fell on top of her. There were 2 officer inside the store and 2 officers cruising the parking lot in their car. Phil was the only one outside. 2 people got trampled. Once was fine. Clmt had broke knee caps."           |
| Claim #5416398<br>(1348-1365) | 1356 | Box 3              | "clmt was at the store the day after t'giving and clmt has done this every year for quite some time, clmt is also an x assoc. when the doors opened a crowd from across the cross walk stormed the store and was trying to get into the store, clmt was thrown up against the metal detector. Clmt did go to the er and diag was a fractured rib"<br>"clmt is an x assoc so she is well aware of the what the store is like on this day" |
|                               | 1365 | Customer statement | "No crowd control. No one trying to contain the shoppers or keep order & people safe."   |
| Claim #5416798<br>(1384-1391) | 1386 | Box 1              | "Additionally, they only allowed entrance at one door to better control the rush."   |
|                               | 1386 | Last box           | "Ian states there were at least 2-3 officers inside and outside as well as all mgrs. They had over 200 people lined up and people all rushed in at once when the door was opened. They weren't doing anything in particular except standing out there spaced a few feet apart watching the crowd for people who might get out of hand. Everyone tired to rush at once,   |

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|  | 1388 | Box 1    | <p>however, clmt was the only person that alleged any injury. If the crowd had not been under some control, others would have been hurt also, according to Ian.”</p> <p>“clmt states he arrived at 4:00 a.m. and was in line w/ his wife and one of her friends. He stated the crowd became more anxious as 5:00 a.m. approached. When everyone rushed in the doors, clmt states another customer w/ a shopping cart, pinned him against the bench outside the door. He states his knee was mashed between the bench and the customers s/c. clmt did not feel the store had enough security.”</p> |
|  | 1389 | Box 2    | <p>“P/M states she was up front also and it was dark when the doors opened. People were pushing and she states it was “crazy” ...someone alleged they rcvd an ankle injury during the initial entrance on blitz day.”</p>   |
|  | 1390 | Last box | <p>“Clmt was in line outside the store and states inc occurred at 5:02A. Clmt states he was in line before 4:00A. Someone said they were going to open the doors at 4:00A..people in the back of the line started rushing the door. Clmt states no security was out there.”</p> <p>“When the doors opened at 5:00A, people just began pushing and rushing. Clmt was standing w/ his wife and one of her friends. He states he was pinned against the wall by a s/c that someone else was pushing into the store.”</p> <p>“Wife wants to add that it was</p>                                       |

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|                               | 1391 | Box 1    | <p>really scary that there was no security...she wants to be sure that is noted in this file.”</p> <p>“What methods of crowd control were being used by the store prior to the inc”</p>  |
| Claim #5416843<br>(1398-1413) | 1403 | Last box | <p>“when the doors opened, the people in the proper line panicked b/c the other people who were there less time were getting in so they all started pushing and rushing – got pushed down and stampeded – managed to crawl over to vending machine and associates helped her – no one outside directing the crowd”</p> <p>“Troy Boss, Store manager – 10 month associate<br/>       Store opened the doors and clmt was at the front of the crowd – clmt ran through the doors and either got tripped up or knocked down and she got trampled – customers were unruly and wild – floor was clean, clear and nothing to trip on – no crowd control measures specifically, but he went outside once to try to calm the crowd and they just looked at him – crowd just went crazy”</p> <p>“clmt should have been aware of the situation but store should have had some type of crowd control”</p> |
|                               | 1411 | Box 4    | <p>“clmt said she got pushed down and stampeded... said someone stepped on her head, and body... said she truly though she was going to die... she managed to crawl over to a vending machine and got helped by some associates... said there was no one outside directing the crowd and no one trying any crowd control</p>   |

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|   |           |                                   | measures, they just opened the doors and let them go”   |
| Claim #5417179<br>(1414-1417)             | 1414      | Description                       | “Description: knocked down by customers Blitz”  |
|   | 1416      | Box 2                             | “this happened when the doors first opened...”  |
|   | 1416      | Box 4                             | “the clmt was knocked down by customers on black Friday... this time I am requesting information on what precautions were taken in crowd control to make a decision on the claim.”  |
| Claim #5437652<br>(1418-1439)             | 1420      | Middle of page                    | “Store version: The customer was the 20 <sup>th</sup> person in line and about 50 people rushed into him and crushed him up against a black bench, shopping carts and the front door.”  |
|   | 1429      | Box 1                             | “Facts: <u>Black Friday</u> . Clmt was waiting in line against wall. When doors opened others not in line rushed up and crushed him against the side of the wall and bench. Hurt his right foot and Left knee in the process. The store created the atmosphere in which this customer was injured will work with him to get file resolved.” |
|   |           |                                   |   |
| <b>Sec. Exhibit 127<br/>BINDER 4 of 4</b> |           |                                   |   |
| Claim #3028671<br>(2241-2242)             | 2242      | Last box                          | “Clmt alleges several customers were pushing through doorway and she got her hand crushed.”   |
| Claim #2274683<br>(2246-2252)             | 2250-2251 | Last box on 2250 to box 1 on 2251 | “said str had a little trouble getting doors opened and when they did all the customers wee anxious and they crashed thru the doors and dashed in side like a stampede. clmt said a bunch of other cust. pushed her down and a lot of people started running over top of her--mgr came over and helped her up—too many                      |

|                               |                       |   |   |
|-------------------------------|-----------------------|---|---|
|                               |                       |   | people coming for her to get up by herself”   |
| Claim #2276044<br>(2306-2315) | 2312-2313<br><br>2313 | Last box on<br>2312 to box 1<br>on 2313<br><br>Last box | “Clmt states she was pushed from behind by other shoppers while trying to enter store. Large crowd entering store day after Thanksgiving.”<br><br>“confirm how many people standing in line – how many people wer injured – did store have any loss P or assoc assigned outside to maintain crowd – confirm what store was doing to maintain crowd – did store anticipate there was going to be this large of crowd – were police called – how were toys being distributed – did ambulance have to be called” |
| Claim #2276115<br>(2316-2324) | 2323                  | Box 2   | “called str spoke with tim sd they opened the doors at 6am there were about 150 people outside they all came trampling in were pushing and shoving the clmt got knocked down came to courtesy desk was about to faint the str called an ambulance to have her taken to hospital I asked him if the str tried to control the crowd he sd there was nothing they could do except stay out of the way”   |
| Claim #5696364<br>(2461)      | 2461                  | Description   | “Description: “customer alleges being caught in trampling incident in vestibule entrance”   |
| Claim #5697974<br>(2462)      | 2462                  | Description   | “Description: customer alleges being caught in trampling incident in outside exit”  |
| Claim #5702673<br>(2463)      | 2463                  | Description   | “Description: customer alleges being caught in trampling incident in vestibule entrance”  |
| Claim #5702694<br>(2464)      | 2464                  | Description   | “Description: customer alleges being caught in trampling incident in vestibule entrance”  |
| Claim #5715080<br>(2465)      | 2465                  | Description   | “Description: customer alleges being caught in trampling incident   |

|   |      |             |  |
|---|------|-------------|--|
|   |      |             | in vestibule entrance”   |
| Claim #5727741<br>(2466)                  | 2466 | Description | “Description: customer alleges being caught in trampling incident in vestibule entrance”   |
| Claim #5727758<br>(2467)                  | 2467 | Description | “Description: customer alleges being caught in trampling incident in vestibule entrance”   |
| Claim #5899051<br>(2468)                  | 2468 | Description | “Description: customer alleges being caught in trampling incident in outside exit”   |
| Claim #5904601<br>(2469)                  | 2469 | Description | “Description: customer alleges being caught in trampling incident in outside entrance”   |
|   |      |             |  |
| <b>Sec. Exhibit 128</b>                   |      |             | [Note: clips from Sec. Exhibit 128d & 128f were shown at trial]  |
| <b>Sec. Exhibit 129</b><br>Claim #4847496 | 3    | Box 1       | <p>“Called store and spoke to Kenneth Worthington assistant manager. Said that the claimant came in and said that she got to the store at 3 am and that she was 25th in line. He said that they opened the doors at 5:00 and people from the PL came and pushed their way in. The claimant was pushed and pinned into the door until the door broke and then she finally got away.”</p> <p>“He said that they had security inside and they also called the Nassau county police. The police said that they could not work crowd control. The customers broke the doors completely off including the motor.”</p> <p>“He said that they had taken a row of shopping carts trying to keep the people a little more orderly and they were trying to get the small children and handicapped out of the crowd but they had over 3000 people there he said that there was people still standing in line at noon to get into the store.”</p> |

|   |    |       |   |
|---|----|-------|---|
| <b>Sec. Exhibit 130</b><br>Claim #4836912 | 12 | Box 4 | “Called store spoke to Sal D’Amico Assistant manager in training he has been with the company for 14 months”<br><br>“There were not any procedures in place for the laptops they were just first come first serve he said that there was not any security in that area at the time, they were all at the front door the customers that were still waiting to come in had broken down the door.” |
|---|----|-------|---|