



Alan Gamino vs. Macys, Inc. Dba Bloomingdales LLC

April 19, 2023

Alan Gamino

ICR Job No. 267856

BEFORE THE WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

ALAN GAMINO,)
)
 Applicant,)
)
 vs.) Case No. ADJ 17287502;
) ADJ 17287003
)
 MACYS INC DBA BLOOMINGDALES)
 LLC; BLOOMINGDALES PERMISSIBLY)
 SELF-INSURED, ADMINISTERED BY)
 SEDGWICK,)
)
 Defendants.)
 _____)

ZOOM VIDEO CONFERENCE DEPOSITION OF ALAN GAMINO

CYPRESS, CALIFORNIA

WEDNESDAY, APRIL 19, 2023

10:07 A.M. - 12:03 P.M.

BY:
RUTH IKEDA SATO, RPR
CSR No.: 12671

1 BEFORE THE WORKERS' COMPENSATION APPEALS BOARD

2 STATE OF CALIFORNIA

3
4 ALAN GAMINO,)

5 Applicant,)

6 vs.)

Case No. ADJ 17287502;

ADJ 17287003

7 MACYS INC DBA BLOOMINGDALES)

8 LLC; BLOOMINGDALES PERMISSIBLY)

9 SELF-INSURED, ADMINISTERED BY)

SEDGWICK,)

10 Defendants.)

11 _____)

12 ZOOM VIDEO CONFERENCE DEPOSITION OF ALAN GAMINO,

13 the Applicant, taken on behalf of the Defendant Macy's Inc.

14 dba Bloomingdales LLC, permissibly self-insured administered

15 by Sedgwick, at Cypress, California, commencing at 10:07

16 A.M. and ending at 12:03 P.M., on Wednesday, April 19, 2023,

17 before Ruth Ikeda Sato, CSR No. 12671, RPR.

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2
3 FOR THE APPLICANT:

4 WORKERS DEFENDERS LAW GROUP
5 BY: NATALIA FOLEY, ESQ.
6 715 South Weir Canyon Road
7 Suite 157-455
8 Anaheim, California 92808
9 (714) 948-5054

10 FOR THE DEFENDANT MACY'S, INC. dba
11 BLOOMINGDALES, LLC, permissibly
12 self-insured, administered by
13 SEDGWICK:

14 FELLMAN & ASSOCIATES
15 BY: JILL E'LYNN M. RODERICK, ESQ.
16 5777 West Century Boulevard
17 Suite 1195
18 Los Angeles, California 90045
19 (310) 396-5220
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

EXAMINATION	PAGE
MS. RODERICK	5, 67
MS. FOLEY	65

E X H I B I T S

DEFENDANT'S	PAGE
-------------	------

(None)

I N F O R M A T I O N R E Q U E S T E D

(None)

Q U E S T I O N S I N S T R U C T E D N O T T O A N S W E R

(None)

1 Cypress, California; Wednesday, April 19, 2023;

2 10:07 A.M. - 12:03 P.M.

3 -oOo-

4
5 ALAN GAMINO,

6 having solemnly stated to tell the truth,

7 was examined and testified as follows:

8
9 EXAMINATION

10 BY MS. RODERICK:

11 Q Good morning, Mr. Gamino.

12 Can you please --

13 A Good morning.

14 Q Can you please state your name for the record.

15 A Yes. My name is Alan Gamino.

16 Q Have you ever been known by any other names?

17 A No. That's my only name.

18 Q All right. Before we begin today, for
19 identification purposes, do you have a California
20 driver's license?

21 A Yes, I do.

22 Q Do you have that on you, and if you do, if you
23 could please just hold it up to the camera, I'll take a
24 screen shot. We won't put any numbers on the record.

25 A Of course. Give me one second. (Indicating.)

1 Q I think I got it. Let me just make sure that
2 it's not blurry.

3 Perfect. Okay. We're good.

4 (A discussion was held off the record.)

5 MS. RODERICK: So back on the record.

6 Off the record, I will represent for the
7 record, that our deponent provided to us a copy of his
8 driver's license, which I will not put the numbers on
9 the record.

10 But I will represent for the record, that the
11 license depicts a picture of our deponent.

12 I will also say that the deponent provided to
13 us his social security off the record. We did compare
14 that with the application filed, and it does not match.
15 It just appears there's a couple numbers that are a
16 clerical error, and Ms. Foley has confirmed that that
17 application will be corrected.

18 MS. FOLEY: Yes.

19 Q BY MS. RODERICK: Mr. Gamino, your license did
20 have a second name.

21 A Uh-huh.

22 Q It says Corrales, C-o-r-r-a-l-e-s. Is that
23 another name that you have used?

24 A So -- so this is -- right now I'm American
25 citizen. Before I used to be a resident, and when I

1 became American citizen, we delete Corrales to make my
2 name shorter.

3 And my passport, American -- in my
4 U.S. passport I only have Alan Gamino. This is -- this
5 is -- it's not expired yet, but it's still my full --
6 full long name. You know, they're pretty long. But
7 here in America it's more easy to have just one last
8 name.

9 Q Okay. Got it.

10 So you were born -- is it fair to say you were
11 born Alan Gamino Corrales?

12 A Yes.

13 Q And then you changed the name to just Alan
14 Gamino when you became an American citizen on what day?

15 A I became an American citizen on March, 2021 --
16 no. No. I'm sorry. March, 2011.

17 Q Okay.

18 A Do you need to see my passport?

19 Q No, you're fine. You're fine. I just wanted
20 to make sure we have a record of all the names that you
21 have ever used.

22 A Yes.

23 Q Have you used any other names other than Alan
24 Gamino Corrales and Alan Gamino?

25 A No, that's it. That's the only names I have.

1 Q Have you ever had your deposition taken before?

2 A No.

3 Q Did you have a chance to prepare with Ms. Foley
4 before beginning today?

5 A Yes.

6 Q Can you estimate for us how long you prepared
7 with Counsel?

8 A An hour. An hourish.

9 Q Okay. And are you testifying from your home?

10 A Yes.

11 Q Is there anyone else in the room with you?

12 A No.

13 Q All right. Because you've had an opportunity
14 to prepare with Counsel, most likely some of the things
15 I'm about to say are going to seem a little repetitive,
16 but I need to make sure on the record that you
17 understand what your obligations are when you are in a
18 deposition proceeding.

19 Even though you are at home in a casual
20 environment, our court reporter has placed you under
21 oath, and what that means is you are obligated to tell
22 the truth.

23 So even though you're at home, your testimony
24 has the same force and effect in this proceeding today
25 as if you were actually in a courtroom testifying before

1 a judge or a jury.

2 In California, it can be deemed a felony if you
3 do not tell the truth when under oath. So just so
4 you're aware, it's absolutely a requirement that you be
5 truthful and honest during this proceeding.

6 In order to assist you with that, we must ask
7 you not to guess. If you do not know the answer to a
8 question, simply say you do not know, and that's
9 perfectly acceptable.

10 If you guess and you're wrong, it could look
11 like you were intentionally not telling the truth. So
12 don't guess. If you don't know, that's fine.

13 But with that said, we are entitled to your
14 best estimates.

15 Do you understand the difference between an
16 estimate and a guess?

17 A Yes.

18 Q Okay. I'm sure you do understand, but just so
19 it's patently clear, if we ask you to make an estimate,
20 it most likely will be in regard to a date that
21 something occurred. Such as you might not remember
22 exactly when you became an American citizen, but you are
23 the one that went through that whole proceeding and so
24 you can say 2011 as an estimate.

25 If I were to ask you when I became an American

1 citizen, you don't know me so you have no idea. You
2 would have to guess.

3 Most likely when we ask you for an estimate, it
4 will be in regard to a date like that. We typically
5 don't remember exactly when something occurred, but
6 since we lived through the event, we can provide an
7 estimate.

8 I might ask you how much something weighed. I
9 would not expect you to have actually placed the item on
10 a scale, but if you have lifted it up yourself, you
11 could potentially provide an estimate of the weight.

12 If you feel you have no ability to provide an
13 estimate, you just need to tell us.

14 Okay?

15 A Okay.

16 Q Sometimes my questions aren't all that
17 well-phrased. I don't do that intentionally, but if I
18 ask a question that is confusing to you, please tell me
19 it's confusing, and I'm perfectly happy to rephrase the
20 question.

21 If you answer the question, it will be assumed
22 by the reader of your testimony that you understood the
23 question. So if you do not understand, the obligation
24 is on you to tell me, and I'll rephrase it.

25 Everything that is said here today is -- it

1 will be transcribed by our court reporter and put into
2 what we call a transcript. You'll be given the
3 opportunity to read your testimony, make any changes,
4 and then sign under penalty of perjury.

5 I need to caution, however, that should you
6 make any changes of a substantive nature such as a yes
7 to a no, those changes could affect your credibility so,
8 again, it's important that you are accurate this first
9 time around.

10 Please answer as you have thus far, meaning
11 audibly. Even though in everyday conversation, we shrug
12 our shoulders and nod our head, our court reporter has
13 to write everything down so everything has to be out
14 loud.

15 And even though you will be able to anticipate
16 what I'm about to say, please try to allow me to finish
17 my whole question. I will try to allow you to finish
18 your whole answer. It's important that we do not speak
19 over each other because that's difficult for our court
20 reporter.

21 Okay?

22 A Okay.

23 Q Can you think of any reasons why you could not
24 give accurate testimony here this morning?

25 A I mean there's no reason. I'm okay right now

1 to do it.

2 Q Okay. Good. Did you take any medications
3 within the last 24 hours?

4 A Yes.

5 Q What did you take?

6 A I took Tylenol in the morning before -- before
7 the deposition.

8 Q Is that just over-the-counter Tylenol?

9 A Uh-huh. Yeah.

10 Q That's a yes?

11 A It's like kind of painkiller that my doctor
12 prescribed me.

13 Q So it was a prescribed medication?

14 A Uh-huh.

15 Q Who prescribed it for you?

16 A My doctor. It's kind of long name. I can grab
17 the bottle to give it to you. Is that okay?

18 Q If you could.

19 A Yes. Give me one second. Umm, so this is the
20 (indicating) medication I take prescribed by my doctor.

21 Q Perfect. If you could -- okay. Hold it right
22 there real fast.

23 And I see that it's Acetaminophen --

24 A Uh-huh.

25 Q -- 650 milligrams.

1 If you could turn the bottle just to see if we
2 can see the name of the prescribing doctor.

3 A (Indicating.)

4 Q Maybe take it a little further away from the
5 camera.

6 A (Indicating.)

7 Q There you go. All right.

8 Maybe it's easier, actually, if you read for us
9 who the doctor is.

10 A Okay. So my doctor -- his last name is
11 Balakhani.

12 Q Can you spell that for us.

13 A Yes. I will spell his last name. So it's
14 B-a-l-a-k-h -- h-a-n-i Balakhani. He's --

15 Q What is his first name?

16 A His name is with S. I always call him
17 Dr. Balakhani. But his first name, it starts with an S.

18 Q Is his first name on the bottle or no?

19 A No. It's prescriber S. Balakhani. I always
20 call him Dr. Balakhani. He told me his first name long
21 time ago.

22 Q No problem.

23 So where is Dr. Balakhani located?

24 A He's in -- Commerce.

25 Q Do you know the name of the street he's on?

1 A Yeah. Give me a second.

2 Do you need the full address?

3 Q If you have it.

4 A It's like a clinic that I normally go to. Umm,
5 5427 Whittier Boulevard. This is in Los Angeles,
6 California. Zip code, 90022.

7 Q Great.

8 Is there an actual name to the clinic?

9 A Yes.

10 Q What's the clinic called?

11 A AltaMed.

12 Q Is Dr. Balakhani your primary care physician
13 that you see if you have a cold or something like that?

14 A Yes.

15 Q How long has he been your primary care doctor?

16 A Well, I changed. I -- I just got him like six
17 months ago.

18 Q Did you have a primary care doctor before that?

19 A Yes.

20 Q Who was that?

21 A Dr. McKenzie.

22 Q And where is Dr. McKenzie located?

23 A She's in Orange County. Do you need --

24 Q Do you know more specifically than Orange
25 County? A street or a city?

1 A Yeah. The city -- it's, umm, Orange. She's in
2 Orange, California.

3 Q And you said the last name is McKenzie?

4 A Correct. Dr. Adita McKenzie.

5 MS. FOLEY: Counsel, I think the name of the
6 doctor is Shahryar Balakhani, something like that.

7 MS. RODERICK: Okay. Perfect. Thank you.

8 Q And I think I've found Adita McKenzie.
9 However, is it possible that Adita McKenzie is a nurse
10 practitioner and not a doctor?

11 A Yes. She's like a nurse but with
12 specialized -- she's -- she's prescribe too, yes. I
13 think she's a nurse, but she can prescribe as well.

14 Q Is she with a particular clinic that you know
15 of?

16 A Yes. She's with AltaMed in Orange -- City of
17 Orange.

18 Q Okay. And how long was she your primary care?

19 A I'm estimate it can be around five years.
20 Five, six years.

21 Q Was there anything you treated with
22 Dr. McKenzie or nurse practitioner McKenzie with on a
23 regular basis? In other words, did you go in for
24 treatment of hypertension or any other medical condition
25 that needed regular follow-up?

1 A Well, sometimes I will go for, umm -- for
2 physicals. I mean or even with treatments, a cold.
3 Things if I need it.

4 Q Okay. But nothing on a regular basis?

5 A Hmmm, no. I mean -- I mean regular basis will
6 be like -- like an example like something that she needs
7 to prescribe me every day or?

8 Q I mean if you have hypertension, you need to go
9 in and get your blood pressure checked regularly or if
10 you have diabetes, you need your sugar levels checked.
11 Anything you need to go in every few months for an
12 evaluation?

13 A Yeah. Okay. Well, basically, umm, she will
14 prescribe me, umm, a treatment that I have to be checked
15 every four months.

16 Q What was that for?

17 A It's called Prep.

18 Q Prep? P-r-e-p?

19 A P-r-e-p.

20 Q And what's the medical condition?

21 A To prevent HIV.

22 Q Okay.

23 A It's to prevent.

24 Q And you would go in every four months for that?

25 A Correct. So you basically have to go every

1 four months. Umm, so just make sure everything is going
2 good with your organs, with your kidneys. So the pill
3 is not hurting anything on you. So everything is good
4 so far.

5 Q Excellent.

6 Have you been diagnosed with HIV?

7 A No.

8 Q And the medication that you showed us, do you
9 know what that medication was prescribed for?

10 A Yes.

11 Q What was it prescribed for?

12 A I have chronic -- like a chronic lumbar pain.
13 A chronic back pain. A chronic -- chronic lower back
14 pain. I have constantly pain in my shoulders and my
15 neck and my -- my legs as well. My lower extremity
16 that's because I'm taking painkillers too in order to
17 function and go to work.

18 Q Okay. When did you first go in to
19 Dr. Balakhani for the low back pain and the other
20 orthopedic pains you're having?

21 A So this happened -- this symptoms start to
22 happen like more than a year ago also like a year
23 officially. I've been taking pills over-the-counter,
24 and I ask Dr. Balakhani just to give me this
25 prescription probably like the last -- when was it? --

1 last month, I think. Yeah. No. January on the
2 beginning of the year.

3 Q You had that prescription given to you back
4 when you were treating at the Orange AltaMed location?

5 A No. I will take painkillers, but I mean I go
6 to CVS pharmacy and buy painkillers.

7 Q Was your treatment with Dr. Balakhani in
8 January of this year the first time you went in and
9 sought treatment for your orthopedic pains?

10 A I have previous, umm, problem that he was
11 treating me for.

12 Q What was the previous problem?

13 A I have anemia.

14 Q And Dr. Balakhani was treating you for anemia?

15 A He will prescribe me -- I mean if I go back
16 back, I have like a lesion, umm, in my -- in my stomach
17 that I probably got even worse at work. And I was
18 trying to keep it in -- how do you say this? -- control
19 it with Dr. Balakhani. I went to ER last year because
20 of the thing that happened to me. But yeah.

21 Q Which emergency room did you go to last year?

22 A Culver City Hospital. It's called Southern
23 California Culver City.

24 Q Okay. As far as treatment for your orthopedic
25 pains that you told us about -- and we'll get into all

1 of it in a little more detail -- but just for the
2 purposes of this question, your chronic low back pain
3 you're talking about, as far as treatment for that, was
4 the first time you sought treatment in January of this
5 year?

6 A Well, I mention it, these problems to my
7 previous manager; right? But umm, I used to treat
8 myself with pills over-the-counter. I started taking
9 medication from my current doctor of this year. Yeah,
10 January. But it's these issues have been more than a
11 year.

12 Q I'm not talking about issues. I'm just
13 talking -- and we'll get into all your issues. I'm just
14 talking about trying to get an understanding of the
15 medical.

16 A Okay.

17 Q And so the first time you went to a doctor for
18 the orthopedic symptoms was January of this year;
19 correct?

20 A Around January, yeah.

21 Q Okay. What is your date of birth?

22 A 10/4/87.

23 Q And where were you born?

24 A Mexico.

25 Q When did you first come to the United States to

1 reside?

2 A Like to live officially?

3 Q Yes.

4 A Umm, I remember the year.

5 Q The year is fine.

6 A The year is fine? Okay. 2011.

7 Q And when you first came to reside, what area of
8 the state did you live in?

9 A It was in San Diego. Chula Vista, California.

10 Q Have you lived in California the entire time
11 since you've been in the States?

12 A Correct. Yes.

13 Q What is your current home address?

14 A My current home address is 8220 West Norton
15 Avenue, Apartment 3, West Hollywood, California 90046.

16 Q How long have you lived at that address?

17 A November -- last November. November, 2022.

18 Q Who do you live at that address with?

19 A I'm alone. I live by myself.

20 Q Have you ever been married?

21 A No.

22 Q And you are not currently married; correct?

23 A I'm not married.

24 Q And do you have any children?

25 A No.

1 Q What was your address immediately prior to the
2 Norton Avenue address?

3 A 3767 Clarington Avenue, Apartment 229, Los
4 Angeles, California 9034.

5 THE REPORTER: Counsel, can we take a break?

6 MS. RODERICK: Sure.

7 (A recess was taken.)

8 MS. RODERICK: Back on.

9 Q Mr. Gamino, how long did you live at the
10 Clarington Avenue address?

11 A Three years.

12 Q And who did you live at this address with?

13 A With a friend. A roommate.

14 Q Why did you move to your current address?

15 A Why?

16 Q Yes.

17 A Umm, because I want to have my own place. I
18 got this opportunity so I took the chance to move.

19 Q What was the name of your roommate?

20 A I don't remember his last name, but I can give
21 you the first name.

22 Q Okay.

23 A His name is Kevin.

24 Q Did you live with him for the full three years?

25 A Uh-huh.

1 Q Is that a yes?

2 A Yes.

3 Q As we are only back about four years, almost
4 five years, do you remember where you lived before the
5 Clarington address?

6 A I live in Orange County back then. Umm, I live
7 a few places in Orange County. But I don't remember
8 what city. I don't remember.

9 Q How long were you in Orange County in total?

10 A Total? Maybe like six years.

11 Q What is the last year of education that you
12 have completed?

13 A Bachelor's degree.

14 Q Where did you obtain that?

15 A Umm, bachelor's degree in architecture.

16 Q I'm sorry?

17 A Can you repeat the question again.

18 Q Where did you obtain your bachelor's degree?

19 A Oh, okay. Sorry. I got it in Mexico.

20 Q At what school?

21 A I will say in English I guess. Ibero Americana
22 University.

23 Q Was there a focus for your bachelor's?

24 A Yes. It's a bachelor's degree in architecture.

25 Q And when did you obtain it?

1 A 2000 -- well, I fully graduate 2012, 2013.
2 2013.

3 Q Were you taking those courses online there at
4 the end since you moved to the States in 2011?

5 A I was going back and forth. I used to live in
6 the border with Baja, California in San Diego so I used
7 to cross the border pretty often. Sometimes these
8 classes -- these classes would be online; correct, and
9 sometimes it will be I have to go to the classroom.

10 Q Is it fair to say Spanish was your first
11 language?

12 A Spanish is my first language.

13 Q You seem to have a very good command of the
14 English language to me, but I just want to point out to
15 you that you are entitled to an interpreter. Because we
16 do not have an interpreter here for you, the burden is
17 on you for you to tell us if at any time you feel like
18 there's a language barrier and that you're not
19 understanding because of any language barrier and at
20 that point, we will need to get an interpret for you.

21 A Okay. Thank you.

22 Q Yes. If you continue testifying, however, it
23 will be assumed that there was no language barrier.

24 Okay?

25 A Okay.

1 MS. FOLEY: So can I just verify with my
2 client?

3 Alan, are you saying that you are okay to
4 continue to testify in English, or do you need an
5 interpreter? How do you feel about it?

6 THE WITNESS: I can continue in English.

7 MS. FOLEY: Okay.

8 THE WITNESS: If you guys are okay with that.

9 MS. RODERICK: Okay. Fine by me.

10 Q So when did you first start working for
11 Bloomingdales?

12 A September, 2019. Yes.

13 Q Where did you work immediately prior to
14 beginning work at Bloomingdales in September of 2019?

15 A I don't remember.

16 Q It might be easier that you received your
17 degree in 2012 or 2013. Can you remember the first job
18 that you had after obtaining your bachelor's degree?

19 A I used to work for a studio, collaborating with
20 an architect just doing drawings, technical stuff.

21 Q Do you remember the name of the studio that you
22 were working with?

23 A Blue Sky Studio.

24 Q And where is Blue Sky located?

25 A It was an independent company. So he -- the

1 architect that I used to work with, he was independent.
2 He didn't have like an actual place.

3 Q When you received your salary from him, did it
4 come on a paycheck that said Blue Sky?

5 A No. He used to normally pay me with cash.

6 Q So to your knowledge, you don't know if Blue
7 Sky was incorporated or it was a true licensed business?

8 A Well, it was like a part-time thing. It's how
9 I started working to earn some money. So no, I don't
10 know.

11 Q How long did you work for Blue Sky?

12 A Less than six months.

13 Q Was it part-time the whole time?

14 A Part-time.

15 Q Where did you work after that?

16 A I mean I did a few projects like collaborations
17 with Mexican architect, and I used to work at home. I
18 did a few things so I don't remember. It's been more
19 than ten years now.

20 Q How long did you work doing those projects with
21 an architect that was located in Mexico?

22 A Probably like between three years. Around
23 three years.

24 Q And what was your job after that?

25 A At this point I should get my resume because

1 I've been doing several things. I mean I can tell you
2 the one that I did in Orange County.

3 Q Okay.

4 A I have -- I have two jobs in Orange County.
5 One of them I used to work in Newport Beach, California
6 in a real estate company. I used to do like office
7 duties.

8 Q What was the name of the real estate company?

9 A Western States Development.

10 Q And you said that's located in Newport Beach?

11 A Uh-huh.

12 Q And you said that you performed office duties?

13 A Office duties.

14 Q Was that a part-time or a full-time job?

15 A Full-time job.

16 Q How long did you work for them?

17 A Probably like -- I don't remember. Umm, I
18 don't remember. I want -- I don't want to say the wrong
19 answer.

20 Q Can you estimate for us? Was it like a month?
21 More like a year? More like five years?

22 A More than a year for sure.

23 Q Why did you stop working for them?

24 A Because I found another job related to my
25 career.

1 Q And what was that job?

2 A It's the company -- it's called Planks U.S., an
3 interior design company based in Santa Ana, California.

4 Q And I'm sorry. What was the name of the
5 company?

6 A Umm, Planks, P-l-a-n-k-s, Planks U.S.

7 Q How long did you work for Planks?

8 A Probably like a year.

9 Q What did you do for them?

10 A Drafting. Interior designing, drafting.

11 Q Why did you stop working for them?

12 A They -- they were not -- they were not good
13 with finances and they let people go.

14 Q You were laid off?

15 A Uh-huh.

16 Q Is that a yes?

17 A Yes.

18 Q Can you recall what year it was that you worked
19 for them?

20 A I don't remember.

21 Q Where did you work after working at Planks?

22 A I believe after I got that, umm, I -- I kept
23 working on my things, you know, like doing drawings and
24 little projects that will keep myself busy. And after
25 that it's probably when I started looking -- working for

1 Bloomingdales in September, 2019.

2 Q Okay. So when you were working on your own
3 projects between Planks and Bloomingdales, was that
4 probably for about two or three years?

5 A Around two years, yeah.

6 Q Have you ever sustained any injuries at any of
7 your prior jobs or places of employment?

8 A Can you repeat that question again for me,
9 please.

10 Q Did you sustain any injuries at any of your
11 prior jobs?

12 A No.

13 Q When you first started working with
14 Bloomingdales was at the Sherman Oaks store?

15 A Yes.

16 Q Have you worked at any other Bloomingdales
17 location?

18 A No.

19 Q When you first started working at
20 Bloomingdales, did you have any other job that you also
21 worked at, what we call concurrent employment?

22 A No.

23 Q When you initially started with Bloomingdales,
24 what were you hired to do?

25 A I was hired to be a sales associate.

1 Q Was it part-time or full-time?

2 A Full-time.

3 Q And what department?

4 A Men's Department. Men's department.

5 Q When you were first hired, who was your
6 supervisor?

7 A Daniel Joyce.

8 Q Throughout your employment with Bloomingdales,
9 have you remained in the men's department, or has your
10 position changed?

11 A It's been the same the whole time.

12 Q Is Mr. Joyce still your supervisor?

13 A No.

14 Q Who is your current supervisor?

15 A His name is Lee with double E, last name Brazil
16 with Z.

17 Q Can you spell his last name for us?

18 A Yes. B-r-a-z-e -- oh, no. I'm sorry. Let me
19 spell it one more time. Okay. Okay. B-r-a-z-i-l.
20 Brazil with Z.

21 Q Thank you.

22 What are your current job duties as a sales
23 associate in the men's department?

24 A Okay. So customer service, keep the floor in
25 good condition, bring clothes to the floor, go to the

1 stockroom, work in by sizing stuff, the merchandising,
2 lift boxes, lift boxes with hangers, basically bring the
3 clothes from the stockroom to the front so I can sell
4 them. Basically just that.

5 Q Can you estimate for us what the heaviest item
6 is that you have to lift?

7 A It depends because it can be between 40 -- 40
8 to 45 pounds.

9 Q What objects are 40 or 45 pounds?

10 A Clothing and boxes with hangers inside. Big
11 ones. I have to carry to the floor and just do my,
12 umm -- swap hangers out and (indicating).

13 Q So is it fair to say that there are people
14 hired to perform the stock work and they bring the stock
15 to the stockroom?

16 A There's people -- no. Well, that's part of
17 my -- my duties. Besides working as a sales associate,
18 I'm Hugo Boss specialist, which means that I take care
19 of Hugo Boss brand within Bloomingdales Men's
20 Department. So I work with this brand within
21 Bloomingdales so I have to bring all the sizes out from
22 Hugo Boss and keep the area of Hugo Boss in great
23 condition and full with clothing and swap out hangers
24 with the brand of Hugo Boss. So that's what I --
25 something that I do every time I go. I just have to

1 keep the floor and the area of Hugo Boss packed with
2 merchandise. That's my, umm -- how do you call it? I'm
3 a specialist in that brand.

4 Q So when the merchandise gets to the store and
5 it comes to the loading dock, other individuals who are
6 hired as stock workers bring that merchandise up to your
7 floor to the stockroom; correct?

8 A They do -- if they have the time, they will
9 do -- they will help, but also I do the job too. I go
10 to the fulfillment area, to the dock, and I'll bring the
11 merchandise to the floor with my -- I will do it myself.

12 Q How often do you do that?

13 A Every Wednesday is when we get the trucks with
14 merchandise.

15 Q When you go to the loading dock, what do you
16 do? Do you put the boxes on a cart, or how do you bring
17 them up to the floor?

18 A So the merchandise will be like in a rolling
19 rack, like a big one, and I'm going to just use my arm
20 to pull the whole thing to the floor (indicating).

21 Q So where are the boxes?

22 A In the stockroom. So we storage the -- the --
23 so boxes contain hangers, wood hangers sometimes, and
24 they're kind of -- they can be heavy. So those boxes
25 that I pretty often lift because you need to -- yeah.

1 Q So you said you go to the loading dock. You
2 get the merchandise on a rolling rack. Is the
3 merchandise on a rolling rack hanging up, or is that
4 merchandise in boxes?

5 A It's on a rolling rack and then I take the
6 rolling rack to the stockroom and then with my hands I
7 have to grab a portion of it and place them in -- in
8 racks.

9 Q Okay. But what I'm -- I'm asking you is the
10 merchandise on the rolling rack, that merchandise is on
11 hangers and hanging; correct?

12 A Correct. Correct.

13 Q So where -- you were talking about boxes that
14 weigh 40, 45 pounds. Do you get those from the loading
15 dock as well, or does someone else bring those up to the
16 stockroom?

17 A That I get from the loading and I have to bring
18 that to the stockroom as well.

19 Q So how do you do that?

20 A With my hands. I just carry them.

21 Q You don't put them on a cart?

22 A Unh-unh. There's no carts available at all.

23 Q So you'll take a box weighing 40 to 45 pounds
24 from the loading dock to your department?

25 A To my -- yes, carrying them walking from the

1 receiving area to my stockroom. Correct.

2 Q And you do that every Wednesday?

3 A It's pretty often. Not every Wednesday but
4 it's pretty often.

5 Q How often?

6 A Maybe like every couple -- yeah, every couple
7 weeks I need to keep working with those boxes, and it's
8 something that obviously everyone tell me to do. My
9 manager, the team, to keep working with those things.

10 Q Okay. Other than the lifting of those 40- to
11 45-pound boxes, as well as the pushing and pulling of
12 the rolling rack, can you think of any other physical
13 duties that are required for the job?

14 A I have to stand on the floor for eight hours;
15 carrying; cleaning the fitting rooms; doing go-backs,
16 which means grabbing clothing and putting back to their
17 place; the walking in three-story building which is
18 Bloomingdales; climbing stairs in my dress shoes for
19 eight hours. It can be pretty tough sometimes and
20 painful. That's why I've been taking painkillers for my
21 legs and for my lower extremities, especially my knees
22 and my ankles.

23 Q We'll get into your symptoms.

24 Do you have a particular shift that you work,
25 or does that vary?

1 A It's vary. It's, umm -- it's vary.

2 Q And as a full-time employee, is that 37.5 hours
3 per week?

4 A At this point I'm part-time.

5 Q When did you become part-time?

6 A It's been like over -- a month and a half now.

7 Q Why did your job change to part-time?

8 A Well, the same thing. My health condition is
9 not the best right now, and I asked Bloomingdales to
10 give me like a light duty.

11 Q Were you placed on light duty by a doctor, or
12 did you just ask Bloomingdales for it?

13 A By a doctor. I mention it before to
14 Bloomingdales that I have a few problems in the past,
15 but they didn't do anything at all so...

16 Q Who is the doctor that placed you on light
17 duty?

18 A My current doctor, Balakhani.

19 Q And that was about a month ago?

20 A Like a -- yeah, like five weeks now I'll say.

21 Q Prior to five weeks ago, were you working
22 full-time?

23 A Yes. Yes.

24 Q And has your doctor said you cannot work a
25 certain number of hours?

1 A Yes.

2 Q How many hours does he allow you to work?

3 A 20 per week.

4 Q When you were given that work slip by

5 Dr. Balakhani, who did you give it to?

6 A Can you repeat the question for me again,

7 please.

8 Q Who did you provide your work slip to?

9 A I don't understand the question at all.

10 Q When Dr. Balakhani gave you a work restriction

11 of no working of more than 20 hours per week, who did

12 you give that work restriction to at your job?

13 A Oh. It was through, umm, Bloomingdales

14 Corporate. So they -- I have to contact them and send

15 them -- send them all the information from my primary

16 doctor requesting the part-time.

17 Q Have you -- how do you contact Bloomingdales

18 Corporate?

19 A I mean there's like, umm, portal like -- it's

20 like an associate portal that I can go through and I can

21 file a claim. It's like a -- in a leave of absence.

22 It's called a leave of absence, you know, like section

23 so it's where you can claim -- or you can file a

24 request.

25 Q Did you speak to anybody at your actual job

1 location about your need for light duties?

2 A I mention this to my supervisor, and she told
3 me that I have to do this through Macy's Corporate.

4 Q Okay. And when you say to your supervisor,
5 you're talking about to Lee?

6 A Lee. Correct. Yes.

7 Q What did you tell Lee exactly?

8 A He can't do anything about it.

9 Q No. What did you tell Lee?

10 A That I -- yeah, that I needed to go for
11 part-time at the present time because I was having like
12 a health issues that I want to take care of.

13 Q Did you tell Lee that your work issues were
14 work-related?

15 A Yes.

16 Q What exactly did you say to him about them
17 being work-related?

18 A So I told him that there's two things that I
19 have. But a few months ago I was having a bad case of
20 anemia and these back problems and Lee knew about it and
21 I told him like I need less hours at work and he told me
22 go to -- talk to Legal Assets Department.

23 Q You said you had anemia and back problems and
24 Lee knew about it. Instead of what Lee knew, can you
25 tell me what you told him? Did you tell him your anemia

1 was work-related?

2 A It was related to my previous problem that I
3 have last year, yes.

4 Q Did you tell Lee that your anemia was
5 work-related?

6 A I didn't specify it was anemia, but I have like
7 a very -- like a delicate condition that I have to take
8 care of.

9 Q Mr. Gamino, we'll get into all of that, but I
10 just need the answer to my question, which is did you
11 tell Lee it was work-related?

12 A Yes.

13 Q What you did say to him? How did you explain
14 it was work-related?

15 A Well, I having like a bad time carrying stuff
16 like lifting, walking, and I needed time to recover from
17 my previous injury and from my symptoms that I have in
18 my lower back and stuff.

19 Q So what did you tell Lee?

20 A That. That I need part-time in order to
21 recover in order to get better for my --

22 Q So you told Lee that you were having a hard
23 time with the requirements of the job with walking and
24 carrying items?

25 A Yes.

1 Q When did you tell Lee that?

2 A Last year. Somewhere last year.

3 Q What did Lee tell you when you told him that?

4 A Again, he told me to go through leave of
5 absence department and talk to them about the part-time
6 thing.

7 Q That was last year, but you didn't do it until
8 a month ago?

9 A Correct.

10 Q Why did you wait until a month ago?

11 A Because I needed to work and my problems became
12 more chronic and more easy to deal with -- more hard to
13 deal with. I'm sorry.

14 Q Okay. So you were referencing that you had a
15 prior problem and you needed time to recover. Was there
16 an accident that occurred or a specific event or injury
17 that occurred previously?

18 A Yes.

19 Q What was that?

20 A Umm, I have like internal bleed.

21 Q I'm sorry. You had a what?

22 A Like an internal bleed.

23 Q Bleeding?

24 A Bleed. I was bleeding internally.

25 Q When did you have internal bleeding?

1 A November.

2 Q Of 2022?

3 A Last year. Correct. Yes.

4 Q And that's when you went to the emergency room
5 that you mentioned earlier?

6 A Yes. Correct.

7 Q Was there something that occurred? I know
8 you're not a doctor, but to your knowledge, was there
9 something that occurred that caused the internal
10 bleeding?

11 A I'm -- I'm not sure.

12 Q When you went to the doctor in November of
13 2022, what did they tell you was the cause of the
14 internal bleeding?

15 A They found like a, umm, a little like, umm,
16 ulcer in my lower stomach.

17 Q Were you --

18 A Umm, it's -- it's more like a cyst that I got
19 that bleed. Umm, and again, I remember those days we
20 had a lot of work at Bloomingdales and, again, the
21 lifting thing is probably related to my condition that I
22 had, I believe. I had to be lifting stuff, carrying
23 stuff all over. It's related to -- to work. That
24 causes me this kind of problems.

25 Q You think the ulcer or the cyst is related to

1 your work?

2 A It's probably related to work, yes.

3 Q Has a doctor told you that?

4 A It's -- yes.

5 Q What doctor told you?

6 A The doctor that saw me. He's in Culver City.
7 It's a G.I. doctor. He's -- I saw him when I went to
8 ER.

9 Okay?

10 I stay in the hospital for five days. But
11 obviously when you lift something when you're carrying
12 stuff, maybe -- I mean you can bleed because you're
13 carrying stuff. I mean it's kind of like an internal
14 bleed.

15 Q Did a doctor give you that opinion, or is that
16 your opinion?

17 A The doctor mention that when he was with me in
18 the room because he asked me a few questions about my
19 work and I said yes, that's what I do at my work. He --
20 he mention me it was related. He said probably it's
21 related to that by lifting stuff, heavy stuff.

22 Q Did you have a hernia?

23 A To be honest with you, they did a few things
24 like a few studies and stuff.

25 Can you hear me?

1 Q Yes.

2 A They did a few studies, but it's like, umm --
3 they mentioned it's like probably like a cyst. They
4 don't -- yeah.

5 Q Okay. So you were in the hospital for five
6 days. When you were discharged, did you see any further
7 doctors for the condition of the ulcer or the cyst?

8 A No.

9 Q When you were discharged from the hospital, did
10 you tell anyone at Bloomingdales that you'd been in the
11 hospital for a work-related condition?

12 A Yes.

13 Q Who did you tell?

14 A My coworker. She's one of my closest
15 coworkers. She went to visit me also to the hospital.

16 Q Did you tell anyone in a managerial capacity at
17 Bloomingdales?

18 A Just her. Obviously, in Bloomingdales or
19 retail in general, they will ask where's Alan or where
20 has he been. They just know I was delicate from health.
21 That's it. But they don't know exactly what happened.
22 Only my coworker.

23 Q What was the name of your coworker?

24 A Renda.

25 Q I'm sorry?

1 A Her name is Renda Mesbahi.

2 Q Can you spell either the first name or the last
3 name?

4 A The first name it's R-e-n-d-a, Renda. Last
5 name Mesbahi, umm, let check her last name. Okay. Last
6 name M-e-s-b-a-h-i.

7 Q All right. You say you told Renda that you
8 thought the condition was work-related, but you did not
9 tell anyone else. Why did you not tell your supervisor
10 or someone in corporate?

11 A Because I didn't know what was happening to me.
12 I was bleeding for days. But I didn't know it was
13 work-related until I went to ER. You're doing retail
14 work. You're like this all the time (indicating), you
15 know, and umm, I -- and then of knowing everything when
16 I was in ER and I had a blood transfusion because I
17 didn't have blood.

18 Q When you were released from the ER, did you
19 tell anyone at Bloomingdales that your condition had
20 been work-related?

21 A Renda. Just my friend.

22 Q Anyone else? Why did you not tell anyone in
23 management once you were released from the ER and you
24 were aware that it was work-related?

25 A Back then I was not in a very good mental

1 condition to -- to tell people about my condition. I
2 was pretty depressed and I was pretty weak and that's
3 it.

4 Q You said you were in the hospital for five
5 days. How long did you miss from work in total?

6 A So after I was released from the hospital, umm,
7 if I remember, I was like for another month on leave of
8 absence. I was recovering at home from my condition.

9 Q When you requested that leave of absence, did
10 you tell them it was a work-related leave of absence or
11 just a medical leave of absence?

12 A It was just a medical.

13 Q So you had approximately a month and a week off
14 from work then, and then you returned to your full
15 duties?

16 A Correct. I'm not quite sure it was a month or
17 almost two months. It depend so just to let you know.

18 Q During that month or two that you were off
19 work, did you receive income from any source?

20 A No.

21 Q When you returned to work, did you return to
22 your full duties?

23 A Yes.

24 Q Other than the doctor, the internist that you
25 saw at the emergency room and I guess the other doctors

1 at the hospital, Southern California Hospital in Culver
2 City, and the doctor that you mentioned to us in the
3 beginning, Dr. Balakhani, have you seen any other
4 doctors since November of last year?

5 A No. Related to this problem?

6 Q For any reason.

7 A I mean -- okay. So I just have -- yes, I have
8 seen an internal doctor. Like -- it's like a -- it's
9 called -- what's the specialty? One of them is a
10 chiropractor and another one is, umm -- how do you call
11 it? -- the one who sees everything. I forgot the name.

12 MS. FOLEY: Can I help? I think it was an
13 internist.

14 Is that right?

15 THE WITNESS: Yes, an internist. Yeah, that
16 one.

17 Q BY MS. RODERICK: What internist did you see?

18 A I am really bad with last names in general. I
19 mean I can tell you which one it is.

20 Okay?

21 Q Is it an internist that you were referred to by
22 your attorney?

23 A Dr. Daldalyan.

24 Q Okay. When did you see Dr. Daldalyan?

25 A I can tell you. One second. The first time I

1 saw Dr. Daldalyan it was March 21st of this year.

2 Q Have you seen him again or just the one time?

3 A One time.

4 Q And you were referred to that doctor by your
5 lawyer?

6 A Yes.

7 Q And your lawyer also referred you to a
8 chiropractor?

9 A Correct. Yes.

10 Q What's the name of the chiropractor?

11 A Okay. My chiropractor, his name is
12 Dr. Gofnung.

13 Q How many times have you seen Dr. Gofnung?

14 A So far, four. Like four.

15 Q And you were referred to Dr. Gofnung by your
16 lawyer as well?

17 A Yes.

18 MS. RODERICK: Ms. Foley, no medical reports
19 have been served. Are you in receipt of any medical
20 reports?

21 MS. FOLEY: Actually, I have medical reports
22 from Dr. Daldalyan, and I'm waiting for the reports from
23 Dr. Gofnung. I'll e-mail it to you soon as we get it
24 in.

25 MS. RODERICK: Just as a reminder, we do have a

1 panel qualified medical evaluation set up with
2 Dr. Mahboubian. Obviously, we want any medical reports
3 sent to him so the sooner you can serve it on us, the
4 better.

5 MS. FOLEY: Sure. Sure. Absolutely.

6 THE WITNESS: I'm going to get my plug because
7 my battery is little bit low. Give with me one second.

8 MS. RODERICK: Go ahead and take a break and
9 then you can situate yourself. So I'll say two minutes
10 or five minutes?

11 THE WITNESS: Two minutes is fine.

12 MS. RODERICK: Okay.

13 (A recess was taken.)

14 Q BY MS. RODERICK: Mr. Gamino, I know you're not
15 a lawyer, but I will represent to you that two
16 applications for injuries have been filed. One has a
17 cumulative trauma period of July 24, 2022 to January 20,
18 2023 with injury to your nervous system, head, digestive
19 system, and abdomen.

20 Do you know why that period of July 24, 2022 to
21 January, 2023 has been pled? Was there something that
22 occurred during that period in particular?

23 A I believe it's one of my -- my back problems
24 and shoulder became more consistent.

25 Q So your back problems became consistent as of

1 July, 2022?

2 A It's when they started more chronic. My work
3 has been the same since September, 2019 working eight
4 hours in my dress shoes lifting, carrying a lot of
5 clothes all the time.

6 MS. FOLEY: Counsel, I just want -- I
7 apologize.

8 Continue answering.

9 I just wanted to clarify for my client that
10 there are two injuries he knows, and one is related to
11 his orthopedic pain. It's the lower back pain. He will
12 describe it right now.

13 The other one is related to his stress at work
14 that is triggered by some events at work related to
15 stress. So I think that the date related to July is
16 referring to the stress claim.

17 Am I right?

18 THE WITNESS: July? Yes.

19 MS. FOLEY: I just want to make sure he
20 understands that he's answering to two different claims
21 and dates are different because of the nature of the
22 claim.

23 Q BY MS. RODERICK: What happened in July of 2022
24 that caused your stress?

25 A Umm, well, with Bloomingdales, they -- I don't

1 know if you have seen the news, but there's so many
2 robbery problems in the store. Constantly I've been
3 told that I have to be close to these people that
4 normally come into the store at night. It's normally
5 when they come to. And just to prevent loss for the
6 company. So my manager will ask me to be like a -- kind
7 of very close to them.

8 And sometimes these problems have been
9 associated to me being, umm, very like, umm,
10 uncomfortable, stress, and very nervous position for me
11 because sometimes I have to face these people in the
12 fitting room.

13 Q Who are you talking about when you say you have
14 to be close to them? Who do you mean by "them"?

15 A The robbers. These people that will come to
16 the store and they will steal merchandise and my manager
17 will tell us or told me to be pretty aware of that and
18 be close to them so they don't steal merchandise.

19 Sometimes I have to put these people that --
20 some of them are high, they're delusional, sweating in
21 the fitting rooms. And sometimes they will get
22 aggressive to me because they feel like I follow them.

23 But this is the things that Bloomingdales has
24 told me to go up against them. We have a A.P.
25 protection which is Asset Protection, but to be honest

1 with you, we do more than that. We are more closer than
2 security because we have to interact with these people
3 because some of them will have knives. Some of them
4 will have probably guns, and I will really feel very
5 stressed about it.

6 Q Have you been held up at gunpoint?

7 A Held up for -- I mean no. I have to do
8 everything. Once they're -- they leave -- I'm talking
9 about the robbers -- A.P. will come and just grab the
10 merchandise. But I have to interact with the client,
11 which is a robber, the whole time.

12 Q My question is have you been held up at
13 gunpoint? Has somebody put a gun at you?

14 A One time a guy showed me a knife and told me
15 not to say anything.

16 Q So a customer came in and showed a knife to you
17 and did he -- did he say he was taking merchandise and
18 threatened you with that knife?

19 A He did it like a year ago, yeah. I had like a
20 previous manager back then and he was all sweating. He
21 showed me this and he said -- he told me, "Just -- I
22 don't need help," and he showed me the -- a knife
23 (indicating). And I was okay. Okay.

24 So sometimes they will put me like unsafe
25 positions that will cause me like a big -- under stress

1 at work, but I guess I have to do it.

2 Q When that occurred about a year ago you said
3 when the guy had a knife, did you write up an incident
4 report?

5 A I told my previous manager about that.

6 Q You just told the manager, but no report was
7 taken?

8 A I don't know if it was taken. I don't know.

9 Q What did you tell your manager?

10 A That the guy -- he have like a knife in his
11 pocket. But he show me. Not show up with intension to
12 do something against me. But show me he's got like
13 something in his pocket there.

14 Q And you said you told that to the manager
15 before Lee?

16 A Yes.

17 Q Was that -- I know you gave us another
18 manager's name. Was that Daniel Joyce?

19 A That was the first one. No. That was the one
20 after Daniel Joyce. His name -- you need names or?

21 Q Please.

22 A His name is Oscar Triana.

23 Q To your knowledge, is Oscar still with the
24 store?

25 A He's -- he doesn't work for Bloomingdales

1 anymore.

2 Q Did you report feeling stressed or feeling
3 uncomfortable to anybody at Bloomingdales?

4 A To my previous manager.

5 Q To Oscar?

6 A Correct. Yes.

7 Q Did you -- how long have you worked under Lee?

8 A He's pretty new. He's been working for -- he
9 started last year. He's been there less than a year for
10 sure.

11 Q Have you told Lee about the feelings of stress
12 you have felt?

13 A I used to have more confidence to talk to my
14 previous manager. Lee -- I mean I don't feel that
15 comfortable sharing a lost stuff with him. I would just
16 tell him I don't feel right sometimes, especially with
17 my chronic pains that I currently have.

18 Q You said that -- or Counsel pointed out that
19 your application alleges the stress started in July of
20 2022. Were you working under Lee at that time?

21 A Yes. Yeah, I think he started -- I think he
22 was by July. He was brand new. Yeah.

23 Q So the incident with the knife was before July
24 of 2022?

25 A It was last year, yes.

1 Q Have you sought any medical treatment, either
2 with a regular doctor or a psychiatrist or psychologist,
3 for the stress that you have felt?

4 A So far I've just been taking over-the-counter
5 pills.

6 Q So the answer is no?

7 A No.

8 Q Currently as your job is limited to 20 -- let
9 me strike that and ask you are you currently working
10 still at Bloomingdales 20 hours a week?

11 A Yes.

12 Q With your work hours restricted, have you felt
13 like you don't have as much orthopedic pains or as much
14 stress or is it still about the same?

15 A The same.

16 Q As you're only working 20 hours a week, what
17 else do you do with your time just to kind of spend your
18 days?

19 A I try to stay home. Trying to, umm, stretch a
20 little bit. Umm, that's about it. I don't -- I don't
21 do much, especially right now that I can't do much. I
22 can't -- I can't run. I can't do exercise at all.

23 Q When you say you cannot exercise at all, do you
24 mean you can't walk either?

25 A I mean in the morning, obviously I wake up with

1 lower back pain all the time. That's why I keep taking
2 these medications all the time (indicating). My
3 shoulder hurts constantly. It's like a chronic pain.
4 It's something that's not -- at least it's not going
5 anywhere unless I take a pill.

6 Q Do you do any activities currently outside of
7 the home, whether it be for fun or exercise or socially?
8 Anything?

9 A I would go just for a coffee with friends.
10 That's it.

11 Q How often do you go for coffee?

12 A Or my friends will come here and they bring
13 food. That's it.

14 Probably once -- once a week. Especially right
15 now that I'm working part-time, I don't -- I have to
16 save what I -- what I'm earning; right?

17 Q Do you have any income coming in to your
18 household other than your wages from Bloomingdales?

19 A No.

20 Q So you've mentioned to me your chronic pain.
21 Let's break it down. If you could like give me a list
22 of everything. I know you mentioned you've got low back
23 pain. Do you feel low back pain on a constant basis?

24 A Yes.

25 Q So on a constant basis do you mean 24 hours a

1 day?

2 A Especially around today because it's where I'm
3 normally walking doing activities going to the grocery
4 store. It's constantly. It's like eight hours pain.

5 Q I'm sorry. What did you say about going to the
6 grocery store?

7 A So, yeah, the pain will be there during the day
8 because I'm doing activities; right? I'm going to the
9 grocery store and lifting bags, not heavy. And
10 obviously that will cause a little bit of pain in my
11 shoulder, in my lower back.

12 Q We're just talking about your low back. We'll
13 get to the shoulder.

14 So that's what I was talking about when we were
15 discussing activities outside of the home before, and
16 you said you just go to coffee with friends. But now
17 you're telling me that you do activities. You do go to
18 the grocery store. That's kind of what I was meaning
19 before.

20 A Okay.

21 Q So when you go to the grocery store, you say
22 you do lift things, but you try to limit what you lift?

23 A Yes.

24 Q How much can you lift?

25 A I would say only 20 pounds. I'm take -- try to

1 be very careful with that.

2 Q Other than going to the grocery store, what
3 other activities do you do?

4 A I walk around the area. I just walk. Do my
5 walks. Sometimes a friend will come and just we have
6 walks.

7 Q How far do you walk?

8 A Less than a mile. Just like a few blocks away.

9 Q Do you do any other activities?

10 A No.

11 Q Just talking about your low back on the pains
12 that you feel on a constant basis on a scale of 1 to 10
13 with 1 being really minimal, just a twinge that you
14 barely feel and 10 being excruciating where you
15 literally feel you can't walk at all, where would you
16 put the pains that you feel on that scale?

17 A Well, if I don't take my pills, I will be 9.

18 Q And then the pain medication that you
19 referenced before, the Acetaminophen, that's the pain
20 medication that will cause your pains to be reduced?

21 A The painkiller, yes.

22 Q And when you take that medication, where would
23 you put the pains that you feel in your low back?

24 A 5.

25 Q All right. You also mentioned that you have

1 pains in your shoulder. Which shoulder are you
2 referring to?

3 A Sometimes they're both, but this one is
4 more -- the left is more than the right one
5 (indicating).

6 Q When was the first time you noticed shoulder
7 pains?

8 A A year ago.

9 Q Do you have the shoulder pains on a constant
10 basis?

11 A Yes.

12 Q On that same scale of 1 to 10, where do you put
13 the shoulder pains?

14 A 8.

15 Q Have you told Dr. Balakhani about your shoulder
16 pains?

17 A Yes.

18 Q Did you tell the doctor about a year ago? Is
19 that when you first sought treatment?

20 A A year ago I have painkillers on the counter.
21 So Dr. Balakhani, he's kind of new. He started seeing
22 me like last year. But this year I told him about my
23 current pains.

24 Q Other than your low back and both shoulders
25 with the left being more than the right, do you feel

1 pains in any other part of your body currently?

2 A Yes.

3 Q Where?

4 A In my neck and lower extremities.

5 Q How often do you feel pains in your neck?

6 A It's often. It's often. I mean -- again,
7 everything is every day. Every day. I take the pills
8 every day. This part hurts, yes (indicating).

9 Q Do you feel the neck pain on a constant basis
10 like the back pain?

11 A Correct. Yes.

12 Q On that same scale of 1 to 10, where do you put
13 the pain that you feel in your neck?

14 A I would say 8.

15 Q When you say lower extremities, are you talking
16 about your legs all the way from your buttocks all the
17 way down to your feet on both legs?

18 A Yes.

19 Q Is the right leg worse than the left, or are
20 they about the same?

21 A They're about the same. But I feel more pain
22 in my -- my left one (indicating). Yes.

23 Q Is there a part of your lower extremity that
24 you feel more pain in than in other parts?

25 A My knees and my ankles, especially with those

1 dress shoes for four years.

2 Q Do you currently have pain in any other part of
3 your body?

4 A No. This is just the current pain that I have
5 right now. And the lower back, neck, and my ankles
6 right now, they're hurting right now. Yes.

7 Q In regard to your symptoms of stress, do you
8 currently feel depression, anxiety, or any other
9 emotional issues?

10 A Anxiety. Umm, I have difficult time to sleep.
11 And it's been for months now. Yes.

12 Q Is your difficulty with sleeping because of the
13 orthopedic pain you feel, or is it because of your
14 emotional state?

15 A It's more the emotional state of work. I just
16 feel some pressure.

17 Q Other than the orthopedic pains you've
18 explained for us and your anxiety and your difficulties
19 sleeping, do you currently have any other problems that
20 you attribute to your work at Bloomingdales?

21 A Well, besides those two things, the orthopedic
22 and the stress, anxiety part, I have internal thing.

23 Q I'm sorry. You said you have internal issues?

24 A Just that, the one we were talking about before
25 about the -- the bleedings. That's something that is

1 controlled at this point. It can come back, but that's
2 it.

3 Q Do you currently have any internal symptoms?

4 A In my abdomen you mean?

5 Q Yes.

6 A No. It's controlled. My primary doctor, he
7 will prescribe me pills to control my symptoms -- my
8 problems, my internal problems.

9 Q Are you currently taking medication for your
10 internal problems?

11 A Yes.

12 Q What's that medication?

13 A It's called Pantoprazole, 4 milligrams.

14 Q Can you spell it for us?

15 A Yeah. I have it here. Do you want me to show
16 you --

17 Q Yes, please.

18 A So this helps me for the internal bleeds.

19 P-a-n-t-o-p-r-a-z-o-l-e.

20 Q How often do you take Pantoprazole?

21 A One in the morning and one in the evening.

22 Q Did you one take one this morning?

23 A Yes.

24 Q Did you forget to mention that earlier when we
25 asked you about the medication you took in the last 24

1 hours?

2 A I -- I forgot.

3 Q Did you take any other medications?

4 A Just this one and prep. Do you need the name?

5 Q Do you have the medication on you for the prep?

6 A Yes. D-e-s-c-o-v-y.

7 Q And you take Descovy every morning as well?

8 A Yes, this is called prep. It's like a
9 preventive HIV medication. I'm HIV negative, but it
10 helps to prevent to get it.

11 Q Did you take any other medications within the
12 last 24 hours?

13 A No. With the painkillers, it's just good and
14 the Protonix, Pantoprazole it's good. I don't take more
15 than that.

16 Q You advised us of the hospitalization that you
17 had in November of 2022. Have you ever been
18 hospitalized at any other occasion?

19 A After November or before?

20 Q Any time.

21 A Yes.

22 Q When were you hospitalized other than the
23 November, 2022 hospitalization?

24 A It occurred, umm -- I would say June, 2021.

25 Q And what were you in the hospital for?

1 A It was for the same issue. The -- I had like
2 an internal bleed.

3 Q What hospital were you at for that?

4 A The same one. It's called Southern California
5 Hospital Culver City. It was for the same problem, same
6 issue.

7 Q And I'm sorry. You said that was June of 2021?

8 A Yes. It was June. Around June, 2021.

9 Q How long were you in the hospital at that time?

10 A I think it was like four -- four days. I was
11 hospitalized four days.

12 Q How much time did you miss from work at that
13 time?

14 A Five weeks, I think. It has to be a closer
15 time, or it has to be very specified like -- it has to
16 be like a close time or -- never mind. It's fine.

17 Q Did any doctors tell you in June of 2021 that
18 the internal bleeding was work-related?

19 A I don't remember.

20 Q Did the doctors tell you any reason why you
21 were having internal bleeding in June of 2021?

22 A No.

23 Q Have you been hospitalized on any other
24 occasion?

25 A Just those two. Last year in November and

1 last -- in 2021 in June.

2 Q Just to be clear, have you been hospitalized on
3 any other occasions?

4 A No.

5 Q Have you ever broken any bones?

6 A No.

7 Q Have you ever sustained any injuries in any
8 other accidents or incidents, and I'm being really broad
9 on purpose. What I mean is have you had an injury in a
10 car accident, or have you had an injury in relation to a
11 slip-and-fall or a sports-related accident, a dog bite?
12 Any kind of injury or incident?

13 A No.

14 Q Have you retained an attorney to assist you
15 with a personal injury other than Ms. Foley in regard to
16 this workers' compensation matter?

17 A No.

18 Q I don't want to know anything Ms. Foley told
19 you or you said to her. That is all privileged. How
20 did you find Ms. Foley to retain?

21 A How did I find?

22 Q Through a friend? Is that what you said?

23 A No. How do -- how did I find her?

24 Q Yes.

25 A I did my research.

1 Q And what do you mean by that?

2 A Internet. I go -- like a lawyer that will take
3 care of this kind of situations.

4 Q Do you know of any other individuals that work
5 for Bloomingdales or currently work for Bloomingdales or
6 used to work for Bloomingdales that retained Ms. Foley?

7 A I have no idea. No.

8 Q Because of the nature of your claim, the fact
9 that you've filed a stress-related claim, some of these
10 questions that I'm going to ask you may seem a little
11 personal, but it's only because you have that stress
12 claim filed. So with that said, you said that you came
13 to the --

14 MS. FOLEY: Counsel?

15 MS. RODERICK: Yes?

16 MS. FOLEY: Counsel, I apologize. If you going
17 to a second part and apparently you want to touch that
18 psych claim, for how long because I have a second
19 deposition today and I -- it's in person and
20 unfortunately I will have to leave and drive.

21 MS. RODERICK: Okay. Fair enough.

22 MS. FOLEY: So I don't have much time left.

23 MS. RODERICK: Why don't we do this. It is
24 noon, isn't it?

25 MS. FOLEY: Uh-huh.

1 MS. RODERICK: Why don't we then defer the
2 psych questions. We'll do a deposition Volume II. I
3 know he hasn't event sought psych yet so maybe just
4 defer it and see where the claim goes.

5 MS. FOLEY: Yeah.

6 MS. RODERICK: And I'll reserve my right for
7 defendant to take that part of the claim, and we'll just
8 proceed with the orthopedic portion at this point?

9 MS. FOLEY: Let's do that.

10 MS. RODERICK: Okay. Fair enough. Fair
11 enough. All right.

12 Then do you have any questions you need to put
13 on the record?

14 MS. FOLEY: I might have just a couple
15 questions.

16 MS. RODERICK: Maybe what we can do -- do you
17 want to take a little break and look at your
18 questions --

19 MS. FOLEY: No.

20 MS. RODERICK: -- or are you ready?

21 MS. FOLEY: No.

22 MS. RODERICK: I'll just pass the questioning
23 to you.

24 MS. FOLEY: Okay.

25 ///

1 EXAMINATION

2 BY MS. FOLEY:

3 Q Alan, can you please tell me if you remember
4 the time when you've been hired by Bloomingdales?

5 A Yes. I was hired -- I was hired in September,
6 2019.

7 Q So during that time you probably signed some
8 paperwork.

9 A Probably I did, yes.

10 Q Do you remember the documents that you signed?

11 A I don't remember.

12 Q Was there anyone who was explaining to you what
13 you are signing?

14 A No. No. Unh-unh.

15 Q Did anyone specifically explain to you your
16 rights in workers' compensation?

17 A No.

18 Q Did anyone explain to you the difference
19 between specific injury and cumulative injury in
20 workers' comp?

21 A No.

22 Q Did anyone explain to you your duty to report
23 your industrial injury?

24 A Unh-unh.

25 Q When you've been talking to your first

1 supervisor about your injury, did that supervisor ever
2 suggest that you go to industrial medical clinic of
3 Bloomingdales?

4 A No. Unh-unh.

5 Q How did you feel about it? Was it frustrating
6 or not?

7 A Of course it was frustrating because I -- I
8 didn't feel I have the support from the company I work
9 for, and I just ended up buying the stuff under the
10 counter like CVS pharmacy working to keep going. But
11 they never ask me to anything like that.

12 Q So when you had a second supervisor, apparently
13 you didn't report to him your medical issues
14 work-related.

15 A I mention it one time. I don't speak with him
16 at all, especially personal stuff, because I don't feel
17 confident to talk to him about stuff. I just mention it
18 one time. The situation at work is not going for me
19 right, and I need to take a break or I need to take less
20 hours and stuff. That's the only thing I say.

21 Q Did he offer to you to go to medical clinic?

22 A No.

23 Q Would it be a reason not to report to him any
24 future medical issues that you had?

25 A Can you repeat the question again for me,

1 please.

2 Q What would be the reason why you stop reporting
3 to him your medical issues?

4 A Because they won't do anything about it.

5 MS. FOLEY: Okay. I have no further questions.

6
7 FURTHER EXAMINATION

8 BY MS. RODERICK:

9 Q When you applied for -- through the employee
10 portal for your leave of absence, did you put on your
11 application paperwork that your need for a leave of
12 absence was due to a work-related injury?

13 A I don't remember.

14 MS. RODERICK: Okay.

15 Then I know Counsel has to get to another
16 deposition. So for purposes of today's deposition, we
17 can enter into a stipulation, and of course the
18 defendant reserves the right for a deposition volume
19 two.

20 For the purposes of today's deposition, I
21 propose that we relieve our court reporter of her
22 custodial duties relating to the transcript;

23 And instead the transcript will be sent to
24 counsel for the deponent;

25 That the deponent will be entitled to read his

1 testimony, make any changes he feels necessary, and sign
2 under penalty of perjury;

3 And the defendant through my office will be
4 noticed of any changes made and/or simply that the
5 transcript has been signed;

6 And if that is not done within 45 days after
7 receipt of the original transcript in counsel's office,
8 that a certified copy may be used with the same force
9 and effect for any medical/legal evaluation and/or any
10 hearings?

11 MS. FOLEY: So stipulated.

12
13
14 (Deposition concluded at 12:03 P.M.)

15
16 -oOo-

1 DECLARATION UNDER PENALTY OF PERJURY

2 ***

3 I, ALAN GAMINO, the witness herein declare under
4 penalty of perjury that I have read the foregoing deposition
5 in its entirety and that the testimony contained therein, as
6 corrected by me, is a true and accurate transcription of my
7 testimony elicited at said time and place.

8
9 Dated this _____ day of _____,
10 2023.

11
12
13 _____
ALAN GAMINO

1 REPORTER'S CERTIFICATE

2
3 I, Ruth Ikeda Sato, CSR No. 12671, a Certified
4 Shorthand Reporter within and for the State of
5 California, RPR, do hereby certify:

6 That prior to being examined, the witness named
7 in the foregoing deposition solemnly stated that the
8 testimony given in this deposition would be the truth,
9 the whole truth, and nothing but the truth;

10 That said deposition was taken remotely before
11 me at the time and place set forth and was taken down by
12 me in shorthand and thereafter reduced to computerized
13 transcription under my direction and supervision, and I
14 hereby certify the foregoing deposition is a full, true,
15 and corrected transcript of my shorthand notes so taken;

16 I further certify that I am not of counsel for,
17 nor related to, any party to said action, nor in any way
18 interested in the outcome thereof.

19
20 Dated: April 24, 2023, at Cypress,
21 California.

22
23 

24 _____
RUTH IKEDA SATO, CSR NO. 12671

DEPONENT'S CHANGES/CORRECTIONS

Note: If you are adding to your testimony, print the exact words you want to add. If you are deleting from your testimony, print the exact words you want to delete. Specify with "Add" or "Delete" and sign this form.

PAGE	LINE	CHANGE/ADD/DELETE

Deponent's Signature _____ **Date** _____