

1 DEPOSITION OF DEBORAH L. CLARKE,  
2 taken on behalf of the Defendant at  
3 1411 W. 190th Street, Suite 225, Gardena,  
4 California, commencing at 10:14 a.m., on  
5 Monday, June 4, 2018, before Mary Ann  
6 LaVasseur, CSR No. 1374.  
7  
8

9 A P P E A R A N C E S

10 FOR APPLICANT:

11 LAW OFFICES OF NATALIA FOLEY  
12 BY: NATALIA FOLEY, ESQ.  
13 8306 Wilshire Boulevard  
Suite 115  
Beverly Hills, California 90211

14 FOR DEFENDANT XL INSURANCE AMERICA, INC., workers'  
15 compensation insurance carrier for CVS CAREMARK  
CORPORATION, administered by SEDGWICK CLAIMS MANAGEMENT  
16 SERVICES, INC.:

17 PEARLMAN, BROWN & WAX, L.L.P.  
18 BY: JULIE FENG, ESQ.  
19 1411 W. 190th Street  
Suite 225  
20 Gardena, California 90248  
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I N D E X

WITNESS	EXAMINATION	PAGE
DEBORAH L. CLARKE	BY MS. FENG BY MS. FOLEY	4, 92 84

E X H I B I T S

(NONE)

INFORMATION TO BE SUPPLIED

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1 MONDAY, JUNE 4, 2018, GARDENA, CALIFORNIA

2 10:14 A.M.

3 \*\*\*

4  
5 DEBORAH L. CLARKE,

6 having been first duly sworn, was  
7 examined and testified as follows:

8  
9 EXAMINATION

10 BY MS. FENG:

11 Q Good morning, Miss Clarke.

12 A Hi.

13 Q Hi. I'm here to take your deposition today.

14 Have you had your deposition taken before?

15 A No, I have not.

16 Q Okay. So let me go over some of the ground  
17 rules for you.

18 Essentially it's an informal proceeding, except  
19 for the fact that you just took the oath to speak the  
20 truth, so it's going to be as if I have a robed judge  
21 sitting next to me and you are expected to give us your  
22 best answers.

23 If at any time, you know, later on in the  
24 litigation we found out that you were lying to us, you  
25 were trying to mislead us, you were trying to mislead

1 us, you were withholding information from us, that could  
2 affect your credibility first and foremost. In extreme  
3 cases sometimes it could lead to criminal perjury  
4 charges, which is rare, but it happens. From time to  
5 time people do lie, but that's not going to happen here  
6 and we are confident that we will get your best answers  
7 today. Is that all right?

8 A Yes.

9 Q Okay. If you don't understand my question, if  
10 you need me to elaborate, I will be more than happy to  
11 maybe rephrase it, maybe Miss Foley can help me, and  
12 we'll try to get your best answers today.

13 A Okay.

14 Q If you don't know the answer to the question or  
15 this is information you have at home, I might ask you to  
16 leave some blank spaces in the deposition transcript  
17 that the reporter is preparing right now as we speak,  
18 and then you can go home and fill it out if there is  
19 information you think you have. If you really don't  
20 know the answer to my question, you can just say you  
21 don't know --

22 A Okay.

23 Q -- or you don't have that information --

24 A All right.

25 Q -- or you can't remember. And those are

1 legitimate answers.

2 Let's see. A lot of times my applicants that  
3 are sitting across from me, I mean, I see them in front  
4 of me and they start like nodding or shaking their head  
5 and I can see what they mean, but --

6 A Yes.

7 Q -- you have to give a verbal response --

8 A Okay.

9 Q -- okay?

10 A That makes sense.

11 Q My court reporter here, the lovely Mary Ann,  
12 she is going to type up a little booklet for all of us  
13 in the end. So you will have a chance to go over it  
14 either on the phone with Miss Foley's office or by  
15 yourself, and you will also be signing it under penalty  
16 of perjury. That means you have reviewed it and  
17 everything in there is correct to the best of your  
18 knowledge.

19 If you have any changes, she's also going to  
20 put a little sheet in there where you can say the line,  
21 the page number, "This is the better answer," and you  
22 can fill it in. Okay?

23 A Yes.

24 Q Okay. Have you taken any medication this  
25 morning or last night that you feel might kind of cloud

1 your ability to respond to me truthfully, accurately or  
2 fully today?

3 A Just a pain pill. Half.

4 Q Does that make you kind of woozy or does it  
5 make you --

6 A No.

7 Q -- it make you clouded?

8 A No.

9 Q Okay. And have you consumed any alcohol within  
10 the last 24 hours --

11 A No.

12 Q -- that you feel would impede your ability --  
13 No. Okay.

14 So wait until I've finished asking --

15 A Oh, all right.

16 Q -- because I know you know the answers to the  
17 these questions, but it makes Mary Ann's life difficult  
18 when we start talking over each other, and I don't want  
19 to make her angry. She's my court reporter for all of  
20 my depositions.

21 If at any time during the deposition -- it's  
22 kind of warm in here -- but if you need to get up, use  
23 the rest room or just stretch your legs, you can do  
24 that. If you don't leave the room, you can actually  
25 walk around if you want to just to stretch and I would

1 be more than happen to just continue asking you  
2 questions as long as you can hear me. But if you  
3 can't -- if you need to take a break and you can't stay  
4 in here, then we can stake short breaks as you want. So  
5 just let me or Miss Foley know, okay?

6 A Yes.

7 Q Okay. Do you have any questions before we  
8 start?

9 A I do not.

10 Q Okay. Could you please state your full name  
11 for the record.

12 A Deborah LaNore Clarke.

13 Q Okay. So that's Deborah, D-e-b-o-r-a-h?

14 A Yes.

15 Q Okay. LaNore with two "e's"?

16 A No.

17 Q Okay. L-e-n-o-r --

18 A No.

19 Q How do you will spell it?

20 A Capital L-a- capital -N-o-r-e. Clarke,  
21 C-l-a-r-k-e

22 Q Okay. Got it.

23 Do you use any other names or aliases?

24 A No.

25 Q Do you have a maiden name that you use? Or is



1 that your maiden name?

2 A That's my maiden name.

3 Q Okay. Do you currently drive?

4 A Yes.

5 Q Do you have your driver's license or a form of  
6 photo --

7 A Yes.

8 Q -- identification?

9 A Sorry, it's new and kind of hard.

10 Q No, it's fine.

11 MS. FOLEY: Give it to me first.

12 MS. FENG: Go ahead and hand it to Miss Foley.

13 MS. FOLEY: I got a document from the applicant  
14 that looks like a California license and I'm passing it  
15 to defense counsel.

16 MS. FENG: For privacy reasons we will not be  
17 reading the actual number into the record, but I will  
18 take this down if you give me a second.

19 I am holding in my hands a copy of a California  
20 driver's license. It looks like date of birth, May  
21 29th, 1949.

22 Q And Miss Clarke, is this a current address?

23 A Yes.

24 Q Okay. So the applicant's current address is  
25 noted as 30751 El Corazon, No. 116, Rancho Santa



1 Margarita, California 92688.

2 Thank you so much.

3 A Yeah, hand it to me.

4 Q There you go.

5 A Thank you.

6 MS. FENG: Miss Foley, do you mind if we go off  
7 the record for a quick second so I can take down her  
8 social?

9 MS. FOLEY: Absolutely.

10 (Short recess.)

11 MS. FENG: We have confirmed Miss Clarke's  
12 social security number off the record

13 Q Miss Clarke, and this is the only social  
14 security number that you have ever used; is that  
15 correct?

16 A Yes.

17 Q Okay. Is this your first worker's compensation  
18 claim?

19 A Yes.

20 Q Okay. Did you ever work in a different state?

21 A No.

22 Q And how long have you been living at that  
23 address in Rancho Santa Margarita?

24 A Roughly -- probably a year and a half.

25 Q Okay. Do you remember your previous address in  
10

1 the last, I don't know --

2 A Yes.

3 Q -- five years or so?

4 A Well, 44 Fair Drive --

5 Q Okay?

6 A -- Costa Mesa.

7 Q All right. And how long did you live at Fair  
8 drive?

9 A 11 months.

10 Q And before that do you remember your address?

11 A It was in Roseville, California up in Northern  
12 California.

13 Q How long did you live in Roseville?

14 A The last time was a year.

15 Q Okay. And where were you born?

16 A Janesville, Wisconsin.

17 Q And when did you come to California?

18 A 1959.

19 Q Are you currently on Medicare?

20 A Yes.

21 Q Okay. Do you happen to bring your Medicare  
22 card with you?

23 A Yes.

24 Q Thank you. I'm going to hand this to your  
25 attorney.

1 MS. FOLEY: It like like Medicare Health  
2 Insurance card, and I'll offer it to the defense  
3 counsel.

4 MS. FENG: Thank you.

5 Q How long have you been on Medicare, Miss  
6 Clarke?

7 A '06. I don't know if it says on there or not.

8 Q It says, "12-1-2006." Is that right?

9 A Should be.

10 Q Thank you so much.

11 Are you currently on Social Security?

12 A Yes.

13 Q Okay. And when did that start? Around the  
14 same time?

15 A '04.

16 Q Aside from Social Security, are you receiving  
17 any other sort of income currently?

18 A Yes.

19 Q And what is that?

20 A Oh, a couple of pensions.

21 Q From which employment?

22 A Southern California and Northern California.  
23 It was retail.

24 Q Oh, I see.

25 A Sav-On Drugs.

1 Q Okay. And how much do you get in your  
2 pensions?

3 A 189 -- 189 for one. 57.65, I believe.

4 Q And is that a week, a month?

5 A Monthly.

6 Q In the past five to ten years have you been  
7 involved in a car accident?

8 A No.

9 Q Did you have a collision in 2016 or no?

10 A No. Somebody stole my car in Santa Ana and  
11 they rammed it into the -- some brick wall down in the  
12 ravine, the river, the river bed.

13 Q All right. Have you ever been involved in a  
14 car accident as a passenger in a car?

15 A Yes.

16 Q How long ago was that?

17 A I don't know.

18 Q If you could give me an estimate, would it be  
19 over 10 years, under 10 years?

20 A Yes, under -- over 10 years.

21 Q Okay. Did you sustain any injuries?

22 A Yes.

23 Q Do you remember what kind of injury it was?

24 A It was just like a little bit of a --

25 Q Whiplash?

1 A -- jolt.

2 Q I see. Did you get treatment?

3 A No.

4 Q Have you ever had any slip and falls, either at  
5 home or in the public?

6 A Well, no.

7 Q Okay. Have you ever broken any bones?

8 A Yes.

9 Q How long ago?

10 A That was in 2016. I was walking on a sidewalk  
11 and it was uneven and I fell and broke my hip and ball.

12 A Oh, okay. March 7th.

13 Q Was there a litigation involved in that?

14 A Yes.

15 Q Did you get any sort of monetary compensation?

16 A Not yet.

17 Q Okay. Still in litigation, then?

18 A Yes.

19 Q Do you have an attorney for that?

20 A Yes.

21 Q And who is your attorney for that?

22 A I have his phone number.

23 Q All right. His name will suffice.

24 A Chris -- I think it's Guldjian like.

25 Q Okay. If you have his card, that would be

1 great.

2 A At home, sorry. I'm so slow.

3 Q No, it's fine.

4 A I do not. Oh.

5 Q Oh, she does.

6 A I'm sorry. I'll give it to --

7 Q It's okay.

8 MS. FOLEY: This is a business card of an  
9 attorney and I'll transfer it to counsel.

10 MS. FENG: Okay. It's really complicated.

11 THE WITNESS: Yes.

12 MS. FENG: His name is Chris,  
13 C-h-r-i-s-t-o-p-h-e-r, A. Guldjian, G-u-l-d-j-i-a-n.  
14 He's an attorney at law in Costa Mesa.

15 Okay. Thank you so much.

16 THE WITNESS: Thank you.

17 BY MS. FENG:

18 Q And who is the entity you're suing, the City, I  
19 suppose?

20 A No, the complex.

21 Q Oh, the complex.

22 A Which is Mediterranean Village, apartment  
23 complex.

24 Q Is that where you live?

25 A That's where I used to live.

1 Q Okay.

2 A Fair Drive.

3 Q Aside from that litigation which Mr. Guldjian  
4 is helping you with, have you ever sued anyone else in  
5 court before?

6 A I have not.

7 Q Have you ever been self-employed, worked for  
8 yourself?

9 A No.

10 Q While working for CVS did you work for any  
11 other company?

12 A No.

13 Q Okay. You mentioned you got your pension from  
14 Sav-On. How long ago did you work for Sav-On?

15 A '0 --

16 Q Was it '06 when CVS bought Sav-On?

17 A Hold on. '04, I believe.

18 Q Okay. And after working for Sav-On, did you  
19 move on to another company?

20 A No.

21 Q No, okay.

22 Did you ever work for Longs?

23 A Yes.

24 Q Okay. How long ago was that?

25 A I started working for Longs in '06, August of

16



1 '06, and then it turned into CVS.

2 Q Have you ever been imprisoned or anything like  
3 that?

4 A No.

5 Q Okay. Do you have a primary doctor, like  
6 somebody that you go to for colds and flu and flu shots?

7 A Yes.

8 Q Who is that?

9 A Dr. Bilan.

10 Q Could you spell his last name?

11 A B-i-l-a-n.

12 Q Is this a doctor at a clinic or a group?

13 A A group.

14 Q Okay. Is this with Kaiser or some other group?

15 A The group SCAN, and I got SCAN January 1st.

16 Q Okay. SCAN. SCAN stands for something, I  
17 forgot. Let me look it up.

18 A Do you want her name?

19 Q Yes, that would be great.

20 Q So is it the SCAN Health Plan under Health Net?

21 A I don't think so. They are their own people.

22 Q Okay.

23 A (949) 709-5100.

24 Q All right. Thank you.

25 A I'll keep my phone out in case I need it.

1 Q So her name is Dr. Natalia Bilan, family  
2 medicine?

3 A Yes.

4 Q Okay.

5 A Exactly.

6 Q Her address on line is 29809 Santa Margarita  
7 Parkway, Suite 300 --

8 A Yes.

9 Q -- Rancho Santa Margarita, California 92688.

10 A Yes.

11 Q All rightee. How long has Dr. Bilan been  
12 treating you?

13 A Five months.

14 Q Before that who treated you?

15 A Dr. Martinez.

16 Q And Dr. Martinez is with a different group?

17 A Yes.

18 Q What group is she with?

19 A She is with Kaiser.

20 Q She's with Kaiser. How long have you treated  
21 her -- or treated with her?

22 A I don't know.

23 Q Over 10 years, less than ten years?

24 A No. Less than ten years, yes.

25 Q And Dr. Martinez, is she also in Rancho Santa

1 Margarita?

2 A She's in Mission Viejo.

3 Q And besides Dr. Martinez and Dr. Bilan have you  
4 had any prior primary care doctors within the past 10  
5 years or so?

6 A Yes.

7 Q And who else would that be?

8 A Northern California.

9 Q Okay. Do you remember their name?

10 A I have to think. No.

11 Q Okay. Maybe the group that they were with?

12 Was it also Kaiser?

13 A Yeah, it was Kaiser.

14 Q Okay. Have you ever been to the emergency room  
15 for emergency care?

16 A Yes.

17 Q Was that for when you broke your hip?

18 A Yes.

19 Q All right. Where did you go?

20 A Sand Canyon.

21 Q Sand canyon --

22 A Irvine.

23 Q Okay. Any other times you have had to go to  
24 the emergency room?

25 A Yes.

1 Q How long ago was that?

2 A That was just a couple months ago.

3 Q Okay. Where did you go?

4 A Mission Hospital.

5 Q For what reason?

6 A I couldn't eat and I was getting very sick --

7 Q Okay.

8 A -- for two days.

9 Q Did you have to be hospitalized?

10 A No.

11 Q Okay. Aside from Sand Canyon and Mission

12 Hospital, have you visited any other emergency rooms?

13 A Yes. Northern California.

14 Q Kaiser?

15 A Yes. Sacramento.

16 Q And do you remember what you went in for that

17 time?

18 A Headaches.

19 Q Okay. When you broke your hip walking on the

20 walkway at your old apartment building, you were off

21 work; is that correct?

22 A No. I was on my way to work.

23 Q I meant you were taken off work after that.

24 A Oh, I'm sorry.

25 Q No, that's fine.

1 A Yes.

2 Q How long were you off of work?

3 A From March 8th that year --

4 Q Right.

5 A -- until May 5th the year after.

6 Q Okay. So May 5th, 2017. So from March 8, 2016  
7 to May 5th of 2017?

8 A Yes.

9 Q Okay. You had to get a hip surgery; is that  
10 right?

11 A Yes.

12 Q And where was that done?

13 A Sand Canyon, Irvine, Hospital.

14 Q And that required rehab as well, correct?

15 A Yes.

16 Q Okay. And where do you get the rehab,  
17 rehabilitation?

18 A Now?

19 Q Nowadays.

20 A I don't.

21 Q Okay. Before?

22 A That was just in the hospital.

23 Q When you went back to work May 5th, 2017, did  
24 you need restrictions?

25 A Yes.

1 Q Do you remember what those restrictions were?

2 A Yes.

3 Q Can you tell me?

4 A Can't sit -- wait. Can't stand, I think it was  
5 50 percent or 75 percent, of the shift. They got me a  
6 chair. I can't bend over. Can't climb ladders.

7 Q Was there a walking limit or a sitting limit?

8 A Yes. Sitting -- I don't remember.

9 Q Okay. But that was the gist of it?

10 A Yes.

11 Q Okay. And was CVS able to -- well, you said  
12 they gave you a chair?

13 A Yes.

14 Q So how long did you work in that capacity, how  
15 many weeks, months?

16 A Until April 12th of this year.

17 Q So you were back to work from May 5th 2017  
18 through April 12th, 2018 --

19 A Yes.

20 Q -- is that correct?

21 And before you broke your hip did you have any  
22 reason to take a leave of absence?

23 A No.

24 Q Do you smoke?

25 A No.

1 Q Have you ever smoked?

2 A No.

3 Q Do you drink alcohol or consume alcoholic  
4 beverages?

5 A No.

6 Q Have you ever consumed them?

7 A Alcohol?

8 Q Alcohol.

9 A Yes.

10 Q Okay. But not now?

11 A No.

12 Q When was the last time you had anything to  
13 drink?

14 A Probably nine months.

15 Q Do you have any children?

16 A Yes.

17 Q Do they live with you?

18 A No.

19 Q Okay. Do you live alone?

20 A Yes.

21 Q Do you have any history of alcohol or drug  
22 abuse?

23 A No.

24 Q Have you ever been diagnosed with a serious  
25 illness such as cancer?



1 A No.

2 Q What about anemia?

3 A No.

4 Q No, okay.

5 What about an internal condition such as a

6 heart condition?

7 A No heart condition.

8 Q Diabetes?

9 A No.

10 Q Cholesterol --

11 A No.

12 Q -- problems?

13 No, okay.

14 A Well, one doctor said I had spinal stenosis.

15 Q Okay. When were you diagnosed with spinal

16 stenosis?

17 A I don't remember.

18 Q Do you think maybe it was five years ago, more

19 than five years ago?

20 A Oh, less. Within a year.

21 Q Any history of hernia, having a hernia?

22 A Yes.

23 Q Do you have to get it fixed?

24 A No.

25 Q What about a history of lupus?

1 A No.

2 Q Okay. What about rheumatoid arthritis?

3 A No.

4 Q Any history of ulcers?

5 A No.

6 Q What about acid reflux?

7 A Yes.

8 Q Okay. Do you remember when you were diagnosed  
9 with acid reflux?

10 A December of last year.

11 Q That would be December of 2018?

12 A Yes. No. '17.

13 Q 17, sorry. I am one year ahead. Sorry. 2017.

14 A It wasn't just acid reflux, it was irritation  
15 of the stomach lining.

16 Q So gastritis, as well?

17 A I think so.

18 Q Okay.

19 A Yes.

20 Q All right. Any history of any sort of clinic  
21 illnesses, like a sexually transmitted disease --

22 A No.

23 Q -- or anything like that?

24 What about a liver condition, like hepatitis?

25 A No.

1 Q You said earlier before we started that you  
2 were on a pain medication. Do you remember the name of  
3 the medication?

4 A It's Norco.

5 Q And you took half a pill, you said?

6 A Yes.

7 Q How often do you have to take a pill or a half  
8 pill?

9 A When needed.

10 Q And who give you the prescription?

11 A My sister gave it to me.

12 Q Okay. Do you have any prescribed medication  
13 from an actual doctor?

14 A Yes. Tramadol.

15 Q And that is also for pain?

16 A Yes.

17 Q Do you take it still?

18 A When needed.

19 Q How much -- how often do you take it?

20 A When -- when needed.

21 Q Is it once a week?

22 A I took one yesterday and first time I took one  
23 in about a week.

24 Q Okay. And who was the one who gave you that  
25 prescription?

1 A Dr. Bilan.

2 Q Okay. Any other medications you're on?

3 A Oxybutynin.

4 Q Okay. And what is this for?

5 A That's for incontinence.

6 Q And how often do you take it?

7 A Once a night.

8 Q Also from Dr. Bilan?

9 A Yes.

10 Q What else do you take?

11 A Ativan.

12 Q Ativan. And this is for what?

13 A Anxiety.

14 Q How often do you take it?

15 A One a night.

16 Q And it's prescribed by whom?

17 A Dr. Bilan. Bilina.

18 Q I think it's Bilan.

19 A Yes.

20 Q That's how it's spelled. I'm just going to say

21 it phonetically.

22 A That's it.

23 Q Pardon?

24 A And that's all.

25 Q Do you take any over-the-counter medication

1 like Ibuprofen, Tylenol, anything like that?

2 A No.

3 Q Do you have any side effects from taking any of  
4 this medication?

5 A Just nausea.

6 Q And that's with the Tramadol?

7 A No. It's the Ativan and the -- oh, I'm sorry.

8 Also I take Gabapentin --

9 Q Oh, Gabapentin.

10 A -- at night. That's why I take it at night.

11 Q Does it knock you out?

12 A No.

13 Q Which one knocks you out or which one makes you  
14 sleepy?

15 A Gabapentin.

16 Q Was this from Dr. Bilan?

17 A Yes.

18 Q What is it supposed to be for?

19 A Nerve damage. I've been taking it for ten  
20 years.

21 Q For 10 years?

22 A Yes.

23 Q Any other medications you're taking?

24 A No.

25 Q I have you currently listed as a part-time

1 cashier with CVS.

2 A Yes.

3 Q Were you full time before that?

4 A Yes.

5 Q When did they start you on part time?

6 A When I started back to work.

7 Q Okay. So that was in May of 2017?

8 A Uh-huh.

9 Q Is that a "Yes"?

10 A Yes. I'm sorry.

11 Q That's okay.

12 When you were a full time were you also a  
13 full-time cashier?

14 A Yes.

15 Q Okay. So when you were a full-time cashier you  
16 would just check people out. You did some stocking as  
17 well; is that right?

18 A Yes.

19 Q Did you do the go-backs, like people who  
20 returned merchandise and left it at the front, did you  
21 have to put it away?

22 A Yes.

23 Q Did you ever have to do inventory or pricing --

24 A No.

25 Q -- or was that somebody else's job?

1 A Inventory was the company.

2 Q Okay. Customer service --

3 A Yes.

4 Q -- helping people find things.

5 Okay. Did you have to do any of the  
6 restocking, like before the store opens or when there's  
7 a lull in the customers, when they bring the stuff from  
8 the back, from the storage in the back, did you have to  
9 help them fill up the shelves?

10 A Yes.

11 Q Does that also include answering phones?

12 A Yes.

13 Q Okay. Anything else that you did that I didn't  
14 mention?

15 A Oh, yes. Cleaning.

16 Q Oh, cleaning. Cleaning the aisles, does that  
17 mean in the morning or at closing time?

18 A Both those.

19 Q So that includes vacuuming, dusting, correct?

20 A Yes. Bathrooms.

21 Q Bathrooms. Like wiping the mirrors down,  
22 mopping up?

23 A Yes.

24 Q Okay.

25 A Toilet seats. Replenishing the paper.



1 Q And the papers towels and stuff?  
2 A Yes.  
3 Q How much did you earn as full-timer?  
4 A \$15 an hour.  
5 Q And as a part-timer how much are you earning  
6 now?  
7 A Same.  
8 Q Same, okay.  
9 Who is your supervisor?  
10 A At the time I left?  
11 Q Right before you left, right.  
12 A Her name was Erin Black.  
13 Q Erin Black. Is she no longer there?  
14 A She's not.  
15 Q When was the last time you worked?  
16 A April 12th.  
17 Q 2018?  
18 A Yes.  
19 Q And who was your supervisor when you last  
20 worked? Was it still Erin --  
21 A Yes.  
22 Q -- or was it somebody else?  
23 A Yes, Erin.  
24 Q Have you ever had any verbal warnings about  
25 your performance?

1 A No.

2 Q Okay. What about written reprimands --

3 A No.

4 Q -- that you recall?

5 A No.

6 Q Have you ever had to deal with the store  
7 manager for any reason?

8 A You mean like --

9 Q Like if you needed to report like something or  
10 some personnel matter and you couldn't go directly to  
11 your supervisor?

12 A Well, she would want me to do certain tasks and  
13 I couldn't do it.

14 Q Okay. Did you report her or report that  
15 situation to the store manager?

16 A I called HR.

17 Q Okay. When you call HR, do they transfer you  
18 to the district manager --

19 A No.

20 Q -- or how does that work?

21 So HR takes care of it on their own?

22 A Yes. Accommodations, I think I had to talk to.

23 Q Okay. Did they resolve the situation for you?

24 A No.

25 Q Okay.

1 A The one call.

2 Q So when you last worked in April of 2018 was --  
3 MS. FOLEY: '17.

4 MS. FENG: I'm sorry.

5 MS. FOLEY: Oh, yes.

6 BY MS. FENG:

7 Q Yeah, April 12, 2018, was the store or Erin  
8 still making you do things that you could not do?

9 A No, she was no longer there.

10 Q So what was the reason for your leaving?

11 A She said, "You can't do your job."

12 Q Okay. So you left or how --

13 A She told me to leave.

14 Q Okay.

15 A She said, "I -- well, actually she quoted me,  
16 "I know longer need you." I said, "Well, why?"

17 "Because you're not doing your job."

18 Q Did anyone replace Erin after that?

19 A Eventually, yes.

20 Q Do you know that person's name?

21 A His name is Jim.

22 Q Do you know his last name?

23 A I don't know his last name, I'm sorry.

24 Q That's okay.

25 Have you tried to call Jim and ask if your

1 position was still available?

2 A Well, when I was there the last day, he put me  
3 on the schedule for the next week, and I was going to go  
4 to work that day, but the district manager told one of  
5 the supervisors, "Don't have her come in." District  
6 manager. "She's no longer needed. Don't have her come  
7 in."

8 Q Now who is the district manager, do you  
9 remember? Did Jim mention her?

10 A No.

11 Q Okay.

12 A But I had asked the supervisor to have her call  
13 me back, but she never did.

14 Q Okay. So if Jim had -- if the district manager  
15 hadn't said that and Jim had let you back on the  
16 schedule, do you think you'd able to go back to work?

17 A Yes. At the time.

18 Q So what is preventing you? If they let you  
19 come back, would you go back?

20 A I don't know if I would.

21 Q Okay. Do you feel you're physically unable to  
22 go back to work at this time?

23 A I do. I'd have to try it. I don't know.

24 Q Okay. Were you part of a union?

25 A No. I was in Costa Mesa.

1 Q Okay. But not currently?

2 A No.

3 Q Are you currently looking for work or maybe  
4 looking for a part-time gig somewhere?

5 A No.

6 Q Do you think you're going to retire at this  
7 point?

8 A I don't know.

9 Q Okay. So your attorney helped you to plead a  
10 cumulative trauma, and in that in workers' compensation  
11 lingo means an injury that occurs over a span of time,  
12 as opposed to a specific injury like a slip and fall,  
13 you know exactly when that happens, but with a  
14 cumulative trauma we don't exactly know when it  
15 happened, we can give a time frame.

16 So she made a claim for your injury June 1st,  
17 2017 through March 25th, 2018, and that was for stress  
18 and age discrimination.

19 So, Miss Foley, is there a 132a attached to  
20 that or anything like that?

21 MS. FOLEY: Not yet, but I am considering  
22 attaching it.

23 BY MS. FENG:

24 Q Does this have to do with the events that you  
25 just kind of briefly went over with me with Erin and the

1 district manager, is that what the stress and the age  
2 discrimination is based on?

3 A Yes.

4 Q Okay. Before you left work before Erin had  
5 that conversation with you, were you able to do your job  
6 with the accommodations?

7 A Yes.

8 Q So what are some of the symptoms that you think  
9 are connected to this stress and age discrimination  
10 claim?

11 A Symptoms.

12 Q Of psychiatric symptoms.

13 A Yes. Yes. Stress.

14 Q What else?

15 A All the headaches I get to it.

16 Q How do you feel about it?

17 A How do I feel about this?

18 Q Yes.

19 A I fell terrible.

20 Q And why?

21 A Because I wanted my job. I wanted to keep  
22 working.

23 Q Okay.

24 A And she just harassed me all the time.

25 Q And by harassment all the time, what do you

1 mean by that?

2 A She wanted me to vacuum, clean, do bathrooms,  
3 empty the trash, and she gave me less hours. It was  
4 just constant.

5 Q Okay.

6 A Constant badgering me. I wanted to go sit on  
7 the chair that I was given, she said, "Why are you  
8 sitting there?" I said, "Because I'm allowed to. I can  
9 do that." She said, "Well, you can't as long as I'm  
10 working here."

11 Q So vacuuming was out of the question, not  
12 something you can do right now?

13 A No, I cannot.

14 Q And cleaning the bathrooms, like mopping, is  
15 also something you could not do right now?

16 A No.

17 Q And taking out the trash, is that something you  
18 would have been able to do or not?

19 A No.

20 Q So while you were being accommodated, what was  
21 the scope of what you could do?

22 A Oh, I could clean.

23 Q Like dust and things like that?

24 A Yeah, like clean and do the shelves, clean --  
25 take Windex and do that. I could also stock the candy



1 behind the counter up front, I could do that, too. I  
2 could straighten the aisles, I could do that with my  
3 walker.

4 Q Okay. So you could clean, you could do the  
5 shelves, you could stock the candy in the front. You  
6 mean the dispensers, right the candy dispensers?

7 A You know, the little boxes and gum.

8 Q Right, okay. Gum, that's right, gum and Tic  
9 Tacs and things like that?

10 A Yes.

11 Q You could straighten the aisles. Was there  
12 anything else that you could do while you were being  
13 accommodated?

14 A No.

15 Q Okay.

16 A The shelves, they wanted me to take the  
17 customer to the aisle, whether they wanted toothpaste,  
18 and being the No. 1 checker I couldn't do that.

19 Q Okay.

20 A I mean, I just can't have a line of people, and  
21 she'd say, "Okay, go show that person toothpaste," when  
22 she wouldn't do it.

23 Q She can't just say what aisle it's in?

24 A That was CVS's model, walking the customer to  
25 the aisle.

1 Q Really? Because when I go to CVS they don't  
2 ever walk me to the aisle.

3 MS. FOLEY: They never do to me, too.

4 BY MS. FENG:

5 Q They just tell me what aisle it's in.

6 A Right. That's another thing she told me about,  
7 "You're not walking the customer to the aisle."

8 Q All right. I didn't realize this was a policy.  
9 They've never walked me anywhere. Okay.

10 So you could clean with Windex, you could do  
11 the shelves, you could stock the candy, you could  
12 straighten the aisles. Were you able to check people  
13 out in the front?

14 A Oh, yeah. I was No. 1 cashier.

15 MS. FOLEY: I apologize. When you are saying  
16 No. 1 cashier, what do you mean by that? The only  
17 cashier?

18 MS. FENG: No, I think it's like accommodation.

19 THE WITNESS: There are people there. I'm No.  
20 1, maybe Jesse is No. 2, and Judy is No. 3.

21 BY MS. FENG:

22 Q Okay.

23 A I control the front end. I'm the one that does  
24 the cashiering. I've been that way ever since CVS -- I  
25 was with CVS, No. 1 cashier.

1 Q So lead cashier, does that sound --

2 A Correct.

3 Q So when she told you to do these things that  
4 you actually couldn't do, obviously it made you feel  
5 bad, correct?

6 A Oh, absolutely. I'd go home and cry. Cry and  
7 cry and cry. My sister picked me up. She said, "What's  
8 the matter? I said -- well, I'd tell her what kind of  
9 day I had.

10 Q Okay.

11 A And she kept reducing my hours, reducing them,  
12 reducing them, reducing them.

13 Q So you could work full time, but just with  
14 accommodations; is that right?

15 A No.

16 Q No. Did the doctor --

17 A The doctor only allowed me to work so many  
18 hours and so many days.

19 Q Okay.

20 A Four to five hours, two to three days.

21 Q Did other people on different shifts have  
22 seniority or priority over you?

23 A Priority?

24 Q Like people who didn't have accommodations, I  
25 mean, how does that work? How do people get scheduled

1 in?

2 A She said by the needs of the store.

3 Q Okay.

4 A But she said, "I no longer need you."

5 Q Did you seek any sort of the psychological  
6 counseling, like going to a psychologist to just kind of  
7 vent your feelings?

8 A I am now.

9 Q When did you start?

10 A Last month. Through SCAN.

11 Q Okay. So that was recommended by Dr. Bilan?

12 A Yes.

13 Q Okay.

14 A She knows my situation.

15 Q And where do you get this treatment or  
16 counseling?

17 A Laguna Hills.

18 Q Is that far from you?

19 A Well, ten miles, maybe.

20 Q Okay.

21 A Laguna Hills Mall.

22 Q Okay.

23 A Across from it.

24 Q And who is the doctor, the psychologist?

25 A Her name is Sylvia.

1 Q Last name?

2 A I don't know.

3 Q Okay. And what is Sylvia's group that you are  
4 a member, or the clinic or the address?

5 A I don't know.

6 Q Is this something you keep at home or do you  
7 have a receipt from her or --

8 A Something I keep at home.

9 Q If I left a few blank spaces for you in the  
10 deposition transcript, do you think when you review the  
11 transcript you could fill it in for me?

12 A Okay. Yes.

13 MS. FENG: So just a note, we'll just leave a  
14 few lines for her to fill in Sylvia's last name and her  
15 group or address -- and/or address.

16 A I will have to call.

17 (INFORMATION TO BE SUPPLIED: \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_.)

21 BY MS. FENG:

22 Q How often do you go see Sylvia?

23 A I'm supposed to see her Friday, too.

24 Q This Friday.

25 A Yes.

1 Q So is that weekly or how does that work?

2 A Well, monthly. But I have to change it because  
3 I have another appointment I have to go to.

4 Q So you will probably move Sylvia's --

5 A Yes.

6 Q Okay. What other appointment do you have?

7 A It's going to be checking my feet for nur- --

8 Q Okay.

9 A It's through SCAN. It's free. They just want  
10 to check you out and see how you're doing --

11 Q Okay.

12 A -- your feet and your legs and all that.

13 Q Okay. Did Sylvia or anyone from her group  
14 diagnose you with anxiety or depression or anything like  
15 that?

16 A No.

17 Q Okay. So what does Sylvia do for you?

18 A I've only been once.

19 Q What has she done for you, at all?

20 A Well, because Dr. Bilan wouldn't give me any  
21 more anxiety pills, she had to.

22 Q Okay.

23 A That's how it works now, through a  
24 psychiatrist.

25 Q Okay. So she gave you some Ativan. Did she

1 schedule you for group --

2 A Not Sylvia.

3 Q Not her name?

4 A It's the other doctor. I think her name was  
5 Cathy. She was a nurse practitioner.

6 Q Okay, that's fine.

7 Q Cathy and Sylvia. They are both at the same  
8 group?

9 A Yes.

10 Q So this group, they gave you a prescription or  
11 renewal for Ativan?

12 A Yes.

13 Q Did they schedule you for counseling or group  
14 therapy or anything like that?

15 A No.

16 Q Okay. When you go -- when you're supposed to  
17 go back to them this Friday, I know you're going to move  
18 it, but what were they supposed to be doing for you on  
19 Friday?

20 A I suppose just speaking like she did last time.  
21 She wants to know about your life, how's your job, how's  
22 your kids. How are you feeling now? What's going on  
23 in the future.

24 Q So she's going to interview or she was supposed  
25 to have a sit down with you again this --



1           A     Yes.  Yes.  They just want to know how you're  
2 progressing.

3           Q     And aside from Ativan making you drowsy, does  
4 it make you feel any better?

5           A     Oh, it does.  It calms me.  So I can sleep.

6           Q     Does it help you sleep?

7           A     Yes.

8           Q     Okay.  Are you taking any sort of sleeping  
9 aids?

10          A     No.

11          Q     Okay.  Your attorney, Miss Foley, also helped  
12 you file a different CT.  This is for an orthopedic  
13 injury only.  It includes the neck, the upper extremity,  
14 the back, the lower extremity and leg.  Are you saying  
15 you also have a physical injury while working for CVS?

16          A     Yes.

17          Q     Okay.  So in terms of the neck, can you  
18 describe what kind of injury that would be, where is it  
19 and --

20          A     Through here.  Like if I have to turn my head  
21 all the time --

22          Q     So your neck is --

23          A     -- up and down.

24          Q     -- very stiff?

25          A     Right.  Because when you cashier you go up and



1 down, up and down, up and down, and turn your body. And  
2 stand.

3 Q So it's stiff. Does it hurt?

4 A It can, yes.

5 Q Does it hurt to the point that you need to take  
6 like Advil or Motrin or something for it?

7 A Yes.

8 Q Like would you need to take like over-the-  
9 counter stuff, aspirin or whatever?

10 A Well, my Gabapentin will help that, too,  
11 sometimes.

12 Q If you need to get up, feel free to get up.

13 A Yeah.

14 MS. FOLEY: Do you need to?

15 MS. FENG: Because I know these chairs are not  
16 the most comfortable.

17 Let me know, also, if you need to take a break.  
18 Otherwise I'm just going to keep asking you questions.

19 MS. FENG: Want to take five minutes?

20 THE WITNESS: Okay.

21 MS. FENG: We'll take a five-minute break.

22 (Short recess.)

23 BY MS. FENG:

24 Q So Miss Clark, do you remember when your -- you  
25 started noticing that your neck was getting kind of

1 stiff and uncomfortable? A time frame is fine, it  
2 doesn't have to be an exact time.

3 A Okay. Let's see. Maybe six months ago.

4 Q Okay. Were you doing anything differently in  
5 your job that you --

6 A No.

7 Q No, okay.

8 Did you seek any medical treatment at that  
9 time, like with your primary doctors? Maybe they could  
10 give you something or give you an X-ray or whatever.

11 A Oh, yeah, I go to chiropractic and also I go to  
12 acupuncture.

13 Q And where do you get your chiropractic care?

14 You knew that was coming. I'm going to ask you  
15 where all of these people are.

16 A Same place as Dr -- no, no, he's across the  
17 street. So he's off of Empresa.

18 Q So he's across the street from Dr. Bilan?

19 A Yeah. She's over here and he's over here. In  
20 Rancho Santa Margarita.

21 Q Okay. Was this somebody that Dr. Bilan  
22 recommended to you?

23 A No.

24 Q Someone you found on your own?

25 A Yes, I chose myself.

1 Q Okay.

2 A I've always gone to a chiropractor.

3 Q What is his name?

4 A Too many. I'm sorry.

5 Q No, that's fine.

6 A Well, you want to do the acupuncture?

7 Q Sure.

8 A She is -- Her name is Suzan.

9 Q Suzan. S-u-z-a-n-n-e?

10 A Yes. No, S-u-z-a-n.

11 Q Okay. Last name? Do you know the last name?

12 A I have her phone number here. Her number is  
13 (949) 310-7110.

14 Q And the chiropractor, do you have his number,  
15 by any chance?

16 A You know him when you're home and out here you  
17 don't have -- everything goes out the window.

18 Mr. Johnson.

19 Q Johnson?

20 A David.

21 Q And his number?

22 A Yes. (949) 459-9163.

23 Q Thank you. How often do you to go Mr. Johnson  
24 and Suzan?

25 A Suzan is every two weeks. Mr. Johnson, once a

1 month.

2 Q And when did you start seeing Mr. Johnson? How  
3 long ago?

4 A I can't remember. Within a year.

5 Q And then Suzan, also within the year?

6 A June of last year.

7 Q That's June 2017. All rightee.

8 You know this question was coming. Before Dr.  
9 Johnson -- before Mr. Johnson, who was your chiropractor  
10 before that?

11 A Northern California.

12 Q Okay. Do you remember his clinic or group?

13 A No.

14 Q How often did you go to him?

15 A When needed.

16 Q When needed?

17 A He was in Roseville.

18 Q Okay. Is this something -- is this information  
19 you might have at home, or did you toss out all of his  
20 information?

21 A Oh, I don't have his number. I'm sorry.

22 Q That's okay.

23 A I moved down here three years ago from up  
24 there.

25 Q So did any of your chiropractors or Suzan, did

1 they ever recommend that you take some time off of work?

2 A No.

3 Q Okay. Did either of your chiropractors tell  
4 you what was wrong with your neck?

5 A No.

6 Q Did they diagnose you with anything?

7 A No. They would just manipulate it is all.

8 Q Did that help?

9 A Yes. Time being.

10 Q Until you have to go back again?

11 A Correct.

12 Q Were you doing anything else at home at the  
13 time that you think might also have contributed to your  
14 neck symptoms?

15 A No.

16 Q Did you ever take any time off of work before  
17 you broke your hip to maybe ease up on some of your neck  
18 symptoms?

19 A No.

20 Q Have you had any X-rays or MRIs of your neck  
21 taken before?

22 A Yes.

23 Q How long ago?

24 A Just recently.

25 Q Was it an MRI or an X-ray?

1 A MRI.

2 Q And who recommended that? Was it Dr. Bilan?

3 A No. I went into -- yes, it was.

4 Q Okay.

5 A And that was in Laguna Hills, too.

6 Q Okay. So I know you need a prescription to get  
7 an MRI usually.

8 A Yes.

9 Q And that was Dr. Bilan who helped you get that?

10 A Yes.

11 Q So you don't know the results of it yet?

12 A Yes.

13 Q Or have you talked to Dr. Bilan about it?

14 A That's when they diagnosed me --

15 Q With spinal stenosis?

16 A Yes.

17 Q Miss Foley, you filed a claim for your back?

18 A Yes.

19 Q But, unfortunately, on the application it  
20 doesn't really say which part of your back. So are we  
21 saying upper back, lower back or mid back?

22 A Lower.

23 Q What kind of symptoms are we talking about  
24 here?

25 A Just aches and pains, you know, stiffness,

1 stand too long.

2 Q When did you first notice that you were having  
3 back problems or back symptoms?

4 A When I was at work one day I was standing up  
5 for many hours.

6 Q And your back was very sore?

7 A Oh, gosh, yes, very sore.

8 Q Was that within the last year?

9 A Yes.

10 Q Did you to go your chiropractor after that?

11 A No.

12 Q Okay. Did you --

13 A Acupuncture.

14 Q Okay. Did that help at all?

15 A Yes.

16 Q But the pain is still there?

17 A Yes. What eases it is when I sit down. That's  
18 why they gave me that chair.

19 Q Okay. So sitting down helps?

20 A Yes.

21 Q Did you miss any time off of work because of  
22 your back pain?

23 A No.

24 Q Did they take an MRI of your back?

25 A Yes.



1 Q Your low back?

2 A Yes.

3 Q Okay. And that was the same time they did the  
4 neck, correct? Or was it a different time?

5 A It was a different time. It was after the  
6 neck.

7 Q Okay. Did Dr. Bilan also help you with that  
8 prescription?

9 A Yes. No.

10 Q No, not Dr. Bilan?

11 A Dr. -- the name starts with an "M."

12 Q Is this your hip doctor?

13 A No. I don't have a hip doctor from SCAN. I  
14 had one through Kaiser, Dr. Tabet.

15 Q Okay. But he's not the one who -- he's not the  
16 one who gave you this MRI prescription?

17 A No. This guy is -- hold on, I'm very sorry.

18 Q No, that's fine.

19 A I don't have his number, either.

20 Q Is he someone that Dr. Bilan recommended or do  
21 they work together or how does that work?

22 A Yes. She recommended it. She gives referrals,  
23 so to speak.

24 Q Okay. That's fine.

25 A I think N-a-s-s, something or other.



1 Q I think Dr. Bilan would have that in her  
2 records.

3 A Oh, yeah, she knows all about me.

4 Q Okay. So part of the claim also involves the  
5 upper extremities and, again, the claim form doesn't  
6 allow you to be very specific sometimes, it will just  
7 say the region. So upper extremities could be  
8 shoulders, elbows, wrists hands or fingers.

9 A Yes.

10 Q So what are we talking about?

11 A All of the above.

12 Q We're talking about the entire upper  
13 extremities?

14 A Yes. Strength.

15 Q Is it a weakness problem that you're noticing?

16 A Yes.

17 Q Bilaterally, that means both sides? Or left  
18 more than right or --

19 A Left -- well, both, actually.

20 Q Is the weakness accompanied by pain,  
21 tingling --

22 A Yes.

23 Q -- pins and needles, anything?

24 All of the above?

25 A Yes.

1 Q So you have tingling and numbness?

2 A Yes.

3 Q And what kind of pain do you have? Is it like  
4 a throbbing pain, a shooting pain, a stabbing pain?

5 A Dull. Dull pain.

6 Q And where exactly does it hurt?

7 A In my hands and then --

8 Q Hands.

9 A -- Shoulder pain.

10 Q Shoulder blades?

11 Behind -- okay, shoulders. Top of shoulders.

12 MS. FENG: Counsel, top of shoulders?

13 MS. FOLEY: I believe it's top of shoulders.

14 THE WITNESS: Yes, like this.

15 MS. FOLEY: Okay.

16 THE WITNESS: I'm sorry. Duh.

17 MS. FENG: That's fine. Tingling, numbness,  
18 dull, aching pain, hands, shoulders.

19 Q Okay. Aside from your hands that have the pain  
20 and the top of your shoulders where you have that pain,  
21 is there anywhere else that hurts --

22 A Yes.

23 Q -- in your upper extremities?

24 A In the arms.

25 Q Okay. So --

1 A And this elbow.

2 Q Left elbow?

3 A Yes.

4 Q Left elbow. And I think you were saying your  
5 forearms?

6 A Yes.

7 Q Okay. When did you start noticing these  
8 problems?

9 A Oh, let's see. When I started -- about a month  
10 or two after I started working.

11 Q Okay. So you started having these problems  
12 after you came back from the hip surgery, correct?

13 A Yes.

14 Q So does it depend on what you do, like if you  
15 have to check people out and if it's particularly busy,  
16 you have a long line, or does it just happen  
17 spontaneously?

18 A When I work.

19 Q Okay.

20 A Yeah, when I have to work and pick up stuff or  
21 move a certain way.

22 Q Did you go see your acupuncturist or your  
23 chiropractor for that?

24 A Yes. Both.

25 Q Did they diagnose you with anything like carpal

1 tunnel or anything like that?

2 A No.

3 Q Were you doing anything at home like lifting  
4 things or anything like that repetitively that you  
5 think --

6 A No.

7 Q -- would have contributed to this?

8 A I'm not supposed to lift a lot of stuff. That  
9 was another accommodations, not lifting over five  
10 pounds.

11 Q So five pounds is your limit?

12 A Yeah. I don't lift anything at home. That's  
13 about it.

14 Q And that walker that you have with you, who  
15 gave you that walker?

16 A Kaiser.

17 Q How long have you used it?

18 A Since I broke my hip.

19 Q So you need it to walk or just for stability in  
20 case you fall?

21 A Both, walking and stability. I have another  
22 one, also.

23 Q Given by who?

24 A Kaiser. It has bigger wheels than that.

25 Q So this one that you have here, do you take it

57

1 everywhere you go, then?

2 A Most of time. Sometimes I take my other one,  
3 too, but that's a heavy one.

4 Q Okay.

5 A I don't lift it, though.

6 Q This one is lighter?

7 A Yes.

8 Q Much lighter?

9 A Yeah. It's alu- --

10 Q Aluminum. I think it is aluminum.

11 A My crutch I walk in.

12 Q So since your hip surgery you have not gone  
13 without it, correct?

14 A I have gone without it before.

15 Q You have?

16 A Yes. I mean, I've used a cane before, too, but  
17 I can't now anymore.

18 Q It has to be the walker?

19 A Yeah, it has to be the walker. Because of the  
20 pain and stuff I just can't walk without it.

21 Q So there isn't any occasion nowadays that you  
22 can walk without it?

23 A No.

24 Q Okay.

25 A Clean my apartment.

1 Q Okay. And it fits in your car and everything?

2 A Yes.

3 Q Oh, it folds?

4 A My sister helps me with it and my friends.

5 Q Oh, that's nice. Okay.

6 Do you live with your sister or no?

7 A I do not.

8 Q Okay.

9 A She lives in a home up the hill from me about a  
10 mile.

11 Q Did you miss any time off of work because of  
12 your back pain?

13 A No. I didn't work that many hours.

14 Q And you never missed any time off of work  
15 because of your hands or your fingers or anything like  
16 that?

17 A No. I only worked four hours a day -- a week.

18 Q So when she put you on a reduced schedule, was  
19 that once a day per week, is that what you're saying?

20 A I'm not understanding the question.

21 Q When -- remember when you told me that your  
22 supervisor had reduced your hours, how much did she  
23 reduce it to?

24 A It went from 12 sometimes to 10, then to 4  
25 hours a week.

1 Q Just four hours a week?

2 A Yes. One week it was two.

3 Q Okay. So then you would only come in for two  
4 hours one day, that was it?

5 A No. I said, "You can't have me work two  
6 hours."

7 Q Okay.

8 A "That's not legal." She says, "Okay. you can  
9 come in for two more," so four-hour shift. It was  
10 usually 4:00 to 8:00. She wanted me to work until  
11 10:00.

12 Q So your shift is usually from 4:00 to 8:00?

13 A Yes.

14 Q All right. Your claim also involved your leg  
15 and it didn't specify right or left or both. What sort  
16 of leg symptoms are you having, if any?

17 A Both.

18 Q Both legs?

19 A Mostly the left one.

20 Q Mostly left?

21 A Yes.

22 Q Is that the hip you broke, too, was that --

23 A Yes.

24 Q -- also on your left.

25 A Uh-huh. Because if I stand and cashier, then I

60



1 start getting a lot of pain in my legs and, like I said,  
2 she never allowed me to sit down very much.

3 Q So in terms of pain, are we talking like a  
4 sharp stabbing pain going down both legs?

5 A Aching,

6 Q Aching,

7 A Aching pain, aching dull pain.

8 Q And this also happened about a month after you  
9 started?

10 A Yes.

11 Q By "started," I mean after your hip surgery,  
12 correct?

13 A Well, after the hip surgery I was off for 14  
14 months.

15 Q Correct. But when you did come back --

16 A In May.

17 Q -- in May, is that when you started noticing  
18 your legs were having problems?

19 A Yeah, when I'd stand up too long.

20 Q Did you go to your chiropractor or  
21 acupuncturist?

22 A Yes. Chiropractor, I didn't go at the time.

23 Q But your acupuncturist?

24 A Yes.

25 Q Did it help, did she treat you for your back?



1 A Yes. It helps at the time. But then it wears  
2 off.

3 Q So when you have leg problems is it because  
4 your back is hurting and it's kind of connected?

5 A Yes. Exactly.

6 Q You mentioned earlier that you were taking  
7 Ativan and Ativan helped you sleep. Without ativan,  
8 were you having sleep problems or problems falling  
9 asleep?

10 A Yes.

11 Q Have you ever had problems falling asleep  
12 before?

13 A Yes and no. Just depends on the situation.

14 Q Okay.

15 A Stress or whatever.

16 Q Whatever, right.

17 A Yeah.

18 Q Are you able to get a full night's sleep now?

19 A No.

20 Q Okay. How often do you have trouble sleeping,  
21 or is it every night?

22 A Almost every night.

23 Q When did you start noticing you were having  
24 problems sleeping?

25 A Probably two months ago.

1 Q Why do you think you're having problems  
2 sleeping, if you know?

3 A Just anxiety, stress. And pain.

4 Q Pain from what? Pain from your hip, pain from  
5 your back, pain from what?

6 A All over.

7 Q Okay. So when you go take Ativan, how many  
8 hours of sleep are you able to get?

9 A Depends on when I take it. If I take it at  
10 10:30 or 11:00, probably about six.

11 Q If you weren't taking Ativan, how many hours of  
12 sleep do you think you would get?

13 A I don't know.

14 Q Do you feel sleepy in the daytime?

15 A No.

16 Q Okay. What time do --

17 A As long as I keep walking around.

18 Q What time do you go to bed, usually?

19 A Oh, about 11:00, sleep.

20 Q And you wake up around 5:00 or 6:00?

21 A Yeah. I try to go back to sleep. Sometimes I  
22 do, sometimes I don't.

23 Q Do you take any naps?

24 A No.

25 Q Have you ever been diagnosed with sleep apnea

1 or any other sort of sleeping conditions?

2 A I don't understand what sleep apnea is.

3 Q It's usually you're not getting enough oxygen  
4 when you're sleeping and some people have to wear a mask  
5 when they sleep.

6 A No.

7 Q No. Okay.

8 Never been diagnosed with narcolepsy or  
9 anything like that, right? Those are people who just  
10 fall asleep for no reason while they're -- right,  
11 exactly.

12 A Like Deuce Bigalow.

13 Q Yeah, exactly like Deuce Bigalow.

14 A You remember that movie?

15 Q Yeah.

16 A Yeah.

17 Q I'm not that young.

18 So no prior sleep diagnosis?

19 A No.

20 Q Do you drink tea or coffee or anything with  
21 caffeine in it?

22 A No.

23 Q Okay. Aside from your back and your upper  
24 extremities and your legs, which we did talk about, and  
25 sometimes your problem sleeping and your anxiety, is

1 there any other body part or body condition that we have  
2 not touched on that you feel is connected to this claim?  
3 Or these claims?

4 A No.

5 Q Okay. So so far you've been getting treatment  
6 on your own, essentially, through your own doctors; is  
7 that correct?

8 A Yes.

9 Q Treating within the medical provider network,  
10 which is just lingo that we use for the insurance  
11 carrier's doctors, is that something that you think you  
12 would want to do in terms of a work comp claim? It's  
13 kind of a closed universe, and if you have a claim and  
14 it's accepted, you treat within this universe and you're  
15 technically not allowed to go treat for it outside of  
16 the network. Is that something you would be interested  
17 in doing?

18 A Go to my own doctor?

19 Q Pick a doctor within the carrier's network.

20 A Mine? Whose carrier?

21 Q The carrier is the -- right now it's XL  
22 Specialty Insurance. They insure CVS --

23 A Okay.

24 Q -- for worker's compensation claims. So when  
25 you file a worker's compensation claim, you're pretty

1 much confined to the workers' compensation universe,  
2 which means you can elect to not treat within that  
3 network, but then you would end up paying it through  
4 your insurance coverage --

5 A Oh, no.

6 Q -- or whatever. So if you want to stay with  
7 your own, I mean, nobody can force you to go where you  
8 don't want to go.

9 A Well, how far away are these doctors.

10 Q We would find them as close to you as possible.

11 A I would hope so.

12 Q Otherwise, we would with would have to pay you  
13 mileage. But, yeah, it's usually within 10, 15 miles of  
14 where you live

15 A Okay. All right. Yes.

16 Q All right.

17 A Yes.

18 What kind of doctors?

19 Q For now it looks like you might need an  
20 orthopedist and maybe a psychologist.

21 A Okay.

22 Q But the primary treating physician, which is  
23 something that we say, again more lingo in workers'  
24 compensation, he is -- he or she -- not too sexist -- he  
25 or she is the one who usually directs all of your

1 treatment. So if he or she thinks that you need this,  
2 that or the other thing, they will make referrals and  
3 the carrier will approve it.

4 A Okay.

5 Q It's a lot of paperwork but, yeah, that is how  
6 we do it here.

7 Are you still having -- well, you're not  
8 working. Are you still having anxiety as this point?

9 A Yes.

10 Q And that is because you want to work and you  
11 can't work or why?

12 A Because I was let go and it disturbed me  
13 terribly.

14 Q Did they let you go, because I have you still  
15 marked technically an employee. They didn't terminate  
16 you.

17 MS. FOLEY: That's the question that we want to  
18 clarify, because in my mind client it might be one  
19 thing, in the paperwork of the employer it might be  
20 different thing, but we don't know what it is, actually.

21 MS. FENG: Okay.

22 THE WITNESS: I don't know what's going on.

23 MS. FENG: Just off the record for a second.

24 (Discussion off the record.)

25 BY MS. FENG:

1 Q So you still have the anxiety, that was where  
2 we left off, and you still have the neck pain; is that  
3 correct?

4 A Yes.

5 Q And you still have the back pain; is that  
6 correct?

7 A Oh, yes.

8 Q And your upper extremities still hurt even  
9 though you're not working?

10 A Yes.

11 Q And your leg symptoms that come and go with the  
12 back symptoms, those are still there?

13 A Yes.

14 Q And you said sitting down helps you; is that  
15 right?

16 A Not allowed to sit too long.

17 Q How long can you sit?

18 A About 15 minutes before I start hurting. I  
19 know I've sat too long today.

20 Q So sitting down helps. You said Gabapentin  
21 helps. You said you borrowed some Norco from your  
22 sister, but does the --

23 A Just one today.

24 Q -- Tramadol help at all or no?

25 A Well, yes. It's a very low dosage. I try to



1 do a lot of walking, but I can't always get out.

2 Q Does walking help?

3 A It's supposed to, it does, yeah. But I don't  
4 go very fast.

5 Q No. Nobody expects you to be racing.

6 Okay. Going to your chiropractor and your  
7 acupuncturist I think you said helps, but temporarily?

8 A Yes. Oh, yeah. It's temporary.

9 Q You said that you could carry things -- I'm  
10 sorry, lift things under five pounds, five pounds or  
11 less; is that right?

12 A Yes.

13 Q So that's your limit. Who does your laundry  
14 for you, if anyone?

15 A I can do it with the big walker.

16 Q Big walker.

17 A Yeah.

18 Q Does the big walker have like a basket or  
19 something --

20 A Yes.

21 Q -- that you can put things on?

22 A Yes. A seat.

23 Q Right.

24 A But I need people to do my grocery shopping for  
25 me.

1 Q Okay. You can't bend down; is that right?

2 A Not very much. If I do, I squat a little bit

3 and that's about it. Just very little.

4 Q So you can squat a little bit, stoop a little

5 bit?

6 A Yes.

7 Q Okay.

8 A If something falls to the floor I got to pick

9 it up.

10 Q Can you pick it up slowly?

11 A Yes, slowly, holding onto the counter.

12 Q Right. How are you with stairs?

13 A Oh, I can't climb them.

14 Q Do you have like an elevator where you live?

15 A I live on the first floor.

16 Q Okay, that works

17 A Couldn't make it.

18 Q Are there any steps in your apartment?

19 A No.

20 Q Okay. Can you kneel?

21 A No.

22 Q No, okay.

23 And you said sitting for about five minutes?

24 A No.

25 Q Less?

1 A 15.

2 Q 15 minutes.

3 A That's what the doctor said. "Sit for about 15  
4 minutes. If you watch TV, get up when there is a  
5 commercial."

6 Q Right. Okay. How long can you stand without  
7 having to sit down again?

8 A Stand?

9 Q Yes.

10 A About five minutes, if that.

11 Q Okay. You said you walk around just to walk  
12 around and --

13 A Get exercise now and then

14 Q Get exercise?

15 A Yes.

16 Q How long can you walk?

17 A Before I have to sit down again?

18 Q Right.

19 A Probably 15 minutes. If I walk outside, about  
20 20.

21 Q Okay. 15 minutes --

22 A And I've got to sit down.

23 Q And you still drive yourself everywhere,  
24 correct?

25 A Yes. Barely. Only to the doctors.

1 Q And back?

2 A Yes. And not very far.

3 Q Do you have any problems operating your cell  
4 phone or anything like that?

5 A No.

6 Q Do you do the cooking for yourself at home?

7 A Yes.

8 Q Do you do any dusting at home, wiping counters?

9 A I don't. I can wipe counters, but I have a  
10 couple ladies that come in once a month and clean for  
11 me.

12 Q Who does your groceries, then, your kids,  
13 grandkids? Neighbors

14 A No grandkids. My sister will and people from  
15 my church. If I have to drive to CVS, you know, to get  
16 some vitamins, I can do that.

17 Q Right. But it's not very far?

18 A No.

19 Q Okay.

20 A Maybe a couple miles.

21 Anything with an incline is bad for me. Like  
22 Walmart, oooh.

23 Q Okay. Can you bathe yourself at home?

24 A Yes, I can take a shower. I have a chair.

25 Q Can you dress yourself, put on your shoes, your

1 socks?

2 A Yes.

3 Q Aside from your walker do you think you'd be  
4 able to push or pull any carts, like shopping carts --

5 A Oh, no.

6 Q -- and things like that?

7 None?

8 A I tried.

9 Q "No," right.

10 A Because they are all so heavy now. Like  
11 Walmart and Target, they are so heavy.

12 Q They're super huge. They're very big.

13 A Yeah, they are huge, like I said. I had to use  
14 my walker and then my friend takes me to the store, she  
15 pushes the shopping cart.

16 Q Okay.

17 A I don't even go there. I can't.

18 Q I think --

19 A I'll injure myself.

20 Q They sell everything in bulk now, that's the  
21 problem.

22 A Yeah.

23 Q Everything is in a giant size.

24 A Like Costco.

25 Q Like Costco.

1           Are you able to manipulate anything over the  
2 shoulders, like reach for something on a shelf and pull  
3 it down to you?

4           A     No.

5           Q     No.

6           A     Because I'm standing with the walker and I'll  
7 fall right back.

8           Q     So you have to hang on to the walker at all  
9 times, correct?

10          A     Yes.

11          Q     Okay. You said you went to church. Do you go  
12 every Sunday?

13          A     Yes. We're Jehovah's Witnesses.

14          Q     Okay.

15          A     And we go Tuesday evenings, also.

16          Q     Is that close to your house?

17          A     Yes.

18          Q     Okay.

19          A     I usually get rides.

20          Q     Okay. So your friends will come over and give  
21 you a lift?

22          A     Yes.

23          Q     Do you do any social activities, like with the  
24 church, fundraising or anything like that?

25          A     No fundraising.

1 Q Okay. What about having meals together or  
2 meetings and things like that? I mean, aside from  
3 Sunday and Tuesday.

4 A Well, we can go out and have lunch together or  
5 dinner, but I don't go out that often. I'd rather cook  
6 for myself.

7 Q Have you have traveled anywhere recently.

8 A Oh, I have not. I would love to. My daughter  
9 lives in Las Vegas.

10 Q You said you were from Wisconsin; is that  
11 right?

12 A Yeah.

13 Q Have you gone back to Wisconsin at any time?

14 A I have never.

15 Q No reason?

16 A I have no reason. Nobody there any more.  
17 They're all dead.

18 Q Okay. How often do you go out with friends?  
19 Well, aside from Tuesdays and Sundays.

20 A That's about it.

21 Q Okay. Aside from you breaking your hip, have  
22 you broken any other bones before?

23 A No.

24 Q Aside from walking, are you supposed to be  
25 doing any other sort of home therapies?



1 A Yes. Stretches.

2 Q Stretches.

3 A Exercises. And I went to physical therapy but  
4 all they do is give you a sheet of paper like this and  
5 said, "Here, here's your exercises. Do them."

6 Q So it's home exercises --

7 A Exactly.

8 Q -- essentially.

9 A And stretches.

10 Q Do you do your home exercises and stretching?

11 A Yes. Couldn't this morning, too early.

12 Q But you have to do them or you can do them  
13 every day?

14 A Yes.

15 Q You don't have any pets, do you?

16 A I do not. Don't want any.

17 Q You said your daughter lives in Vegas. Is  
18 there anyone else who lives closer to you?

19 A My son, he lives in Harbor City. Right around  
20 the corner here, I think.

21 Q It really is.

22 And were you married at one time?

23 A Twice.

24 Q Andy divorced once?

25 A Twice.

1 Q And are your ex-husband amongst the living  
2 still?

3 A Yes, they both are.

4 Q You don't talk to them anymore?

5 A I do not. One is in Michigan and one is in  
6 Nevada.

7 Q And your parents are both deceased, right?

8 A Yes, '05.

9 Q Okay. Has anyone close to you passed away  
10 recently, like in the last year or two?

11 A No. Yes.

12 Q Who?

13 A I'm sorry.

14 Q That's okay.

15 A My sister's husband.

16 Q Oh, your brother-in-law.

17 A Yes. April, two years ago. April 24.

18 Q April 24, 2016?

19 A Correct.

20 Q Okay. How would you describe your childhood?

21 A Pathetic. No, I'm just kidding. It was fun.

22 We were -- we lived out in the country. My dad was a  
23 tyrant.

24 Q Your dad was a --

25 A Tyrant.

1 Q Tyrant.

2 A My mother was a sweetheart.

3 Q What did your dad do like for a living?

4 A He was an electrician.

5 Q And your mom was a stay-at-home mom?

6 A Yes. Occasionally she worked at the dime  
7 store. Woolworth's.

8 Q Oh, yeah.

9 A Do you remember Woolworth's?

10 Q I remember Woolworth's.

11 A It was fun then. Had snacks.  
12 One sister, two brothers.

13 Q One sister, two brothers. Were you with your  
14 parents when they passed away or no?

15 A Yes. I lived with them.

16 Q Okay. Were you ever abused as a child?

17 A Verbally. And spanked, you know, we were all  
18 spanked.

19 Q We were all spanked. But nothing with a bat or  
20 a belt, right?

21 A No.

22 Q Okay.

23 A A couple times with a belt.

24 Q Okay. Have you ever had to get a restraining  
25 order against somebody?

1 A Yes.

2 Q Who? Ex-husband?

3 A No. A boyfriend.

4 Q Was he violent?

5 A He could be.

6 Q Was he violent with you?

7 A Yes.

8 Q Did you have to go get medical treatment  
9 because of his violence?

10 A No. This was '83, 1983, '84.

11 Q That was a while ago.

12 A Yeah.

13 Q Okay. So any other times you've had to get a  
14 restraining order?

15 A No.

16 Q You said your dad was a tyrant. So was he the  
17 one that was verbally abusing?

18 A No. This was a boyfriend that was useless.

19 Q Okay. As a child were you verbally abused?

20 A Oh, yes.

21 Q And that was by your father?

22 A Yes.

23 Q Okay. Have you ever been the victim of a  
24 sexual abuse?

25 A No.

1 Q Okay. And you've never been arrested, right?  
2 A I have not.  
3 Q Your ex-husbands, were they abusive or no?  
4 A No.  
5 Q No.  
6 A Very calm.  
7 Q And you divorced them because why?  
8 A Ladies. Well, see, they divorced me --  
9 Q Ah, okay.  
10 A -- because I told them to leave.  
11 Q Was there any other sort of abuse going on in  
12 either of those relationships?  
13 A No.  
14 Q Have you ever been the victim of a gunpoint  
15 robbery?  
16 A No.  
17 Q And you've never been the victim of a mugging?  
18 No?  
19 A No.  
20 Q And you've never been assaulted, sexually  
21 assaulted?  
22 A No.  
23 Q And what is your relationship with your  
24 children? Would you describe it as --  
25 A Good.

1 Q Good?

2 A Yes. I don't see my daughter, but I see my  
3 son.

4 Q She's lives in Nevada for work?

5 A Yes. That's where she lives and she does all  
6 her schooling there. Henderson.

7 Q Henderson. All rightee.

8 And the last time you had a boyfriend was when?

9 A Oh, gee, '04.

10 Q 2004. No relationship since then?

11 A No. Gave it up.

12 Q And your last relationship, was it a good  
13 relationship or --

14 A Just a friend to hang out with. a male.

15 Q Okay.

16 A Do stuff with.

17 Q Sure. Okay.

18 Did either of your parents have a history of  
19 drug or alcohol abuse?

20 A No.

21 Q Have you ever filed for bankruptcy?

22 A Yes.

23 Q How many times?

24 A Twice.

25 Q How long ago?

1 A Oh, God, in the first one?

2 Q More than 10 years ago?

3 A Oh, yes.

4 Q More than 20?

5 A Yes.

6 Q And the last one, the last time you filed?

7 A Three years.

8 Q We're almost done.

9 A I'm sorry, four.

10 Q Four years ago.

11 We're almost done.

12 Do you have any sort of suicidal or homicidal

13 ideation at this point?

14 A Pardon me?

15 Q Do you want to kill anyone or yourself? Do you

16 have any thoughts of that?

17 A Not right at this moment. I have before.

18 Q And who was that?

19 A Haven't we all?

20 Myself.

21 Q Yes. How long ago?

22 A "Goodbyeeeeeeeeeeeeee."

23 Q How long ago?

24 A Truthfully?

25 Q Truthfully?



1           A     The day she let me go. My sister can contest  
2 to that.

3           Q     Do you talk to your sister a lot?

4           A     I do. Almost every day.

5           Q     So she knows all about your situation?

6           A     Oh, she does. Backwards and forwards.

7           Q     Okay. Do you own any debts right now, big  
8 debts, like any other sort of --

9           A     Just a credit card.

10          Q     Okay. Do you have any troubling paying them  
11 off, your debts?

12          A     I can only pay a minimum now that I don't work.

13          Q     Okay. And you came here from home; is that  
14 right?

15          A     Yes.

16          Q     And before I came into this room how long did  
17 you spend, either today or another day, prepping with  
18 your attorney, just in terms of --

19          A     I don't know.

20          Q     -- minutes or hours?

21          A     Today?

22          Q     Today.

23          A     30 minutes, maybe.

24                MS. FOLEY: 40 --

25                MS. FENG: 30?

1 MS. FOLEY: -- 30. 30, 35, I didn't look.

2 THE WITNESS: I don't have a watch on and I  
3 didn't have my phone.

4 BY MS. FENG:

5 Q Under an hour?

6 A Yes.

7 All rightee.

8 Counsel, you had questions.

9

10 EXAMINATION

11 BY MS. FOLEY:

12 Q When you'd been hired did you --

13 A I'm sorry, what?

14 Q When you'd been hired by your last employer --

15 MS. FENG: By CVS?

16 MS. FENG: Yes.

17 Q -- did you disclose your disability and  
18 restrictions?

19 A Yes.

20 Q And those restrictions were the ones that you  
21 mentioned at the beginning, that you cannot bend -- what  
22 else was there?

23 A Can't sit very long, can't stand very long,  
24 can't walk, can't lift, no scaffolding, no climbing  
25 ladders.

1 Q So you didn't hide it from them?

2 A No. They were given those restrictions.

3 Q Okay.

4 A They are in my file.

5 Q And when they asked you to clean the rest room  
6 or do certain stuff that was within the restrictions,  
7 you couldn't do it and they knew it and they still --

8 A Insisted.

9 Q -- been asking?

10 Was that a particular manager that was doing  
11 that to you?

12 A Yes. Erin Black.

13 Q And you believe that she was -- that's why you  
14 believe that she was discriminated against you?

15 A Absolutely.

16 Q How about the chair. You said that chair was  
17 given to you but then you said she was blaming you for  
18 sitting on that chair?

19 A Right. She said I sat too long.

20 Q And you believe that it was also part of her  
21 age discrimination?

22 A Yes. Absolutely.

23 Q Do you believe you still work or you've been  
24 terminated? What's your understanding?

25 A I think I'm terminated. I thought I was let

1 go.

2 Q And why you believe it? How it was  
3 presented --

4 A How it was given to me.

5 Q -- to you.

6 A "I no longer need you because you can't do your  
7 job," so I walked away.

8 Q Would you agree to the statement that you  
9 cannot do your job?

10 A Pardon me?

11 Q Would you agree to this statement that you  
12 cannot do your job?

13 A Yes.

14 MS. FENG: Currently?

15 BY MS. FOLEY:

16 Q So you cannot do your job?

17 A No. What? Wait.

18 Q Okay. Hold on.

19 They told you they don't need you because you  
20 cannot do your job?

21 A Right.

22 Q Do you believe they were accurate saying you  
23 cannot do your job?

24 A No, they weren't accurate.

25 Q When you walk, you use walker always?

1 A Yes.

2 Q How about at home?

3 A Yes. I use it.

4 Q When you start working did you use your walker  
5 at work?

6 A No.

7 Q So --

8 A I bring a cane and the -- I bring the cane and  
9 the walker with me.

10 Q So when you need to get your customer to some  
11 aisle, you will walk with your cane or with walker?

12 A Walker.

13 Q So you feel more stable?

14 A Yes.

15 Q Do you remember anyone complaining against you  
16 that you walk too slow or unhappy customers?

17 A I don't know about any customers being unhappy.  
18 Yeah, she said a couple times that I was not -- I was  
19 too slow. You know, "Get out there and..." I don't  
20 think she liked me in the walker.

21 Q Okay. Can you clarify a few things for me,  
22 please. You said that you've been prescribed some  
23 medications --

24 A Uh-huh.

25 Q -- that calms you down. And it was done by

1 your psychologist or psychiatrist?

2 A Well, whoever she is, psychiatrist.

3 Q Okay. Probably psychiatrist. Psychologist do  
4 not prescribe.

5 A Oh, okay.

6 Q Now, there was a question asking you have you  
7 ever been diagnosed by your psychological physician with  
8 any anxiety or stress or depression, and you said no.

9 My question is why, then, they prescribe you  
10 medication that will calm you down if you were not  
11 diagnosed with anything?

12 A Well, I was taking Ativan for quite a few  
13 years. About three years, two years.

14 Q You said that you've been coming home from work  
15 and crying?

16 A Oh, yes.

17 Q Did you cry at work?

18 A Did I cry at work? Yes, on my break.

19 Q Someone saw you crying?

20 A Probably not. I was in the back by the  
21 pharmacy.

22 Q Did you discuss that issues with your  
23 psychiatrist?

24 A I'm sure I did, yes. I only seen her once.  
25 Yeah, she knows.

1 Q So discussing the issue would be considered  
2 part of the appointment or part of the counseling by  
3 you. What is that for you, discussing your  
4 psychological issues?

5 A Say that again.

6 Q There was a question asked by the defense  
7 attorney, "Did you get any counseling from your  
8 psychologist or psychiatrist?" and you answered, "No."  
9 Now you are saying that you've been discussing your  
10 emotional issues.

11 A I said "No"?

12 MS. FENG: I think you did say "No," but maybe  
13 you didn't --

14 BY MS. FOLEY:

15 Q What is the understanding --

16 A I don't know,

17 Q -- from your counseling --

18 A I'm sorry.

19 MS. FENG: It's possible you didn't understand.

20 THE WITNESS: I'm very tired.

21 BY MS. FOLEY:

22 Q So I just trying to clarify. It's not a tricky  
23 question. I just try to understand better what did you  
24 mean.

25 A When i said "No"?



1 Q What do you mean by "counseling." What is that  
2 for you?

3 A Counseling?

4 Q Uh-huh.

5 A To vent your problems with the lady, you know,  
6 and tell her where you're at, how you're feeling, what's  
7 been happening to you and what happened.

8 Q Did you have that kind of discussion?

9 A Yes.

10 Q Okay. Tell me, please, you said that you are  
11 attending a church. It looks like you are spiritual  
12 person.

13 A Yes.

14 Q Do you discuss your issues at church with some  
15 spiritual guide?

16 A Well, they're called elders, and they know that  
17 I've lost my job.

18 Q So church provides some counseling for you or  
19 spiritual support as well?

20 A Yes. They can come over and talk to us. It's  
21 called a shepherding call. That's what it's called.  
22 And they've been over twice.

23 Q Okay. What about that moment that you wanted  
24 to kill yourself when you've been terminated. Can you  
25 tell us more? How did you feel?

1           A     Well, my sister picked me up and I started  
2 bawling. I said, "I just lost my job." She goes,  
3 "What?" I said, "I just lost my job," and she said,  
4 "Oh, no." She said, "What happened?" and I told her on  
5 the way home.

6                     And then I says -- do you want me to tell you  
7 what I did?

8           Q     Please.

9           A     Okay, I'll tell you what I did. I took my  
10 walker, this little walker, and I said, "I'm going to go  
11 out here and I'm going to go in front of a car," and I  
12 went, "and I hope -- I hope someone will run me over."  
13 I was so devastated.

14                     MS. FENG: Do you need a moment.

15                     THE WITNESS: No.

16 BY MS. FOLEY:

17           Q     Because you believe it was unfair --

18           A     Yes.

19           Q     -- and you didn't earned that treatment?

20           A     She -- she was so mean to me. Ever since she  
21 started she had it out for me and was always watching  
22 me.

23                     MS. FENG: Was she a new supervisor?

24                     THE WITNESS: Yes.

25                     MS. FENG: When did she start?

1 THE WITNESS: I don't know. When I first got  
2 hired there -- I mean rehired there, it was Theresa.  
3 Theresa was a little odd, also. But as soon as that  
4 Erin got on board she was just the most arrogant person.  
5 She just wanted to get rid of me from the get-go.

6 BY MS. FOLEY:

7 Q How did you feel then --

8 A Oh, I felt --

9 Q -- from the -- how did you get that sensation  
10 that she wants to get rid of you?

11 A It's just the vibration I had and she'd always  
12 be watching me and talking -- yeah, she'd be talking bad  
13 things to me like, you know, "You know -- you need to --  
14 you need to pick up the speed a little bit, you know.  
15 Do I have to call in cashiers, because you need to check  
16 faster." I said, "I'm trying, Erin, I'm sorry, I'm just  
17 trying -- I'm always saying "I'm sorry" to her. It got  
18 old.

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

20 MS. FENG: Okay.

21 THE WITNESS: I loved my job and she ruined it.  
22

23 FURTHER EXAMINATION

24 BY MS. FENG:

25 Q Miss Clarke, do you mind if I ask you a

1 follow-up question to that or do you need a break?

2 A I'm fine. I'll have a little water.

3 Q Why don't you take some water. Maybe we should  
4 take a break. I just have one area --

5 A Well, take the question, I don't mind.

6 Q Okay. Have some water. We'll all have some  
7 water.

8 Now, it seems like you really did like your  
9 job --

10 A Oh, yes.

11 Q -- before Erin. Now that Erin isn't there, if  
12 they were to offer you something, like your regular job  
13 with the restrictions, if they could, is that something  
14 you think you could do?

15 A I think so.

16 Q Okay.

17 A But not as many hours I don't think I can do.

18 Q I think your doctor limited your hours, I  
19 think.

20 A Yeah.

21 Q What did you say 40, 20?

22 A Oh, no.

23 Q What was the limit that he gave you after your  
24 hip surgery?

25 A Hold on.

1 MS. FOLEY: It was, I believe, on the record  
2 four to five hours, two to three times per week, if I'm  
3 accurate --

4 BY MS. FENG:

5 Q Is that right?

6 MS. FOLEY: -- I don't --

7 THE WITNESS: Two to three times a week, yes.

8 BY MS. FENG:

9 Q Two to three times a week, so two to three  
10 shifts a week four to five hours at a time, Right?

11 A Yes. We'll see. I'll have to sit down more,  
12 now.

13 Q But you had that chair, correct?

14 A Yes.

15 Q Was that helpful?

16 A Yes.

17 A Okay. But sometime we were very, very busy.

18 Q Right.

19 A I had to stand up for a long time before my  
20 break.

21 Q Right. You had to clear out the customers  
22 before you could sit down --

23 A Yeah. As I would sit down, someone would come  
24 up.

25 Q People need to go to the drug store.

1           A     Yeah.  They wanted to send me to a busier  
2 store.

3           Q     Is this one not so busy --

4           A     No.

5           Q     -- the one you were last in?

6           A     It's not very busy at all.  Now that I'm gone.  
7 The customers, they really enjoyed me.  They always  
8 asked, "Where's that funny lady with the white hair?"

9           MS. FENG:  All rightee.  I have no further  
10 questions.

11           Counselor, are we ready for our stipulations?

12           MS. FOLEY:  Yes.

13           MS. FENG:  I offer the following stipulation:  
14 that the parties waive the provisions of CCP Section  
15 2025.520(b) through (e) and agree to relieve the court  
16 reporter of her obligations in accordance with those  
17 rules of civil procedure and let the applicant review  
18 her transcript and sign it when she's able and return it  
19 to you, the original to you, under penalty of perjury.

20           And if the original is lost or misplaced, then  
21 we can use an unsigned certified copy for all purposes,  
22 including at the time of trial.

23           So stipulated.

24           MS. FOLEY:  So stipulated.

25           (Whereupon the testimony of Deborah L. Clarke

1 concluded at 12:30 p.m.)

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1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) ss

3 I declare under penalty of perjury that I have  
4 read the foregoing transcript, I have made any  
5 corrections, additions or deletions that I was desirous  
6 of making in order to render the within transcript true  
7 and correct.

8 In witness whereof, I have hereunto subscribed  
9 my name this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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13 DEBORAH L. CLARKE  
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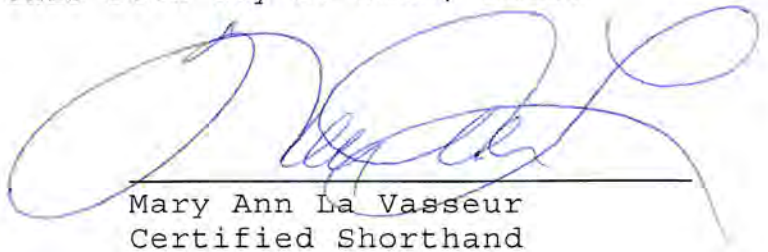
STATE OF CALIFORNIA     )  
                                  )   ss.  
COUNTY OF LOS ANGELES )

I, Mary Ann La Vasseur, Certified Shorthand Reporter  
No. 1374 in and for the State of California, do hereby  
certify:

The said testimony was taken down by me in  
shorthand at the time and place herein named, and  
thereafter reduced to typewriting under my direction and  
the same is a true, correct and complete transcript of  
said proceedings.

I further certify that I am neither counsel for nor  
related to any party to said action, nor in any way  
interested in the outcome thereof.

Witness my hand this 18th day of June, 2018.



Mary Ann La Vasseur  
Certified Shorthand  
Reporter No. 1374  
For the State of California