1	Michael J. Miller (appearance <i>pro hac vice</i>) Timothy Litzenburg (appearance <i>pro hac vice</i>)	
2	Curtis G. Hoke (State Bar No. 282465) THE MILLER FIRM, LLC	Superior Court of California, County of San Francisco
3	108 Railroad Ave. Orange, VA 22960	05/24/2018 Clerk of the Court
4	Phone: (540) 672-4224 Fax: (540) 672-3055	BY:SANDRA SCHIRO Deputy Clerk
5	mmiller@millerfirmllc.com tlitzenburg@millerfirmllc.com	
6	choke@millerfirmllc.com	
7	Attorneys for Plaintiff DEWAYNE JOHNSON	
8	DEWATIVE JOHNSON	
9		
10	SUPERIOR COURT	OF THE STATE OF CALIFORNIA
11	FOR THE CO	DUNTY OF SAN FRANCISCO
12	TORTHE	JOHN T OF BRIVE HARVEISCO
13	DEWAYNE JOHNSON,	Case No. CGC-16-550128
14	Plaintiff,	DECLARATION OF CURTIS G. HOKE IN
15	V.	SUPPORT OF PLAINTIFF'S MOTION IN LIMINE NO. 14 TO EXCLUDE EVIDENCE
16	MONSANTO COMPANY	OF UNRELATED MEDICAL HISTORY
17	Defendants.	Trial Judge: TBD
18		Hearing Date: TBD
19		Time: TBD Department: TBD
20		Trial Date: June 18, 2018
21		[Filed Concurrently with Memorandum of Points
22		and Authorities and [Proposed] Order]
23		
24		
25		
26		
27		
28	DEC. OF CURTIS HOKE IN SUPPOI	RT OF PLAINTIFF'S MOTION IN LIMINE NO. 14 TO

EXCLUDE EVIDENCE OF UNRELATED MEDICAL HISTORY

DECLARATION OF CURTIS G. HOKE

I, Curtis Hoke, declare and state:

- 1. I am an attorney at law admitted to practice before all of the courts in the state of California. I am an attorney at The Miller Firm, LLC, attorneys of record for Plaintiff Dewayne Johnson. I am over eighteen years of age and am fully competent to make this Declaration in support of Plaintiff's Motion in Limine No. 14 to Exclude Evidence of Unrelated Medical History. Except as otherwise expressly stated below, I have personal knowledge of the facts stated in this declaration, and if called to testify, I could and would competently testify to the matters stated herein.
- 2. Attached hereto as **Exhibit A** is a true and correct copy of portions of the deposition of Dewayne Johnson that occurred on December 7, 2017.
- 3. Attached hereto as **Exhibit B** is a true and correct copy of portions of the deposition of Dewaye Johnson that occurred related to his worker's compensation claim on October 28, 2015.

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

Executed on May 24, 2018 in Orange, Virginia.

By:____

Curtis G. Hoke,

Declarant



1	SUPERIOR COURT OF THE STATE OF CALIFORNIA
2	FOR THE COUNTY OF SAN FRANCISCO
3	
4	<u></u>
5	DEWAYNE JOHNSON,)
)
6	Plaintiff,)
)
7	vs.) Case No.
) CGC-16-550128
8	MONSANTO COMPANY,)
)
9	Defendant.)
)
10	
11	
12	
13	VIDEOTAPED DEPOSITION OF
14	DEWAYNE ANTHONY LEE JOHNSON
15	Vallejo, California
16	Thursday, December 7, 2017
17	Volume I
18	
19	
20	
21	Reported by: SUZANNE F. GUDELJ
22	CSR No. 5111
23	Job No. 2770165
24	
25	PAGES 1 - 458
	Page 1

1	A Never.	
2	Q Okay. Skin rashes, have you ever had that	
3	before 2014?	
4	A Never. I was told that I have arthritis by	
5	medical office, family, friends. They say well, you	10:54:18
6	got arthritis. But I don't know if I have arthritis	
7	or not. I was never been diagnosed by a doctor.	
8	Q Okay. Well, I'm not göing to ask you any	
9	questions about your arthritis, at least not now.	
10	But skin rashes, you went your entire childhood and	10:54:33
11	adult life until 2014 without having a skin rash?	
12	A You know what, I guess I should say that I	
13	did have chicken pox. Is that a skin rash?	
14	Q Well, I don't know, but thank you for	
15	clarifying that.	10:54:47
16	A Because I don't know if that's a skin rash	
17		
18	Q No.	
19	A or if that's a skin death, or I don't	
20	know what that is, but that's pretty bad.	10:54:50
21	Q Other than chicken pox	
22	A Chicken pox, yeah, I had chicken pox.	
23	Q have you had skin rashes at any time	
24	during your life?	
25	A No.	10:54:58
		Page 106

1	A Mm-hmm.	
2	Q Was there an occasion that you recall that	
3	you had liver tests done by Dr. Ofodile Ofodile	
4	(pronunciation) where your liver enzymes were	
5	elevated and she believed the reason was you had had 03:24:30	
6	drinks before the test?	
7	A There was one time when we first started	
8	where she was saying a little something about that	
9	where, you know, you have alcohol in your system.	
10	But to me, what happened is that even though I knew 03:24:45	
11	she was giving me labs, I think they figured out	
12	it's cold turkey quit. But to me I was still	
13	drinking. I was having a beer here, I was having	
14	some wine. I wasn't getting drunk, but I was still	
15	drinking. 03:25:00	
16	They tested me the next day in the lab, and	
17	of course they say, "Oh, man, what you doing here?"	
18	You know what I mean? So that's the reason that I	
19	stopped, because if I do need a regular surgery or	
20	something like that, they won't even give it to you 03:25:09	
21	if you got a bunch of juice in your system. And I	
22	don't mean Hawaiian punch. I mean, if you have a	
23	bunch of alcohol in your system, they're not giving	
24	you	
25	(Reporter clarification.)	
	Page 296	

r	
1	If they're giving you if you have too
2	much alcohol in your system, they aren't giving you
3	a kidney or a lung, you know, if you need a kidney.
4	You know what I mean? They'll give it to the
5	healthier person. That's another reason why I cut 03:25:23
6	back and ready to quit.
7	Q All right. So you do remember the
8	A There was a point to quitting.
9	Q You do remember the occasion with
10	Dr. Ofodile when your liver tests were off because 03:25:31
11	of some drinks?
12	A Yeah, but I haven't had an off one since.
13	Q Okay. Have you ever had your blood alcohol
14	level tested, either by law enforcement or
15	medically? 03:25:53
16	A The night of the rollover crash, yeah, I
17	had my blood I had my blood taken by the doctor
18	I mean by the by the doctor and by the
19	sheriffs gave me the (indicating). They gave me a
20	tested out your blood, you know. 03:26:06
21	They thought the only reason I flipped that
22	car was because I was drinking. There was a lot of
23	drinking going on in that car.
24	Q Do you recall what your level was?
25	A Naw. No, not at all. 03:26:18
	Page 297



21 22 23 24 25	PETERSON DEPOSITION REPORTERS 601 University Avenue, Suite 213, Sacramento, CA 95825 (916) 646-1891	24 25	Q. Have you ever gone by any other names PETERSON DEPOSITION REPOR 601 University Avenue, Suite 213, Sacram (916) 646-1891	4 TERS
22 23 24	PETERSON DEPOSITION REPORTERS		Q. Have you ever gone by any other names PETERSON DEPOSITION REPOR	4 TERS
22 23 24	PETERSON DEPOSITION REPORTERS		Q. Have you ever gone by any other names	4
22 23 24				?
22 23 24	·			7
22 23 24		24		
22			Q. What is your date of birth? A. 1/20/72.	
		23	A. Dewayne Anthony Lee Johnson. Q. What is your date of birth?	
21		21 22	Please state your entire name for the rec	cord.
		20	filed.	
19 20		19	District on the workers' compensation claims that	
18	Catherine Chyi, Esq.	18	Crystal Cunningham, and I represent the School	
17	ALSO PRESENT:	17	Q. Good afternoon, Mr. Johnson. My name	
1.6	A4==	16	EXAMINATION BY MS. CUNNINGH.	AM
15	Sacramento, CA 95833	15	resuried as follows:	
14	2485 Natomas Park Drive, Suite 420	13	truth, the whole truth, and nothing but the truth testified as follows:	١,
L3	BY: CRYSTAL CUNNINGHAM, Esq.	12	sworn by the Certified Shorthand Reporter to te	ll the
12	Attomeys at Law	11	a witness by the defendant, who, having been d	luly
11	LAW OFFICES OF CRYSTAL CUNNINGHAM	10	an applicant in the within-entitled matter, called	as
10	FOR THE DEFENDANT:	9	DEWAYNE JOHNSON,	
8	Novato, CA 94945	8	the Code of Civil Procedure, personally appeared	4
7	2216 Laguna Vista Drive	7	oaths and affirmations pursuant to Section 2093	B(b) of
6	BY: BRUCE LEVITZ, Esq.	6	Certified Shorthand Reporter, empowered to ad	minister
5	Attorneys at Law	5	Attorneys at Law, 2215 Laguna Vista Drive, No. California, before me, VICTORIA L. PETERSON,	rato,
4	LEVITZ LEGAL GROUP	4	12:08 p.m., at the offices of LEVITZ LEGAL GRO	DUP,
3	FOR THE APPLICANT:	3	October 28, 2015, commencing at the hour of	
2		1 2	BE IT REMEMBERED that on Wednesday,	-
1	(916) 646-1891 APPEARANCES:	-	(916) 646-1891	
	601 University Avenue, Suite 213, Sacramento, CA 95825		601 University Avenue, Suite 213, Sacrar	
	PETERSON DEPOSITION REPORTERS		PETERSON DEPOSITION REPO	
	1			3
	Reported by: VICTORIA L. PETERSON, CSR #6992	25		
		24		
		23		
		22		
		20		
	50000 20, 2013	19 20		
	October 28, 2015	18		-
	DEPOSITION OF DEWAYNE JOHNSON	17		
	DEDOCITION OF	16	1	
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		13		139
)	12	- de surante estangament consections baile	138
	Defendants.	11	·	137
1	SCHOOLS INSURANCE AUTHORITY,)	10	000	
	GROUP, ADJUSTED BY NORTH BÂY)	وا		
	DISTRICT, PSI AS A SELF-INSURED) ADI10094287	7		
ſ	-vs-) Case No. Benicia Unified School) Addio102319,	1 6	· · · · · · · · · · · · · · · · · · ·	130
	Applicant,)	5	· —	4, 135
	DEWAYNE JOHNSON,	4		
	DEMAND STANGEN	3	EXAMINATION BY:	PAGE
	OF THE STATE OF CALIFORNIA	:		
	BEFORE THE WORKERS' COMPENSATION APPEALS BOARD	1 :	INDEX	

11/05/2015 05:32:33 AM

- Outside of that, no, just Medi-Cal.
- 2 Q. Where did you go for treatment for Medi-Cal?
- Solano County. Different places. You know how 3 A.
- 4 they have those clinics and little, small little
- hospitals. I've been to Sutter also with Medi-Cal. 5
- Which Sutter? 6 Q.
- 7 A. Sutter Vallejo.
- What are the clinics in Solano County that 8
- 9 you've sought treatment?
- 10 Α. Clinica -- it's called La Clinica Valleio.
- 11 It's on Georgia Street in Vallejo. Like I said,
- 12 Sutter Solano.

13

- Any other Medi-Cal clinics. That's it.
- Q. 14 Have you ever had any injuries to your
- 15 shoulders prior to September 26, 2013?
- 16 A. Not that I recall, no.
- 17 Q. So no rotator cuff tears or anything like that?
- 18 A.
- 19 Have you ever had any injuries to your back,
- other than what we've already mentioned, which 20
- included that injury when you were moving all the 21
- 22 leaves?
- As far as I can remember, as far as we've 23 A.
- 24 discussed as far as my back, that's about it. Other
- 25 than that, yeah. I know I went for the leaves.

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- (916) 646-1891
- 1 That's it as far as the back. Even back in the days, 2 I don't remember really having a medical thing on my
- 3 back.
- 4 Q. Have you been involved in any other motor
- vehicle accidents other than the one on September 26,
- 6 2013?
- 7 A. I remember being in an accident in
- El Sobrante. I don't know the year. I don't know the R
- month. But that was the most major accident that I
- 10 can remember.
- 11 Q. And approximately when was it?
- That's over 20-something years ago. Before my 12 A.
- 13 son. Before anything. Before my first born. I was
- 14 very young. When I was a kid. I had to be -- I was
- 15 younger.
- 16 Q. Did you seek medical treatment?
- 17 Α. The ambulance took us to some hospital by -- I
- don't know if was in El Sobrante or Richmond or
- 19 somewhere in that area. Richmond, El Sobrante, you
- know, where the Hilltop area is. Whatever hospital's
- 21 around there. I don't know where it was.
- 22 Ο. What were your injuries?
- 23 A. I think I really didn't have injuries. I think
- 24 they just took us because it was such a bad accident.
- 25 We were hit so hard. They did sort of the trauma

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Page 101 to 104 of 139

- thing where they make you go to the hospital. But I
- don't recall. It's been such a long time. I don't
- 3 remember like limping or blood or anything traumatic
- 4 that went on that night, other than the guy that hit
- us was hurt pretty bad. He was drunk driving. He 5
- 6 hurt himself pretty bad.
- 7 Q. Did you have any whiplash or anything?
- I didn't. I don't even think I went to a 8 Α.
- chiropractor. I don't remember. I don't think I did
- 10 if I did. I don't remember.
- 11 Q. Did you ever seek any treatment after that day
- for the motor vehicle accident?
- 13 Α. I don't remember. I don't.
- Q. 14 Did you file a claim against an insurance
- 15 company?
- 16 A. We did. I remember -- the only thing I
- remember is that a lawyer named William Dulea handled 17
- 18 that case. And I think it was basically because of
- 19 the guy being under the influence. It was one of
- 20 those things where, you know, the insurance did
- 21 certain things. I don't even remember how it went or
- whatever. But I remember William Dules helping out 22
- 23 with that,
- 24 Q. How do you spell the last name?
- 25 A. D-u-l-e-a.

103

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- 1 Q. And so you filed that claim for injuries?
- I think it was because of the insurance company 2 A.
- that contacted us. It's been a while. We were
- younger. And all I remember is the insurance company
- contacted us, ended up getting a lawyer, and ended up 5
- 6 getting paid. And I think it was because the guy was
- 7 under the influence, and the injuries they were having
- In the car with the other people, too. And I think it
- became a suit or something. So I don't remember the
- 10 whole details. But I do remember Mr. Dulea helping
- 11 out with that.
- 12 Q. How much money for settlement did you get?
- 13 Α. I don't remember.
- 14 Q. So you don't remember any treatment other than
- the initial emergency room visit? 15
- 16 Α. Exactly.
- 17 Q. And have you been involved in any other motor.
- 18 vehicle accidents?
- 19 A. No. Not like the one I was in that night.
- 20 Q. Well, I mean any.
- 21 Little bumps here and there. Write your name
- 22 on a paper, "You scraped my car," stuff like that, but
- 23 nothing major. No major collisions.
- 24 I don't mean major. I just mean any motor
- vehicle accidents.

104

PETERSON DEPOSITION REPORTERS 601 University Avenue, Suite 213, Sacramento, CA 95825 (916) 646-1891

11/05/2015 05:32:33 AM

	·			
1	A. That I recall is twice.	1	company	·
2	Q. And when you say "twice," you mean two other	2		Vo. We exchanged information. Ended up
3	ones than what we've already mentioned?	3	_	it out with the guy, and we just dropped it.
4	A. Exactly.	4		not a big deal at all. Most of the damage was
5	Q. So when was the most recent one?	5	_	car anyway.
6	A. The most recent one would be the one on the	6	-	50 you don't recall any motor vehicle accidents
7	26th that we're talking about.	7	-	ou filed a claim for your back and your neck,
8	Q. Other than that?	8		an September 26, 2013?
9	A. There haven't been any. Before that — before,	9		Any other one that we discussed from Mr. Dulea.
10	yes. But after that, no. So you said the most	10	_	Well, you said that you didn't file anything
11	recent, that's the most recent.	11	for that.	
12	Q. No. I mean the most recent of the two that	12		No. Like I said though, it was a case with
13	we've not already discussed.	13		hat's why I ended up with a case. But I
14	A. Okay. So I don't know, It's been a long time.	14		ile anything. I think I ended up with the
15	Those are years prior to where you're talking about.	15	•	eople in the sult. You know what I mean? The
16	Q. Do you know about how many years?	16	-	eople that were in the car, if they got hurt,
17	A. I don't.	17		female I was in the car with, she got hurt
18	Q. Do you recall having one on December 19, 2008?	18		bad. I was a driver. I didn't get hurt that
19	A. No.	19	bad.	
20	Q. Well, the two that you're referring to okay.	20	-	And you don't recall how much money you
21	Let's talk about those — where were you? In the most	21		d as a result of that settlement?
22	recent one after the most recent one before the one	22		No.
23	that's the subject here today.	23	-	Have you ever had chiropractic treatment other
24	A. The one that I can remember was in Vallejo.	24		e one chiropractor that we've already
25	The street, I don't know. I had I was in back of a	25	discusse	
	105			107
	PETERSON DEPOSITION REPORTERS	l		PETERSON DEPOSITION REPORTERS
	601 University Avenue, Suite 213, Sacramento, CA 95825	ĺ	601 l	Jniversity Avenue, Suite 213, Sacramento, CA 95825
<u> </u>	(916) 646-1891	 		(916) 646-1891
1 1	lady and the lady stopped, and I ended up bumping the	1		With Dr. Petrie in Vallejo.
2	lady's car and basically ruining my car. And nothing	2	-	How do you spell it?
3	happened to hers. We exchanged information and we	3		P-e-t-r-i-e. When did you go to see him?
4-	went on with the day. Q. And you didn't seek any medical treatment?	4		
5		l -		, ,
		5	A. 1	Wow. That was so long ago, I don't recall the
6	A. No.	6	A. date, ti	Wow. That was so long ago, I don't recall the he year. That was years ago.
7	A. No. Q. And you didn't file any claims?	6 7	A. date, ti Q.	Wow. That was so long ago, I don't recall the he year. That was years ago. What was it for?
7 8	A. No. Q. And you didn't file any claims? A. No.	6 7 8	A. date, ti Q. d	Wow. That was so long ago, I don't recall the he year. That was years ago. What was it for? Something that happened with my back. What it
7 8 9	A. No. Q. And you didn't file any claims? A. No. Q. When was the other one?	6 7 8 9	A. date, ti Q A	Wow. That was so long ago, I don't recall the he year. That was years ago. What was it for? Something that happened with my back. What it don't know.
7 8 9 10	 A. No. Q. And you didn't file any claims? A. No. Q. When was the other one? A. The other one, I don't have any recollection of 	6 7 8 9	A. date, ti Q. A. s was, I Q.	Wow. That was so long ago, I don't recall the he year. That was years ago. What was it for? Something that happened with my back. What it don't know. You don't recall an injury to your back?
7 8 9 10 11	 A. No. Q. And you didn't file any claims? A. No. Q. When was the other one? A. The other one, I don't have any recollection of the dates. I don't even remember. I can tell you the 	6 7 8 9 10	A. date, ti Q. A. was, I Q. A.	Wow. That was so long ago, I don't recall the he year. That was years ago. What was it for? Something that happened with my back. What it don't know.
7 8 9 10 11 12	 A. No. Q. And you didn't file any claims? A. No. Q. When was the other one? A. The other one, I don't have any recollection of the dates. I don't even remember. I can tell you the street it was on was on Fairgrounds. I don't remember 	6 7 8 9 10 11 12	A. date, ti Q. A. was, I Q. A. case.	Wow. That was so long ago, I don't recall the he year. That was years ago. What was it for? Something that happened with my back. What it don't know. You don't recall an injury to your back? I'm almost thinking it was a slip-and-fall
7 8 9 10 11 12 13	A. No. Q. And you didn't file any claims? A. No. Q. When was the other one? A. The other one, I don't have any recollection of the dates. I don't even remember. I can tell you the street it was on was on Fairgrounds. I don't remember if that's the date that you are talking about, but I	6 7 8 9 10 11 12	A. date, ti Q	Wow. That was so long ago, I don't recall the he year. That was years ago. What was it for? Something that happened with my back. What it don't know. You don't recall an injury to your back? I'm almost thinking it was a slip-and-fall Did you file a claim for a slip-and-fall?
7 8 9 10 11 12 13	A. No. Q. And you didn't file any claims? A. No. Q. When was the other one? A. The other one, I don't have any recollection of the dates. I don't even remember. I can tall you the street it was on was on Fairgrounds. I don't remember if that's the date that you are talking about, but I am telling you that the only two accidents I can	6 7 8 9 10 11 12 13 14	A. date, ti Q A was, I Q A case. Q. A.	Wow. That was so long ago, I don't recall the he year. That was years ago. What was it for? Something that happened with my back. What it don't know. You don't recall an injury to your back? I'm almost thinking it was a slip-and-fall Did you file a claim for a slip-and-fall? I believe so.
7 8 9 10 11 12 13 14 15	A. No. Q. And you didn't file any claims? A. No. Q. When was the other one? A. The other one, I don't have any recollection of the dates. I don't even remember. I can tall you the street it was on was on Fairgrounds. I don't remember if that's the date that you are talking about, but I am telling you that the only two accidents I can remember is in Vallejo, and one was on Fairgrounds,	6 7 8 9 10 11 12 13 14 15	A. date, ti Q. A. was, I Q. A. case. Q. A. case. Q. A. Q.	Wow. That was so long ago, I don't recall the he year. That was years ago. What was it for? Something that happened with my back. What it don't know. You don't recall an injury to your back? I'm almost thinking it was a slip-and-fall Did you file a claim for a slip-and-fall? I believe so. Against who?
7 8 9 10 11 12 13 14 15 16	A. No. Q. And you didn't file any claims? A. No. Q. When was the other one? A. The other one, I don't have any recollection of the dates. I don't even remember. I can tell you the street it was on was on Fairgrounds. I don't remember if that's the date that you are talking about, but I am telling you that the only two accidents I can remember is in Vallejo, and one was on Fairgrounds, and the other one I don't know the street.	6 7 8 9 10 11 12 13 14 15 16	A. date, ti Q. A. was, I Q. A. case. Q. A. Q. A. A.	Wow. That was so long ago, I don't recall the he year. That was years ago. What was it for? Something that happened with my back. What it don't know. You don't recall an injury to your back? I'm almost thinking it was a slip-and-fall Did you file a claim for a slip-and-fall? I believe so. Against who? I believe it was a liquor store or some small
7 8 9 10 11 12 13 14 15 16 17	A. No. Q. And you didn't file any claims? A. No. Q. When was the other one? A. The other one, I don't have any recollection of the dates. I don't even remember. I can tell you the street it was on was on Fairgrounds. I don't remember if that's the date that you are talking about, but I am telling you that the only two accidents I can remember is in Vallejo, and one was on Fairgrounds, and the other one I don't know the street. Q. What happened with the one on Fairgrounds?	6 7 8 9 10 11 12 13 14 15 16	A. date, ti Q. A. was, I Q. A. case. Q. A. Q. A. store in	Wow. That was so long ago, I don't recall the he year. That was years ago. What was it for? Something that happened with my back. What it don't know. You don't recall an injury to your back? I'm almost thinking it was a slip-and-fall Did you file a claim for a slip-and-fall? I believe so. Against who? I believe it was a liquor store or some small in Vallejo.
7 8 9 10 11 12 13 14 15 16 17 18	A. No. Q. And you didn't file any claims? A. No. Q. When was the other one? A. The other one, I don't have any recollection of the dates. I don't even remember. I can tell you the street it was on was on Fairgrounds. I don't remember if that's the date that you are talking about, but I am telling you that the only two accidents I can remember is in Vallejo, and one was on Fairgrounds, and the other one I don't know the street. Q. What happened with the one on Fairgrounds? A. Same thing. This guy stopped in front of me.	6 7 8 9 10 11 12 13 14 15 16 17 18	A. date, ti Q. A. was, I Q. A. case. Q. A. Q. A. store in Q.	Wow. That was so long ago, I don't recall the he year. That was years ago. What was it for? Something that happened with my back. What it don't know. You don't recall an injury to your back? I'm almost thinking it was a slip-and-fall Did you file a claim for a slip-and-fall? I believe so. Against who? I believe it was a liquor store or some small in Vallejo. What happened?
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27 of 51 sheets

Page 105 to 108 of 139

11/05/2015 05:32:33 AM

Q. Any other workers' compensation injuries? And remember how much or when that was. It was a long 2 you did mention the bee stings earlier and the wasp 2 time, yeah. What was the name of the store? 3 stings. 3 Q. 4 A. Yeah. That hurt. I don't recall. 4 Α. 5 Q. Any other ones? 5 Where did you go for treatment, other than the 6 chiropractor? 6 Α. No. Not that I remember. Q. Have you ever been diagnosed with arthritis? I don't recall. It might have been Sutter or 7 7 A. 8 A. No. Diagnosed with it? 8 something like that. Sutter or Kalser are the only 9 two hospitals in Vallejo. They didn't even have 9 Q. 10, clinics back then, all the little clinics they have No. Not diagnosed with it. But I've been 10 A. told, like, "You've probably got arthritis. Family 11 11 12 Q. Which part of your back did you hurt? 12 members and stuff. You know it runs in the family." 13 But the doctor itself, no, not arthritis. 13 A. I don't recall. I don't remember exactly. Have you ever sought treatment for arthritis? 14 O. What problems were you having with your back as 14 Q. No. What I did seek treatment for was another 15 a result of that slip-and-fall? 15 A. 16 situation. 16 Α. Just pain, serious pain. 17 Were you working at the time? 17 Q. What does that mean? Bursitis is the only itis that I know of that I 18 A. I don't remember. I was younger. Maybe some 18 A. was diagnosed with. 19 small, little job part time, but I don't know. 19 20 Q. When was that? 20 Q. Have you sought treatment with any other 21 A. That was during Applebee's days. So I don't 21 chiropractors? 22 know the years. So it had to be like early '90s or 22 A. Other than? late '90s. After my -- right after my son -- right 23 Q. The two that we've already discussed? around the time my son was being born. So, yeah, 24 A. 24 right around that time. 25 Q. Have you ever had physical therapy? 109 PETERSON DEPOSITION REPORTERS PETERSON DEPOSITION REPORTERS 601 University Avenue, Suite 213, Sacramento, CA 95825 601 University Avenue, Suite 213, Sacramento, CA 95825 (916) 646-1891 (916) 646-1891 1 Q. Bursitis in which body part? 1 A. No. 2 Q. Have you had any other workers' compensation 2 A. Bursitis can be on any joint. It's a swollen -- swelling of the bursa. The bursa swells up injuries other than what we've already discussed here today? and it feels like a little ball. It feels like a lymph node inside. It could be around your knees, 5 A. You know, not physically. But because of the around your elbows, around moving joints. 6 School District, when you get a bee sting or whatever, б they handle all of those as workmen's comp. So if I 7 Q. No. I know. But I'm asking which --8 For me, it was on my -- it was on my right 8 tell you "no," and you go see 15 of those, because I hand, my chopping hand. I was chopping thousands of 9 had a bee sting -- I had a tough day, and they did it 9 10 as a workers' comp case. The whole thing of papers, 10 pounds of tomatoes for that special sauce that 11 the big folder, everything, for the bee stings, to the everyone loves at Applebee's. Pico de Gallo. 11 point where you get hurt and you don't even call it in 12 Where did you go for treatment? Q. anymore. It's like, "I don't want to go through those 13 A. They took me to Kaiser. 13 14 Q. Which one? 14 papers." 15 Yeah. So, no, before the School District and 15 A. Valleio. 16 before here, the only other time is in Vallejo, I had 16 Q. Have you had any diagnostic studies for your a -- must have been an inguinal hernia. That was 17 shoulders? So like an MRI or an x-ray or anything being a custodian slash kind of supervisor for the 18 like that? 18 19 Vallejo School District. Ended up with a hernia. 19 I went and saw Dr. -- my regular doctor, like I 20 Q. And you had it repaired? 20 said, and she did her little test and found nothing. 21 A. Yes, ma'am. 21 When I say Dr. Stephano, the reason why I stopped Q. 77 going to see him, I went to him for the shoulders and Where did you have it repaired? 22 23 Α. Kaiser. the chest. But he was massaging my back, and the 24 Q. Which Kaiser? 24 masseuse couldn't explain what the lumps were. And I 25 A. Vallejo. 25 knew that he was feeling something on my shoulder. 110 PETERSON DEPOSITION REPORTERS PETERSON DEPOSITION REPORTERS 601 University Avenue, Suite 213, Sacramento, CA 95825 601 University Avenue, Suite 213, Sacramento, CA 95825 (916) 646-1891 (916) 646-1891 Page 109 to 112 of 139

11/05/2015 05:32:33 AM

28 of 51 sheets

pests at bay and to keep the things under control that 1 A. No. Just my hand. I caught myself with my you need to keep under control. 3 And then when you're not doing that -- because of course you can't do that all day. You're not going 4 Q. to be looking for pests all day. You put the stuff in 5 Α. Right. traps, whatever, you leave and go. So that's why it 6 0. was designed for me to go do grounds. 7 that? 8 Now, I have two schools, the middle school and .A B 9 the elementary, that I'm responsible for all maintenance work, grounds, responsibilities for two 10 10 sites, and I guess -- I'm just guessing that they 11 12 still expected me to be an Interdistrict Pest Manager. 12 So we're at that point right now, we're kind of 13 14 weighing that out, like "How do you think I'm supposed 14 15 to do this?" So that's where I am right now with the 15 Q. School District, where I'm not really giving the 16 16 A. 17 attention to IPM now. I'm giving the attention to my sites that I was assigned to. And that was not in the 18 18 Q. MOU. They're, "Oh, don't forget your Interdistrict 19 20 Pest Management stuff." That was not included in the 20 21 MOUL 21 District? 22 So now we're on the fence, me and the District, 22 A. 23 with, "How do we get him back in there doing pest 23 24 manager and keeping his responsibilities as a 24 groundsman? How do we split this guy up into four 25 this cancer. And no one knows, you know. And no one 125 PETERSON DEPOSITION REPORTERS 601 University Avenue, Suite 213, Sacramento, CA 95825 (916) 646-1891 people?" So that's where it is. 2 Q. And you haven't worked it out yet? 3 A. Oh, no. Far from being worked out. 3 Ο. In the last three months, have the symptoms in 5 your shoulder improved, worsened, or stayed the same? 6 Α. It's getting worse.

7 Q. In the last three months, have the symptoms in B your chest improved, worsened, or stayed the same? 9 It's gotten worse. 10 (Discussion off the record.) 11 (Break taken.) 12 (Question and answer read by the reporter.) 13 Ο. MS. CUNNINGHAM: Have you ever sought treatment 14 at an emergency room, other than for the motor vehicle 15 accident that we already discussed? 16 A. No. Except for after just recently, I sprained 17 my hand, or fractured it, skateboarding. That was 18 just like a month ago. 19 Where did you go? Q. 20 A. Two months. 21 Kaiser, Vallejo. 22 Q. Did you fall? 23 A. Off the skateboard, yeah, I fell. Oh, yeah. 24 Q. Did you have any increased symptoms in your 25 shoulder as a result of that?

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2 hand, and it did something to my wrist. Like a hairline fracture across my wrist. And that was a couple months ago? Did you miss any time from work because of I missed a day or two, and then I was on light duty, because I definitely had half a cast on this hand (indicating). So I did light duty, and I did a couple of days off. Because this whole arm (Indicating) for a minute was hurt, it was sore, but 13 It wasn't like too bad. So they put the cast on. I lost a day or two and did light duty. And you're pointing to your left arm, correct? Yes. It was this hand (indicating), the left, 17 the left arm. The left hand basically. Not the arm. Other than your shoulders and your chest and the skin cancer, are you having any other problems that you relate to your employment with the School Loss of sleep. A'lot of loss of momentum to do the things I usually do. I just kind of feel overwhelmed and stressed with these injuries and with

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has answers. Just Lee's just kind of drifting out there with no answers from anyone, you know. So, yes, kind of mentally, It's tough, because you just want to do what you're supposed to do, which is go to work, you get cancer or whatever, and you end up with all this confusion. It's like a ball of 7 confusion, you know. You're not healthy, but you are 8 healthy. You're sick. It's just too much mystery to 9 deal with. So it bothers me to sleep. It bothers me 10 with play. It bothers me with a lot of stuff. So I try to just mask it by going to work and do what I 11 need to do and just running general life. 12 13 Q. So the loss of sleep is because you're waking 14 up at night because of thinking about things? 15 Thinking about things a lot. You know, and not Α. 16 only waking up, it's hard to go to sleep, and then not 17 getting a night of full sleep because I'm thinking about things like the IPM program or being exposed or 18 19 all the stuff that I have to do at work, with all the 20 grounds stuff and then the IPM stuff and "If you can," "if you can't." "What about your other license," 21 22 "this license," "that license." Just a lot. It's a 23 lot. And I do the best I can. And I lose sleep. because it bothers me, because I want to get it right. 24 25 So it's stressful, because I don't want to make PETERSON DEPOSITION REPORTERS

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11/05/2015 05:32:33 AM

Page 125 to 128 of 139

32 of 51 sheets

127