



Alberto Hernandez vs. Reyes Coca Cola Bottling LLC

March 16, 2023

Alberto Hernandez

ICR Job No. 268270

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E X H I B I T S

(None Marked)

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1 EXAMINATION

2 BY MR. EROS:

3 Q. Good morning, Alberto. How are you doing today?

4 A. I'm good. Good morning.

5 Q. My name is Dennis Eros. I am the defense
6 attorney on behalf of Reyes Coca-Cola Bottling and their
7 insurance company. I want to thank you for taking the
8 time to sit down for your deposition today.

9 Now, before we go and get started, I'm going to
10 go through some standard deposition warnings and
11 admonitions to set some ground rules so that you're fully
12 informed for your deposition. Sound good?

13 A. Sounds good.

14 Q. Have you had an opportunity to prepare for the
15 deposition with your attorney today?

16 A. Yes.

17 Q. And how long did you prepare with your attorney?

18 A. I didn't look at the time, but I'll say maybe
19 half an hour.

20 MR. EROS: Does that sound correct, Counsel?

21 MS. FOLEY: No. It was about one hour for sure.

22 THE WITNESS: Yeah.

23 MR. EROS: Wonderful. Thank you so much.

24 BY MR. EROS:

25 Q. Have you taken any medications or alcohol in the

1 past 24 hours that may affect your ability to answer
2 questions?

3 A. No. I took my medication I take in the morning
4 for my heart. That's about it.

5 Q. Okay. But that shouldn't affect your ability to
6 answer questions or anything like that?

7 A. No, I don't think so.

8 Q. Okay. I'm going to ask you some questions about
9 your medical history, your employment history, and your
10 injury. Do you understand?

11 A. Yes.

12 Q. When you answer, please answer questions out
13 loud for the court reporter like you're doing. The court
14 reporter will not be able to record any kind of movements
15 or gestures; okay?

16 A. Okay.

17 Q. Please also wait for me to finish my question
18 before you answer like you're doing. The court reporter
19 will not be able to record both my question and your
20 response if we speak at the same time; okay?

21 A. Okay.

22 Q. I'm entitled to your best estimate or
23 recollection. We do not want you to guess for any of
24 your answers. But if you can estimate a date, time or
25 place, you must try to do so.

1 Do you understand the difference between a guess
2 and an estimate?

3 A. Yes.

4 Q. Okay. Have you had any prior depositions taken
5 before?

6 A. Yes.

7 Q. Have they been related to any previous workers'
8 comp injury?

9 A. Yes.

10 Q. Now, please remember that you're under oath,
11 which means you must testify to the truth just as if you
12 would in court in front of a judge; okay?

13 A. Okay.

14 Q. Please know that you will be given an
15 opportunity to go through the transcript and make any
16 changes to it when it's returned to you.

17 However, if you do make any changes, I can
18 comment on those changes to a judge if this case goes to
19 trial. So we want the record to be clear and accurate as
20 possible. Do you understand that?

21 A. Yes.

22 Q. And you will have 30 days to review the
23 transcript and make any changes to it if you need to;
24 okay?

25 A. Okay.

1 Q. It is also a felony to make any false statement
2 or to receive workers' compensation benefits. Do you
3 understand that?

4 A. Yes.

5 Q. And, lastly, I want you to feel comfortable
6 today. If you need a break please feel free to request
7 one at any time.

8 A. Okay.

9 Q. Okay. Now, before we get started, do you have
10 any questions?

11 A. No.

12 Q. Can you please state and spell your name for the
13 record?

14 A. Alberto Hernandez.

15 Q. Can you please spell it?

16 A. A-L-B-E-R-T-O, H-E-R-N-A-N-D-E-Z.

17 Q. Have you been known by any other names or
18 aliases before?

19 A. No.

20 Q. What is your date of birth?

21 A. October 10th, 1964.

22 Q. What is your current address?

23 A. 11673 Hummingbird Place, Moreno Valley,
24 California 92557.

25 Q. You said -- would you mind repeating your street

1 again, please? I'm sorry, I'm from Northern California.
2 I'm not familiar with the Southern California area.

3 A. It's Hummingbird. It's one word, Hummingbird.

4 Q. Hummingbird. Okay. And then would you mind
5 repeating the city again?

6 A. Moreno Valley.

7 Q. Moreno Valley. Okay. Thank you very much.

8 And is this the same address you lived at when
9 you were injured?

10 A. Yes.

11 Q. And how long have you lived at your current
12 address for?

13 A. Can you repeat the question?

14 Q. Sure. How long have you lived at your current
15 address for?

16 A. For like six years.

17 Q. Prior to your current address in Moreno Valley,
18 do you recall where else you lived at? You don't have to
19 give me street names or street addresses. Cities would
20 be just fine.

21 A. Moreno Valley.

22 Q. Do you recall how long you've lived in Moreno
23 Valley outside of your current address?

24 A. Don't remember -- two years?

25 Q. Outside of living at Moreno Valley have you

1 lived in any other cities?

2 A. Yes, Riverside.

3 Q. And do you recall how long you lived in
4 Riverside for?

5 A. I don't remember exactly -- four years?

6 Q. And outside of living in Riverside do you recall
7 where else you lived?

8 A. I used to live in Corona, California.

9 Q. And do you recall how long you lived in Corona
10 for?

11 A. I don't remember; maybe five years.

12 Q. Now, I understand we're going a little bit more
13 than 10 years back, but before living in Corona, do you
14 recall where else you lived at before?

15 A. I used to live in Garden Grove.

16 Q. And do you recall how long you lived in Garden
17 Grove for?

18 A. No, I don't remember.

19 Q. Okay. Are you married?

20 A. Yes.

21 Q. Do you have any children?

22 A. This is my second marriage. With my prior
23 marriage, I had three kids.

24 Q. Okay. Have you ever had to pay any prior child
25 support payments?

1 A. Yes.

2 Q. Do you currently have any child support payments
3 at the moment?

4 A. No.

5 Q. Do you recall the last time you had to pay child
6 support?

7 A. Can you repeat that?

8 Q. Sure. Do you recall when the last time you had
9 to pay child support?

10 A. I don't understand.

11 Q. Do you recall your last child support payment?

12 A. How much? No.

13 Q. Not how much. Do you recall when you last had
14 to pay?

15 A. It's been a long time. No, I don't remember.

16 Q. No problem.

17 Now, I'm going to move onto your educational
18 background.

19 Have you ever served in the military?

20 A. No.

21 Q. Have you ever attended any college?

22 A. No.

23 Q. Have you ever received any vocational training
24 or education for work?

25 A. No.

1 Q. Do you have a driver's license?

2 A. Yes.

3 Q. Are you able to drive?

4 A. Yes.

5 Q. And then for verification purposes would you
6 mind showing your driver's license to the camera, please?

7 And, then, Counselor, just to let you know, I'm
8 not going to repeat any of the information from the
9 license. I'm just going to use it for verification
10 purposes.

11 A. (Indicating.)

12 Q. Okay. Alberto, you could put it down. Thank
13 you so much.

14 Let the record reflect that the applicant, or
15 Mr. Hernandez, was able to verify his identification
16 using his California driver's license.

17 Now, I'm going to move on to your medical
18 background. Do you currently have a personal physician
19 or family doctor?

20 A. Yes.

21 Q. Do you recall -- or excuse me. Scratch that.

22 Do you know what hospital or clinic your doctor
23 is associated with?

24 A. Kaiser Permanente.

25 Q. And do you know what location you go to for

1 Kaiser or what city you go to?

2 A. Moreno Valley.

3 Q. And for Kaiser do you happen to know your
4 medical record number?

5 A. I have my card here. I don't know it by heart.

6 Q. Okay. Sure. What you could do, if you don't
7 mind giving me your medical record number, and when you
8 give the medical record number, that will be off the
9 record.

10 (Off-the-record discussion.)

11 MR. EROS: We'll go back on the record.

12 BY MR. EROS:

13 Q. Outside of going to Kaiser for general treatment
14 have you gone to any other hospitals or clinics for just
15 general treatment?

16 A. I've been hospitalized. I had a heart attack.
17 And, I mean, before Kaiser -- I just started Kaiser at
18 the beginning of this year. I used to have a PPO, a
19 different doctor.

20 Q. And do you recall what hospital or clinics you
21 used to go to before you went to Kaiser?

22 A. I went to Loma Linda.

23 Q. Any other hospitals or clinics outside of Loma
24 Linda?

25 A. No.

1 Q. So just Loma Linda and Kaiser; correct?

2 A. Yes.

3 Q. Okay. Let's see here. I know you indicated,
4 within the last 10 years, have you had any major trauma,
5 just general purposes?

6 A. What do you mean by "trauma"?

7 Q. Like, you indicated like a heart attack. Have
8 you had any other serious, like, major trauma, such as
9 like a heart attack or broken bones or anything like
10 that?

11 A. Just the heart attack, and I had gallstone
12 surgery. They removed my gallbladder.

13 Q. And you said when you were treated for heart
14 attack that was at Loma Linda; correct?

15 A. Yes.

16 Q. And then do you recall where you received
17 treatment for your gallbladder surgery?

18 A. That was not a clinic. That was at a doctor's
19 or surgery clinic. I don't know. It was in Riverside.

20 Q. And do you recall the surgery clinic's name?

21 A. No, not exactly. It was Riverside Medical
22 Clinic. I don't know if that's it. But it's called the
23 Surgery Clinic.

24 Q. Okay. Do you have any major chronic health
25 conditions?

1 A. Can you repeat?

2 Q. Sure. Do you have any major chronic health
3 conditions?

4 A. I don't understand the question.

5 MS. FOLEY: Please define "major."

6 MR. EROS: Sure.

7 BY MR. EROS:

8 Q. Such as diabetes, high cholesterol, asthma, or
9 anything that requires you to take regular medication or
10 to seek treatment for on a regular basis.

11 A. Just taking medication for my heart attack.

12 Q. Okay.

13 A. For my heart.

14 Q. And does this, from the heart attack, does this
15 affect your ability to work?

16 A. No, not right now. No, I don't feel it does.

17 Q. Okay. Outside of your heart attack and
18 gallbladder surgery have you been hospitalized overnight
19 within the last 20 years?

20 A. I was hospitalized when I had the symptoms for
21 the heart attack.

22 Q. But outside of the symptoms from the heart
23 attack and gallbladder surgery, do you recall being
24 hospitalized overnight for any other conditions or
25 general issues?

1 A. No.

2 Q. Okay. Have you had any emergency room visits
3 within the last 20 years outside of the heart attack and
4 the gallbladder surgery?

5 A. No.

6 Q. Have you had, outside the gallbladder surgery,
7 have you had any outpatient surgery that you can recall?

8 A. No.

9 Q. Have you had any injuries while participating in
10 recreational activities, such as walking, running, or
11 playing any sports?

12 A. Can you repeat that?

13 Q. Sure. Have you had any injuries while
14 participating in recreational activities, such as
15 walking, running, or playing any sports?

16 A. No.

17 Q. Now, this is generally speaking, and it doesn't
18 involve your work injury. Have you ever received
19 physical therapy before?

20 A. I'm sorry, can you repeat that?

21 Q. Sure. Generally speaking, and this doesn't
22 involve your work injury, have you ever received physical
23 therapy before?

24 A. No.

25 Q. Generally speaking, and this doesn't involve

1 your work injury, have you ever received chiropractic
2 treatment before?

3 A. No.

4 Q. Generally speaking, and this doesn't include
5 your work injury, have you ever received acupuncture
6 treatment before?

7 A. I, I, I had another case, and I received
8 acupuncture. I don't know. It just seems complicated.

9 Q. So you received acupuncture treatment from
10 another work-related injury; correct?

11 A. Yeah, yeah, that's what I mean.

12 Q. Okay. And then for physical therapy have you
13 received treatment for another work-related injury?

14 A. Yeah.

15 Q. Okay. And then for chiropractic treatment have
16 you received that treatment for another work-related
17 injury?

18 A. Yes.

19 Q. Okay. Have you received, outside of the current
20 work injury and your previous injuries, have you ever
21 received any general physical therapy?

22 A. No.

23 Q. And then outside of your current work injury and
24 your past work injuries have you ever received general
25 chiropractic treatment care?

1 A. No.

2 Q. And outside of your current work injury and your
3 previous work injury have you ever received any general
4 acupuncture treatment care?

5 A. No.

6 Q. Now, I understand that you filed for -- you've
7 had previous workers' compensation claims before;
8 correct?

9 A. Yes.

10 Q. Do you recall when you last, when you've injured
11 yourself before that were work related?

12 A. Can you repeat that?

13 Q. Sure. Do you recall the dates of injuries when
14 you last injured yourself that were work related?

15 A. This injury?

16 Q. The previous injuries. Do you recall when those
17 were?

18 A. Not exactly.

19 Q. Okay. I'm going to go through them, and if you
20 could just verify them if it kind of rings a bell in your
21 head. Does that sound okay?

22 A. Yeah.

23 Q. Okay. I understand there is a claim against the
24 same employer from July of 2018 involving stress?

25 A. Yes.

1 Q. Okay. I understand there's also a claim in
2 November 12, 2019, against same employer alleging injury
3 to the back?

4 A. Yes.

5 Q. I understand there's also an injury of
6 November 15th, 2019, against the same employer involving
7 the back and nervous system?

8 A. Don't remember.

9 Q. And I understand there's an injury, with a date
10 of injury of July 16th, 2018, against the same employer,
11 which alleges the head, neck, upper extremities, back and
12 lower extremities. Do you recall that?

13 A. That's pretty much the time when I had my other
14 case.

15 Q. Outside of the injuries that I discussed, do you
16 recall having any other work-related injuries?

17 A. No.

18 Q. Have you ever been involved in a motor vehicle
19 accident where you were injured?

20 A. No.

21 Q. Have you ever been involved in a general lawsuit
22 that involved an injury?

23 A. No.

24 Q. Have you ever injured yourself through a slip
25 and fall?

1 A. Can you repeat that?

2 Q. Sure. Have you ever injured yourself through a
3 slip and fall?

4 A. No.

5 Q. Now, I'm going to move on to your employment
6 with Reyes Coca-Cola Bottling. Do you recall when you
7 started working for this employer?

8 A. I started working August 2008.

9 Q. What is your most recent or current job title?

10 A. Loader.

11 Q. Loader; is that correct, Alberto?

12 A. Yeah. Everybody calls the same, loader.

13 Q. Okay. And what are your job responsibilities?

14 A. We make orders for the stores. We supply the
15 stores.

16 Q. Besides being a loader have you had any other
17 job titles before while working with Reyes Coca-Cola
18 Bottling?

19 A. Like I said, we are called loaders, but we do
20 different functions, you know. I'm able to do other
21 duties, like forklift driver, moving trucks inside the
22 warehouse, not to go outside the warehouse. And there's
23 different positions that I'm capable of doing.

24 Q. Okay. Outside of the duties that you've
25 discussed so far what other duties have you done?

1 A. Inside the company?

2 Q. Yes, just for this current employer.

3 A. Pretty much, you know, everything is forklift
4 and driving the trucks inside the warehouse.

5 Q. Now, I'm going to move on to your employment
6 background. And I know we're going a ways back to 2008,
7 but before you started working with Reyes Coca-Cola, do
8 you recall where you worked before then?

9 A. Yes. I don't remember the company name, but it
10 was foam, you know foam. We used to make the padding
11 that goes under the carpet.

12 Q. You said make padding that goes under the
13 carpet?

14 A. Yeah. It was a foam company.

15 Q. Do you recall how long you worked there for?

16 A. 20 years.

17 Q. And did you have any injuries while working for
18 this employer?

19 A. No.

20 Q. And you say you don't recall the name of your
21 old employer?

22 A. Yeah. It was Foamex (phonetic).

23 Q. And do you recall where that was located?

24 A. Orange County.

25 Q. Is there a specific city that the office was

1 located in?

2 A. It was right in Orange County.

3 Q. Okay. I know we're going a ways back, and you
4 were there 20 years, but do you recall where else you
5 worked at besides Foamex?

6 A. I used to work in a company. It was a, it was a
7 water mattress.

8 Q. Do you recall how long you worked there for?

9 A. No, I don't remember.

10 Q. And did you have any injuries while you worked
11 for that job?

12 A. No.

13 Q. And you said that you worked making like water
14 mattresses; correct?

15 A. Yes.

16 Q. Now, I'm going to move on.

17 While you were working at your current employer,
18 Reyes Coca-Cola, did you have any other jobs?

19 A. No.

20 Q. While you were working for Reyes Coca-Cola did
21 you have any self-employment work?

22 A. No.

23 Q. While you were working for Reyes Coca-Cola did
24 you have any regular volunteer work?

25 A. No.

1 Q. And since your injury with Reyes Coca-Cola have
2 you had any new injuries?

3 A. Can you repeat that?

4 Q. Sure. And since your injury with Reyes
5 Coca-Cola have you had any new injuries?

6 A. No.

7 Q. Are you currently working?

8 MS. FOLEY: Counsel, I apologize. When you say
9 "new injuries," can you please define them because it's
10 kind of a legal term?

11 MR. EROS: Sure.

12 BY MR. EROS:

13 Q. Since your injury with Reyes Coca-Cola have you
14 had any different injuries that does not relate to your
15 injury with Reyes Coca-Cola?

16 A. No, I don't.

17 Q. So no other new injuries that does not relate to
18 your injury; correct?

19 MS. FOLEY: Like a heart attack would not be
20 considered a new injury, by definition.

21 MR. EROS: No. I'm talking about anything
22 different.

23 BY MR. EROS:

24 Q. Like if you hurt your hand, or you sprained an
25 ankle, or any other separate injuries not related to your

1 work injury.

2 A. I haven't been -- just whatever hurts me is from
3 my job. Outside of my work, I don't do any other things.

4 Q. Okay. Makes sense.

5 Are you currently working?

6 A. Well, I'm still employed, but I'm not working
7 right now. I haven't worked for, like, four-and-a-half
8 months.

9 Q. Do you recall the last day you worked?

10 A. I'd say I last showed up to work was
11 October 31st.

12 Q. Was that October 31st of last year?

13 A. '22, yes.

14 Q. And what was the reason why you were -- excuse
15 me. Scratch that.

16 What is the reason on why you can't work?

17 A. Because I injured my back, my shoulders.

18 MR. EROS: Okay. So, Counsel, what I'm going to
19 do right now is take a quick break. It's 10:40 right
20 now. I want to give your client a chance to stretch out
21 a bit and just get some water, take a quick five-minute
22 break and reconvene at 10:45.

23 MS. FOLEY: Okay.

24 MR. EROS: All right. Wonderful.

25 So, Alberto, we'll reconvene at 10:45.

1 I think the best that you can do so you don't
2 lose connection is maybe mute your phone so we don't hear
3 anything like that.

4 THE WITNESS: Okay.

5 MR. EROS: All right. Wonderful. Thanks so
6 much. We will reconvene at 10:45.

7 THE WITNESS: Okay. Thank.

8 MR. EROS: Thank you.

9 (Break taken from 10:40 a.m. to 10:47 a.m.)

10 MR. EROS: All right. So back on the record.

11 BY MR. EROS:

12 Q. So Alberto, now I'm going to move on to your
13 subject injury or the alleged injury.

14 Based on your application, you listed an injury
15 to your back and shoulders; is that correct?

16 A. Correct.

17 Q. Are there any other injuries you're alleging
18 from this date of injury?

19 A. Yes. Also my, also both my wrists, left and
20 right. They are hurting.

21 My knees.

22 I'm experiencing different things that I didn't
23 experience before, like I get a lot of headaches.

24 I don't know if it's because of the medicine I'm
25 taking for my pain. But I get constipated a lot that

1 didn't happen before.

2 And, you know, I don't know if it's from my
3 wrists that I'm feeling. But my fingers get numb, you
4 know, when I'm working. And sometimes I feel like, what
5 do you call it, like pins and needles on my fingers.

6 And the pain in my back, of course.

7 And like my ankles, you know, sometimes when I
8 stretch, too much to reach, you know, the product or
9 stuff, and I make like a twist, my, my foot, you know, I
10 feel pain on my, like on my ankles. I don't know if it's
11 making like a bad step or something, but when I'm trying
12 to reach something, it, you know, I don't know if it's
13 stretching or if it's something wrong with my ankles.

14 Q. So you have the back, the shoulders, your
15 wrists, your knees. You've been experiencing headaches
16 and constipation, numbness in your fingers and pain in
17 both ankles?

18 A. Yes.

19 Q. Okay. Any other injuries?

20 A. No, just that I'm not able to do a lot of things
21 that I used to do, like, you know, exercising. I cannot
22 barely exercise, or going up the stairs or going down the
23 stairs. It's just my knees, you know, they, they feel
24 like they're going to break, or things like that, you
25 know. I'm not able to do everything that I used to do

1 before.

2 Q. Okay. Can you tell me how you injured yourself
3 while working?

4 A. I was, I was building, like, we say building a
5 pallet, you know, building cases. In that special
6 location, I was reaching out, because, it's, it's, the
7 way I describe it, you know, we're all working trying to
8 meet the standard, and people just grab the cases from
9 the front. And sometimes they don't want to reach and
10 get the cases from the back. I tried to reach the cases
11 from the back. It was heavy items. It was a case of two
12 liters. And I reached out too much, and that's when I
13 felt, you know, the strain on my back and my shoulders.
14 And I just had to sit down for a little bit.

15 Q. Okay. When you reached out were you reaching
16 up, forward, or to the side?

17 A. It was, it was high. It was like right above my
18 head, and it was way in the back. And I was trying to
19 pull it to the side a little bit so I can -- with one
20 hand -- pull it to the side a little bit so I can grab
21 with both hands. So it was just to the side and towards
22 me.

23 Q. Okay. When you were pulling with one hand which
24 hand were you pulling it with?

25 A. With the right hand.

1 Q. And then you said you felt pain. What body
2 parts did you feel pain in again after you did this
3 reaching and pulling?

4 A. Can you say that again?

5 Q. Sure. You indicated that you experienced pain
6 at the onset of the injury. Do you recall where you
7 experienced pain and what body parts you experienced pain
8 when you were doing the reaching and pulling?

9 A. The lower and the middle back, and then first
10 the right shoulder. And when I grabbed the case with
11 both hands, because it was heavy, it's heavy, that's --
12 and I was bent, like, leaning forward, you know, to reach
13 out the case. So I was leaning forward. And that's when
14 I lift, when I actually lift, able to lift the case. And
15 it was heavy, and I was leaning forward. That's when I
16 felt it, the pain in my back and my shoulders.

17 Q. Was it the right shoulder or both shoulders?

18 A. It's both shoulders. Once I was able to lift
19 and reach the case, it happened. I couldn't let go. I
20 had to just bring it out, you know, and that's when I
21 felt the pain.

22 Q. Okay. So at the moment you felt, at that moment
23 the injury happened, you felt pain in the back, the
24 midback and both shoulders; correct?

25 A. Yes.

1 Q. Do you recall when you started experiencing pain
2 in the wrists?

3 A. The wrists, I think it was, like, from, you
4 know, doing the same thing over and over because that
5 started before, before that. But it just kept getting
6 worse and worse.

7 Q. Okay.

8 A. Lifting cases is just . . .

9 Q. I understand. So the other injuries that you
10 have like the wrists, knees, the headaches, constipation,
11 numbness in fingers and ankles, that happened, or was
12 happening before the date of injury; correct?

13 A. Yeah, yeah. I can say a couple of days before.
14 And after the injury, I still worked for another week or
15 so. It just kept on getting worse.

16 Q. Okay. That makes sense.

17 When the incident, when you were reaching and
18 pulling, did you report the injury to someone?

19 A. Not to the supervisor, but I did report it to my
20 co-workers, because two of them saw me sitting down and
21 they asked me what happened. And I told them what
22 happened. But I didn't report it to a supervisor, not
23 until after like a week or so.

24 Q. Okay. And for the co-workers do you recall who
25 you reported it to?

1 A. Yeah. One was Miguel Hernandez.

2 Q. And do you recall the name of the other person?

3 A. Javier Vilches.

4 Q. And then you said you reported the injury to a
5 supervisor a week later; correct?

6 A. Yes.

7 Q. Do you recall which supervisor you reported the
8 injury to?

9 A. We had a meeting with Regina, Regina Villarreal.

10 Q. Outside of your co-workers and your supervisor,
11 Regina, did you report the injury to anyone else?

12 A. No.

13 Q. Okay. Outside of the injuries we discussed are
14 you experiencing any other injuries from this incident?

15 A. I think I covered the -- no injuries, but, I
16 mean, what I feel is the headaches and stuff. No, I
17 think that's it.

18 Q. Okay. So I will repeat. Outside of symptoms
19 that you have discussed, that we already discussed, are
20 there any other symptoms that you're alleging from the
21 incident?

22 A. No.

23 Q. All right. Now, I'm going to move on to current
24 complaints, and I'll go through, like, a list of things.
25 I'll first start with your low back.

1 At the moment are you currently experiencing any
2 pain in your low back?

3 A. Yes.

4 Q. Can you rate the pain between a 1 and a 10 with
5 1 being very little to no pain and 10 being excruciating
6 pain?

7 A. I'd say a 10 -- not a 10, an 8.

8 Q. Does the pain stay the same?

9 A. Yeah.

10 Q. Can you tell me what type of pain you're
11 experiencing in your low back?

12 A. It's like between pain and burning sensation.

13 Q. And can you specifically tell me where the pain
14 is located in your low back?

15 A. How can I say? Do I need to stand up and show
16 you pretty much?

17 Q. If you show me, I'll describe it to the court
18 reporter, and your attorney could verify whether I'm
19 pointing to the correct thing.

20 A. (Indicating.) But it's like -- I don't know if
21 you can see my hand.

22 Q. I'm going to try to attempt to say it.

23 So let the record reflect that Alberto pointed
24 to the low part, low back of the right side towards a
25 little bit above the buttocks area.

1 Is that correct; Counsel?

2 MS. FOLEY: (No response.)

3 BY MR. EROS:

4 Q. Is that correct, Alberto?

5 A. Yes.

6 Q. So the pain in the low back is located towards
7 the right side of your low back a little bit above the
8 buttocks area.

9 A. Yes.

10 Q. Okay. And has your low back, has that pain
11 improved at all since the incident?

12 A. Can you repeat that?

13 Q. Sure. Has the pain in your low back, has that
14 improved at all since the injury or the incident?

15 A. No. I think it's getting worse.

16 Q. Now, I'm going to move on to your midback. At
17 the moment are you currently experiencing pain in your
18 midback?

19 A. Yes.

20 Q. Can you rate the pain between a 1 and a 10?

21 A. It's also an 8.

22 Q. Does the pain stay the same?

23 A. Yes.

24 Q. Can you tell me what type of pain you experience
25 in your midback?

1 A. It's pain and burning sensation.

2 Q. And can you specifically tell me where the pain
3 is located in your midback?

4 A. Like about (indicating).

5 MR. EROS: So let the record reflect that
6 Alberto is pointing to the mid part of the back, kind of
7 like the spine, where the spine is located.

8 Would you concur, Counselor?

9 MS. FOLEY: Yes, I would agree. So the spine
10 and a little bit upper than lower back.

11 BY MR. EROS:

12 Q. Alberto, did me and your attorney describe where
13 the pain is located accurately in your midback?

14 A. Yes.

15 Q. Okay. And can you tell me if the pain in your
16 midback has improved at all since the accident?

17 A. No. I think it's getting worse.

18 Q. Now, I'm going to move on to your shoulders.
19 Are you experiencing any -- are the pain in your
20 shoulders, are they the same or different? Does one side
21 hurt more than the other?

22 A. It's pretty much the same; both.

23 Q. So what I will do, since the pain is the same,
24 I'll group them together rather than ask separately;
25 okay?

1 A. Yes.

2 Q. Okay. At the moment are you currently
3 experiencing pain in both your shoulders?

4 A. Yes.

5 Q. Can you rate the pain between a 1 and a 10?

6 A. Right now, just going to say that when the
7 problem happened, when the incident happened, it was like
8 a 6, 7.

9 Right now, I have not worked for, like, four
10 months, and my pain is not as bad as I say. It's like a
11 3 or 4. But before, it was like more.

12 Q. When you were experiencing the 6 to 7 out of 10
13 pain in your shoulders, could you describe or tell me
14 what type of pain you were experiencing?

15 A. It's, it was, if I was like stretching out my
16 hand, it was like a strain, like just painful, like a
17 round area, but more when I move my hands.

18 Q. And currently right now, between a 3 and a 4, is
19 the pain similar or is it different?

20 A. The pain is the same. It's just right now, it's
21 not as bad because, I guess, because I've been resting.

22 Q. Okay. So it's less intense?

23 A. Yeah.

24 Q. Okay. And can you specifically tell me where
25 the pain is located for both of your shoulders?

1 A. Like around here (indicating).

2 MR. EROS: All right. So let the record reflect
3 that Alberto is pointing to the back of his shoulder kind
4 of towards his spine over where, I think -- I'm drawing a
5 blank -- on that, on the bone part?

6 MS. FOLEY: Blade area?

7 MR. EROS: I'm sorry?

8 MS. FOLEY: Blade area?

9 MR. EROS: Yeah. Over by the shoulder blade
10 area.

11 BY MR. EROS:

12 Q. Is that correct, Alberto?

13 A. Yeah.

14 Q. And is that true for both of your shoulders
15 where the pain is located?

16 A. Yes.

17 MR. EROS: Thank you, Counselor.

18 THE WITNESS: Also, right here with the
19 shoulders (indicating). I don't know if it's, like,
20 related, but it's right there on my neck. On the right
21 side of my neck, I also feel pain (indicating).

22 BY MR. EROS:

23 Q. And you indicated, but I just want to make it
24 clear for the record, has the pain in your shoulders, has
25 that improved at all since the accident?

1 A. Yeah. It's less painful than before.

2 Q. Now, I'm going to move onto your wrists. At the
3 moment are you currently experiencing any pain in your
4 wrists?

5 A. Very minor, but when I, when I try to do
6 something, when I try to, like, reach a gallon of milk,
7 or things like that, the pain comes right back on my
8 wrists.

9 If I'm not doing anything, no, I don't, I don't,
10 maybe like a 2, you know, pain, if I'm not doing
11 anything. But as soon as I try to reach like a cup of
12 coffee or a gallon of milk, I feel, you know, on my
13 wrist, the pain.

14 Q. Your wrists, is the pain similar or does one
15 wrist hurts more than the other?

16 A. At this point, I think my left wrist is worse.
17 But it's similar, both of them, maybe one less than the
18 other, but similar.

19 Q. What I'll do, since the pain in both wrists are
20 the same, I'll group them together rather than separate
21 them out. Does that sound okay?

22 A. Yeah.

23 Q. Okay. Can you tell me whenever you reach out,
24 as you say, you reach out to grab a cup of coffee, or a
25 gallon of milk, can you tell me what type of pain you

1 experience in your wrists when you reach out?

2 A. I'm not too good at describing pain. It's just,
3 it just feels like something is pulling out, you know,
4 like, I'm not, I don't have enough strength to lift
5 stuff.

6 I don't know if I explained myself, but I don't
7 feel a lot of, a lot of power in my hands.

8 Q. Okay. That makes sense.

9 A. I can't hold a lot of weight.

10 Q. Okay. And can you tell me where the pain is
11 located for your wrists?

12 A. It's right here (indicating), on both
13 (indicating).

14 MR. EROS: Let the record reflect that Alberto
15 was pointing to the front part of both of his wrists,
16 kind of where the palm area is.

17 Do you concur, Counselor?

18 MS. FOLEY: Yes. Right in the middle of his
19 wrist area.

20 BY MR. EROS:

21 Q. And has the pain in your wrists, has that
22 improved at all?

23 A. Can you repeat?

24 Q. Sure. Has the pain in your wrists, has that
25 improved at all?

1 A. Yeah. Like I said, I haven't been working for
2 like over four months. So, yeah, if I'm not doing
3 anything, yeah, I don't feel much, just a little bit.
4 But as soon as I am trying to grab something, the pain
5 comes back.

6 Q. Okay. Now, I'm going to move on to your knees.
7 Do you experience the same type of pain in your knees, or
8 is one knee, does that hurt more than the other?

9 A. Pretty much the same.

10 Q. Okay. So like I did for your shoulders and like
11 right wrists, I'm going to group both knees together;
12 okay?

13 A. Yes.

14 Q. Are you currently experiencing pain in both of
15 your knees at the moment?

16 A. The pain, it's not like always there. It's very
17 minor pain.

18 The thing is, when I start walking, that's when
19 the pain starts, especially if I'm trying to go down --
20 going up is bad, but going down, I think, is worse.

21 Q. When you're walking and taking the stairs can
22 you rate the pain between a 1 and a 10?

23 A. I'll say like a 4.

24 Q. And can you tell me where the pain is located in
25 your knees?

1 A. Like in the front, like -- let me bring the
2 camera, like, right here, both (indicating).

3 MR. EROS: Let the record reflect that Alberto
4 was pointing to the front part of his knees or the
5 kneecaps or where the pain is located.

6 Do you concur, Counselor?

7 MS. FOLEY: Agreed.

8 BY MR. EROS:

9 Q. And when you experience the pain while you're
10 walking and taking the stairs, can you tell me what type
11 of pain you're experiencing in your knees?

12 A. Yeah. That is stronger. I'd say like a 7. I
13 do feel like my knees are going to break.

14 Q. And do you recall when you started experiencing
15 pain in your knees?

16 A. That's, that started like before my injury. I
17 think it's just something that happens as I'm working,
18 you know. I think with the company so many years, little
19 by little, I think they were deteriorating.

20 Q. And then has your knees, has that pain improved
21 at all?

22 A. If I'm not walking or doing stuff, I don't, I
23 feel like it's a 1 or 2 pain. But as soon as I start
24 walking and stuff, my pain goes higher.

25 Q. Now, I'm going to move on to your ankles.

1 The pain in your ankles, are both ankles the
2 same pain or does one ankle hurt more than the other?

3 A. The same, pretty much the same.

4 Q. I'll group those together as well.

5 Can you, at this moment, are you currently
6 experiencing any pain in your ankles?

7 A. Not if I'm, like, right now sitting down, no.
8 Very minor discomfort, a little bit. But when I start
9 exercising, walking, that's when I feel the pain.

10 Q. Can you tell me, when you experience pain in
11 your ankles, what type of pain you're experiencing?

12 A. It's like, when I'm walking, it's like I feel a
13 pain. But I feel like if I twist it a little bit, it's
14 going, it's going to make me fall if I twist it a little
15 bit.

16 When it gets -- I mean, not that I twist it, but
17 I feel like by itself, it kind of twists. And it's going
18 to make me fall. I'd rather slow down or stop, you know.

19 Q. So would you say you have a feeling of
20 instability in your ankles?

21 A. Yeah.

22 Q. Okay. And then can you tell me where the pain
23 is located for your ankles?

24 A. I will bring my foot up.

25 Right here (indicating).

1 MR. EROS: So let the record reflect Alberto is
2 pointing to the outer part of his ankles.

3 Do you concur, Counselor?

4 MS. FOLEY: Yes.

5 BY MR. EROS:

6 Q. And then, lastly, have your ankles improved at
7 all?

8 A. Yeah. If I'm not exercising, I don't feel much
9 pain. But as soon as I start exercising, that's when it
10 starts.

11 Q. Okay. And then I'm going to briefly go over
12 your headaches and constipation -- I'm sorry -- real
13 quickly.

14 Going back to the ankles, do you recall when you
15 started experiencing pain in your ankles?

16 A. It was before the accident.

17 Q. And did you ever report any ankle pain to any
18 supervisors or anyone with your employer?

19 A. Just like, you know, I'm very close to Miguel
20 Hernandez, pretty much. Sometime we carpool, and we talk
21 about, you know, what I feel, and I do talk to him.

22 Q. Okay. But did you tell any supervisor or anyone
23 of ankle pain?

24 A. No, not to supervisors.

25 Q. Did you tell any of your supervisors about any

1 of your knee pain?

2 A. No.

3 Q. Okay. And did you tell any supervisors about
4 your wrist pain?

5 A. No.

6 Q. Okay. Now, I'm going to briefly go over your
7 headaches. For your headaches can you estimate per week
8 how often you have them?

9 A. I get them almost every day.

10 Q. Can you rate the intensity of the headaches from
11 1 out of 10?

12 A. I've been learning to take, when I feel that my
13 pain is starting, I take my pills right away. Because if
14 I don't take them right away, or if I'm not home to take
15 my pills, it can go pretty, pretty strong, like, I'll
16 say, like a 7, strong headaches.

17 Q. And can you tell me where the pain, when you
18 have these headaches, where the pain is located?

19 A. It's, it's different. Sometimes I will feel it
20 like in my back (indicating), or sometimes, like, on the
21 side (indicating).

22 Q. And do you recall when you started experiencing
23 these daily headaches?

24 A. Before the injury probably like a couple of
25 weeks before.

1 Q. And have your headaches, have they improved?

2 A. No. I pretty much have to take pills every day
3 for headaches.

4 Q. And for the constipation, how often do you
5 experience symptoms of constipation?

6 A. At least like three times a week. I take
7 medicine for my pain in my back and my body. And, yeah,
8 I feel constipated every day. But sometimes it just gets
9 really bad when I have to sit on the toilet for a while.

10 Q. And do you recall when you started experiencing
11 this constipation?

12 A. Right around the -- when I experienced the
13 strain, when I started taking the pills.

14 Q. And has the injury -- excuse me -- has the
15 constipation, has it improved at all?

16 A. Well, I take pain pills every day. So I get
17 them all the time, at least three times a week.

18 Q. Okay. And did you report any constipation
19 issues to any of your supervisors?

20 A. No.

21 Q. And did you report your headaches to any of your
22 supervisors?

23 A. No.

24 Q. Now, briefly, I understand you experience
25 numbness in your fingers?

1 A. Yes.

2 Q. Which fingers do you experience numbness in?

3 A. Well, all of them, both hands.

4 Q. Can you tell me how often you experience
5 numbness in your fingers?

6 A. Well, if I'm not working, it's pretty much the
7 whole shift. If I'm not working, it gets better. Like
8 right now, not having worked for four months, so I don't
9 feel much. But when I'm working, it's pretty much all
10 the time.

11 Q. And can you tell me when you started
12 experiencing the numbness in your fingers?

13 A. Yeah. I started feeling that before the, before
14 the surgery.

15 Q. I'm sorry, the surgery?

16 A. No, not the surgery, the injury.

17 Q. And you indicated that since you're not working,
18 the numbness, you haven't experienced much numbness; is
19 that correct?

20 A. I feel it occasionally but not as much, not as
21 much. When I'm working, it's all the time. If I'm not
22 working, like right now, I've been resting for a while,
23 it's not as bad.

24 Q. Okay. And did you ever report this numbness in
25 your fingers to any of your supervisors?

1 A. No.

2 Q. Okay. Outside of all the symptoms that we
3 discussed, are there any other symptoms or injuries
4 you're experiencing as a result of the accident?

5 A. I don't recall if I mentioned my, this side of
6 my neck (indicating).

7 Q. Yes. You did indicate that as part of your
8 shoulders.

9 A. Okay. Besides that, I don't think I missed
10 anything. I don't know.

11 Q. Okay. So now I'm going to move on to your
12 treatment. Have you received any treatment for your
13 back, the mid or low back?

14 A. I think so. The doctor wants -- he gave me pain
15 pills, and he gave me some cream. I don't know what it's
16 called for my back. But I'm going to start -- I have
17 appointment -- don't remember the date -- but I have
18 appointment for physical therapy and acupuncture.

19 Q. Is the physical therapy and acupuncture, is that
20 through your personal doctor or through the work comp
21 system?

22 A. I believe it's through workers' comp.

23 Q. Now, before the upcoming physical therapy and
24 acupuncture, do you recall when you saw the doctor for
25 your back?

1 A. February 6th, I think. I don't remember
2 exactly, but I think it's that date.

3 Q. Okay. So February 6th of this year; correct?

4 A. Yes.

5 Q. And when you say you saw the doctor, did they
6 tell you why your low back or midback is hurting, like
7 did they give you a diagnosis?

8 A. They took some x-rays. They didn't tell me
9 exactly what they saw. I just told them I was in big
10 pain, and that I needed something for my pain.

11 Q. And you said you're taking pain pills; correct?

12 A. Yes.

13 Q. What are the names of the pain pills?

14 A. I don't know. Can I grab the bottle?

15 Q. Sure.

16 A. Okay. Hold on.

17 (Pause in proceedings.)

18 THE WITNESS: All right. Back.

19 The doctor gave me naproxen.

20 BY MR. EROS:

21 Q. Other than the naproxen, do you take any other
22 medication for your back?

23 A. No. The doctor gave me Naprosyn, and he also
24 gave me lansoprazole. No, besides that, I don't take --
25 sometimes I change it to, like, regular Tylenol, but this

1 is what I take the most.

2 Q. Have you had any surgery done on like right back
3 as a result of this injury?

4 A. No.

5 Q. And when you saw the doctor in February did he
6 tell you when your back would start feeling better?

7 A. No. He said let's start with some physical
8 therapy and the acupuncture, and we had to get approved.
9 So that's why we didn't start right way.

10 Q. Okay. And prior to your evaluation with your
11 doctor in February, did you see any other doctors between
12 like right injury in October to February for your back?

13 A. I went to my primary doctor because the company
14 wanted some, some -- what do you call it? They wanted
15 some proof of why I was out. Because according to the
16 company, I was not working so they needed an excuse.

17 So I did go to my primary doctor, and I told him
18 what happened, that I injured myself. And I wasn't -- I
19 didn't see a doctor for my back until February. So I
20 went to the doctor, and I told my doctor what happened.
21 She gave me a restraining order, you know, for work, for
22 my back.

23 Q. Okay. When you went to your primary doctor was
24 that the one in Loma Linda?

25 A. No. It was right here in Moreno Valley. It was

1 Riverside Medical Clinic.

2 Q. And then you said you went once there, and then
3 you went to a doctor in February; correct?

4 A. Yes.

5 Q. Okay. Did they tell you when your back may
6 start to feel better? I don't know if I asked that
7 before.

8 A. No. He didn't say, like, when it's going to
9 feel better. He said let's start with physical therapy
10 and acupuncture.

11 Q. Okay. Yes, I did ask that question before.
12 Thank you.

13 Now, I'm going to move on to your shoulders.
14 Have you received any treatment for your shoulders?

15 A. No.

16 Q. Okay. Now, I'm going to move on to like right
17 wrists. Have you received any treatment for your wrists?

18 A. No.

19 Q. Have you received any treatment for your knees?

20 A. No.

21 Q. Have you received any treatment for your ankles?

22 A. No.

23 Q. Have you received any treatment for your
24 headaches?

25 A. No.

1 Q. Have you received any treatment for your
2 constipation?

3 A. No.

4 MS. FOLEY: Counsel, I apologize. I just want
5 to add that it was not claimed on the application, but we
6 will amend it after this deposition.

7 MR. EROS: Okay. Thank you.

8 MS. FOLEY: The other body parts.

9 MR. EROS: Thank you.

10 BY MR. EROS:

11 Q. And have you received any treatment for your
12 fingers?

13 A. No.

14 Q. So the only treatment you've received from your
15 accident is for your back; correct?

16 A. Yes.

17 Q. Okay. All right. Now, I'm going to move on to
18 your medical background.

19 Prior to this injury have you ever hurt your
20 back before?

21 A. I think we mentioned that I had another case
22 before.

23 Q. Outside of that work injury involving your
24 back -- excuse me. Scratch that

25 Do you recall what part of your back you hurt

1 from the previous case?

2 A. It was also my back.

3 Q. Do you recall what part? Was it like the mid or
4 low back?

5 A. Yeah. It was both the mid and lower.

6 Q. Outside of this work injury have you ever hurt
7 your back before?

8 A. No.

9 Q. Okay. Outside of this injury have you ever hurt
10 your shoulders before?

11 A. No.

12 Q. Outside of this injury have you ever hurt your
13 wrists before?

14 A. From the previous injury, I think it was my, my
15 right wrist only.

16 Q. And for your right wrist, that was from your
17 previous injury; correct?

18 A. Yes.

19 Q. Outside of your previous injury have you ever
20 hurt your wrist before?

21 A. No.

22 Q. And outside of the current injury have you ever
23 hurt your knees before?

24 A. No.

25 Q. Outside of the current injury have you ever hurt

1 your ankles before?

2 A. No.

3 Q. Outside of your current injury have you ever had
4 consistent headaches before?

5 A. No.

6 Q. Outside of your current injury have you ever had
7 constant or consistent constipation before?

8 A. No.

9 Q. And outside of your injury have you ever hurt
10 your fingers before?

11 A. No.

12 Q. Okay. I just want to make sure I covered
13 everything.

14 Okay. Now, I'm going to move on to your
15 benefits received.

16 Have you ever applied for Social Security?

17 A. You mean -- what do you mean?

18 Q. Like general Social Security. Have you ever
19 applied for it?

20 A. Disability, that's what I applied for.

21 Q. But not Social Security where you receive
22 payments from the government?

23 A. Not -- no, besides disability; no.

24 Q. So you have applied for state disability?

25 A. No.

1 Q. I'll ask that question again.

2 Have you ever applied for state disability?

3 A. I don't know what that involves. I don't
4 understand the question.

5 MS. FOLEY: I guess my client is confused
6 because I believe he applied for EDD.

7 MR. EROS: Okay.

8 MS. FOLEY: So in his mind, it might be state
9 disability, but it's not.

10 MR. EROS: Okay. All right. Wonderful. That
11 makes sense.

12 BY MR. EROS:

13 Q. Have you ever applied for EDD unemployment?

14 A. Yes.

15 Q. And is this related to this claim?

16 A. Yes.

17 Q. Have you ever applied for long-term disability?

18 A. No.

19 Q. And, currently, do you have any sources of
20 income outside of the disability payments you're
21 receiving?

22 A. No.

23 Q. Now, I'm going to move on to your -- I have a
24 few more questions here, and we should be wrapping up.

25 Since you don't work at the moment can you

1 explain what a typical day is like for you?

2 A. I just rest at home and try to take care of
3 myself, you know, because there's not much I can do with
4 my back and body parts hurting.

5 I cannot walk too much. I cannot be sitting
6 down for long periods of time. There's a lot of things
7 that I cannot do. So pretty boring, my days.

8 Q. Okay. Do you have trouble getting out of bed in
9 the morning?

10 A. Yes.

11 Q. Which body part gives you trouble?

12 A. Mostly my back, you know. My shoulders, you
13 know, they've been improving a little bit. But if they
14 hurt, then it's hard to get a good night's sleep. If I
15 don't take my pills at night, then I don't get any sleep.
16 It's not good.

17 Q. Do you need assistance with personal hygiene?

18 A. Can you repeat that?

19 Q. Sure. Do you need assistance with personal
20 hygiene, such as cleaning yourself, brushing your teeth,
21 things like that?

22 A. No. I manage. Like going to the toilet and
23 getting up, I manage, you know. It's painful, but I
24 manage.

25 Q. Do you have trouble dressing yourself?

1 A. I take my time, you know.

2 Q. Are you able to do any chores around the house?

3 A. No. I am not able to do much of anything.

4 Q. Can you take out the trash?

5 A. No. Usually my -- I have a sister here and my
6 wife. They take out the trash.

7 Q. Can you help with the dishes?

8 A. No. I don't, I don't do the dishes or cook. My
9 wife does.

10 Q. Are you able to do any gardening?

11 A. No.

12 Q. Before your injury did you do any gardening?

13 A. I used to do my own yard.

14 Q. Do you participate in any physical therapy such
15 as walking or running?

16 A. I used to; not anymore.

17 Q. Do you have any hobbies or things that you like
18 to do where your injury prevents you from doing things
19 you like to do?

20 A. Yeah. I like to walk. I like to run. I like
21 to exercise. And right now, I'm not able to do those
22 things.

23 Q. Outside of this case are you currently involved
24 in any lawsuits?

25 A. No.

1 Q. And have you ever been convicted of a felony?

2 A. No.

3 MR. EROS: Okay. Counselor, I have no further
4 questions.

5 MS. FOLEY: I have no other questions either.

6 MR. EROS: Okay. Wonderful. Thank you so much.
7 Steve, we can go off the record now.

8 THE REPORTER: Okay. And, Counsel, would you
9 like electronic pdf e-mails?

10 MS. FOLEY: Yes.

11 MR. EROS: And, Steve, for us, e-mail will be
12 fine. No need for a hard copy.

13 THE REPORTER: Okay. Thank you.

14 (The deposition adjourned at 11:34 a.m.)

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PENALTY OF PERJURY

I hereby declare under penalty of perjury that I have read the foregoing and it is true and correct to the best of my knowledge, including any corrections that I have made.

DATED _____ at _____, California.

ALBERTO HERNANDEZ

1 CERTIFIED SHORTHAND REPORTER'S CERTIFICATE

2
3 I, STEPHEN BALBONI, CSR No. 7139, hereby certify
4 that I am a Certified Shorthand Reporter in and for the
5 State of California.

6 I hereby certify that the witness in the
7 foregoing deposition, ALBERTO HERNANDEZ, was by me duly
8 sworn to testify the truth, the whole truth, and nothing
9 but the truth; that said deposition was taken at the time
10 and place therein set forth, and was taken down by me in
11 stenotype and thereafter transcribed into typewriting by
12 computer; and that the deposition is a true record of the
13 testimony given by the witness.

14 I further certify that I am neither counsel for,
15 nor related in any way to any party to said action, nor
16 otherwise interested in the result or outcome thereof.

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18 Date: 20th day of March, 2023

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21 STEPHEN BALBONI, CSR No. 7139

22 STATE OF CALIFORNIA
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