

DEPOSITION

Page 1

BEFORE THE WORKERS' COMPENSATION APPEALS BOARD
OF THE STATE OF CALIFORNIA

)
EDWARD CORONA,)
)
)
)
)
Applicant,)
)
)
vs.) CASE NO. ADJ19781161
)
)
)
MOBIS PARTS AMERICA LLC, LIBERTY)
MUTUAL INSURANCE CORPORATION,)
)
)
)
Defendants.)
)
_____)

DEPOSITION OF
EDWARD CORONA
January 13, 2025
10:13 a.m.
1500 Iowa Avenue
Suite 220
Riverside, California
Diana Medina, CSR NO. 13705

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1 APPEARANCES OF COUNSEL

2

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1 DEPOSITION OF EDWARD CORONA
2 January 13, 2025
3
4
EDWARD CORONA,
5
6 having been first duly sworn, testifies as follows:
7
8 THE REPORTER: My name is Diana Medina,
9 Stenographer, CSR Number 13705.
10 EXAMINATION
11 BY MS. JONES:
12 Q. Good morning.
13 A. Good morning.
14 Q. My name is Nicole Jones, and I'm with Hanna Brophy.
15 I represent the defendant with regards to your workers'
16 compensation claim with Liberty Mutual Insurance Company. Is
17 it your understanding that you're here for your deposition
18 related to your workers' compensation claim?
19 A. Yes.
20 Q. The purpose of this deposition is to get
21 information about your employment and medical history among
22 other things that will help us better understand your claim.
23 The court reporter will be typing down our conversation
24 today, so all of my questions and all of your answers will
25 eventually appear in a booklet called the transcript. So

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1 please respond clearly so that the court reporter understands
 2 what you're saying. Also, please refrain from trying to
 3 answer questions by nodding your head or saying "uh-huh," as
 4 that cannot be accurately typed on the record.
 5 Please allow me to finish my entire question before
 6 you try to answer. You may think you know what I'm going to
 7 ask, but the question may change. It's important that you
 8 ask me to explain the question if you do not understand
 9 because a judge or a doctor may read this deposition
 10 transcript at some point and they will assume that you
 11 understood the question if you proceed in answering it.
 12 In a few weeks you'll receive a copy of the
 13 transcript from today's deposition and you'll have an
 14 opportunity to review that transcript with your attorney and
 15 make any changes you feel are necessary to your testimony.
 16 We can then inform a judge, doctor, or another court official
 17 that such changes have been made. More importantly -- I know
 18 we're doing this over videoconference -- but your testimony
 19 today is still being given under oath and under the penalty
 20 of perjury. So not giving truthful testimony will subject
 21 you to potential civil and criminal penalties. Do you
 22 understand the penalty of perjury?
 23 A. Yes.
 24 Q. If you need a break for any reason to use the
 25 restroom or speak with your attorney off the line, just let

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1 us know and we can ask the court reporter to go off the
 2 record and stop typing the conversation.
 3 Do you have any questions?
 4 A. No.
 5 Q. For the record, please state and spell your full
 6 name.
 7 A. My full name is Edward Elias Corona. E-d-w-a-r-d
 8 E-l-i-a-s C-o-r-o-n-a.
 9 Q. Have you ever gone by any other legal name?
 10 A. No.
 11 Q. Did you miss any time from work in order to
 12 participate in today's deposition?
 13 A. No.
 14 Q. What is your height and weight?
 15 A. I am five-foot-ten. Approximately 205 pounds.
 16 Q. When were you born?
 17 A. My birth date is May 9th, 1971.
 18 Q. Where were you born?

19 A. I was born in San Bernardino, California.

20 Q. Have you lived there your whole life?

21 A. No.

22 Q. Have you ever lived outside of the state of
23 California?

24 A. Yes.

25 Q. Where did you live?

Page 7

1 A. I lived in Kent, Washington and I lived in Las

2 Vegas, Nevada.

3 Q. When did you live in Kent, Washington?

4 A. I lived in the state of Washington from November of
5 2019 until December of 2020. Specifically living in Kent was
6 January to December of 2020.

7 Q. Where else did you live in Washington besides
8 Kent?

9 A. I lived in a hotel when I first got to Washington
10 state in the city of Chehalis.

11 Q. When did you live in Las Vegas, Nevada?

12 A. I lived in Las Vegas, Nevada from the end of March
13 of 2021 until July of 2021.

14 Q. Why were you in Las Vegas for that period of
15 time?

16 A. Employment.

17 Q. Where were you employed?

18 A. I was employed through the Staffmark staffing
19 agency at a place called Ritchie Brothers in North Las
20 Vegas.

21 Q. For what reason were you in Washington?

22 A. I was also there for employment. From January
23 until December of 2020 I had five different assignments
24 through different staffing agencies.

25 Q. We'll go through what those are later on in the

Page 8

1 deposition.

2 What is your current home address?

3 A. 9062 Date Street, Fontana, California 92335.

4 Q. Can you repeat the beginning part of that, the
5 street number. Something happened with our connection for a
6 moment.

7 A. Okay. 9062 Date Street, Fontana, California
8 92335.

9 Q. Did you drive here from -- did you drive from that

10 location today?
11 A. Yes.
12 Q. How long did it take you?
13 A. Approximately a half hour.
14 Q. Did you have any difficulty driving here?
15 A. Yes.
16 Q. What kind of difficulty?
17 A. I brought my walker and I brought my wheelchair. I
18 have a heavy sliding gate at my house, so I have to maneuver
19 in a different way than I otherwise would be maneuvering if I
20 was on two feet by leaning against the car while pulling the
21 gate. I drive with my left foot instead of my right now.
22 And the wheelchair is somewhat heavy, so I have to maneuver
23 myself to lean against the rear bumper in order to position
24 it against my body and lift it over the back of the bumper
25 into the trunk. So it is not a regular experience from what

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1 I've been used to most of my life.
2 Q. What type of car do you have?
3 A. I own a 2000 Ford Escort.
4 Q. What color?
5 A. Maroon.
6 Q. What's the longest distance you drive in a typical
7 week?
8 A. Up until approximately two weeks ago, I had not
9 driven my car anywhere. I have a friend and a brother who's
10 been taking me to medical appointments and other appointments
11 and shopping. It was about two weeks ago that I finally
12 became comfortable enough to try to drive again. The longest
13 I drive is to an appointment in Redlands, California for
14 prosthetic foot fitting.
15 Q. How long did it take you to get there?
16 A. To drive to Redlands is typically between 30 and 45
17 minutes.
18 Q. Did you have any difficulty on that drive?
19 A. All the drives so far have been pretty similar
20 where either I'll take my walker or the wheelchair, but
21 sometimes both depending on whatever task I have to take care
22 of that day.
23 Q. I understand that there's difficulty with getting
24 the wheelchair and the walker into the vehicle, but are there
25 any difficulties with the actual driving?

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1 A. In the beginning, yes, only because I had never
2 driven with my left foot before, but I've become accustomed
3 to driving with it since then comfortably enough that it's a
4 safe procedure to do.
5 Q. Did you have an opportunity to prepare for today's
6 deposition with your attorney?
7 A. Yes. We spoke for approximately one hour and five
8 minutes.
9 Q. Have you ever had any prior depositions before?
10 A. No.
11 Q. May I please see your driver's license.
12 MR. DARDASHTI: You can give it to me.
13 THE WITNESS: Yes.
14 MS. JONES: If you can hold up your driver's
15 license to the camera, please.
16 MR. DARDASHTI: I'm going to ask you to keep the
17 driver's license number off the record.
18 You can go ahead and show it to the camera.
19 THE WITNESS: Okay.
20 MS. JONES: Will do.
21 MR. DARDASHTI: You don't have to block it.
22 THE WITNESS: Okay.
23 MS. JONES: Great. Thank you so much. You can put
24 it down now.
25 For the record it looks like applicant has a

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1 California driver's license that appears to be the
2 applicant.
3 MS. JONES: Off the record.
4 MR. DARDASHTI: Off the record, please.
5 (Break in the proceedings.)
6 MS. JONES: Back on the record.
7 MR. DARDASHTI: Back on.
8 MS. JONES: Let the record reflect while off the
9 record, applicant verified his social security number.
10 BY MS. JONES:
11 Q. Do you live with anyone at your current address?
12 A. Yes.
13 Q. Who do you live with?
14 A. I live with a person that I call my brother who was
15 really my stepbrother since ten years old, but we consider
16 each other brothers. I live with him, his wife, and their
17 son.
18 Q. What's your stepbrother's name?

19 A. Jose Salcedo.

20 Q. How long have you lived at that address?

21 A. I've been living there since April, the end of
22 April of 2024.

23 Q. Prior to your current address where did you live?

24 A. For a few months before this current address, I was
25 living in Airbnbs and occasionally hotel rooms. And before

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1 that I was living in Hesperia, California.

2 Q. What was your address in Hesperia, California?

3 A. 19142 Sheffield Street, Hesperia, California
4 92345.

5 Q. How long did you live at that address in Hesperia,
6 California?

7 A. I lived in Hesperia from January of 2021 until
8 September of 2023 with the exception of those few months when
9 I was living in Las Vegas.

10 Q. When you were living in Las Vegas, where did you
11 live?

12 A. I lived at the Manor Suites on Boulder Highway.
13 The exact name of the suites might be off by a word or so,
14 but it was the Manor Suites Hotel, from the best of my
15 recollection.

16 Q. That's fine. Thank you.

17 Where did you live while you were in Washington?

18 A. I lived in a hotel in Chehalis when I first got to
19 Washington. Then in January I lived in Kent in a house with
20 three other roommates. I have the exact address on my
21 iPhone, but I was told that I would not be able to use notes
22 for those things, but I was living in a house that I was
23 sharing with three other roommates.

24 Q. That's fine. Thank you.

25 Prior to your time in Washington, where did you

Page 13

1 live?

2 A. What was the question?

3 Q. Prior to your time in Washington, where did you
4 live?

5 A. For most of the time since 2005, I lived on land in
6 a trailer that my dad owns the land. I lived there from 2005
7 until 2019, at 10899 Oleander Avenue, Fontana, California.

8 Q. Are you currently taking any prescription
9 medication?

10 A. Yes.

11 Q. What prescription medication are you currently
12 taking?

13 A. I am taking Metformin, Naproxen, and I take two
14 supplements; one is fersulfate and the other is zinc.

15 Q. Do you happen to know the dosage of the
16 Metformin?

17 A. It was 500 milligrams. This week under the
18 recommendation of my doctor, it was increased to 1,000
19 milligrams. I have a dermatology recommendation for that.

20 Q. What was the reason for the increase?

21 A. When I was discharged from the hospital,
22 St. Bernardine's, after my three surgeries, I had open sores
23 on my arms and a couple on my legs that I was concerned
24 about, and the surgeon recommended that I see a
25 dermatologist. So my primary care physician, Dr. Kyle Smart,

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1 their office recommended an increase in dosage to help clear
2 my skin.

3 Q. As I understand, Metformin is a diabetes
4 medication. Are you currently taking it for diabetes?

5 A. Yes.

6 Q. For how long have you been taking it?

7 A. I believe that was part of the original
8 prescription from my original doctor's visit at the urgent
9 health care on September 3rd, 2024 when I was having the
10 original foot issues. But definitely it was after the
11 surgeries, upon discharge, that I had Metformin prescribed to
12 me and taking it at home.

13 Q. So you only recently started taking Metformin at
14 the end of 2024?

15 A. Yes.

16 Q. What's the name of the physician that prescribed it
17 to you?

18 A. Once again, the original clinic from early
19 September, I have it on my iPhone and I can easily reference,
20 but I don't remember the doctor's name that originally
21 prescribed it.

22 MR. DARDASHTI: You can look.

23 THE WITNESS: Okay.

24 MS. JONES:

25 Q. Yes, or if you just know the name of the clinic,

Page 15

- 1 that will be all right as well.
- 2 A. Yeah, I can give you both in a matter of seconds.
- 3 Q. Great.
- 4 A. The name of the clinic is La Concepcion Medical
- 5 Clinic in West Covina, California.
- 6 Q. I apologize. You cut out again. Was it La
- 7 Concepcion?
- 8 A. Yes. La Concepcion Medical Clinic in West Covina.
- 9 And the name of the doctor, his handwriting does not look
- 10 legible. It looks like Davie, but it's not legible. So I'm
- 11 not certain what the name of the doctor was that originally
- 12 prescribed me the Metformin.
- 13 Q. So who is currently prescribing the Metformin?
- 14 A. The office of Dr. Kyle Smart at Sierra Lakes in
- 15 Fontana.
- 16 Q. Is that located at 164 --
- 17 A. You cut off.
- 18 Q. Is that located at 16465 Sierra Lakes Parkway,
- 19 Number 300?
- 20 A. I have it on my iPhone, and I'm looking for the
- 21 exact address, but that does sound familiar.
- 22 Q. Okay. That's all I need. That's fine.
- 23 A. Okay.
- 24 Q. Thank you.
- 25 How often do you take the Metformin?

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- 1 A. Twice a day, 12 hours apart.
- 2 Q. Have you taken it today?
- 3 A. Yes.
- 4 Q. When were you diagnosed with diabetes?
- 5 A. At the time that I had my amputation on October 3rd
- 6 of this year, 2024.
- 7 Q. Do you have Type II diabetes?
- 8 A. Yes.
- 9 Q. Do you happen to know the dosage of the Naproxen?
- 10 A. I believe it's 500 milligrams as well. I am not
- 11 100 percent certain.
- 12 Q. How often do you take the Naproxen?
- 13 A. Twice a day. At the same time as the Metformin.
- 14 Q. What do you take the Naproxen for?
- 15 A. It's for swelling.
- 16 Q. For what body part?
- 17 A. My feet or my foot now.
- 18 Q. Is that your left or your right foot?

19 A. My right foot was amputated, so I have occasional
20 swelling on my left foot as well.
21 Q. Who prescribed the Naproxen?
22 A. I was prescribed the Naproxen at the same time as
23 the Metformin from La Concepcion Medical Clinic.
24 Q. Does Dr. Kyle Smart now prescribe the Naproxen?
25 A. Yes.

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1 Q. Have you taken any over-the-counter medications in
2 the last month?
3 A. There have not been medications, but if ibuprofen
4 is considered a medication, then I've taken ibuprofen.
5 MR. DARDASHTI: It is considered medication.
6 BY MS. JONES:
7 Q. What are you taking the ibuprofen for?
8 A. Occasional pain.
9 Q. For what body part?
10 MR. DARDASHTI: I'm just going to object to time
11 and scope. Counsel, are we still talking about the last
12 month or so?
13 Counsel, can you hear me?
14 (Break in the proceedings.)
15 MS. JONES: Back on record.
16 BY MS. JONES:
17 Q. You indicated that you take ibuprofen for pain. In
18 the last month when you've taken ibuprofen, you've taken
19 it -- sorry. I apologize -- you've taken it for pain to what
20 body part?
21 A. What I have since the surgery is something called
22 "phantom pains" where it feels like my right foot is still
23 there and experiencing some kind of trauma. And in order to
24 deal with that, I also have the sensation of pin pricks,
25 which are also phantom, and to deal with that I take the

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1 ibuprofen and it helps out.
2 MR. DARDASHTI: Just to be clear, do you have any
3 pain in any other body parts in the last 30 days?
4 THE WITNESS: Nothing significant.
5 MR. DARDASHTI: That's not what the question was.
6 THE WITNESS: My lower back.
7 MR. DARDASHTI: Your lower back too. Okay. And
8 how about the other foot that you expressed you have swelling
9 in, any pain in the other foot?

10 THE WITNESS: There's also some pain in my right
11 foot because that's all I'm using now. And I have swelling.
12 And it helps.
13 MR. DARDASHTI: And when you say "it helps," you
14 mean the ibuprofen?
15 THE WITNESS: Yes.
16 MR. DARDASHTI: Okay.
17 BY MS. JONES:
18 Q. I apologize. I just want to clarify. It was your
19 right foot that was amputated; correct?
20 A. Yes.
21 Q. So then when you were referring to your right foot
22 currently, I think, Counsel, he meant to say left foot 'cause
23 you had mentioned that he has swelling. I just wanted to
24 clarify that.
25 So you also take the ibuprofen for pain to your

Page 19

1 left foot as well; is that correct?
2 A. I take it mostly -- the vast majority of why I'm
3 taking it is to quell the pain that's phantom in my right
4 foot. That's the main reason. Otherwise, the Naproxen is
5 there to take care of the swelling. The swelling is not so
6 much painful as it is a discomfort.
7 Q. Thank you for the clarification.
8 How often have you taken ibuprofen in the last 30
9 days?
10 A. Not daily. When I was in the hospital, I also was
11 taking a prescribed medication called "Norco" to deal with
12 pain. And when I was released from the hospital initially,
13 there was significant pain in my right leg as it was healing.
14 But I have not renewed the prescription for the Norco, which
15 they prescribed me.
16 Q. When were you released from the hospital?
17 A. I believe the date was October 26th, 2024. It
18 might have been October 24th. It was a Thursday.
19 Q. Okay. So to clarify, you haven't taken any Norco
20 in the last 30 days?
21 A. No.
22 Q. Are there any other prescribed medications that you
23 have taken in the last 30 days?
24 A. No. Metformin and Naproxen are the only ones.
25 Q. Have you had any alcohol in the past 24 hours?

Page 20

- 1 A. No.
- 2 Q. Will any medication that you've taken impair your
- 3 ability to testify accurately and honestly today?
- 4 A. No.
- 5 Q. Do you feel that you're able to give your best
- 6 testimony today?
- 7 A. Yes.
- 8 Q. Are you currently married?
- 9 A. No.
- 10 Q. Have you ever been divorced?
- 11 A. No.
- 12 Q. Do you have any children?
- 13 A. No.
- 14 Q. Do you have a private health insurance?
- 15 A. My health insurance is through Mobis Parts America,
- 16 LLC. It's Anthem Blue Cross Blue Shield.
- 17 Q. Have you graduated from high school?
- 18 A. Yes.
- 19 Q. What year did you graduate?
- 20 A. 1989.
- 21 Q. Have you taken any college?
- 22 A. Yes.
- 23 Q. Where?
- 24 A. Chaffey Community College, Pitzer College in
- 25 Claremont, and Cal State San Bernardino.

Page 21

- 1 Q. Did you earn a degree?
- 2 A. Yes.
- 3 Q. What degree did you earn?
- 4 A. I have three degrees. Two associates from Chaffey
- 5 Community College; one of them in communications and one in
- 6 liberal arts. I have a bachelor's degree from Pitzer College
- 7 in Claremont, intercultural environmental studies.
- 8 Q. Have you attended any trade or vocational
- 9 schools?
- 10 A. No.
- 11 Q. Are you currently attending school?
- 12 A. No.
- 13 Q. While you were in college, did you participate in
- 14 any college extracurriculars?
- 15 A. Yes.
- 16 Q. What did you participate in?
- 17 A. I was part of the Chicano studies club at Pitzer
- 18 College. I was part of the ecology center at Pitzer

19 College.
20 Q. Have you ever been convicted of a felony?
21 MR. DARDASHTI: You can answer.
22 THE WITNESS: I'd like clarification on that.
23 MR. DARDASHTI: Okay. Do you need to talk to me?
24 THE WITNESS: Yes, off the record.
25 MR. DARDASHTI: Counsel, is it okay if we go off

Page 22

1 the record for a moment?
2 MS. JONES: Of course.
3 (Break in the proceedings.)
4 MS. JONES: Back on the record.
5 MR. DARDASHTI: Can we have the question again.
6 BY MS. JONES:
7 Q. Have you ever been convicted of a felony?
8 A. No.
9 Q. Have you ever been convicted of a misdemeanor?
10 MR. DARDASHTI: Hold on. I'm going to go ahead and
11 object based on privacy, not having legal grounds. I'm going
12 to direct him not to answer.
13 MS. JONES: Counsel, would it matter if I said,
14 "Was it related to fraud, honesty, or perjury?"
15 MR. DARDASHTI: No, actually because you can ask if
16 he was convicted of a felony. He answered that question.
17 Let me just double-check something before you go forward.
18 Let me just check something.
19 No, I'm maintaining the same instruction. I just
20 wanted to see if there was a psych that was pled here and it
21 looks like it wasn't.
22 BY MS. JONES:
23 Q. Have you ever been in the military?
24 A. No.
25 Q. Have you ever received unemployment benefits?

Page 23

1 A. Yes.
2 Q. When?
3 A. For one week in March of 2023 I received one
4 unemployment payment and only then.
5 Q. Have you ever received social security benefits?
6 A. Yes.
7 Q. When?
8 A. From approximately the autumn of 2002, I believe,
9 until sometime in 2014, I believe.

10 MR. DARDASHTI: You applied for social security?
11 THE WITNESS: I was on SSI.
12 MR. DARDASHTI: Okay.
13 BY MS. JONES:
14 Q. Why were you receiving SSI?
15 A. I was diagnosed with bipolar disorder.
16 Q. Have you ever received state disability benefits?
17 A. No.
18 Q. Just to make sure that you understand the question,
19 have you ever received a check from EDD, the Employment
20 Development Department?
21 A. Outside of unemployment, no, but not for
22 disability.
23 Q. Are you currently working?
24 A. I'm technically still employed with Mobis Parts
25 America, LLC. I'm on a leave of absence.

Page 24

1 Q. When was your last day of work at Mobis?
2 A. August 30th, 2024.
3 Q. What was your job title?
4 A. Material process.
5 Q. What was your supervisor's name?
6 A. My direct supervisor's name was Will. I do not
7 know his last name.
8 Q. What was your rate of pay?
9 A. I believe it was 20.65 per hour.
10 MR. DARDASHTI: And just for clarification, Will,
11 whose last name you don't remember, is that someone you would
12 report to?
13 THE WITNESS: I reported to Will at the beginning
14 of every shift.
15 MR. DARDASHTI: And at what location?
16 THE WITNESS: I worked at the Mobis warehouse in
17 Ontario, California.
18 MR. DARDASHTI: Okay. And if you know, who did
19 Will work for? Did he work for that location?
20 THE WITNESS: Yes. Will's boss was the manager,
21 Alfred.
22 MR. DARDASHTI: And Alfred is at Mobis?
23 THE WITNESS: Yes. Alfred works at the Ontario
24 facility at Mobis 100 percent of the time. And he
25 interviewed me to get through to get the job from

Page 25

1 Staffmark.

2 MR. DARDASHTI: Thanks.

3 BY MS. JONES:

4 Q. What were your usual hours?

5 A. We experienced a heatwave in the summer which
6 changed our hours, but typically the hours were from 10:30
7 until 9:00. We worked ten hours per day regardless of when
8 we started. During the heatwave we started at 5:00 a.m. and
9 we would work 10 to 11 hours Monday through Friday.

10 Q. What were your job duties as a material
11 processor?

12 A. The vast majority of the day required me opening up
13 large containers and sorting through various parts and
14 putting them onto carts. These are auto parts.

15 MR. DARDASHTI: Were you sitting down? Were on
16 your feet?

17 THE WITNESS: I was on my feet for 80 to 90 percent
18 of the day. The times when I wasn't on my feet was if I was
19 on a forklift sitting down, driving a forklift.

20 BY MS. JONES:

21 Q. What portion of your shift was dedicated to -- I
22 apologize. Strike that.

23 You indicated that 80 to 90 percent of your day.

24 So the other 10 percent, I assume, would be driving a
25 forklift; is that correct?

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1 A. Yes. Some days it would be 100 percent on my
2 feet.

3 Q. When you say on your feet, are you at one station
4 the entire time? Are you having to walk throughout the
5 warehouse?

6 A. The vast majority of the time I'm on my feet at a
7 station. It was a large warehouse, and we would be assigned
8 to do different duties, in which case I would be transported
9 to a different department. But all departments are required
10 to be on your feet.

11 Q. When were you hired at Mobis specifically?

12 A. I was invited to be a Mobis employee in July. I
13 started as a Mobis employee on August the 12th, 2024.

14 Q. When you say "invited to be," can you elaborate on
15 that?

16 A. Yes. My start date was scheduled to be at the end
17 of July, but on two different occasions, for some reason
18 unknown to me, there was a delay in the hiring process.

19 Q. Prior to being hired and starting at Mobis on
20 8/12/24, you were hired by Staffmark; is that correct?
21 A. Yes.
22 Q. When did you start at Staffmark at that Mobis
23 warehouse in Ontario?
24 A. March 26th, 2024.
25 Q. Did your job title ever change while working at the

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1 warehouse in Ontario?
2 A. No.
3 Q. Have you ever worked for any other employer at the
4 same time that you were working for Mobis?
5 A. No.
6 Q. Your attorney filed a claim alleging that
7 essentially from March 26, 2024 to August 30th, 2024 your
8 repetitive work duties caused an injury related to your
9 work?
10 A. Yes.
11 Q. Can you tell me what body parts you feel were
12 injured due to your employment?
13 A. The obvious one was my right foot. Besides my
14 right foot, my left knee was strained and my lower back.
15 Q. Can you describe the onset or history of your
16 injury to your right foot?
17 A. In mid-July I had swelling in my right toe, and I
18 called in sick for the first time on July 16th and July 17th.
19 I let my manager know and anyone, supervision, about this
20 injury to my right toe specifically. And that's when the
21 injury began.
22 Q. You indicated you let your manager know. Is that
23 Alfred?
24 A. Yes.
25 Q. You indicated it was your right toe. Is that your

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1 right big toe?
2 A. Yes.
3 Q. When you called out sick in July and you let know
4 Alfred know about your injury, what did you tell Alfred?
5 A. I told Alfred that there was significant swelling
6 on my right toe and it was too painful to walk on. And my
7 toenail was jabbing itself because of the swelling into the
8 skin. And I told him that the toenail had to be removed.
9 MR. DARDASHTI: Just to be clear, what kind of

10 shoes were you wearing at this time?
11 THE WITNESS: I was wearing steel-toe shoes.
12 MR. DARDASHTI: Okay. With the swelling and the
13 shoe, how was it working, you know, 10-, 11-hour days working
14 in that shoe at that time?
15 THE WITNESS: Working in steel-toe shoes is never
16 comfortable 'cause they're heavier than regular shoes. And
17 besides the swelling in my right foot, I was experiencing
18 compensation with my knee because I had to put more weight on
19 my left leg than I otherwise would. And that caused a chain
20 reaction. Eventually I was having pain in my back as well.
21 MR. DARDASHTI: Just to be clear, was the swelling
22 in your right foot causing discomfort in your right foot when
23 you had your shoe on?
24 THE WITNESS: Definitely.
25 MR. DARDASHTI: Okay. Did you gain any sort of

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1 relief when you would come home and you would get out of the
2 steel-toe boot?
3 THE WITNESS: That's when I was taking the
4 ibuprofen initially, was to deal with the pain in my right
5 foot, yes.
6 MR. DARDASHTI: Okay.
7 BY MS. JONES:
8 Q. Are you required to wear steel-toe boots --
9 A. Yes.
10 Q. -- as part of your job duties?
11 A. Anyone that has to be on the floor within the
12 warehouse and not inside the office is required to wear
13 steel-toe boots.
14 MR. DARDASHTI: Is that a yes?
15 THE WITNESS: Yes.
16 BY MS. JONES:
17 Q. You stated that you knew that you needed to have
18 your toenail removed. Had you seen a doctor at that point
19 when you reported your injury to Alfred?
20 A. It was not a concern because this has happened
21 before in my life where I've had a toenail grow underneath an
22 existing toenail, and that older toenail starts to get loose.
23 And this was the case with my right foot. This had happened
24 around 2019 on my other foot when I removed my toenail
25 because it was already loose and there was a toenail growing

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1 underneath it.

2 Q. This happened on your left foot in 2019?

3 A. In or around 2019. I'm almost 100 percent positive
4 2019.

5 Q. How did the onset of the 2019 toenail occur?

6 A. There was significant fungus growing underneath the
7 old toenail and I bought a fungicide. And not long after,
8 the toenail became loose and it was very easily removed
9 without any kind of tools whatsoever because of how loose it
10 was.

11 Q. Did you go to a doctor?

12 A. At that time, no, and it healed quickly.

13 Q. You bought over-the-counter fungus cream?

14 A. Yes, yes.

15 Q. Was there something that you were doing at the time
16 that caused the fungus or something that you noticed
17 occurring at the time that you -- that the fungus started
18 growing on your left foot in 2019 such as wearing steel-toe
19 boots, working for another employer, having a fall, or any
20 other trauma?

21 A. I was doing warehouse work during that period, but
22 I'm not a medical doctor and I speculated on the causes of
23 these things. But I do know the answer to that.

24 Q. Did you have a fall or --

25 A. No.

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1 Q. -- any other traumatic -- did you stub your toe?

2 A. No.

3 Q. We're still talking about the 2019 left foot?

4 A. Yes.

5 Q. What toe was it on of the left foot?

6 A. The big toe on the left foot back in 2019.

7 Q. Where were you working at the time?

8 A. I was an employee at XPO Logistics.

9 Q. What location?

10 A. I was working in Ontario, California on Airport, I
11 believe, Avenue. I don't know the address without referring
12 to my phone. It's in my phone.

13 Q. That's okay.

14 Did you have to miss any time from work due to the
15 left foot injury?

16 A. No.

17 Q. At the time that that occurred, were you wearing
18 steel-toe boots as part of your employment at XPO

19 Logistics?

20 A. Yes.

21 MR. DARDASHTI: And just to be clear, was it
22 similar hard-working conditions at that time?

23 THE WITNESS: Warehouse work is always hard. I
24 can't remember having an easy job in a warehouse where it's
25 not some kind of physical exertion.

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1 MR. DARDASHTI: Fair enough.

2 BY MS. JONES:

3 Q. What was your job title at XPO Logistics?

4 A. PIT which is -- the abbreviation is basically a
5 machine operator; forklifts, cherry pickers, electric pallet
6 jacks. I can't remember what the abbreviation stands for.

7 Q. That's okay.

8 A. Something industrial truck. Powered industrial
9 truck, I believe.

10 Q. When did you start working at XPO Logistics?

11 A. If you want specific dates, I can get that on my
12 phone really quick.

13 Q. I don't need specifics as long as you can give me a
14 time period.

15 A. I believe I started working there in March of 2017
16 as a temporary employee but not through Staffmark. And it
17 was not at the Airport Avenue warehouse. It was at a
18 warehouse on Haven Avenue in Ontario. And I was hired by XPO
19 Logistics at some point and transferred to the Airport Avenue
20 facility. And I worked there until September of 2019. The
21 start date might be 2018, actually. This is from my memory,
22 but I can get the exact dates.

23 Q. It's okay.

24 So 2017 or 2018?

25 A. Yes.

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1 Q. Until September 2019?

2 A. Yeah.

3 Q. Did you have any other injuries occur while working
4 at XPO Logistics?

5 A. I did not have anything occur at the facility. At
6 the end of my employment I had issue that was not related to
7 work.

8 Q. What was the reason for the end of your employment
9 at XPO Logistics?

10 MR. DARDASHTI: Objection. Lacks foundation. May
11 call for speculation. I'm going to object to form.
12 But if you know, you can answer.
13 THE WITNESS: Well, my plans were all along to move
14 to Seattle. And I had savings to move to Seattle. And in
15 about a month and a half after I stopped working at XPO
16 Logistics, I moved to the Seattle area for employment.
17 BY MS. JONES:
18 Q. Did you resign?
19 A. Yes, I did. I was employee of the month in August
20 of 2019, by the way.
21 MR. DARDASHTI: Counsel, can we go off the record?
22 MS. JONES: Yes.
23 (Break in the proceedings.)
24 MS. JONES: Back on the record.
25 ///

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1 BY MS. JONES:
2 Q. At the time that you injured your left foot, did
3 you have to use a walker or cane or wheelchair, any assistive
4 devices?
5 A. No. The only reason that I brought that instance
6 up was because of how quickly and easily I was able to work.
7 And when this happened with my right foot, I did not panic,
8 but I did let my management know that my toe had swelled and
9 the toenail had come off. I do have exact dates on the XPO
10 Logistics, by the way.
11 Q. Okay. If you want to provide them, that's fine.
12 A. I worked at XPO Logistics from April of 2018 until
13 September 5th, 2019.
14 Q. Do you work with a Anthony Vargas?
15 A. Yes. Yes, I do.
16 Q. We have some information from him that he indicated
17 that since the beginning of your work at Mobis, while you
18 were working directly for Staffmark, so beginning in March of
19 2024, you walked with a limp?
20 A. Yes.
21 Q. When did you start walking with a limp?
22 A. No, no, no. The limp didn't occur until my toe had
23 swelled and became progressively worse until my last day in
24 August -- in late August of 2024, but before that I did not
25 walk with a limp.

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1 MR. DARDASHTI: I think, Counsel, I just want to
2 object. I don't like standing objections, but I'll just note
3 for the record any standing objection regarding any
4 characterization or description of employers because it could
5 be misleading factually and legally inaccurate. And we also
6 would be objecting because he's a layperson. So he may not
7 know the definitions of employment relationship. And it's a
8 tribal issue. It's our stance that, you know, there was dual
9 employment and he was employed by both throughout the
10 duration of the eight or nine months. And I think it causes
11 confusion. If you can kind of give dates, perhaps it will be
12 less confusing.

13 MS. JONES: Okay. I understand your objection.

14 It's noted for the record.

15 MR. DARDASHTI: Okay.

16 BY MS. JONES:

17 Q. When did you start walking with a limp? And that's
18 your understanding of what is considered a limp.

19 A. For what I would consider a limp would be something
20 noticeable to employees and management with them commenting
21 on it was after I called in sick with the toe issue in the
22 middle of July.

23 MR. DARDASHTI: Wait. With what you're just
24 saying, are you saying that that's what happened?

25 THE WITNESS: Well, the swelling in the toe had

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1 pain enough that I called in sick. I'm not a guy that calls
2 in sick. And the pain was still there, just not significant
3 in the days after that. And as time went on, it became
4 evident that I had an infection.

5 MR. DARDASHTI: Understood. But you made a comment
6 or a statement regarding guys noticing.

7 THE WITNESS: Yes.

8 MR. DARDASHTI: Okay. Did that happen while at
9 work is what I'm asking.

10 THE WITNESS: Yes.

11 MR. DARDASHTI: Okay. Can you talk about that?

12 THE WITNESS: Okay. The most significant case was
13 at the very end of my employment there, which was in or
14 around August 23rd, when I was expected to work the following
15 Saturday, which are usually voluntary, but they become
16 mandatory if we don't have enough employees volunteer for the
17 Saturday. And they wanted me to work that Saturday, so I
18 showed my lead how significant this toe infection became.

19 MR. DARDASHTI: Who was that?
20 THE WITNESS: That was David Alimon (phonetic).
21 That was my lead. And I removed my steel-toe shoe at the end
22 of the shift. And at the end of my sock there was pink
23 fluid, which was a mixture of puss and blood. So immediately
24 he texted management to let them know I will not be coming in
25 the next day. And he would show much more concern than he

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1 already had before that. He showed concern before this, but
2 it wasn't as strong.
3 MR. DARDASHTI: Okay.
4 BY MS. JONES:
5 Q. Did you report this to your Staffmark employer?
6 A. I was no longer employed at Staffmark at this time
7 whatsoever.
8 Q. Let me clarify.
9 When you first noticed the swelling in July of
10 2024, did you report it to anyone at Staffmark?
11 A. Yes, I did. I have it on my iPhone for the record,
12 but...
13 Q. Who did you report to?
14 A. I can't remember her name off the top of my head,
15 but it would be in my phone immediately. I can get it.
16 Q. That's okay. Does Alondra sound familiar?
17 A. Yes, it's Alondra.
18 Q. What did you tell Alondra?
19 A. I texted her the information and I showed her a
20 screenshot of my swollen toe.
21 Q. Did Alondra offer to provide you any medical
22 treatment?
23 A. No.
24 Q. What was the response from your manager at Mobis in
25 July of 2024 when you told him that you're calling out

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1 because of this issue with your toenail?
2 A. Alfred always treated me well and he showed concern
3 about my well-being and asked how I was doing. I had a
4 positive attitude about my injury at that time not knowing
5 there was a necrotic infection setting in. So I told him
6 that there was pain, but I told him I believed I would get
7 through it with over-the-counter remedies based off how I
8 dealt with my injury in 2019 with the other toe, which never
9 turned out to be anything significant.

10 Q. Did you try to use over-the-counter remedies?
11 A. I used Neosporin. I used Dr. Scholl's wipes. I
12 used fungicide thinking that this infection might be based
13 off athlete's foot. I used salts -- bath salts to soak my
14 feet, and I also used ibuprofen.
15 Q. Have you ever seen a foot doctor or a podiatrist
16 prior to July of 2024?
17 A. No.
18 MR. DARDASHTI: Has any doctor told you to stop
19 taking so much ibuprofen?
20 THE WITNESS: I've never been told not to take it.
21 The next step in this whole process was eventually the
22 amputation, in which I was no longer taking the ibuprofen but
23 rather the Norco when I was staying at St. Bernadine's
24 Medical Center.
25 MR. DARDASHTI: Before being told that you were

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1 going to get amputated, were you taking the ibuprofen on a
2 daily basis?
3 THE WITNESS: I started taking ibuprofen on a daily
4 basis once I had called in sick and my toe swelled.
5 MR. DARDASHTI: Was that back in July?
6 THE WITNESS: That was back in July.
7 MR. DARDASHTI: Okay. At this time you were not
8 diagnosed with diabetes, formally diagnosed?
9 THE WITNESS: Yeah, I was not diagnosed.
10 MR. DARDASHTI: All right. And then just to be
11 clear for, you know, for those months, how often were you
12 taking the ibuprofen?
13 THE WITNESS: I was taking the ibuprofen on a daily
14 basis.
15 MR. DARDASHTI: Okay. Was it sometimes more than
16 once a day?
17 THE WITNESS: Yes.
18 MR. DARDASHTI: Okay. Go ahead, Counsel.
19 BY MS. JONES:
20 Q. You indicated your symptoms to your right foot so
21 far included swelling, pain. Was there any other symptoms
22 that you were experiencing in your right foot?
23 A. Yes.
24 Q. What other symptoms?
25 A. By the middle of August, at the time that I was

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1 becoming an official Mobis employee, skin ulcer -- I think
2 they call them ulcers -- opens up on the right side of my big
3 toe on my right foot.

4 Q. When did you first receive treatment for your right
5 foot?

6 A. Besides over-the-counter personal remedies, the
7 ones I have mentioned, I did not receive anything from a
8 doctor or specialist until September 3rd, 2024.

9 Q. Where did you go on September 3rd?

10 A. On September 3rd is when I went to La Concepcion
11 Medical Clinic in West Covina.

12 Q. What treatment was provided?

13 A. I was prescribed, I believe it was, Metformin and
14 Naproxen at that time. I'm 95 percent sure that's when the
15 prescriptions began with those two medications.

16 Q. Do you have history of the ulcers?

17 A. No.

18 If I could interject something. I also believe he
19 prescribed an antibiotic, but I just can't remember what it
20 was.

21 Q. That's all right. I have the medical record.

22 A. Okay.

23 Q. I understand that you were referred to the ER at
24 that time?

25 A. At that time I don't believe I was referred to the

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1 ER, no.

2 Q. What was the plan of action that was recommended by
3 the doctor at that visit?

4 A. The most he could allow me to be off work was four
5 days. During those four days, that's when I reached out to
6 Dash & Port Injury attorneys for further consultation and
7 recommendations on how I should go about this process. And
8 Dash & Port referred me to Dr. Russman in West Covina. And
9 my first appointment with Dr. Russman was September 12th,
10 2024.

11 Q. I apologize. I misstated earlier. So it was at
12 that September 12th, 2024 appointment that you were
13 recommended to go to the ER; is that correct?

14 A. I don't remember her recommending me to the ER,
15 no.

16 Q. What was the plan of action at that appointment
17 with Dr. Russman on September 12th, 2024?

18 A. I have documentation. Not with me. I have it

19 somewhere on my phone, but there was a list of therapeutic
20 dates when I was to go to their office in West Covina. These
21 therapeutic dates were going to deal with my knee and my
22 lower back and they were going to have X-rays on me. As it
23 turns out, the condition got worse on my foot and I wound up
24 checking myself into the ER on October 1st, 2024.
25 Q. How did the condition worsen?

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1 A. On August 30th, 2024, which was my last day I
2 worked at Mobis, the chronic infection had gone from my big
3 toe on my right foot to my second toe. And it had turned
4 purple on the bottom by September 3rd, which was the day I
5 called in sick and went to the clinic. From there two more
6 ulcers opened up on the bottom arch of my right foot. And by
7 the time I checked myself into the ER, there was also an
8 ulcer in my ankle. And that's when I was diagnosed with
9 osteomyelitis, which meant that the necrotic bacteria had
10 eaten into my bone in my ankle.
11 Q. When you had the condition in 2019 with your left
12 foot's big toe, did it ever spread to the second toe?
13 A. No.
14 Q. Did you ever have any ulcers in that left foot --
15 A. No.
16 Q. -- at the time you had that injury in 2019?
17 A. No.
18 Q. What hospital did you go to in October when you
19 checked yourself into the ER?
20 A. St. Bernardine's Medical Center in San Bernardino,
21 California which is run by Dignity Health.
22 Q. What treatment was provided?
23 A. I have more than 300 pages of medical records from
24 my discharge. So there was multiple things, but in a
25 nutshell, I had three surgeries regarding the amputation. I

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1 had a CAT scan or MRI, I think, it -- they were scheduling
2 the MRI, but I think it was only a CAT scan. And there was
3 many other treatments. But like I said, I was there for
4 three and a half weeks, and there's 300 pages of
5 documentation on that.
6 Q. Where -- at what point of your leg was it
7 amputated? For example, was it only your foot?
8 A. The first surgery was on October 3rd, and that was
9 what they call a guillotine amputation at the ankle. And

10 under all circumstances there was always going to be no less
11 than one more surgery after that, but it would be dependent
12 on how much bacteria remained in my leg. I needed that
13 intermediary surgery, which happened on October 8th. They
14 call it a cleanup surgery. Then I had a final, what they
15 call, below-the-knee amputation. And this is when skin was
16 put together with staples at the remaining stump of my leg.
17 That was October 14th, I believe.

18 Q. You indicated that you use a walker and a
19 wheelchair?

20 A. Yes.

21 Q. How often do you use the walker?

22 A. The walker is more convenient, and I use it very
23 often when I'm inside the house, especially to go to the
24 restroom. I actually use it inside the shower. The
25 wheelchair allows me to carry things which the walker does

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1 not. I use the wheelchair whenever I'm going to be in the
2 living room to watch television with my family. And I use it
3 when I go outside if I need to go grocery shopping.

4 Q. For how long can you walk with just the walker
5 before you have to sit down or go in the wheelchair?

6 A. One of the treatments when I was at the hospital at
7 St. Bernardine's -- on a regular basis I would see physical
8 therapists and that's when I started to use the walker. I've
9 never used the walker before that. And we would go outside
10 of my room and I would walk down the halls of the hospital.
11 And what I was told by more than one physical
12 therapist is that I have significant upper body strength
13 which other people in my situation don't always have. I was
14 able to use the walker to use the restroom while in the
15 hospital as well. If that answers your question, then, you
16 know, I could tell you more about how I've used it since I've
17 come home.

18 Q. I think that answers it. You already had
19 discussed, you know, how you use the walker for the bathroom
20 and to maneuver around the house; is that correct?

21 A. Yes.

22 Q. When you're at the grocery store or just out in
23 public outside of the house, do you ever use the walker?

24 A. Not often. I used it to get to this office because
25 it's more convenient. I did bring my wheelchair because I

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1 brought 300 pages of medical documents that I have from
2 discharge. And if I had to bring anything, I was going to
3 use the wheelchair to bring -- to carry that because it's too
4 difficult to go with a walker.

5 Q. Did your doctor at St. Bernardine's ever indicate
6 what the cause of the amputation was? I understand you
7 already indicated that you had necrotic foot.

8 A. Yes.

9 Q. But what was the cause of the necrotic foot, if
10 that was ever indicated to you?

11 MR. DARDASHTI: I'm just going to object. I'm
12 going to object to form. It is something that may solicit an
13 expert medical opinion. He may lack foundation. Calls for
14 speculation. Objection to form. And objection; it's vague
15 and ambiguous as to time and scope.

16 Having said that, if you understand the question,
17 you could answer it.

18 THE WITNESS: Okay. To the best of my knowledge is
19 how I can answer it, is my doctor that performed the surgery
20 specifically would not answer this for any patient is what he
21 told me. He's been told that he's been demanded from police
22 officers to give logistical evidence in shootings when he's
23 had to do surgeries or whatever. And he said it's not for
24 him to decide the cause of something like that. And how much
25 of it had to do with a work situation, he said he wouldn't or

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1 couldn't tell me because that's not his policy.

2 MR. DARDASHTI: Okay. So to be clear, his stance
3 was that he's not commenting on the cause; is that correct?

4 THE WITNESS: Yes.

5 MR. DARDASHTI: Okay. And he would not tell you
6 that?

7 THE WITNESS: Yes. He said that's not his policy
8 across the board.

9 MR. DARDASHTI: So did you get a feeling that he's
10 just saying he's here to perform a procedure on you and
11 assist you medically as necessary?

12 THE WITNESS: 100 percent.

13 MR. DARDASHTI: Okay. Understood.

14 THE WITNESS: Okay.

15 BY MS. JONES:

16 Q. Have you ever had any prior injuries or any
17 symptoms in your right foot?

18 A. No.

19 Q. Any of your toes in your right foot?

20 A. No.

21 Q. What about your right ankle, any prior history of
22 injuries?

23 A. No, I've never broken any bones. I've been a
24 pretty healthy person for the vast majority of my life.

25 Q. When did you first notice pain or symptoms begin in

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1 your left knee?

2 A. So the time line of my significant pain overall
3 starting with my swollen right toe in mid-July 'till the time
4 that I ended on August 30th, which was roughly a month and a
5 half. It was gradual. And the more it was painful to be on
6 my right foot, the more I had to compensate with my left leg.
7 And on a daily basis being that I was working 10 to
8 11 hours, I would notice it around -- after the seventh or
9 eighth hour, it was significantly painful to be on my right
10 leg, specifically in my knee.

11 Q. We're talking about your left knee, so I just want
12 to clarify. You said it was painful to be on your right leg,
13 specifically your knee?

14 A. Yes. Yes, it was painful to be on my right leg, so
15 my left leg had to compensate.

16 Q. When you reported your foot, did you also report
17 your left knee?

18 A. Not to management, but I had regular conversations
19 with other workers. It was a regular thing for people within
20 my little department that also had similar issues. They
21 would bend over backwards on boxes to crack their backs and
22 stretch their backs. I would do that during break time at my
23 car. I would bend over backwards over the hood of my car to
24 relieve the pressure on my back, to crack it and make sure
25 that I didn't return to work as, you know, as much tension in

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1 my back, with as much tension.

2 Q. Would you say that your pain in your knee began in
3 July or later on? And this is July 2024.

4 A. I do not recall specifically when I noticed the
5 pain in my knee, if it was back in July, but it was
6 definitely there in the last two or three weeks. It was
7 definitely there in the last two or three weeks of August.

8 Q. When you first noticed the pain in your left knee,
9 can you describe your symptoms?

10 A. The reason I mentioned it to anyone is because I
11 hate -- can I describe this in my own words, not, you know,
12 like, using metaphors because there's a voice in the back of
13 your head that is screaming at me, "Hey, this is wrong. Hey,
14 this is wrong. I've got to get out of this situation because
15 of how much pain I'm in."
16 And I consider myself to be a tough person. I've
17 worked at warehouses for 19 years and I was told to always
18 distinguish between pain and injury, but this was bordering
19 on injury, it felt, because at any given moment I'm
20 wondering, "Can I survive this circumstance? Can I make it
21 to the next day?" And this went on at the very end of my
22 employment as a physical worker there.
23 MR. DARDASHTI: Had you experienced this level of
24 injury and discomfort?
25 THE WITNESS: I've never had this level of injury

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1 and discomfort in any other job.
2 MR. DARDASHTI: Okay. Go for it.
3 THE WITNESS: So that's in a nutshell how I would
4 describe it. I was wondering when I would have to tap out of
5 my job.
6 MR. DARDASHTI: Okay.
7 BY MS. JONES:
8 Q. At the time that you first started having this
9 pain, let's say at the last few weeks of August, you know,
10 for sure you were having that pain, how would you rate it in
11 on a scale 1 to 10?
12 A. I would say no less than a 6, upwards of an 8 by
13 the end of my shift.
14 Q. How would you rate the pain in your left knee in
15 the last month on a scale of 1 to 10?
16 A. I would say 2 or 3 because I'm not on my feet as
17 much. Like I said, this pain would happen after eight hours
18 on the job and having to last those two to three hours, but
19 I'm not on my leg as much anymore, so it's incredibly
20 reduced.
21 Q. Have you ever had any symptoms or prior injuries in
22 your left knee?
23 A. No.
24 Q. What increases your pain in your left knee
25 currently?

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1 A. Yes. Okay. Even now being that I don't have that
2 foot to -- before, even though it was painful to be on my
3 right foot, I still had to take some of the weight off my
4 body. But now my left leg is completely holding up my body,
5 so I'm having to lower myself onto, for example, a toilet
6 seat or other things. And it did take a few weeks after my
7 discharge from the hospital for my leg to be able to tolerate
8 even that without pain.

9 And it's not as much pain right now as it is
10 soreness from having to use my leg to hop around on. This
11 happens even when I'm in the wheelchair because I push myself
12 with my leg and I push myself with my two arms, but it's
13 still there because I have no other leg to put the weight on,
14 but it's not as sharp as it used to be. But even now I've
15 got to learn how to have only one leg.

16 Q. How often have you felt pain on average in your
17 left knee in the last month? Do you feel pain on a daily
18 basis in your left knee?

19 A. Yes. It's not only in my knee. And it's hardly in
20 my knee because of the different muscles that I'm using. At
21 the warehouse there was, you know, a certain muscle group
22 that I was using, but now that I'm on a walker, it's a little
23 more about lowering myself and lifting myself. So instead of
24 the knee so much, it's gone a little more to my thigh area.

25 Q. Can you describe your symptoms in the last month in

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1 your left thigh, for example? When I'm speaking of symptoms,
2 I'm wanting to know, is it cramping, radiating, sharp, numb,
3 aching, dull, tender?

4 A. Yeah, it's a significant soreness. When I was
5 working at Mobis, even before my toe injury and assignments
6 before Mobis, I would get leg cramps. That's just a normal
7 thing. Not at the job, but at home. I didn't get leg
8 cramps, but there was some kind of sensation that was
9 similar. Before I got the leg cramps, I could feel a
10 tightening. And I had that same tightening, but it never
11 developed into cramps after I was discharged from the
12 hospital. And it had to do with the lowering, lifting in a
13 different way that I was used to.

14 Q. Prior to your right foot big toe injury, how often
15 were you experiencing leg cramps?

16 A. Like I said, I've worked in warehouses since I was
17 19. And I've gone years -- two or three years at a time
18 without having any leg cramps. And depending on the job

19 assignment and what muscles are used, I would say as often as
20 maybe twice a month, two or three times a month during a
21 tough assignment that I used a lot of my legs for the job.

22 Q. Were you experiencing leg cramps in both your left
23 and right leg?

24 A. In the course of my life, I've experienced cramps
25 in both legs.

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1 Q. Do you ever have to take off time from work due to
2 leg cramps?

3 A. No.

4 Q. Have you ever spoken to a doctor about the leg
5 cramps?

6 A. I've never spoken to a doctor directly about the
7 leg cramps as far as being there specifically for leg cramps,
8 but I might have mentioned it when I was at the hospital, at
9 St. Bernardine's, but I don't remember doing that.

10 Q. Where on your leg were you feeling cramps? Is it
11 always in the same place, for example?

12 A. Like I said, I've had them in my thighs, but I've
13 also had them in my calf muscles. For example, when I was
14 working at XPO Logistics, I was driving a Toyota forklift
15 that was propane. And we were required to use the gas pedal
16 and the brake at the same time. Because of the lifting
17 mechanism, it rises quicker if you have the brake on and you
18 press the gas for the fork to lift. And for that job I had
19 to adjust. And during this adjustment period, I'd get almost
20 daily cramps in my calves.

21 Q. Have you received any treatment for your left
22 knee?

23 A. I was referred to Dr. Russman on September the
24 12th. Thereafter I went to therapy -- physical therapy twice
25 a week up until the amputation. And I was being treated on

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1 my left knee through Dr. Russman's office.

2 Q. Did you ever have an MRI done of your left knee?

3 A. No.

4 Q. Did you have an X-ray?

5 A. I'm not sure if they x-rayed my left leg during the
6 time I was at St. Bernardine's, but they did have X-rays of
7 my right foot. So I don't know how far the X-rays went. I
8 don't know that off the top of my head.

9 Q. Are you currently treating for your left knee?

10 A. No.

11 Q. Was physical therapy helpful on your left knee?

12 A. I would say yes, but like I said, I'm not a medical
13 doctor, so I don't know the metrics that they would use to
14 gage that. But I was happy to be in physical therapy. And
15 it seems worthwhile to have just -- they use electrodes on my
16 knee and it felt better usually, yes.

17 Q. When did you first notice pain or symptoms begin in
18 your back?

19 A. These, like I said, were hand in hand with my left
20 knee. And, you know, being -- like I said, I'm not a medical
21 doctor, so I don't know the causation, but there was a
22 definite correlation that when my left knee started hurting
23 so did my -- it was actually the bottom part of my lower
24 back. And I figured it was because of the awkwardness of how
25 I was having to walk and stand during the course of the

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1 day.

2 Q. You indicated that you felt symptoms on your lower
3 back. Was it all over your lower back or just one side?

4 A. It's mainly on the right center part of my lower
5 back.

6 Q. Did you ever report the pain in your back to your
7 employer?

8 A. The pain in my back, I did not report it directly
9 to my employer, but a lot of the other employees, like I
10 said, in my department also had similar pain, I think, from
11 working the long hours. And they would openly stretch
12 themselves over boxes. And I couldn't tell you if
13 supervision or anyone witnessed these things, but it was a
14 regular thing that people would stretch out their backs.

15 Q. That's okay.

16 Can you describe your symptoms in your lower back?

17 A. It was significant pain, like I said. Usually
18 after about eight hours, I would say the knee had a little
19 more pain, but the back was going to be an issue. I've never
20 had back issues except for when I was around 19 years old
21 when I had a pinched nerve. And what I remember about that
22 time is feeling a tightening before I had a pinched nerve.
23 But for all of my time at warehouses, like I said, I've never
24 had significant pain.

25 Q. How would you rate the pain in your lower back in

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1 the last month on a scale of 1 to 10?

2 A. 1.

3 Q. In the last month how often have you felt pain in
4 your lower back?

5 A. I wouldn't say anything out of the ordinary. I
6 think it was contingent on me being on my feet eight or nine
7 hours a day when I told Dr. Russman and my counsel at Dash &
8 Port about these secondary issues besides my foot. The knee
9 has remained mainly because I'm still on it without my right
10 leg. But as far as my back, it's not significant. But, you
11 know, I have concerns that, you know, it could get bad again,
12 but right now it's not an issue.

13 Q. When was the last time you felt pain in your lower
14 back?

15 A. As far as anything significant I would tell anyone
16 about, the last time it was significant was when I was
17 working in August of 2024 at Mobis.

18 Q. Is there anything that increases your pain in your
19 lower back?

20 A. The main thing, like I said, besides being on my
21 feet and having awkward situation of, you know, not being
22 able to balance myself properly was we did regularly lift
23 items which were 65 pounds, even more than 100 pounds. We
24 would team-lift these other items. But being in the auto
25 parts warehouse, there was heavy objects in the warehouse

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1 which we had to deal with.

2 Q. How did the pinched nerve occur to your back when
3 you were 19 years old?

4 A. My first warehouse job was at a place called "Quill
5 Corporation" where I became a lead. And I was working in a
6 department which was verifying that the orders are correct.
7 At the time the table and the rollers, they didn't perfectly
8 align without a metal lip near the rollers, so we would have
9 to lift the boxes when they were verified over this lift
10 while we are turning.

11 It was identified as an issue. And that lip over
12 the rollers was removed because other people were also having
13 problems about having to lift while turning to put boxes onto
14 rollers from their desks. So I had a pinched nerve during
15 the process of moving one of the boxes to the rollers.

16 Q. Were you sent for medical treatment?

17 A. I went to Kaiser Hospital.

18 Q. What Kaiser location?

19 A. Fontana, California. This was during the '90s, and
20 I couldn't even tell you the year, honestly. I worked at
21 Quill Corporation from 1990 until 1997 and I couldn't tell
22 you what year that was. I would guess it was in the early
23 part.

24 Q. What type of treatment did you receive at Kaiser?

25 A. They gave me some kind of muscle relaxant, and I

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1 couldn't tell you what that was at the time. It wasn't
2 significant past a few days or a week. That was not a
3 lasting type of injury.

4 Q. Did you do any physical therapy?

5 A. No, not that I remember. I did physical therapy at
6 Quill Corporation, but I can't remember that that was what it
7 was for. It might have been. So I'm unsure is my answer.

8 Q. Did you file a workers' compensation claim?

9 A. No.

10 Q. When you attended physical therapy for your left
11 knee, did you also receive physical therapy for your lower
12 back?

13 A. That was scheduled to be the next thing which they
14 were going to do therapy on. But before I began therapy on
15 my back, the situation with my foot had become so bad that I
16 checked myself into the St. Bernardine's Medical Center. I
17 was scheduled to do therapy -- physical therapy through
18 Dr. Russman until, I believe, October 27th. I would have
19 been going to therapy until October 27th had I not had to
20 check myself into the emergency room for my foot.

21 Q. So the physical therapy that you received was only
22 focused on your left knee; is that correct?

23 A. Yes. And they also sent me medical creams for my
24 foot, which were not part of the office visits, but were
25 supposed to help for me to do at home.

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1 Q. Have you had any other prior back injury or similar
2 symptoms in your back other than the one that you spoke of
3 when you were 19 years old?

4 A. No.

5 Q. Is there anything that helps decrease the pain in
6 your back?

7 A. Are you talking about currently or back then?

8 Q. Currently.

9 A. The ibuprofen, when I was working at Mobis, that

10 helped with my foot, but it also helped with the knee and my
11 back.

12 Q. Have you ever filed a workers' compensation claim
13 prior to this injury?

14 A. No.

15 Q. Have you worked for any other employer since your
16 last date of work at Mobis?

17 A. No.

18 Q. What doctors are you currently treating with?

19 A. I have an appointment at 3:00 p.m. with Dr. Phong
20 Dargan, P-h-o-n-g. It might be my last appointment with him.
21 He performed the three surgeries. And I've been meeting with
22 him on occasion since my discharge from the hospital.

23 Q. Do you meet with him at St. Bernardine's?

24 A. Repeat the question, please.

25 Q. Do you meet with him at St. Bernardine's?

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1 A. Yes. He has an office in the medical center.

2 Q. Are there any other doctors that you're currently
3 treating with?

4 A. No. I have an appointment with the office of
5 Dr. Kyle Smart on February 24th.

6 Q. Since you were discharged from St. Bernardine's,
7 have you received any other treatment besides the medications
8 that we've discussed?

9 A. Yes.

10 Q. What treatment have you received?

11 A. Mission Home Health has provided a physical
12 therapist who has come to my house one time but also a wound
13 care specialist who was coming to my house two times a week
14 up until about a week or two ago.

15 Q. Do you have any additional physical therapy visits
16 scheduled?

17 A. On October -- no, on January 23rd of this month,
18 I'm set to have my prosthetic foot, at which point I was
19 advised to schedule physical therapy sessions once again.

20 Q. What's the clinic or doctor that you're seeing for
21 the prosthetic foot?

22 A. Hanger, H-a-n-g-e-r, I think. It might be g-a-r.
23 In Redlands, California. And that's not a doctor. They're
24 just a specialist in creating prosthetics.

25 Q. Who is your current family doctor?

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1 A. If you're asking about my primary care physician,
2 that would be Dr. Kyle Smart.

3 Q. When did Dr. Kyle Smart become your primary care
4 physician?

5 A. It was at some point after my St. Bernardine's
6 discharge. I believe it was early November when he became my
7 primary care physician.

8 Q. Who was your primary care physician before
9 Dr. Smart?

10 A. I did not have a primary care physician. My
11 medical insurance through Anthem did not kick in until
12 October 1st. That was the day I admitted myself to
13 St. Bernardine's Medical Center. Dr. Dargan has been my
14 acting primary care physician up until this point.

15 Q. Were you provided medical insurance through
16 Staffmark?

17 A. I'm 95 percent sure the answer is no. They offer
18 insurance. And I believe I had declined this time around
19 OBVIOUSLY believing that I'd have insurance through Mobis
20 once I got hired.

21 Q. Do you recall who your last primary care physician
22 was even if it was some years ago?

23 A. I'll be honest with you that I haven't had medical
24 insurance for a significant time, long enough that I involve
25 myself in having annual physicals or anything along that

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1 nature. I've abstained from hospitals because I've been
2 healthy. And I've not been to a hospital in a couple of
3 decades probably. So I've never had a primary care
4 physician. Since I wasn't employed long enough, I usually
5 didn't have annual physicals. I never believed I needed one
6 for any kind of emergency.

7 Q. If you ever had the flu or were sick with anything
8 else, are there any other places that you would go, such as
9 an urgent care?

10 A. I went to urgent care at the end of my time when I
11 was working at XPO Logistics, the same month that I was
12 employee of the month. I also had a staph infection or what
13 they believed was a staph infection. But before that I had
14 no medical issues. And then since then I've had no
15 significant medical issues.

16 Q. Do you recall the name of the urgent care?

17 A. Yes.

18 Q. What's it called?

19 A. I might have this a little wrong, but it's Mount
20 San Antonio in Rancho Cucamonga. It's something along those
21 lines. San Antonio Medical Rancho Cucamonga. I couldn't
22 tell you verbatim, but I'm pretty sure "San Antonio" is in
23 the name of the urgent care in Rancho Cucamonga.
24 Q. Do you recall when during your employment with XPO
25 Logistics that you had this staph infection?

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1 A. It was mid-August in 2019, mid to late August.
2 Q. Where was the staph infection located?
3 A. It started on my left arm and then it traveled to
4 my right arm and then the rest of my body. One of the
5 reasons I was referred to a dermatologist is because the
6 bacteria, they said, was in my body back then was something
7 called staph aureus. And that's the same bacteria that
8 remained in my body at the end of my time at
9 St. Bernardine's.
10 And I've asked many medical doctors why I had the
11 same type of bacteria and I've never got a clear answer.
12 They pretty much said that if it was a staph infection back
13 in 2019, it should have gone away, but for some reason it's
14 the same one that they identified as the necrotic bacteria in
15 my toe.
16 Q. Are there any other doctors that you went to for
17 the staph infection?
18 A. No.
19 Q. You indicated that you went to a dermatologist.
20 Was this through the urgent care?
21 A. I had a FaceTime talk with one of Dr. Kyle Smart's
22 people about a week or two ago and they sent a referral. So
23 I have not gone to a dermatologist face to face yet. I've
24 just received a referral to see a dermatologist.
25 Q. At the time that you had this staph infection in

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1 2019, were you sent to a dermatologist?
2 A. No.
3 Q. What treatment was provided in 2019 for that staph
4 infection?
5 A. They provided me with an antibacterial, and I can't
6 remember what the antibacterial medication was. The staph
7 infection did not go away, so I returned to that same medical
8 clinic and they rediagnosed me and suggested that I had
9 scabies or some kind of bed bug. And they prescribed me

10 permethrin. So I was not sure even back then that it was a
11 staph infection, but that was the first diagnosis.
12 Q. Did the staph infection resolve with the medication
13 in 2019?
14 A. No, it did not.
15 Q. How did it resolve?
16 A. It has not been resolved. All these years later,
17 at some point somewhere on my skin there are usually lesions.
18 I have a friend who has a wife who's a nurse that suggests it
19 might be -- I believe it's called eczema or psoriasis.
20 That's what she suggested. She said it's a skin condition
21 that looks like other things and it does not ever go away.
22 But up until now I've not seen a dermatologist, but I have a
23 referral to see one, and I should know his prognosis on it.
24 Q. What were your symptoms when you had the staph
25 infection in 2019?

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1 A. I had significant spontaneous skin lesions. Like I
2 said, they started on my arms, but they spread to different
3 parts of my body. I also looked up many different things
4 online besides that they said I might have bed bugs. There
5 were certain things which resembled skin cancer which showed
6 similar lesions. Carcinoma, I think, is one. And I can't
7 remember the other two types of skin cancer that, you know, I
8 looked up. But I had no clue what it was back then, and even
9 at this moment I don't know what the issue was.
10 Q. Do you have any symptoms associated with those skin
11 lesions?
12 A. Nothing that prevents me from operating like a
13 ordinary person.
14 Q. Do you have irritation at the sight of the skin
15 lesion?
16 A. Yes.
17 Q. You indicated that the staph infection never went
18 away?
19 A. Yes.
20 Q. So how significant were these skin lesions up until
21 the point when you had this issue in July 2024? Was it
22 covering both arms completely?
23 A. Well --
24 Q. And was it only on your arms? Was it any other
25 part of your body?

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1 A. Ever since I've had this condition, yes, I still
 2 wear long sleeve shirts on a regular basis. It's
 3 primarily -- and I believe that because of the medication
 4 I've been taking, I think they're going away. I think
 5 there's a good chance with the increased dosage of Metformin
 6 they just might finally go away before I see a dermatologist.
 7 But I still have a few, but they've been in areas of the body
 8 that aren't visible to the public. And they're primarily on
 9 my arms and there's a few on my legs.
 10 Q. Do you have the address of the urgent care that you
 11 went to, the San Antonio Urgent Care?
 12 A. I can get it within 30 seconds if I Google it, to
 13 tell you the truth.
 14 Q. Okay. Go ahead. You can Google it.
 15 A. Okay.
 16 Q. The address that I have is 7777 Milliken Avenue?
 17 A. That sounds exactly right. It's on Milliken.
 18 Q. Okay. Then that's likely it?
 19 A. Okay. It's a little north of Foothill Boulevard,
 20 but it's on Milliken.
 21 Q. Did you ever have to miss any time from work at XPO
 22 due to the staph infection?
 23 A. Yes.
 24 Q. How much time did you miss?
 25 A. I don't exactly recall, but it might have been two

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1 or three days when it first broke out. But I did return to
 2 work and I worked as an ordinary person, you know, for the
 3 following weeks. I put in a notice that I would quit. And
 4 at that point I planned to move to Seattle, like I said, for
 5 work. And it took about a month and a half for me to move to
 6 Seattle, but eventually I moved to Seattle and started
 7 working in that area.
 8 MR. DARDASHTI: Counsel, we've been going for well
 9 over an hour, which is fine, but is it okay if we maybe take
 10 five or ten minutes?
 11 MS. JONES: Yeah, let's take like ten minutes.
 12 (Break in the proceedings.)
 13 MS. JONES: Let's go back on the record.
 14 MR. DARDASHTI: Okay.
 15 BY MS. JONES:
 16 Q. Have you ever been hospitalized aside from this
 17 recent hospitalization?
 18 A. Never. To the best of my knowledge, I haven't been

19 in a hospital overnight since I was a baby, you know, after I
20 was born, yeah.

21 Q. Is there any other time besides for this injury
22 when you made a visit to an emergency room at a hospital?

23 A. Yes.

24 Q. When?

25 A. I'm trying to remember the year. In mid to late

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1 '90s I was at a party and a fight broke out, and I got hit in
2 the nose and I wound up going to San Bernardino County
3 Hospital.

4 Q. What treatment was provided?

5 A. I think they just gave me painkillers, but I don't
6 remember. It was back in the '90s. I remember being at San
7 Bernardino County Hospital though.

8 Q. Have you ever gone to a chiropractor?

9 A. No.

10 Q. We've discussed so far your recent PT visits,
11 physical therapy visits, in 2024 and then also your physical
12 therapy visit, I think, that you had with regard to that 2019
13 back injury. Are there any other times that you've been to a
14 physical therapist?

15 A. You said 2019 back injury?

16 Q. Sorry, 2019. I apologize. When you were 19 years
17 old.

18 A. Okay. No, there's no physical therapist when I was
19 19 years old.

20 Q. There was none.

21 And is there any other time that you've seen a
22 physical therapist aside from this injury?

23 A. But I think I also said that I remember that I did
24 go to some kind of therapy at an office where they put an
25 electric pad, but I can't definitely -- it had to be for

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1 that, but I'm pretty sure that would qualify. But that was
2 not a home situation. Like I said, that was 1990, so I don't
3 remember that situation enough to really comment on it. But
4 I think I was going to some kind of clinic on their watch
5 while I was at Quill Corporation in the '90s. But like I
6 said, my memory is fuzzy on that treatment.

7 Q. That's okay. That's fine.

8 You already indicated you've never broken any
9 bones. That's correct?

10 A. Yes.

11 Q. Have you ever been in any auto accidents?

12 A. I've never been any injury auto accidents. I had
13 an auto accident in March of 1994.

14 Q. Do you recall an auto accident in 2023, May of
15 2023?

16 A. Actually now that -- you know, just slipped my
17 mind, but yes, there was an incident. It was either a police
18 cruiser or a sheriff's deputy that was going through the
19 intersection because he was in pursuit. And there was no
20 damage to my car, but there was some damage to the rear of
21 that cruiser. But, yeah, there was, you know, nothing else
22 that I remember besides 1994 and that one.

23 Q. I'm going to assume because you already indicated
24 that you never had any injuries resulting from an auto
25 accident that the auto accident in May of 2023 did not result

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1 in any injuries?

2 A. Not on my behalf and I doubt on the behalf of the
3 police officer, but I never got a report from, you know, the
4 office, so I don't know. No, it was not anything at all. It
5 was nothing. It was basically the front of my car scraped
6 the back of theirs and there was physical damage on the car,
7 but nothing else.

8 Q. Have you ever been in any slip-and-falls?

9 A. No.

10 Q. Have you ever suffered any sports or recreational
11 injuries?

12 A. No.

13 Q. Have you ever been diagnosed with arthritis?

14 A. No.

15 Q. Have you ever been diagnosed with epilepsy?

16 A. No.

17 Q. Have you ever been diagnosed with heart disease?

18 A. No.

19 Q. I know that you've indicated that you haven't
20 really seen a doctor for a long time prior to this injury,
21 but is there any other time when you have gotten labs done
22 prior to this injury, a doctor maybe referred you for labs?

23 A. I've not been in a hospital for a physical that had
24 nothing to do with an injury since the 1990s.

25 Q. It may not have to do with an injury. I'm just

Page 70

1 asking if you recall --

2 A. Yes.

3 Q. -- any other time you've been to a lab testing
4 center.

5 A. Yes.

6 Q. Do you recall when that was?

7 A. I've had various drug tests, and I really couldn't
8 tell you which employers required any kind of -- anything
9 beyond urine or mouth swab as far as drug test. But I know
10 that a couple of times. And I just couldn't tell you which
11 employers they were that went more extensive than just urine
12 or cotton swabs as far as a physical to get a job, but those
13 are the only ones.

14 Q. Have you smoked?

15 A. I do not smoke cigarettes. On my medical report it
16 says I'm tobacco dependent, but I'm not. Occasionally I
17 smoke cigars, and I'm talking about one every few months.
18 And that's usually with my brother after a football game, but
19 in no way am I tobacco dependent. But I was reading through
20 my medical discharge papers and I gave them the same answer,
21 and for their interpretation, that's what they put. But, no,
22 I'm not tobacco dependent.

23 Q. Was there ever a period of time where you were
24 smoking cigarettes on a regular basis or using any type of
25 tobacco?

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1 A. Yes. Right around -- I would say between 2022, my
2 mom had emphysema and I smoked cigarettes with her because
3 that's what she did and she refused to quit. So I smoked
4 cigarettes with my mom for about two years before she passed
5 away.

6 Q. How much were you smoking a day?

7 A. Definitely less than a pack.

8 Q. Do you drink alcohol?

9 A. Yes, but not a lot at all now that I've had this
10 operation.

11 Q. How often do you drink?

12 A. I've gone a few weeks at a time without drinking
13 anything. Since this has happened, I drink recreationally
14 with my brother maybe once a week, maybe once every two
15 weeks. And when that happens, it's usually one single beer,
16 like a tall can or a glass of beer at Applebee's.

17 Q. Prior to this injury how often were you drinking?

18 A. I was drinking on a regular basis probably one or

19 two 12 packs a week.

20 Q. For how many years had you been drinking one to two
21 12 packs a week?

22 A. I would say it was a regular thing. Maybe not one
23 or two 12 packs a week, but I've been drinking regularly
24 since the age of 21, mostly social. But in the last five
25 years, you know, one to two 12 packs a week seems about

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1 right. But I'd go a month or two and try to lay off. But
2 one or two 12 packs a week is about right.

3 Q. Have you ever been a party to a lawsuit?

4 A. Yes.

5 Q. When?

6 A. I believe the only one I've ever been involved in
7 with besides class action lawsuits is Sears sometime in the
8 early 2000s.

9 Q. What type of case was it? For example, was it
10 civil or criminal?

11 A. It was civil. And it had to do with delinquency on
12 bills. And they delivered a notice to a place where I was no
13 longer living and a judgement was held. I don't know the
14 legal term when you're not there, but there's a legal
15 judgement against you. And I later found out that Sears had
16 sued me for funds that weren't paid through their credit
17 card. And I lost that lawsuit. "Absentia" might be the
18 name, but I can't remember.

19 Q. Did you have an attorney?

20 A. No.

21 Q. What are your hobbies?

22 A. I used to play guitar. I like to develop websites
23 through WordPress. I've been into AI lately, images. I'm
24 involved in social forums, but not MySpace and the mainstream
25 ones. Watching football. Those are, you know, the main ones

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1 within the last two or three years.

2 Q. Are you still able to do those hobbies since your
3 injury?

4 A. Yeah, I still do my hobbies.

5 Q. Do you still play the guitar?

6 A. I haven't played the guitar in a couple years. I
7 gave my guitar to my nephew, by the way, so I don't have a
8 guitar.

9 Q. Are there any hobbies that you could not do because

10 of the injury?

11 A. Yeah. I'm sorry, but the sports, I wasn't as
12 involved in sports, but I used to love to play basketball. I
13 played football. I used to ski. All of these things I will
14 not be able to do anymore. I could shoot baskets probably,
15 but as far as being a full participant in anything involving
16 contact is probably out of the question now.

17 Q. When was the last time you played basketball?

18 A. I shot hoops maybe 10 or 15 years ago.

19 Q. Were any of these current hobbies, the football,
20 skiing, basketball? 'Cause I'm asking, are there any current
21 hobbies that you could not do because of the injury or more
22 recent hobbies that you were doing prior to the injury that
23 you no longer are able to do?

24 A. It's not that I'm not able to do them, but even
25 something like Applebee's and watching football there, it's a

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1 little more awkward because of them accommodating me for my
2 wheelchair, but I still go and watch football at Applebee's
3 and other places like that.

4 Q. Were football and skiing hobbies that you were
5 doing prior to this injury, meaning, your recent history in
6 the last five, ten years?

7 A. I probably haven't played football since my 30s and
8 I'm 53 right now. It's been a while, but I used to love to
9 play football.

10 Q. When was the last time you went skiing?

11 A. Probably in the 1990s. But that was a big part of
12 my life. I've been to Utah. I've been to Idaho. I've been
13 to Lake Tahoe. I basically love to ski.

14 Q. Are there any activities around the house that you
15 can't perform such as doing dishes, cooking?

16 A. The most significant things that were very
17 difficult and they're still a little awkward involve outdoor
18 things, like throwing the trash, washing my car. Because my
19 house has two steps in the front door and two steps on the
20 side kitchen door and it's really difficult -- it was
21 impossible at the beginning, difficult, and now it's just
22 awkward to go through these processes of taking my chair up
23 and down the steps or the walker.

24 Q. When you say "uncomfortable," is there any pain
25 associated with that uncomfortability?

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1 A. There's no physical pain, but there's something --
2 I don't ever want to be treated for anything psychological,
3 but there's always a psychological element of if I fall. My
4 doctor told me that if the stump is ruined, the next surgery
5 would have to be above the knee. And there's a constant fear
6 of falling is all. And there's been times where there's a
7 light slip or whatever while I adjust, but I've not fallen.
8 But there's always that fear.
9 Q. Are you able to cook?
10 A. Will you repeat the question, please.
11 Q. Are you able to cook?
12 A. Yes.
13 Q. Do you do dishes?
14 A. Yes.
15 Q. You also indicated that you go grocery shopping
16 earlier?
17 A. Yeah.
18 Q. Are you able to go alone?
19 A. I've never gone alone with the exception of within
20 this last week, I've learned to go on a Vons app and they'll
21 take groceries out to your car. So if I need anything that's
22 heavier in bulk, that's where I've gone. But my brother,
23 from the time that I've been discharged until recently, has
24 gone with me to different grocery stores and he'll carry the
25 heavy stuff like water, gallons of milk, et cetera. That's

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1 kind of, you know, awkward for me to carry myself.
2 Q. When was the last time you washed your car?
3 A. About a week ago.
4 Q. Were you able to do it alone?
5 A. Yes. By "wash," I mean hose off. I didn't have
6 soap, but there was significant dirt on my car. I hadn't
7 driven until recently. And I cleared my windshield with
8 Windex and I hosed off everything that was dirty on the car,
9 but I didn't scrub it with soap.
10 Q. Do you do this from your walker or your
11 wheelchair?
12 A. What I did was I get my walker, and I do a lot of
13 leaning against the car to clean the window or clean the
14 front window and the back window in this method.
15 Q. Do you have any pets?
16 A. Yes, we have two small dogs inside the house, two
17 large dogs outside the house, three cats and a rabbit.
18 Q. Are you able to walk any of your dogs, you know,

19 with your wheelchair or in the walker?
20 A. Technically they're not my dogs. They're my
21 brother's and his wife. And they take them to dog parks.
22 And they've done that for years. They've had them in the
23 family for more than ten years, so they have a system
24 already. They even take them to a dog beach somewhere. I
25 don't know where it's at, but they take them out.

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1 Q. Is there anything you do these days for fun?
2 A. What for fun?
3 Q. Do you do anything for fun these days?
4 A. Like I said, I develop websites and I'm involved on
5 social forums. I'm pretty close with my brother. We watch
6 football together. Like I said, we go to Applebee's and
7 other places like that. I have a sister that lives in Palm
8 Springs who I saw for Christmas. Those are the funnest
9 things I can think of since I've been out of the hospital.
10 Q. Do you have a gym membership?
11 A. No.
12 Q. Did you used to do any exercise prior to this
13 injury?
14 A. To tell you the truth, when I was at Mobis, I used
15 to joke around with the employees that we don't need gym
16 memberships because it's a physical job and we're doing
17 lifting. We don't need a gym membership. But I consider
18 that my physical activity at the time.
19 Q. If you're able to in potentially a different role,
20 would you like to be able to go back to work?
21 A. These are issues that are going through my head
22 right now because the HR at Mobis has me scheduled to return
23 to work on March the 3rd, which I think is very ambitious
24 because I understand the physical therapy of getting used to
25 walking with a prosthetic takes longer than that. And I've

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1 been fitted for a prosthetic and it feels awkward, but I'm
2 hopeful to be as normal as possible. And that's a great
3 unknown of how normal I'll be once I have a prosthetic.
4 Q. Who was your employer prior to Mobis -- sorry,
5 strike that.
6 I understand that you worked for Staffmark prior to
7 Mobis. When did you start working at Staffmark?
8 A. My first assignment was in the autumn of 2016. And
9 I was working at a warehouse in Rialto called "Living

10 Spaces." It's on the border of Rialto/Colton. Sometimes
11 it's considered Rialto, sometimes it's considered Colton on
12 their itinerary.
13 Q. Where else had you been assigned by Staffmark?
14 A. A company called "Tech Data."
15 Q. When was that?
16 A. I could tell you all my assignments. I have them
17 right here. Actually, they're ready to view. I worked at
18 Tech Data, Shark Ninja. I worked multiple assignments in
19 Seattle through Staffmark, but not all of my assignments were
20 through Staffmark. I think there was only two of them. One
21 was Expeditors. Animal Supply Company was TruFit. Yusen
22 Logistics in Sumner, Washington. Hillman in Rialto,
23 California. Ritchie Brothers in North Las Vegas. Del Real
24 in Mira Loma. I mentioned Shark Ninja in Chino. BBraun in
25 Ontario. And most recently, Mobis Parts America in

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1 Ontario.
2 Q. So from your testimony it seemed you were working
3 for another staffing agency at the same time that you were
4 working for Staffmark; is that correct?
5 A. Rarely would I go through a different staffing
6 agency, but if one assignment ended and another staffing
7 agency had a good opportunity, I would use another staffing
8 agency, but it wasn't often.
9 Q. What other staffing agencies did you go through?
10 A. TruFit in Kent, Washington or -- let's see here. I
11 went through -- TruFit was in Fife, Washington. I went
12 through Logic in Kent, Washington. I went through Flex
13 Logistics in Ontario. I went through Fairway Staffing. I
14 went through CoWorx. I went through OS4 Labor. BBSI at
15 Refkim (phonetic) and Bradshaw Home, and I think that's it.
16 MR. DARDASHTI: Just to be clear, these staffing
17 agencies that you named, were these all ones that you worked
18 with only prior to working at Staffmark or were any of them
19 concurrent with Staffmark?
20 THE WITNESS: They were concurrent. I got my first
21 Staffmark assignment in autumn of 2016. And they were the
22 majority of the assignments, but every now and then they
23 didn't have an assignment ready for me when one ended, so I
24 would go through another one.
25 MR. DARDASHTI: Then to be more clear, for the last

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1 eight or nine months of working where you were stationed at
2 Mobis --
3 THE WITNESS: Yeah.
4 MR. DARDASHTI: -- were you only working with Mobis
5 and Staffmark?
6 THE WITNESS: Yes.
7 MR. DARDASHTI: Okay. Got it.
8 BY MS. JONES:
9 Q. Are you currently receiving any disability
10 benefits?
11 A. No, but there's a small caveat on that, is I
12 applied for disability through EDD, I was disallowed, and I
13 hired a separate attorney who was able to direct me to get my
14 EDD benefits. And a card came in the mail this past Friday,
15 and when I tried to activate the card, the debit card, they
16 said there was fraudulent activity on that account, so I was
17 not able to cash funds.
18 I contacted the issuing company for the debit card
19 and they said there would be a check sent to me, but that's
20 not come through. They said it will take 10 to 14 business
21 days. Besides that, I have not had any funds for
22 disability.
23 Q. What staffing agency assigned you to XPO?
24 A. I believe that was CoWorx. They have another name.
25 They are called Axxess, I believe. And they spell their name

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1 irregularly with an X. But I don't know if there's two
2 agencies that merged, but it's the same company, CoWorx and
3 Axxess.
4 Q. Any of these places of employment that we've
5 discussed, had you ever been sent for medical treatment? We
6 already discussed XPO, so aside from XPO.
7 A. No.
8 Q. Did you ever have any injury which you sought
9 treatment on your own for aside from XPO?
10 A. No.
11 Q. Were all of these jobs warehouse jobs that you
12 worked at since fall of 2016 when you started working with
13 Staffmark?
14 A. Yes.
15 Q. Were they all intensive jobs?
16 A. I can't hear.
17 Q. Were they all intensive jobs?
18 A. Yes.

19 MR. DARDASHTI: Counsel, can we go off the record
20 for about two minutes? I'll be right back.
21 MS. JONES: Yeah, of course. Off the record.
22 (Break in the proceedings.)
23 MS. JONES: Back on the record.
24 BY MS. JONES:
25 Q. While working at Staffmark, who were you directed

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1 to report an injury to, or while working through Staffmark,
2 if you had suffered an injury at one of your assignments, who
3 were you directed to report that injury?
4 A. Since I had not had an injury before this, our sick
5 line is usually directed at Staffmark, so I'd imagine the
6 injury would be the same. If we call in sick, we definitely
7 had to call in Staffmark. But usually most assignments as a
8 courtesy will have our supervisor's number as well or some
9 kind of sick line. But usually the primary thing is through
10 Staffmark, if, you know, we get sick. As far as injury, I'd
11 imagine it's the same mechanism.
12 Q. You indicated that you develop websites. Is that
13 something that you do for money or is that something you do
14 as a hobby?
15 A. It's something I do as a hobby, but since this has
16 happened, I started thinking that I might have to involve
17 myself in a different line of work. And I started getting a
18 little more into understanding some of the developing
19 websites just in case it does become something I might want
20 to make money off of instead of doing the physical work in
21 warehouses.
22 Q. The steel-toe boots that you wore while employed at
23 Mobis, were those provided to you by Staffmark or Mobis or
24 were those bought on your own?
25 A. They were bought on my own. Once I was hired at

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1 Mobis and started on August 12th of 2024, I was informed of
2 the different programs they have for employees. These
3 programs required that you work there a certain amount of
4 time for them to pay for the steel-toe boots and some other
5 equipment. They provided not just steel-toe boots but shirts
6 and jackets and things along those lines after so many months
7 or years on the job.
8 Q. Did you reach that point in your employment?
9 A. No.

10 Q. Okay. So Mobis never provided you with any
11 equipment or attire that you were required to wear?
12 A. They call it PPO, I think, personal -- I don't know
13 the abbreviation, what it stands for, but personal equipment.
14 Basically they provide gloves, they provide knives.
15 MR. DARDASHTI: Do you think it's called PPF?
16 THE WITNESS: PPF -- what is it called?
17 Personal-something. I'm sorry. I don't remember the
18 abbreviation.
19 MR. DARDASHTI: Okay. No problem.
20 THE WITNESS: They provide knives and gloves and
21 just markers and things along that line.
22 BY MS. JONES:
23 Q. Is that Staffmark or Mobis?
24 A. Mobis provides that. Goggles as well. Yes,
25 personal protective equipment, PPE.

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1 Q. Oh, okay.
2 A. I was thinking of PTO, personal time off.
3 Q. You indicated that you started with Staffmark in
4 autumn of 2016?
5 A. Yes.
6 Q. Do you recall where you worked prior to starting
7 with Staffmark in autumn of 2016?
8 A. I was working with an agency, which I forgot to
9 mention, or I didn't see it on my list, was Deploy in Ontario
10 which referred me to a Trader Joe's warehouse in Fontana, I
11 believe, off Banana.
12 Q. What was your job title at the Trader Joe's
13 warehouse?
14 A. For most of these jobs I write on my resume pretty
15 much the same thing because in some form or another, I'm a
16 PIT operator, power industrial truck. And the assignment
17 might have a different emphasis, whether it's a cherry
18 picker, electrical pallet jack, clamp, a reach. It might be
19 a different emphasis on each job, but usually I put PIT
20 operator because that's what a few of them specify. But
21 other ones like this one say "material processor," but
22 usually I put PIT operator on my resume.
23 Q. When did you work at Trader Joe's -- at the Trader
24 Joe's warehouse in Fontana?
25 A. It was the summer of 2016, I believe. And like I

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1 said, I can get the exact dates.
2 Q. That's okay.
3 So Deploy, is that another staffing agency?
4 A. Yes, it is.
5 Q. When did you start working with Deploy?
6 A. I believe it was July of 2016. And I believe I
7 worked there for maybe one month.
8 Q. Prior to that where did you work -- I apologize.
9 Strike that.
10 Did you suffer any injuries while working at Trader
11 Joe's?
12 A. No, there were no injuries, but I had leg cramps
13 because when I'm on an electric pallet jack, it requires a
14 lot of leg movement. And that was one of the worst jobs as
15 far as that issue. Other than that, no injuries.
16 Q. Did you ever report your leg cramps while working
17 there?
18 A. No, I did not.
19 Q. Prior to Deploy where did you work?
20 A. Okay. Can I clarify that the leg cramps weren't at
21 the warehouse. They were at home. You know, when my body
22 is -- you know, when I'm in my bed and relaxing, that's when
23 they happen. They don't happen at the jobsite.
24 Q. I understand.
25 A. Before Deploy, working at Trader Joe's warehouse, I

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1 was working at Sunrun, which is a solar company doing
2 canvassing.
3 Q. Doing what?
4 A. Canvassing, going door to door and asking people if
5 they'll be interested in having solar panels.
6 Q. For how long did you work there?
7 A. I worked there for maybe a month as well.
8 Q. Did you have any injuries while working at
9 Sunrun?
10 A. No.
11 Q. Prior to Sunrun where did you work?
12 A. There was a stretch, like I said, from somewhere
13 around 2002 until 2014 when I was not employed and I was
14 receiving SSI. And those were the first jobs that I really
15 had. I'm talking about Sunrun and Deploy when I reengaged in
16 the work market. I did try to find employment, but it's
17 difficult without a recent history. And once you get a
18 recent history, it gets easier and easier.

19 Q. And you were receiving SSI due to a psychological
20 issue or diagnosis of bipolar?

21 A. That was the diagnosis, yes.

22 Q. Prior to that where did you work, so 2002 or
23 before?

24 A. I was working at Leslie's Pool Supplies. I worked
25 at a different staffing agency in Riverside, which I can't

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1 remember off the top of my head. I worked at Quill
2 Corporation during the '90s, from 1990 until 1997. I worked
3 as a teenager during high school at Maxwell Street Pizza in
4 Fontana from 1988 until 1990. I used to sell flowers at
5 street corners, actually, when I was around 14. And that's
6 pretty much my job history.

7 Q. Did you ever suffer any injuries while working at
8 Leslie's Pool Supplies?

9 A. No.

10 Q. How long did you work at Leslie's Pool Supplies?

11 A. For most of 1999. I would say April of '99 to
12 December of '99.

13 Q. You have a great memory.

14 A. Yeah, I remember because the Y2K thing was going
15 on. People were panicking about the computers, so I
16 remember.

17 Q. Yes, I'm impressed.

18 The staffing agency in Riverside, did you suffer
19 any injuries while staffed at any locations?

20 A. No.

21 Q. And then we already discussed Quill Corporation,
22 and you just had that one --

23 A. Yes.

24 Q. -- injury to your back, I believe?

25 A. Yes.

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1 MS. JONES: All right. Counsel, I think that's all
2 the questions that I have.

3 MR. DARDASHTI: Okay.

4 MS. JONES: I asked a lot, so I apologize.

5 MR. DARDASHTI: No, that's okay. I just have a few
6 more things that I would like to clarify.

7 MS. JONES: Go for it.

8 EXAMINATION

9 BY MR. DARDASHTI:

10 Q. Okay. You had testified earlier about an encounter
11 with the people at Mobis around July 2024 as it pertains to
12 your foot; correct?
13 A. Yes.
14 Q. All right. You then testified shortly thereafter
15 regarding further work at Mobis and your scheduling regarding
16 voluntary overtime versus mandatory Saturday overtime. Do
17 you remember that?
18 A. Yes.
19 Q. Okay. At one point did you report pain to someone
20 after July 2024 when your pain was worsening?
21 A. The most significant time of reporting was when I
22 mentioned my lead, David, and I removed my steel-toe shoe to
23 show him my sock which was full of pus and blood at the end
24 of it, and that was regards to telling him I was declining to
25 work on Saturday.

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1 Q. Okay. When was that approximately?
2 A. That was August 23rd. It was a Friday.
3 Q. Okay. Was there a point where you asked to not
4 work on a Saturday, but you were told that you would have to
5 or else you would get some sort of penalization?
6 A. Yes. About a week after I initially called in sick
7 in the middle of July, I was approached on a Tuesday by one
8 of the supervisors, Art.
9 Q. And Art works directly for Mobis, as far as you
10 know?
11 A. Art is one of the supervisors at Mobis. He works
12 in my department, but he's a first shift supervisor and Will
13 is the last shift supervisor. So they overlap. They work
14 the same place, but he's responsible mainly for a different
15 crew than Will. So I worked directly with Art very often
16 because Will might be absent or he might be covering for
17 someone in a different department, in which case Art is my
18 direct boss at that time.
19 So Art asked me on a Tuesday following the initial
20 time when my toe swelled up. He had a clipboard as I was
21 walking into work and he asked me, "Can you work on
22 Saturday?" At the time I felt good enough to work on that
23 Saturday, but my toe started leaking pus and it started
24 smelling very bad. So the Friday I talked to my other
25 supervisor -- my direct supervisor, Will, and that's when I

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1 told him it was smelling like a dead bird. And I said, "Can
2 I decline now from working on that Saturday? Can I change my
3 mind," in other words. And Will told me "Not without
4 incurring a point."

5 Q. What does that mean, incurring a point? What is
6 that?

7 A. Okay. There's a point system involved with calling
8 in sick. When you call in sick, it's a full point. When
9 you're late, it's a half a point. And during the course of
10 the year, you're allowed so many points. And especially when
11 you're hired as a temp employee, before you're hired as a
12 Mobis employee, you're not allowed to miss Saturdays at all;
13 otherwise, they have the option of ending your assignment.

14 Q. So with this pus and bleeding that started again as
15 the days went on, did the pain also accompany that, a greater
16 level of pain?

17 A. Yes.

18 Q. Okay. Was that something you were feeling while
19 you were at work?

20 A. I felt it at work. And that's when I started using
21 the ibuprofen as a way to help me cope with the pain of
22 sleeping and going to work and working my regular job.

23 Q. When his response to you was that if you don't come
24 on the Saturday, you'll get a point --

25 A. Yes.

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1 Q. -- during that discussion did he offer you any sort
2 of medical treatment?

3 A. He did not offer me medical treatment.

4 Q. Did he give you a claim form or any ticket
5 incident, report, or any report of injury?

6 A. No.

7 Q. Okay. In response or in fear of that point, what
8 did you do? Did you go to work the next day?

9 A. I went to work the next day.

10 Q. Okay. How was that? How did that feel?

11 A. Well, it's very painful to be on a toe that's
12 swollen and leaking out pus.

13 Q. How many hours did you work that day, if you
14 recall, approximately?

15 A. The regular workday on a Saturday is five hours.

16 Q. Okay. All right. And you worked the full five
17 hours?

18 A. I worked the full five hours. But like I said, I

19 think I would have been way better off resting my foot at the
20 time, and I think it compounded a problem where I'm not able
21 to do that.

22 Q. All right. And did you feel a progressive
23 worsening from July until your last day of physical work?

24 A. Yes.

25 Q. You had testified very briefly and you touched on

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1 your interview and encounter with the folks at Mobis getting
2 back to -- earlier in 2024; is that correct?

3 A. Yes.

4 Q. So before you actually physically went on Mobis to
5 work, you interviewed with them?

6 A. Yes.

7 Q. Okay. Tell me -- you touched on this very briefly,
8 but did you have to do a sort of clock-in or check-in
9 whenever you would arrive at Mobis all those months and time
10 you worked there?

11 A. Yes. There was a separate time clock for Staffmark
12 employees versus Mobis employees. One was in one part of the
13 office and one was outside around the corner in another part
14 of the office.

15 Q. Okay. When you clocked in at Mobis for all those
16 months, did you have to report to anyone at Mobis?

17 A. I reported to Will on a daily basis.

18 Q. Okay. Did you take instruction and direction from
19 anyone at Mobis from the beginning of you working there at
20 the location?

21 A. I worked for different supervisors and leads. Like
22 I said, Will wasn't always there physically. He'd be in
23 another part or he'd have a day off. I worked with David, my
24 lead; Art, the other supervisor; another guy in management
25 named Hector. Alfred would come, but he was mostly in the

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1 office.

2 Q. As far as you know, all these guys, do you believe
3 them to have been Mobis workers?

4 A. Yes, 100 percent of management was Mobis.

5 Q. Okay. And this is -- these are people that you had
6 to check in with and took direction from on a daily basis.
7 Would that be correct?

8 A. Yes.

9 Q. And again, you said words like "labor intensive"

10 and "warehouse worker." That's what you were there at Mobis;
11 correct?

12 A. Yes.

13 Q. And that was throughout your work there; correct?

14 A. Yes.

15 Q. And they are the ones that supplied you with the

16 PPEs, including some protection equipment; is that correct?

17 A. Yes.

18 Q. All right. Fair enough.

19 And when you did feel pain and you did, you know,

20 ask for them to either see it or to assist you, these are

21 people you reported to that were management at Mobis;

22 correct?

23 A. Yes.

24 Q. In terms of some of your limitations, we did go

25 over some of those. You expressed some of those. Would it

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1 be fair to say then anytime you're maneuvering at your house,
2 you need some sort of assistance, either with your walker or
3 holding on to something to get around?

4 A. Definitely.

5 Q. Okay. You gave some examples about wheelchair use.

6 A. Yeah.

7 Q. Can you give other examples in the last few weeks

8 of wheelchair use that don't involve carrying some papers? I

9 know you gave that example.

10 A. Yeah.

11 Q. But what else?

12 A. For example, there are two steps for the front door

13 with a metal railing. There are two steps on the side of the

14 house as well to go into the kitchen. So what I would have

15 to do in order to get in the house using my walker is put my

16 walker on the top of the porch, and then I have to figure a

17 way to get my body to lean against the railing while I hop on

18 each of the steps which was definitely very, very scary at

19 the beginning.

20 And even now it's not the safest estimate thing to

21 do in a technical sense, but I'm able to do that. But it's

22 not what ordinary people do. If I have my wheelchair as

23 well, it's very heavy. So, you know, pulling it up, it's a

24 significant strain and it's something I've had to learn to do

25 it.

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1 Q. Understood. Are there any other instances or
2 examples where you use the wheelchair?

3 A. Well, I don't use it besides mobility. I don't
4 understand the question.

5 Q. Right. What sort of activities -- I guess, any
6 other activities you engage in where you are moving around in
7 the wheelchair?

8 A. I've gone shopping, but usually my brother is there
9 pushing a cart.

10 Q. And then are you in the wheelchair?

11 A. Yes.

12 Q. Okay. So that's one. What else?

13 A. Yes, I've gone to watch football, like I said, at
14 Applebee's.

15 Q. Are you in the wheelchair?

16 A. I'm in the wheelchair up until the point that I get
17 to the bar area, and then I put myself on the stool and then
18 one of the workers will usually push the wheelchair out of
19 the way and they'll get it when I leave.

20 Q. Any other maybe examples, maybe another example?

21 A. I've gone to restaurants, but we have to make sure
22 that I go to a restaurant that's very friendly for
23 wheelchairs.

24 Q. Like wheelchair accessible?

25 A. Yes. Some of these old hole-in-the-wall places we

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1 used to go -- one of them is Mitla on 5th Street and San
2 Bernardino. We can't go there because we already know
3 there's a step to get to the hall which is very skinny. And
4 then the restroom has a trough, which was just out of the
5 question, so there's certainly places we can't go anymore.

6 Q. Okay. In terms of sleep, how many hours of sleep
7 are you getting at night?

8 A. My amount of sleep doesn't feel significant with
9 the exception that now that I don't have a job, I'll take a
10 midday nap now instead of before, I wouldn't do that because
11 I'd be at work. But as far as eight hours a day, my sleep
12 hasn't really changed. I don't have insomnia. I maybe had
13 insomnia one or two days in the last four months.

14 Q. Okay. The alcohol intake that you had, you
15 expressed how that has slowed down. Would you say -- did you
16 have a fairly healthy diet before?

17 A. I would eat fast-food on a regular basis most of
18 the time before. Although like I've mentioned, for two or

19 three months at a time, I'll go on a health kick, if you want
20 to call it that, and eat salads for one or two of the meals a
21 day. But once this happened -- first of all, I wasn't able
22 to drive, so I couldn't go to the fast-food if I wanted to.
23 But we've also tried to identify sugar-free tea, sugar-free
24 cereal, sugar-free meals that I otherwise wasn't having
25 before to lower my A1C and my glucose level every day which I

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1 keep track of.
2 MR. DARDASHTI: Okay. Counsel, I think that's all
3 I have at this time. Do you have any further follow-up?
4 MS. JONES: Yeah, I just have one question.
5 MR. DARDASHTI: Sure.
6 FURTHER EXAMINATION
7 BY MS. JONES:
8 Q. When you discussed your injury with any of the
9 supervisors from Mobis, were you ever directed to speak with
10 someone at HR at Staffmark?
11 A. Can you repeat the name, please.
12 Q. Were you ever directed to speak with anyone at
13 Staffmark by a Mobis supervisor or manager regarding your
14 injury?
15 A. I have a question. Did you mention a specific name
16 before this?
17 Q. No, I did not mention any names.
18 A. Oh, okay. I thought maybe you mentioned a name and
19 I couldn't hear the name. Okay. There was nothing formal as
20 far as me ever being directed to talk to someone about this,
21 but informally the one I would talk to most often was my
22 lead, David Aleman, the one that I showed my sock to.
23 And pretty much he was telling me, "Hey, once you
24 get that medical insurance, make sure you get that looked
25 at," which, you know, I planned to do and I thought my foot

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1 would hold up well enough for that to happen. But I was
2 never formally told to talk to a specific person in
3 management or anyone in general.
4 Q. Were you ever told to speak to anyone at Staffmark
5 about the injury?
6 A. Not that I remember, especially since their
7 relevance to me being there ended on August the 12th. And
8 the most significant part of my injury was after that, it
9 seemed like, as far as what I could see on my foot.

10 Q. However, you testified that it was your
11 understanding that if you had an injury or you were sick,
12 that you were supposed to report that to Staffmark; is that
13 correct?
14 A. Yes. And when I first called in sick, I provided
15 an image of my foot. I provided images of my foot to HR once
16 it became significant. And I called in sick the final time
17 around Labor Day.
18 FURTHER EXAMINATION
19 BY MR. DARDASHTI:
20 Q. Did you understand that you had an obligation to
21 kind of report to them even if you had pain or if you had
22 some issues physically? Did you believe that that's an
23 obligation?
24 A. Yes, I believe that's an obligation.
25 Q. Okay. You testified a bit earlier and you said,

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1 well, look, that you're not a doctor; you're not a physician.
2 A. Yes.
3 Q. You're a warehouse worker; correct?
4 A. Yes.
5 Q. Okay. Prior to hiring counsel, had you ever heard
6 of a cumulative trauma or continuous trauma with California
7 workers' compensation law?
8 A. No.
9 Q. All right. Would you say that the first time
10 you -- is it correct that the first time you learned about
11 workers' compensation rights as far as cumulative trauma was
12 when you hired counsel?
13 A. Yes.
14 Q. All right. Would it be fair to say until your last
15 day of work -- excuse me. Would it be fair to say that until
16 you actually got amputated, and I believe you testified to
17 this, is it true you didn't even get formally diagnosed with
18 diabetes or you weren't aware of it?
19 A. 100 percent, yes.
20 Q. Okay. Would it be -- so you didn't know -- so you
21 didn't know with reasonable certainty or with medical opinion
22 that you were suffering from a cumulative trauma while at
23 work; correct?
24 A. I did not know that.
25 Q. Okay. But you did think that it's important to

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1 report it to -- to report what's happening to you to your
2 employer and you did, in fact, do that; correct?

3 A. Yes, I did.

4 Q. Okay. And you gave an example that when you told
5 your employer at the -- the defendant employer, Mobis, they
6 actually in response threatened you that if you don't come
7 in, notwithstanding your then condition, that they would
8 have to write you up. Is that accurate?

9 A. I would incur a point which could end my assignment
10 through Staffmark.

11 Q. And in response to that, you actually continued
12 working and you did go in that day; is that correct?

13 A. Yes. I came in on a Saturday with the foot
14 injury.

15 Q. And you -- you felt physically worse because of
16 that?

17 A. Yes.

18 MR. DARDASHTI: Okay. Fair enough.

19 Counsel, no questions. No further questions at
20 this time.

21 Do you have anything further?

22 MS. JONES: That's all. I have no further
23 questions.

24 MR. DARDASHTI: Okay. If I can just ask the court
25 reporter to send my office, Dash & Port, an electronic

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1 digital copy only to the e-mail address I provided the
2 deposition officer, info@dashandport.com, that would be
3 great. If we can also have her send the original deposition
4 transcript directly to the deponent with a prepaid
5 self-addressed stamped envelope. And if he can be given 30
6 days from the time of receipt to review and make any changes
7 if he so chooses. If he doesn't execute or make any changes
8 within that time frame, he is to throw the deposition
9 original transcript back into the prepaid self-addressed
10 stamped envelope which is to be sent to the noticing party in
11 this case, Hanna, Brophy.

12 Counsel, is that okay with you?

13 MS. JONES: We only can have electronic version.
14 We are also a paperless office.

15 MR. DARDASHTI: Understood.

16 MS. JONES: So we're not going to hold on to the
17 original transcript.

18 MR. DARDASHTI: Understood. If we can instead just

19 have the original transcript electronically served to the
20 deponent per Code. What we will do is we will have the
21 applicant verify his e-mail address to the court reporter for
22 privacy purposes.
23 Can we go off the record for a few seconds?
24 MS. JONES: Of course.
25 (Break in the proceedings.)

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1 MR. DARDASHTI: Back on.
2 Okay. We just went off the record shortly, and the
3 applicant has provided the deposition officer with his e-mail
4 address which is where the deposition officer will transmit
5 the original deposition transcript. All the further proposed
6 stipulations will remain the same with the transmittal. If
7 we can relieve the court reporter of her duties pursuant to
8 Code.
9 Anything else to add on to that, Counsel?
10 MS. JONES: If you can send Defendant a certified,
11 full and condensed version of the transcript by e-mail only
12 as well, and that's all.
13 MR. DARDASHTI: Excellent. Thank you so much.
14 MS. JONES: So stipulated.
15 (Deposition proceeding concluded at 1:50 p.m.)
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1 REPORTER'S CERTIFICATION
2
3 I, DIANA MEDINA, a Certified Shorthand Reporter
4 in and for the State of California, do hereby certify:
5 That the foregoing witness was by me duly sworn;
6 that the deposition was then taken before me at the time
7 and place herein set forth; that the testimony and
8 proceedings were reported stenographically by me and later
9 transcribed into typewriting under my direction; that the

10 foregoing is a true record of the testimony and proceedings
11 taken at that time.

12

13

14 IN WITNESS WHEREOF, I have subscribed my name
15 this 13th day of January, 2025.

16

17

18

19 Diana Medina, CSR NO. 13705.

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