



Alan Gamino vs. Macys, Inc. Dba Bloomingdales LLC

October 31, 2023

Alan Gamino, Vol. II

ICR Job No. 289058

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) VOL. II
 SELF-INSURED, ADMINISTERED BY)
 SEDGWICK,)
)
 Defendants.)
 _____)

ZOOM VIDEO CONFERENCE DEPOSITION OF ALAN GAMINO

CYPRESS, CALIFORNIA

TUESDAY, OCTOBER 31, 2023

10:03 A.M. - 11:23 A.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)

VOL. II

9 SELF-INSURED, ADMINISTERED BY)

10 SEDGWICK,)

11 Defendants.)

_____)

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 10:03

16 A.M. and ending at 11:23 A.M., on Tuesday, October 31, 2023,

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

1 APPEARANCES OF COUNSEL:

2
3 FOR THE APPLICANT:

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7
8
9 FOR THE DEFENDANT MACY'S, INC. dba
10 BLOOMINGDALES, LLC, permissibly
self-insured, administered by
11 SEDGWICK:

12 FELLMAN & ASSOCIATES
13 BY: JILL E'LYNN M. RODERICK, ESQ.
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I N D E X

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E X H I B I T S

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(None)

INFORMATION REQUESTED

PAGE LINE

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QUESTIONS INSTRUCTED NOT TO ANSWER

(None)

1 Cypress, California; Tuesday, October 31, 2023;

2 10:03 A.M. - 11:23 A.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 Mr. Gamino, can you please state your full name
12 for the record.

13 A Alan Gamino Corrales.

14 Q And, Mr. Gamino, do you remember having your
15 deposition taken back, I believe, on April 19?

16 A I do.

17 Q Do you remember the rules of the deposition
18 that we discussed?

19 A Well, a few ones [verbatim]. But can you
20 repeat those again.

21 Q Okay. Sure. No problem.

22 Basically, the most important rule is that you
23 must tell the truth. Our court reporter has placed you
24 under oath, and that means you're obligated to tell the
25 truth.

1 Are you testifying from your home today?

2 A I am.

3 Q So even though you're in a very casual
4 environment at your house, because you are under oath,
5 your testimony has the same force and effect as if you
6 were actually in a courtroom. So that's the most
7 important thing.

8 Just know that you have to tell the truth. If
9 you don't tell the truth and that can be proven, that
10 can be considered a felony. So tell the truth.

11 If you don't know the answer to a question, say
12 you don't know. That's perfectly fine.

13 If you guess and you're wrong, it could look
14 like you were intentionally not telling the truth. So
15 don't guess. Just let us know if you do not know the
16 answer.

17 With that said, we are entitled to your best
18 estimates. As we went over at the last deposition, an
19 estimate is simply not a guess, but you have some
20 knowledge as to the circumstances. Such as if I were to
21 ask you the date that something occurred, if you lived
22 through the event, you might not remember exactly when
23 it occurred, but you can give an estimate of the
24 timeframe.

25 If I ask you to make an estimate and you feel

1 you have no basis to do so, simply say, and that's
2 perfectly fine.

3 A Yes.

4 Q Please do not answer a question that is
5 confusing. If I ask a question that makes no sense to
6 you, just tell me to rephrase the question, and I'm
7 happy to do so.

8 If you answer the question, it will be assumed
9 by the reader of your testimony that you understood it.

10 Okay?

11 A Okay.

12 Q Have you had a chance to review deposition
13 Volume I transcript?

14 A Yeah, I did it previous. Like a previous
15 meeting. Yeah.

16 MS. RODERICK: Ms. Foley, I don't remember
17 receiving notice of the deposition transcript being
18 signed or any changes made. If you could make sure
19 that's sent over to us.

20 MS. FOLEY: Okay. I don't think we made any
21 changes, but I'll review the issue again.

22 MS. RODERICK: Okay. Yeah. As long as I know.
23 Even the signature page from the depo is fine.

24 MS. FOLEY: Sure. Sure. Okay.

25 MS. RODERICK: So with that said, we'll just

1 jump right in.

2 Q Mr. Gamino, it's a volume 2 today so I don't
3 think we're going to go very long. Hopefully we can
4 wrap this up. We almost finished last time.

5 But I should ask you has anything major changed
6 in your life since our last deposition? Meaning have
7 you moved residences? Have you had a change in your
8 personal life? Anything of that sort?

9 A Basically, I'm still having issues with my
10 health. Umm, I've been having -- just try to see my
11 doctors to lower the prescriptions for me for
12 painkillers.

13 Q I'm sorry. For what?

14 A For those -- the painkillers. So I'm dealing
15 with my health still. I mean I'm still having issues
16 with that, and basically that's it.

17 Q Okay.

18 A (Zoom live feed unintelligible.)

19 THE REPORTER: I'm sorry?

20 THE WITNESS: Can you hear me well?

21 Q BY MS. RODERICK: We kind of aren't. It
22 sounded a little slurry. Can you repeat what you said?

23 A I'm going to -- I'm going to remove the
24 speakers.

25 Is that okay for you?

1 Q Perfect.

2 A Maybe that's what it was.

3 Q What was it that you just said? Can you repeat
4 it.

5 A Yes.

6 Can you hear me better?

7 Q Much better.

8 A Better? Okay.

9 So I live in the same place. Basically, I'm
10 still dealing with my health issues. I've been talking
11 to my doctors. I've been going to my appointments and
12 just going with this -- this issues. And it's internal
13 issues that's causing me not to live the best right now.
14 So yes, I'm still dealing with this.

15 Q Okay. So you said you still live in the
16 same -- you still live at the same address. Are you
17 still residing alone?

18 A Correct. Yeah.

19 Q All right. And I do understand that since your
20 last deposition, you were terminated from Bloomingdales;
21 is that correct?

22 A Yeah. They --

23 Q Okay. Can you tell us how that came about?

24 A Yeah. So I was in touch with my manager, umm,
25 and for that time I was, again, you know, having like

1 very bad health condition, and I mentioned this to my
2 manager.

3 Q Who is your manager?

4 A My manager used to be Lee. Brazil is his last
5 name. Lee, first name. Brazil is his last name. So
6 yeah, umm, even Bloomingdales knew about my health
7 condition -- can you hear me well?

8 Even though Bloomingdales knew about my health
9 condition, they just decide to terminate it by saying I
10 haven't done my job position.

11 Q I'm sorry. They said what?

12 A Yeah. So they -- they were saying I just left
13 my last position.

14 Q You abandoned your job?

15 A I abandoned my job, which is not true. I was
16 staying in touch with my manager.

17 So Bloomingdales, they hired this company to --
18 to the employees to contact this company and tell them,
19 hey, I'm having this problem. I'm going to call you now
20 today. So this company will report that I didn't show
21 up to work to Bloomingdales; right? So it's like a
22 connect synchronization issue within.

23 Q What's the name of the company?

24 A What's the name of the company? I don't
25 remember.

1 Q So can you explain to us -- there was this
2 third party company that you were supposed to send your
3 doctor's notes in to; is that correct?

4 A That's totally correct. And I did it. I
5 was -- I send my doctor's note to the company. I report
6 this to my manager that I was not feeling well. Great.
7 You know, I was -- you know, I need some time. And then
8 I have my doctor's note, and I send it out to this
9 company.

10 Q But you cannot recall the name of the company?

11 A If -- if I review in my e-mail. I don't know
12 if that is allowed.

13 Q Why don't we do this: At your opportunity
14 review it, and we'll leave some lines blank in the
15 transcript.

16 (Information to be supplied:

17
18 _.)

19 Q BY MS. RODERICK: And when you said that you
20 sent the doctor's notes to the company, how did you do
21 that? Did you do that by e-mail?

22 A Correct. Yeah. It was --

23 Q If you could find those e-mails --

24 A -- through e-mail.

25 Q If you could find those e-mails, that would be

1 terrific.

2 A It was by e-mail.

3 Q Do you believe you have a copy of the e-mail
4 that has the doctor's note?

5 A I do.

6 Q Perfect. Yeah, if you could just produce that
7 to us, that would be very helpful.

8 A Okay.

9 Q So can you remember the last time that your
10 deposition was taken you had testified that you had your
11 hours reduced, but you had not lost any time from work.
12 There weren't any actual days that you were taken off.
13 Did your doctor actually take you off work?

14 A Yes. It was a point -- it was a point that --

15 Q What -- go ahead. Sorry.

16 A It was a point that my doctor just decide to
17 give me a note saying, "Alan needs some time off," which
18 is like three months.

19 Q Which doctor took you off work?

20 A Dr. Daldalyan.

21 Q Okay. And it's the Dr. Daldalyan's report that
22 you sent in to this company for the time off?

23 A That's correct.

24 Q Do you remember when you sent it in?

25 A I don't remember exactly the day.

1 Q We had our deposition in April. Can you
2 remember was it just like the next month, or do you have
3 any kind of recollection?

4 A I must send it before the deposition. Yes.

5 Q You think you sent it before the deposition in
6 April?

7 A No. Oh, it was in May. I think it was in May.
8 Yeah.

9 Q What is the last day that you worked at
10 Bloomingdales?

11 A It was May 9th.

12 Q Do you believe that's when you sent the note in
13 as well?

14 A It's one of those days. I don't remember
15 exactly what day, but it was before I -- like before
16 they decide to let me go.

17 Q When you sent the note in to them, did you
18 receive any kind of response?

19 A No. I just receive a letter that, umm, I just
20 didn't show up to work, and that was my notice
21 employment change of relationship, something like that.

22 Q What was the date of that letter?

23 A I don't remember. I have to check in my
24 records.

25 Q Do you have a copy of that letter?

1 A I do.

2 Q I would ask that you produce that one as well.

3 A Okay.

4 Q When you said that you were talking to
5 Mr. Brazil about your health, do you have those -- that
6 communication like over text or e-mail or was that just
7 with him in person or over the phone?

8 A It was in person and also it was on e-mail as
9 well, and I remember the last e-mail he sent it was
10 like, oh, just follow up with the company that
11 Bloomingdales is hiring for this kind of process.
12 That's the only thing he said.

13 Q He said follow up with the company regarding
14 sending in your doctor's notes?

15 A My doctor -- the doctor's notes, my health
16 condition, and everything.

17 Q Is the company that Bloomingdales hired
18 Sedgwick?

19 A Sedgwick?

20 Q Does that sound right or no? I don't want you
21 to guess.

22 A Which one?

23 Q Sedgwick. Does that sound right?

24 A I don't remember. I don't think so.

25 Q No problem.

1 Since leaving work on May 9th, have you had any
2 communication with anyone at Bloomingdales?

3 A Anyone like management or anyone like
4 coworkers?

5 Q Either way.

6 A Coworkers.

7 Q Who do you still speak to?

8 A Can you rephrase that for me again.

9 Q Do you still speak to any of your coworkers?

10 A I do.

11 Q Who do you still speak to?

12 A It's one of my best friends. Basically I used
13 to work with her.

14 Q What's her name?

15 A Brenda Mesbhahi.

16 Q Do you know how to spell her last name?

17 A Yeah. R, as Rebecca -- I'm sorry.

18 First name Brenda, last name Mesbhahi, M-, as
19 Monica, e-, as Ethan, s-, as Susan, b-, as in boy,
20 h-a-h-i.

21 Q What department does Brenda work in?

22 A She used to work with me in Men's Department.
23 Designer Men's Department.

24 Q To your knowledge is she still there?

25 A She's still there working there, yes.

1 Q Do you speak to anybody else currently from
2 Bloomingdales?

3 A No, just her.

4 Q Since your last day worked at Bloomingdales,
5 have you had any income from any source?

6 A Just EDD.

7 Q Since are you not working, what do you do to
8 spend your time during the days?

9 A I read. I go for a walk. I, umm, start to do
10 errands. I go to doctor's appointments. I volunteer to
11 my friend to teach Spanish, just a volunteer. It wasn't
12 pay.

13 Q I'm sorry. You volunteer as a Spanish teacher?

14 A I'm just a volunteer.

15 Q Where do you volunteer?

16 A My home. It's just for a friend. He comes
17 here like twice a week. I just volunteer to teach him
18 Spanish. That's it.

19 Q And you said you do that with your friend twice
20 a week?

21 A Sometimes it's twice a week, yes.

22 Q Since that's a volunteer, you're classifying it
23 as volunteering, I assume you don't accept any income
24 for that?

25 A No. I don't receive any.

1 Q When you said you walk, how far do you like to
2 walk?

3 A I try to walk to the grocery store. Just it's
4 like a mile just to keep my legs going just to get some
5 fresh air. I stop at the bank.

6 Q Are you currently in a relationship with
7 anyone? Are you dating anyone?

8 A No.

9 Q When was the last time that you were in a
10 romantic relationship?

11 A Four years ago.

12 Q I know you told us at the beginning of our
13 deposition that you are not married. Have you ever been
14 married?

15 A No.

16 Q What is the longest relationship -- dating
17 relationship that you have had?

18 A Two years.

19 Q How long ago was that?

20 A Umm, four years ago -- around -- I finished the
21 relationship, umm, like September, 2019. June, 2019.

22 Q And that's the relationship that you said was
23 your last one four years ago?

24 A Yeah.

25 Q And are your parents still living?

1 A Yes.
2 Q Do they live in the Southern California area?

3 A Just my mom. My mom lives in (inaudible).

4 THE REPORTER: I'm sorry?

5 THE WITNESS: My mom. She lives in Southern
6 California.

7 Q BY MS. RODERICK: Where does she live? What
8 part?

9 A Orange County.

10 Q Would you say you have a close relationship
11 with your mom?

12 A I do.

13 Q How often do you see her?

14 A Maybe once a month.

15 Q Did you say once a month?

16 A Yes.

17 Q And what are the purposes for the visits when
18 you see her?

19 A It's basically a breakfast meeting. Breakfast,
20 you know, to catch up just time with my mom sometimes.

21 Q When is the last time you saw her?

22 A Umm, maybe actually like a month ago right now
23 at this point.

24 Q And you said your father does not live in
25 Southern California?

1 A No. He lives in -- he lives in Mexico. My mom
2 lives in Orange County.

3 Q Are your parents divorced, legally separated,
4 or just living apart?

5 A No, they are legally separated. They both
6 separated.

7 Q Has your mother entered into a different new
8 relationship?

9 A No. She's single.

10 Q And your father, has he started a different
11 relationship?

12 A Yeah. He's living with his wife for maybe nine
13 years.

14 Q Are you close with your dad?

15 A No.

16 Q How long has it been since you have not had a
17 close relationship with your father?

18 A Maybe around ten years ago.

19 Q Was there something in particular that
20 happened, or did you just kind of grow apart?

21 A We just grow apart. Umm, yeah.

22 Q When did your parents separate? How old were
23 you?

24 A Nineteen. Umm, they separated 2005, 2006.

25 Q When you were -- you said they separated when

1 you were 19?

2 A I remember the -- the year. It was 2005.
3 Around 2005. I was probably around 19. 17, 18, 19 back
4 then.

5 Q When your parents separated -- I can't do the
6 math, but I think you're right.

7 When your parents separated, were you still
8 living in the family home, or had you already moved out?

9 A Yeah, I live there in Mexico back then. Yes.

10 Q Did you say your parents separated in 2005 or
11 2015?

12 A 2005.

13 Q And I think you told us that you came to reside
14 in the U.S. in 2011.

15 A Correct.

16 Q Did your mother come at that time as well?

17 A Yeah. Umm, back then she -- she was already in
18 the United States.

19 Q Why did you decide to come to the U.S.?

20 A My mom.

21 Q To be with your mom?

22 A Yes.

23 Q Do you have any siblings?

24 A I do. Two.

25 Q How many -- thank you.

1 And brother and a sister?

2 A One older brother and one older sister.

3 Q And where do they live?

4 A They both live in Mexico.

5 Q Do you feel like you're close with your brother
6 and sister?

7 A I am.

8 Q How often do you see them?

9 A How often do I see them?

10 Q Yes.

11 A Not very often. Maybe every six months, I
12 think.

13 Q When you see them, do you go to Mexico or they
14 come here?

15 A I go to Mexico.

16 Q So you would say you go to Mexico approximately
17 twice a year?

18 A Maybe -- maybe more. Maybe four times a year
19 maybe. Yeah, four or five.

20 Q To your knowledge, do either of your parents
21 have any health issues?

22 A My mom's got arthritis.

23 Q I'm sorry. What does she have?

24 A My mom, she's got arthritis.

25 Q Does the arthritis keep her from working?

1 A She's already retired. But yeah, she's retired
2 already right now.

3 Q Do you know what parts of body she has the
4 arthritis in?

5 A In the hands. Hands and wrists (indicating).

6 Q To your knowledge, is she on any form of
7 disability for the arthritis?

8 A No.

9 Q And what about your father? Does he have any
10 health conditions of which you're aware?

11 A Just that he might have like a heart -- a
12 little bit of heart condition like a type of heart
13 problems.

14 Q What about your siblings? Do your siblings
15 have any health conditions?

16 A My sister have -- just had a surgery for
17 thyroid removal.

18 Q Anything else?

19 A No. That's the only thing she's got, and I
20 don't know about my brother.

21 Q You're not aware if your brother has any health
22 conditions or not?

23 A I'm not aware.

24 Q Do either your brother or sister have any
25 children?

1 A Yes, they do.

2 Q Are you close with your nieces and nephews?

3 A Umm, normal. Yeah.

4 Q Did you say "normal"?

5 A Yeah.

6 Q How often do you see your nieces and nephews?

7 A Yeah, maybe five times a year when I go to
8 Mexico.

9 Q Would you say that your childhood up to the age
10 of 19 when your parents separated was basically happy,
11 normal, or was there any abuse? Anything that -- you
12 know, any tension?

13 A No, nothing. No abuse. Everything was pretty
14 right. Good. I grew up in a healthy environment. I
15 was pretty happy.

16 Q I believe you testified during your first
17 deposition that you have a degree in architecture. Is
18 it your desire to get in to the field of architecture?

19 A Yes. It was my desire to become an architect.

20 Q Do you still have that desire?

21 A I mean I have different things in my life;
22 right? But one of them is still working eventually for
23 architecture field for the city.

24 Can you hear me all right?

25 Q No. I just didn't get that last part.

1 A Yeah. Yeah, obviously have a few projects that
2 I would like to pursue in life. Architecture will be
3 one of them to just keep continuing once I get back on
4 track with my health.

5 Q Is it fair to say you don't look to go back to
6 retail?

7 A Not at this point. No. Not right now.

8 Q You said that you're spending time going to
9 doctor's appointments. I know you're seeing
10 Dr. Daldalyan. Currently, are you seeing any other
11 doctors?

12 A Yes.

13 Q Who are you seeing?

14 A Yes. Umm, so I have a few appointments
15 scheduled. I've been going to acupuncture in the same
16 office with Dr. Gofnung. So I'm still going to the same
17 office but just with a chiropractor.

18 Q Other than Dr. Daldalyan and Dr. Gofnung's
19 offices, have you been seeing any other physicians?

20 A Well, I've been just talking to my, umm,
21 primary doctor about my -- about the internal problem
22 that I have.

23 Q About what problem?

24 A Internal issue that I have. Yes.

25 Q What's the internal issue that you're treating

1 with your primary care doctor for?

2 A So last year I was diagnosed with the gist in
3 my -- G-I-S-T. It's like a -- kind of tumor that I
4 have.

5 Q Are you saying cyst?

6 A GIST.

7 Q Not cyst?

8 A No, not cyst. GIST. It's different. So --

9 Q Is your primary care physician at Southern
10 California Hospital or at AltaMed?

11 A AltaMed.

12 Q And I'm sorry. You said you were diagnosed
13 with GIST when?

14 A November, 2022.

15 Q Okay. And I know that you were hospitalized at
16 that time; correct? -- at Southern California Hospital?

17 A Correct.

18 Q So you're still treating for that condition
19 with your primary care physician?

20 A Correct. My --

21 Q What is -- oh, go ahead.

22 A He just refer -- he refer me to see the
23 oncologist, and right now I'm just seeing options to
24 keep treating my -- my cancer that I have.

25 Q So you've actually been diagnosed with cancer?

1 A GIST is some type of cancer.

2 Q The GIST is a type of cancer?

3 A It's a tumor.

4 Q I got it. A gastrointestinal stromal tumor.

5 Was that an actual diagnosis back in November
6 of 2022, or did they just come to that diagnosis?

7 A I mean when I went to the ER, they did
8 endoscopy and they did a few tests. They -- the
9 doctors, they said, oh, yeah. It's this because of the
10 size and it's bleeding. That's why I ended up in the ER
11 through time because I have to pay rent and everything.
12 They gave my treatment, I kept working, and I'm still
13 treating my condition.

14 Q What is the medical treatment that you're
15 receiving currently for the cancer?

16 A Umm, it's -- it's called -- it's a pill. I
17 have it here. It's called -- is it correct if I see my
18 note or my form or go for my pills in my room? Do you
19 need to know the name?

20 Q That would be great if you wouldn't mind.

21 A Yeah, I just stop the --

22 Q Sure.

23 A Just give me one second. I'll go to my room.

24 Q Thank you so much.

25 THE REPORTER: Are we off?

1 MS. RODERICK: We're off the record.

2 (A recess was taken.)

3 MS. RODERICK: Actually, we were not on the
4 record when he spelled it out so I'm sorry. We're back
5 on the record now.

6 Q Mr. Gamino, since we off the record when you
7 shared with us the medication that you are taking for
8 the GIST, would you mind spelling it out again for us?

9 A Okay. I'll give you the generic name for that
10 for you.

11 Q Sure.

12 A It's called -- I will give you the name for it.
13 It's I-m-a-t-i-n-i-b, as in boy.

14 Q And you said that's -- that's 400 milligrams?

15 A That's 400 milligrams. That's correct.

16 Q And when was the medication first prescribed
17 for you?

18 A October -- no. I got it like two weeks ago.
19 The beginning of October.

20 Q Okay. Has the doctors advised you that you're
21 going to need any other form of treatment other than
22 that medication?

23 A Umm, not right now. I mean he wants to treat
24 this problem with these kinds of pills.

25 To be honest with you, I might seek another

1 option. I just started doing these with this doctor,
2 but I like to -- but you know when you have a problem,
3 you want to hear two options.

4 Q Sure. I think that's fair too.

5 So this doctor that prescribed it is an
6 oncologist?

7 A Yes. It's a clinical oncologist. Correct.

8 Q Is he still located at AltaMed or somewhere
9 else?

10 A No. My primary doctor who refers me who works
11 for AltaMed, he refers me to this oncologist which is on
12 Wilshire. He's got his own private clinic.

13 Q Got you.

14 Is the doctor's name on that medication that
15 you just read off to us?

16 A Must be.

17 Q What's his name?

18 A So, umm, I will spell it for you. It's
19 Dr. Orr, which is last name is O-r-r.

20 Q And his address is on the pill canister?

21 A No. I don't see -- this came from the
22 pharmacy. It's different --

23 Q You said he's on Wilshire Boulevard?

24 A Yeah.

25 Q In Los Angeles?

1 A That's correct.

2 Q Is he an African-American doctor?

3 A He looks -- yeah.

4 Q Okay. Does the name Leo Orr sound familiar?

5 A Yeah. It's Leo.

6 Q Got you.

7 A Leo Orr.

8 Q Well, my apologies. I know that any time you
9 get a diagnosis like that, it can be a scary thing. I
10 wish you the very, very best.

11 A Thank you.

12 Q Has the doctors -- I'm just looking at the
13 medication real quickly. It looks like it's also
14 prescribed for leukemia. But you have not been
15 diagnosed with leukemia; correct?

16 A It treats certain kind of tumors; right? I
17 don't have leukemia or I don't have it. I just have the
18 GIST right now. And then I'm expecting to have more
19 tests. This is -- this is getting worse or it's stay
20 there. Yeah.

21 Q Understood.

22 Were you having -- back in November when you
23 actually went to the hospital with issues, what were the
24 medical symptoms? What were you feeling?

25 A Umm, I was feeling pretty weak. I was having

1 like a vision problems. You know, I was going to work,
2 and I was having -- I was having a hard time looking at
3 the computer. You know, Bloomingdales you have to run
4 all over the place help people with stuff, and obviously
5 my coordination was not the best because I was losing
6 blood little by little.

7 You bleed. When you have this kind of ulcers,
8 you bleed. You're bleeding internally. You have
9 internal bleeds. And yeah, these kind can cause you
10 having like a bad coordination by walking, vision,
11 things like that. That's how I notice it.

12 Q Currently are you still having those kind of
13 issues?

14 A Let me tell me this. Simply I have a hard time
15 pronouncing this word. When you have low cells count,
16 you are anemic. Sorry about my accent.

17 Q That's okay.

18 A So currently, I'm dealing with anemia, and
19 that's why I've been taking iron. That's something
20 that's been prescribed by my primary doctor. It's in my
21 medical records. And it's something that I've been
22 dealing for months. So back then they (inaudible) when
23 I used to work for Bloomingdales and everything.

24 Q I'm sorry. What did you just last say?

25 A Yeah. I've been dealing with the anemia for

1 the last year from the -- since last year.

2 Q I do have your medical records that show you
3 were admitted for anemia in 2021.

4 Does that sound right?

5 A That was the first time, yeah. Second time was
6 November (inaudible).

7 THE REPORTER: I'm sorry. November?

8 THE WITNESS: November last year.

9 MS. RODERICK: He said 2022.

10 THE WITNESS: Yeah.

11 Q BY MS. RODERICK: Currently, do you feel you
12 have -- I know you're not a doctor, but currently do you
13 feel you have any symptoms either from the low cell
14 count -- white blood cell count or from the anemia or
15 issues relating to GIST?

16 A Related to the GIST?

17 Q Yes.

18 A Would you mind if you ask the question, you
19 know, one more time.

20 Q Yes. I'm just wondering -- and, again, I know
21 you're not a doctor, but what do you feel if you feel
22 that you have subjective complaints? It could be pain
23 or weakness, tiredness, anything that you feel is
24 associated with either the GIST or your anemia.

25 A So my -- yeah, I mean it can be together. It

1 can be for my GIST. I have tiredness, coordination
2 problems. I mean, yeah. It's something that has been
3 going up. That's why I'm trying to -- try to stop it
4 right (indicating).

5 Q Got you.

6 Subjectively I know that you are currently
7 treating for acupuncture. What are the body parts that
8 you're having pain in that you feel the acupuncture is a
9 good treatment?

10 A Yeah. So what body parts?

11 Q Yes.

12 A Okay. Lower back, back, shoulders especially,
13 neck, all this part in here (indicating).

14 Q Is it one shoulder or both shoulders?

15 A It's both shoulders but more this side
16 (indicating).

17 Q And then internally, again, I know you're not a
18 doctor, but just subjectively what you feel you've
19 described for us as tiredness. Are there any other
20 internal problems that you feel you have?

21 A Related to this problem or just in general?

22 Q Just in general. I just want to know what
23 you're feeling.

24 A Well, obviously I feel depression, stress,
25 frustration. Umm, yeah, I think those three words

1 you -- I feel pain. Of course I feel pain.

2 Q Where is the pain?

3 A All my lower back (indicating).

4 Q Not orthopedically, but do you have any pain
5 internally?

6 A Yeah. Sometimes here (indicating). This area.

7 Q Your stomach --

8 A Yeah, in my stomach area. Yeah.

9 Q When did the stomach pains start?

10 A Last year. November, 2022.

11 Q Did your doctors say it's in relation to the
12 GIST or your anemia or have they given you any
13 diagnosis?

14 A Well, he was my primary doctor. I mention a
15 few things with him. I believe, umm, work-related stuff
16 has increased this problems in my internal bleeding and
17 everything.

18 Q What were the work-related problems that
19 increased your issues?

20 A I used to be a salesperson on the floor. And
21 going to the back room or eating on my times to take my
22 pills will be a difficult time for me because my manager
23 would say somebody has to stay on the floor; right? And
24 given that he knew that I have some like health
25 conditions -- I would not say details about this because

1 I think it's personal, but I would let you know like
2 just mentally I need to go to the back room or to eat
3 because I need to -- I cannot be having a lot of time
4 that I'm not eating. And I was -- sometimes I would be
5 alone on the floor, and I would have to be with
6 customers. I cannot leave customers alone.

7 So the period of time for me -- how do I
8 express this? I would say more longer time on the floor
9 than taking care not of my health because I was asking
10 to do it.

11 Q And was it Mr. Brazil that you were asking for
12 additional breaks?

13 A I will -- I will have commented before that I
14 need to go on my times to go to eat. Even my coworker,
15 she -- she -- she told him one time, "Alan should go to
16 eat because he cannot stay longer times." She know
17 about this because she's my best friend. She say that
18 to Lee probably twice. So related to work, I think
19 working for Bloomingdales has impacted in a negative way
20 to my problem that I have.

21 Q Did you advise anyone other than Lee -- I know
22 at Bloomingdales there's like a -- I think it's called
23 Instore Solutions. There's something that you do
24 through Human Resources to advise of, you know,
25 modifications of the job that are necessary.

1 A I mean, it's -- when I -- yeah. That's when I
2 requested to work like part-time, you know, because I
3 still needed to work.

4 Q When did you request part-time work?

5 A It was at the beginning of this year.

6 Q And did you -- how did you request that? Was
7 that through Instore Solutions or through Lee or
8 something else?

9 A It was by the leave of absence. Leave of
10 absence management/team. Yeah. It was through them,
11 yeah. And I started working less time.

12 Q They authorized you to go part-time?

13 A Correct.

14 Q Is it fair to say you were part-time from
15 January, 2023, until your last day worked?

16 A I was part-time there -- I wish I can remember
17 when did I start as a part-timer. But I don't remember
18 right now at this point.

19 Q No problem.

20 Did you request -- I understand that you had
21 some time off in November of 2022 when you were
22 hospitalized. But did you request any form of leave of
23 absence after that?

24 A No. It's when I get back to work I start the
25 restrictions that I could have a part-time because I was

1 again I was feeling -- I was not 100 percent right.

2 Q Were there any restrictions given to you other
3 than to restrict your hours? In other words, were your
4 job duties restricted?

5 A No. I just kept doing the same thing. Just
6 less hours.

7 Q All right. When you said at the beginning of
8 our deposition session today that you provided your
9 doctor's notes from Dr. Daldalyan to a third party that
10 you cannot recall the name of, was it the LOA Department
11 or was it somebody different?

12 A Yeah. I was some -- someone different.

13 Q Okay.

14 A I remember I stayed in touch as well with LOA
15 Department so just to have everyone involved so everyone
16 will know about this. I -- like, again, I sent -- I --
17 I talked to my manager. He said no. I mean you have to
18 deal with them. I said okay. That's fine. I will deal
19 with this third party company that will report
20 Bloomingdales what was happening to my health; right?

21 But maybe something was missing them in
22 coordination with information that I sent my doctor's
23 note on time.

24 And even that they let me go. That was long
25 way after that I sent my doctor's note that I was not

1 going to be at work. I'm not quitting. I just need
2 some time to recover.

3 Q When you had that doctor's note, you said
4 Dr. Daldalyan made you temporarily disabled for three
5 months.

6 A That's correct.

7 Q Did you give that to the Leave of Absence
8 Department, or did you just give it to the third party
9 that you're talking about?

10 A I don't remember. I don't remember. I will
11 say to the third party. And I have the doctor's note
12 and everything.

13 Q Okay. We'll move on to talk about your
14 depression and stress unless there is anything else
15 internally that is currently bothering you that you
16 associate as caused by your work at Bloomingdales.

17 A No.

18 Q You said that you have depression. When did
19 the depression start?

20 A I believe last year. Last year.

21 Q Back in November?

22 A Back in November, yeah, I'll say. I -- I'll --
23 I'll -- I'll -- I've been dealing with depression for a
24 number of years, but I started taking more pills last
25 year; right? I would say two years now.

1 Q Again, I know you're not a doctor, but do you
2 know what was causing the depression that started
3 approximately two years ago?

4 A It's a little bit of everything. It's just --
5 it's something, umm -- it's depression. It's when you
6 feel anxious, stress at work, not asking you for -- to
7 do some goals at work. It obviously makes you some
8 pressure on you, you know.

9 Q Was there anything outside of work that --
10 again, I know you're not a doctor, but just that you
11 think might have been contributing to your depression
12 that started two years ago?

13 A No. No. No. Outside of work, no. I'm pretty
14 fine. It was -- basically the work environment that
15 have me these problems.

16 Q And specifically what was it about work that
17 was causing the problems?

18 A Especially, umm, I have a few points that I
19 probably should bring back. Obviously the stress of
20 being at work and dealing with these people that will
21 steal -- steal the store; right? I have to face them in
22 the dressing room and have them to leave and ask them
23 what are they doing.

24 Obviously, the company put me in a situation
25 where I have to face these people; right? -- to see

1 what's going on, just knock on the door, what you guys
2 doing? And obviously, if they have knives or something;
3 right? Obviously, they put me in a situation like I'm
4 vulnerable, I feel in danger. I believe my life is more
5 important than a piece of fabric.

6 Even if I work for Bloomingdales, we have to
7 sell. We have to take the merchandise -- take care of
8 the merchandise, but that's not my problem, you know.
9 That causes me a lot of stress, a lot of -- it could be
10 say depression because I was not seen like a human
11 being, just like a number just asked to take care of the
12 merchandise.

13 Q All right. When you said that the depression
14 started about two years ago, did you have any issues of
15 depression or anxiety before two years ago?

16 A No.

17 Q I've got your medical records from AltaMed and
18 I see that you were treating for stress and anxiety back
19 in 2014, 2016. Do you remember -- even 2018. Do you
20 remember what those -- what you were treating for at
21 those times?

22 A I don't remember. Probably my doctor
23 prescribed me some medications. But I don't remember
24 for those feelings back then.

25 Q Currently are you treating with any

1 psychiatrists or psychologists?

2 A No. No, I'm not going anywhere right now. I'm
3 just taking the pills from -- from my doctor.

4 Q Back in -- well, let me just strike that and
5 ask you have you ever treated with a psychiatrist or
6 psychologist?

7 A (No response.)

8 Q Are you thinking, or do you need me to rephrase
9 the question?

10 A I am so sorry. What was --

11 Q Oh.

12 A What --

13 Q No problem.

14 I asked you if you had ever treated with a
15 psychologist or psychiatrist?

16 A So sorry.

17 Q No problem.

18 A No. No. The answer is no. Just -- I just say
19 that I was just treated with my primary doctor and
20 Dr. Daldalyan.

21 Q Okay. Do you remember being diagnosed in 2017
22 with an anxiety disorder?

23 A No.

24 Q Okay. Do you remember telling the doctors that
25 you had a prior diagnosis of ADHD which required

1 medication?

2 A (Inaudible.)

3 THE REPORTER: I'm sorry?

4 THE WITNESS: I don't remember.

5 Q BY MS. RODERICK: Is it fair to say that the
6 doctors at AltaMed have been your primary care
7 physicians for some time?

8 A Yes.

9 Q I have that you've been with AltaMed for five
10 or six years; is that correct?

11 A Yeah, that's correct.

12 Q During that time have you treated with any
13 other primary care physicians outside of AltaMed other
14 than the oncologist that you've already told us about?

15 A Nowhere -- no. It's only with AltaMed because
16 they are the ones who refer me to specialists.

17 Q Okay. And you don't recall being referred to
18 any specialists other than the oncologist?

19 A Well, in the past, yeah. Maybe I have had like
20 the allergy doctor. Umm, the gastro maybe one time, the
21 G.I. And that's it.

22 Q Do you remember who the gastrointestinal doctor
23 was?

24 A I don't remember. Probably it was a long time
25 ago.

1 Q Before your gastrointestinal issues in November
2 of 2022?

3 A No. I don't remember.

4 Q How often are you seeing Dr. Daldalyan?

5 A I've been seeing him like every five weeks.

6 Q When was the last time you saw him?

7 A Hmmm. I think that was like -- it was like a
8 month -- maybe like three weeks ago. I don't have a
9 specific date. But maybe like a month ago, something
10 like that. Less than a month because I have another
11 appointment with him in a few weeks.

12 Q Oh, you do?

13 A I see him every five weeks, something like
14 that.

15 Q I'll represent to you that we spoke to
16 Dr. Daldalyan's office on October 18 to ask for your
17 medical reports, and we were told that the last time you
18 had been seen is August 17th. Have you been seen since
19 August 17th?

20 A August 17th? I was going -- I don't remember.

21 Q Do you believe that the acupuncture that you're
22 receiving through Dr. Gofnung's office is helping?

23 A It's helping little by little, I guess.

24 Q All right. We went through the orthopedic
25 pains that you have at your last deposition, and you

1 told us about your pains in your low back, both
2 shoulders, and your neck as well as both lower
3 extremities.

4 Currently, do you have pains in any other parts
5 of your body that have started since your last
6 deposition orthopedically I mean?

7 A Yeah. I'm still having the same pain in the
8 same areas.

9 Q Do you feel the pain is the same now as it was
10 back in April when you were last at your deposition? Is
11 it worse, or is it better?

12 A Depends. I think -- I think -- I mean depends.
13 Sometimes it can be -- depends on the day. Sometimes
14 it's the same for me the same. It hurts. This thing
15 hurts. It's still -- I still have the pain.

16 Q You think it's about the same? I mean it
17 fluctuates, but it's about the same as it was in April?

18 A Correct.

19 MS. RODERICK: All right. Ms. Foley, I don't
20 believe I have anything else. I kind of just want to
21 take some time just to look back at the first depo to
22 make sure that I asked the questions that I needed to
23 ask back then.

24 Is there anything that you need on the record?

25 MS. FOLEY: No. I don't have any questions at

1 this point.

2 MS. RODERICK: What I would ask then if it's
3 okay with everyone that we just take maybe five minutes
4 and come back.

5 MS. FOLEY: Sure.

6 MS. RODERICK: Let's see. It's 11:00 -- it's
7 almost 11:10. Let's say it is. Come back at 11:15?

8 MS. FOLEY: Yes. Very good.

9 MS. RODERICK: Okay. Thank you.

10 (A recess was taken.)

11 Q BY MS. RODERICK: You said you're currently
12 depressed. Can you explain for us what that means to
13 you?

14 A Okay. Umm, okay. Umm, what I do currently
15 feel from depressed?

16 Q Yeah. Like how often -- is depression sadness
17 to you? And how often do you feel sad, just kind of
18 what you're feeling.

19 A Yeah. So I basically I just feel like sleeping
20 when I feel depressed. Obviously, I feel sad. I have
21 loss of appetite.

22 Q A lot of what?

23 A I have loss of appetite. I don't -- I don't
24 eat well because I lost the appetite. It's basically --
25 yeah. That's -- it's feeling sad, feeling frustrated

1 because I mean if you're -- if you don't have health,
2 you don't have anything at all, especially with my
3 problem working. I try to keep my life active.
4 Obviously, it's not the same; right? So it's
5 frustration, sadness, loneliness.

6 Q Okay. And you said that your -- I don't want
7 to put words in your mouth, but as I understood your
8 testimony, your depression revolves around your health
9 issues.

10 Is that fair?

11 A Obviously, umm, yes. Everything got even worse
12 working, and the company I used to work and having the
13 management that I used to have.

14 Q Is there anything else besides your health
15 issues and how you feel management treated you, is there
16 anything else that you believe -- again, I know you're
17 not a doctor, but is there anything else that you
18 believe is causing your current depression?

19 A No. That's -- that's fairly it.

20 Q And it's fair to say that in regard to your
21 health issues, the issues that are causing your
22 depression are the issues that stem from your injuries
23 you sustained from Bloomingdales, but are they also in
24 regard to your cancer diagnosis?

25 A To be honest with you, I've been facing the

1 tumor part very well. I mean sometimes I will feel sad
2 about it, but most of the time I have good, positive
3 attitude about my cancer. It's -- yeah.

4 So just to be very honest with you, the
5 depression -- I've been dealing with this depression now
6 because of the work environment I used to deal with.

7 Being honest with you, that's it.

8 Q Was your actual diagnosis of cancer only
9 recently like a couple of weeks ago? And I ask because
10 in the medical records, I don't see the diagnosis, and
11 we obtained the records maybe in June of this -- June of
12 2023. Was your cancer diagnosis after that?

13 A Well, I've been -- I just got treated for this
14 last month so if you go to -- if you call the doctor or
15 the office, maybe he can give you a better report of
16 that (indicating).

17 Q You said you just were treated with it last
18 month. So was it last month that they gave you the
19 diagnosis?

20 A Correct.

21 Q Okay. Got it. All right.

22 And then the depression that you're currently
23 feeling, is it something that you feel all day long, or
24 does it come and go? How often do you feel depressed?

25 A It's pretty often. Yeah, it's pretty often.

1 Every day I would say.

2 Q Does the depression keep you from doing
3 anything?

4 A Well, sometimes I lost the day sleeping.
5 Sometimes I feel sleeping. It's like a chemical
6 reaction; right? I take -- I take a few pills for that
7 just to keep my day going. But yes -- the answer is
8 sometimes it will keep me from doing things sometimes.
9 Depends on the day.

10 Q When you say you take medications, are you on
11 an antidepressant or an anti-anxiety medication?

12 A Yes.

13 Q Who prescribed those medications?

14 A Dr. Daldalyan.

15 Q Had you been prescribed an anti-anxiety or
16 antidepressant medication before Dr. Daldalyan?

17 A I have. I remember my primary doctor would
18 prescribe me a few pills. I don't remember exactly the
19 name right now. But yes, in the past I have had lower
20 dose, very lower dose of antidepressants.

21 MS. RODERICK: Okay. Counsel, I have nothing
22 further.

23 If there's nothing that you did need to put on
24 the record, we can enter into a stipulation?

25 MS. FOLEY: Yes.

1 MS. RODERICK: All right. I propose we relieve
2 our court reporter of her custodial duties as it relates
3 to this transcript;

4 And that the transcript be sent to counsel for
5 the deponent to be entitled to read his testimony, make
6 any changes he feels necessary, as well as produce that
7 information that we were looking for which was the
8 information as to that third party company that the
9 doctor notes were submitted to to keep you off of work
10 if you can find it.

11 We left some lines blank in the transcript. If
12 that information can be provided and any changes made
13 within 45 days after receipt of the original transcript
14 in counsel's office;

15 And if that is not done for any reason, a
16 certified copy may be used for any medical/legal reasons
17 or any eventual hearings?

18 MS. FOLEY: So stipulated.

19
20
21 (Deposition concluded at 11:33 A.M.)
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DECLARATION UNDER PENALTY OF PERJURY

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

Dated this _____ day of _____, 2023.

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: November 4, 2023, at Cypress,
21 California.

22
23 

24 _____
25 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 _____