

WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

MARTIN LUGO,	)	
	)	
Applicant,	)	
	)	
vs.	)	Case No. ADJ14468143
	)	
WESTPAC LABS, INC./SONIC	)	
HEALTHCARE; SAFETY NATIONAL	)	
CASUALTY CORP. ADMINISTERED BY	)	
GALLAGHER BASSETT SERVICES,	)	
INC.,	)	
	)	
Defendants.	)	

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TAKEN VIA VIDEOCONFERENCE

DEPOSITION OF: MARTIN LUGO

DATE TAKEN: JULY 28, 2021

LOCATION: FOUNTAIN VALLEY, CALIFORNIA

TRINA D. COX, CSR 7992

JOB NO: 21-143



**P.A.N.T.E.R.A**  
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 )  
 INC., )  
 )  
 Defendants. )

Deposition of MARTIN LUGO, a witness  
herein, taken on behalf of Defendants  
at 10:24 a.m., Wednesday, July 28, 2021,  
with the deponent located in Fountain Valley,  
California, before Trina D. Cox, CSR 7992,  
a Deposition Officer.

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APPEARANCES OF COUNSEL:

For the Applicant:

WORKERS DEFENDERS LAW GROUP  
BY: NATALIA FOLEY, ESQ.  
751 South Weir Canyon Road  
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Anaheim, California 92808

For Defendants:

WALL MCCORMICK BAROLDI & DUGAN  
BY: ELLEN T. DUGAN, ESQ.  
1971 East Fourth Street  
Suite 100  
Santa Ana, California 92705

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I N D E X

WITNESS		EXAMINATION
MARTIN LUGO	(By Ms. Dugan)	6

EXHIBITS

(None)

INFORMATION REQUESTED

(None)

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER

(None)

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WEDNESDAY, JULY 28, 2021, 10:24 A.M.

FOUNTAIN VALLEY, CALIFORNIA

\* \* \*

THE COURT REPORTER: Good morning. My name is Trina Cox. I am a California Certified Shorthand Reporter, CSR Number 7992. This deposition is being taken stenographically.

Per the authority granted by Code of Civil Procedure 2025.310(a), I will be swearing in this deponent via videoconference.

At this time I will ask counsel to identify yourselves and state whom you represent. We will begin with the noticing party.

MS. DUGAN: Wall McCormick Baroldi & Dugan by Ellen Dugan for Safety National Casualty Corporation, administered by Gallagher Bassett Services, Inc.

MS. FOLEY: Natalia Foley, applicant attorney, appearing for Workers Defenders Law Group.

MARTIN LUGO,

having been duly sworn, testified as follows:

//  
//

1 EXAMINATION

2 BY MS. DUGAN:

3 Q Please state your name for the record.

4 A Martin Lugo.

5 Q My name is Ellen Dugan and I am the attorney  
6 representing Safety National Casualty Corporation and  
7 their administrator, Gallagher Bassett Services. This  
8 is the carrier for your employer.

9 A deposition is an opportunity for the attorney  
10 for your employer to meet with you in the presence of  
11 your attorney and obtain factual information regarding  
12 your claims for on-the-job injuries. This is not  
13 designed to trick or to deceive you in any way.

14 Although we are in informal proceedings here today,  
15 your testimony has the same force and effect as if you  
16 were in a court of law. Do you understand that?

17 A Yes.

18 Q All right. There is a court reporter who is  
19 taking down all of my questions and all of your answers,  
20 so before we begin, I want to go over a few basic ground  
21 rules with you.

22 Please wait till I finish asking the question  
23 before you answer it. If I ask you a question that  
24 calls for a yes-or-no answer, please answer "yes" or  
25 "no" as opposed to "uh-huh" or "huh-uh" or a nod of the

1 head, and that's so that we get an accurate reflection  
2 of your testimony.

3 If I ask you a question and you do not  
4 understand my question, please let me know. I will then  
5 try to rephrase the question so that you do understand  
6 it. If you answer the question, I'm going to assume  
7 that you understood it.

8 If I ask you a question and you do not know the  
9 answer, please tell me.

10 If you could provide an estimate, please do so,  
11 and tell me that you have provided an estimate.

12 Now, after this deposition you're going to get  
13 a booklet, and you're going to have an opportunity to  
14 read over all of my questions and all of your answers.  
15 You will have an opportunity at that time to make any  
16 changes in your answers. If you make any substantial  
17 changes, I may have an opportunity to question you  
18 further about those changes, okay?

19 A Yes.

20 Q All right. Have you had an opportunity to  
21 discuss this deposition proceeding with your attorney  
22 this morning?

23 A Yes.

24 Q Approximately how long did you spend?

25 A I'd say about 45 minutes, maybe a little

1 longer.

2 MS. FOLEY: Yes. It's about 50, 55.

3 THE WITNESS: Yeah.

4 MS. DUGAN: I got 55 minutes for you here.

5 MS. FOLEY: All right.

6 Q BY MS. DUGAN: And just for the record, you're  
7 sitting in your car right now; is that correct?

8 A That is correct.

9 Q And you're not driving; correct?

10 A Nope.

11 Q All right. And is anybody with you?

12 A Nope.

13 Q All right. Have you taken any medication in  
14 the last 24 hours for any reason?

15 A No.

16 Q Okay. Not for any reason at all?

17 A Well, my diabetes medication last night, yeah.

18 Q Okay. So that counts.

19 All right. Any medication other than for  
20 diabetes?

21 A Nope.

22 Q All right. Any reason why that would affect  
23 your ability to testify here today?

24 A Nope.

25 Q All right. And what is your present home



1 address?  
2 A 135 Horn Beam Lane, Fountain Valley, California  
3 92708.  
4 Q All right. And your date of birth?  
5 A 7/30/64.  
6 Q Okay.  
7 And off the record.  
8 (An off-the-record discussion was held.)  
9 MS. DUGAN: Okay. Back on the record.  
10 Q Have you ever had your deposition taken before  
11 today's date for any reason?  
12 A No.  
13 Q All right. Are you married?  
14 A No.  
15 Q Ever been married?  
16 A No.  
17 Q Do you have any kids?  
18 A One.  
19 Q Boy?  
20 A Yes.  
21 Q Okay. Is that Martin Lugo, Junior?  
22 A Yes.  
23 Q And does he also work for Westpac?  
24 A Formerly, yes.  
25 MS. DUGAN: Off the record.

1 (An off-the-record discussion was held.)  
2 MS. DUGAN: Back on.  
3 Q Okay. What's the last grade that you completed  
4 in school?  
5 A Oh, my gosh. 1981.  
6 Q Okay. And what was that? High school,  
7 college? What was that?  
8 A High school.  
9 Q Any degrees or certificates since then?  
10 A I did attend a trade school where I graduated.  
11 It was for private security and investigations.  
12 Q How long ago was that?  
13 A That was back in 1987 to '88.  
14 Q Any other degrees or certificates?  
15 A No.  
16 Q Do you have a private doctor, someone you go to  
17 for the cold or the flu?  
18 A I'm sorry. Can you repeat that?  
19 Q Yes. Do you have a private doctor, someone you  
20 go to for the cold or the flu?  
21 A Yes. I have two doctors; one an  
22 endocrinologist, and my -- my private doctor, yes.  
23 Q Okay. And who is your private doctor?  
24 A Dr. Safer.  
25 Q Is that S-a-f-e-r?

1           A    Yes.

2           Q    And where is he located?

3           A    She's in Newport Beach.

4           Q    Is she part of a medical group?

5           A    Hoag.

6           Q    And what street is she on?

7           A    I don't remember offhand.

8           Q    Okay.  It's fine.

9                    Have you seen her for any problems with your

10   back or your neck?

11          A    No.

12          Q    Have you seen her for any problems with your

13   shoulders, upper extremities, or lower extremities?

14          A    No.

15          Q    Okay.  And how long has she been your personal

16   doctor?

17          A    I'd say a little over a year and a half now.

18   About a year and a half.

19          Q    When's the last time saw her?

20          A    It's been at least six months probably.

21          Q    For what reason?

22          A    I believe I had a -- I think I had some cold

23   symptoms, so it was a concern because of this whole

24   pandemic thing, you know.

25          Q    Sure.  Were you diagnosed with COVID?

1 A No.

2 Q All right. And who's your endocrinologist? Or  
3 what's the name of the medical group? Whatever is  
4 easiest for you.

5 A It's the same. It's Hoag -- Hoag Medical  
6 Group. It's -- he's located in Huntington Beach.

7 Q The Hoag Medical Group in Newport, is that  
8 on --

9 A Superior.

10 Q Thanks. I just totally lost it. Right. Thank  
11 you.

12 Right. Right across the street from the  
13 hospital?

14 A Actually, just kind of like down the street  
15 from it, yes.

16 Q Right. Okay. All right.

17 And how long have you been going to Hoag  
18 Medical Group for your diabetes?

19 A Since I've had my insurance with the company,  
20 so I would say two and a half years.

21 Q And before you went to Dr. Safer, who did you  
22 go to at your private physician?

23 A I really, honestly, didn't have a private  
24 physician prior to that. It was just -- whatever doctor  
25 was available, you know.

1 Q Did you go to medical clinics or urgent care  
2 facilities when needed?

3 A Yeah. Yeah.

4 Q Do you recall the names of any of those medical  
5 clinics or urgent care facilities?

6 A I do not.

7 Q All right. Have you ever been hospitalized for  
8 any reason?

9 A Only two occasions. The first hospitalization  
10 was in, I believe, 2000 and -- oh, gosh -- 2005, where I  
11 was -- I had my gallbladder removed. I had gallstones,  
12 and. . .

13 And then in 2010 was for cancer.

14 Q And the cancer was to what part of your body?

15 A Colon. Colon cancer.

16 Q All right. Where were you hospitalized for  
17 your gallbladder removal?

18 A Both Hoag Hospital.

19 Q All right. And after your colon cancer -- or  
20 as a result of your colon cancer, did you undergo chemo  
21 or radiation?

22 A I did go chemo for -- for -- I believe it was  
23 about six months.

24 Q And what doctor were you treating with for your  
25 colon cancer?

1 A My oncologist was a Dr. Nguyen.

2 Q And where was Dr. Nguyen located?

3 A He was in Newport Beach.

4 Q On -- do you remember which street?

5 A I think it was called Old Newport Road. Across  
6 from the hospital.

7 Q Sure. I know exactly where it is.  
8 When -- how long ago did you last see him?  
9 More than five years ago?

10 A Oh, yeah.

11 Q Okay.  
12 Did you ever have a Dr. Thomas as your primary  
13 treating doctor?

14 A Is that the last name or was that the first  
15 name?

16 Q I don't know. Just saw somewhere in some  
17 medical report or medical record some -- somewhere I saw  
18 the name Dr. Thomas. If you don't recall, you don't  
19 recall.

20 A I don't recall.

21 Q Okay.  
22 All right. To the best of your knowledge,  
23 you're still an employee of Westpac?

24 A Yes.

25 Q All right. And your last day worked there was

1 when?

2 A March the 24th -- 25th -- 25th. March 25th,  
3 after the injury, I tried to go into work, but could not  
4 even perform a quarter of my shift. It was just too  
5 much pain.

6 Q Okay. And have you worked for anybody since  
7 March 25th in any capacity?

8 A Absolutely not. Nope.

9 Q Okay. And when were you hired by Westpac?

10 A It was in November of 2018.

11 Q While you worked for Westpac, did you work for  
12 anybody besides them?

13 A No.

14 Q Who did you work for before Westpac?

15 A It's like I lost video, but okay.

16 Q That's -- somebody was trying to call me, so  
17 sorry. I don't know how to disconnect that.

18 A Okay.

19 Q Yes.

20 A I worked for a company, a medical company  
21 called Sovereign Health.

22 Q And what did you do for them?

23 A I was the lead driver. Kind of like  
24 transportation supervisor, lead driver.

25 Q What was your last day of work there?

1           A    It was, I believe, July of 2018.  And they --  
2 they went out of business.  They folded.

3           Q    Between July of 2018 and November of 2018 did  
4 you work for anybody?

5           A    I was on -- I was on unemployment.

6           Q    And how long did you work at Sovereign Health?

7           A    Four and -- almost five years.

8           Q    When you worked for Sovereign Health, did you  
9 work for anybody besides them?

10          A    No.

11          Q    When you worked at Sovereign Health, did you  
12 have any injuries?

13          A    It was towards the end, where we were asked to  
14 remove some vehicles from one property to another, and  
15 some of the vehicles, unfortunately, sat for too long,  
16 and -- so their batteries were dead.  So there were some  
17 occasions where we had to push these vehicles out into  
18 the open to where we were able to jump-start them and  
19 get them going again.  And when I was pushing one of  
20 them, I did strain the upper extremities and lower back.

21          Q    Did you report that injury to anybody?

22          A    Yes, I did.

23          Q    And was it to your supervisor?

24          A    I reported it to my coworker.  Because the  
25 company was folding, there was no H.R. department, there



1 was -- it was -- there was nothing. We were all kind of  
2 on our own, and we still had our C.E.O., so. . .

3 Q All right. Did you --

4 A So I reported it to one of my coworkers. And  
5 when the company folded, I basically had no resources to  
6 go to to be able to formally report it and get  
7 assistance, so that's when I had to contact legal  
8 assistance.

9 Q Okay. So who did you contact for legal  
10 assistance?

11 A I -- Attorney Natalia.

12 Q Ah. Okay.

13 And she filed a workers' comp claim on your  
14 behalf?

15 A Yes.

16 Q And did you see a doctor as a result of this  
17 injury?

18 A Nope. I mean, it was so quick, because -- no  
19 exam, no nothing.

20 Q So you never saw a doctor as a result of this  
21 injury that you had at Sovereign Health?

22 A Nope.

23 Q Okay. Did you settle the claim at some point?

24 A Yeah. They -- they quickly offered a  
25 settlement.

1 Q All right. And how much did they settle the  
2 claim for?

3 A I believe it was 20 -- 20- or 23,000.

4 Q All right. And was it settled at a deposition  
5 or just kind of settled informally, if you remember?

6 A It would have been -- it was just a settlement.  
7 Yeah.

8 Q All right. As a result of the pains that you  
9 had from this injury at Sovereign Health, did you ever  
10 go see a doctor?

11 A I went and saw chiropractic assistance, but  
12 that was just a few -- a few chiropractic visits and  
13 that was it.

14 Q Okay. What was the name of that chiropractor?

15 A And then I was -- and I was fine after that.

16 Q Okay. What was the name of that chiropractor?

17 A Salvatore.

18 Q And does Salvatore have a last name?

19 A That's his last name. I don't remember his  
20 first name.

21 Q Okay. Where is -- where is he located? A  
22 street, whatever.

23 A Costa Mesa, I believe.

24 Q Do you remember which street?

25 A Gosh. Orange. Not quite sure. It's been a

1 few years.

2 Q Sure. I understand that.

3 Approximately how many times did you see  
4 Salvatore?

5 A Maybe -- maybe three times.

6 Q Did you pay for that out of pocket?

7 A Yeah, I paid for that, because it was --  
8 their -- their adjustments were only, like, 30 bucks.

9 Q And you said that you were having pain in your  
10 upper extremities. Was that both upper extremities?

11 A Upper extremities and lower back, because --  
12 from pushing.

13 Q Okay. And so where in your upper extremities  
14 were you feeling pain?

15 A Shoulders, neck, arms.

16 Q And then you said your lower back as well;  
17 correct?

18 A Correct.

19 Q After you received those three chiropractic  
20 sessions, did you still have pain?

21 A Actually, no.

22 Q So everything just got better?

23 A Everything -- yeah. It was a pretty quick  
24 recovery actually.

25 Q Did you see anybody besides Salvatore for that

1 pain that you had while working at Sovereign Health?

2 A No.

3 Q Did Salvatore take any x-rays or send you out  
4 for any studies?

5 A No.

6 Q And as best as you can recall -- or if you  
7 recall, did you see Salvatore before you settled the  
8 case or after you settled the case? If you can  
9 remember.

10 A Honestly, I -- I can't remember.

11 Q Okay. Did you file any other claims against  
12 Sovereign Health?

13 A Nope.

14 Q All right. Who did you work for before them?

15 A I worked for a security company.

16 Q What were they named?

17 A Most of my life I worked for security.

18 Q Okay. What did -- so let me ask you -- who  
19 was the -- okay.

20 Let me ask you this way: Have you ever  
21 sustained any work injuries before Sovereign Health?

22 A Nope.

23 Q Had you ever filed any workers' compensation  
24 claims as a result of pains before Sovereign Health?

25 A Nope.

1 Q All right. What was your job title at Westpac?

2 A It was courier.

3 Q And can you -- I know what a courier does, but  
4 can you describe to me what you did?

5 A Basically we went from account to account  
6 picking up specimens.

7 Q What time would you start work in the morning?

8 A Well, there's two different times, because --  
9 when I first started with the company I was doing a  
10 San Diego run. At the time I started with the company I  
11 lived in San Clemente, so with the company-provided  
12 vehicle, which we were allowed to take home, I would  
13 start work at 11:00, but in order for me to be at the  
14 first stop at 11:00, I had to leave home by a least  
15 9:00 -- or 10:15 or so, because traffic going up to  
16 San Diego.

17 Q It's pretty good time, 45 minutes, even  
18 San Clemente to San Diego.

19 A Yeah. Well, going that way wasn't that bad.  
20 It was going the opposite direction that was heavy.

21 Q How long did you have that San Diego run?

22 A Oh, that was pretty much most of -- I'd say  
23 pretty close to two -- two years.

24 Q All right. And then what happened after two  
25 years?

1           A    Then that's when I received -- when I had my  
2    accident.

3           Q    The June --

4           A    The June 4th accident.  Right.

5                    And that's -- that happened as I was coming  
6    home from San Diego, and it happened, like, two blocks  
7    away from where I lived.

8                    But since that day -- I was rear-ended at  
9    the -- I was waiting at the red light, and I was  
10   rear-ended by this drunk driver, female, and she was  
11   probably going -- I don't know -- estimated 35, 40 miles  
12   an hour, because it was a pretty -- pretty strong  
13   impact, to where I was hit so hard that my chair was  
14   completely reclined to the back, and I was almost pushed  
15   onto the middle of the intersection, with oncoming  
16   traffic from the other ends.                    You know,  
17   thankfully I was able to hit my -- my brake while I was  
18   in that position, and managed to put my car in park.

19           Q    Did your -- did your airbags go off?  Did they  
20   deploy?

21           A    No.  No, they didn't, because it wasn't a  
22   center impact.  It was a rear impact.

23           Q    Okay.  What kind of car were you driving at  
24   that time?

25           A    It was a Toyota Yaris.

1 Q What year was that, if you know?  
2 A 2019, I believe.  
3 Q Was anybody with you in the car at the time?  
4 A No.  
5 Q About what time of day was this?  
6 A It was close to -- it was a little after  
7 9:00 p.m., so I'd say 9:30, 9:45.  
8 Q Was that the normal time you would get home  
9 from a shift that you started, about --  
10 A Yeah. It's because I wouldn't end shift in  
11 San Diego until about close to 8:00, 8:30, and then that  
12 drive home all the way from San Diego back into Orange  
13 County, and I would hit traffic sometimes. Most of the  
14 time.  
15 Q All right. And as I recall, the police were  
16 called. Is that correct?  
17 A Absolutely, yeah.  
18 Q Were you taken to the hospital?  
19 A I went to the hospital, yes. That night I was  
20 not taken via ambulance, but I went -- my fiancée's a  
21 nurse practitioner, so she immediately showed up at the  
22 scene and she took me -- after I did whatever I had to  
23 do with the police and whatnot, she took me to Hoag  
24 Hospital E.R.  
25 Q All right. Did you lose any time from work as

1 a result of that accident?

2 A Absolutely. I lost maybe a couple of days.

3 Q Couple meaning what to you? Best estimate.

4 Two, three, four?

5 A Two, I believe. Because I was asked to go to

6 the urgent care by my -- by the company.

7 Q Right.

8 And you went to Concentra; correct?

9 A Yes, in Irvine.

10 Q And you -- as far as I can decipher, you went

11 to Hoag the same day as the accident; is that correct?

12 A Yes.

13 Q Okay. And then the following day you went to

14 Concentra?

15 A I'm -- I'm not sure if it was the following day

16 or the day after. I don't remember.

17 Q Okay. Best estimate, how many times were you

18 seen at Concentra for the June 4th, 2020, auto accident?

19 A Just once.

20 Q And why did you stop going there?

21 A Because I had a fear of losing my job because

22 they were already talking about furloughs and stuff like

23 that, and the last thing I wanted to do was put myself

24 in a position to where that would happen. So I pushed

25 through the pain and whatnot and just -- just kept going



1 to work.

2 But after that it was, like, not even a week  
3 after the accident, my company decided to take me off  
4 the San Diego run, because they felt, you know, there's  
5 no need for you to be going out that far, you know, and  
6 we'll just have you working here in the warehouse.

7 So they asked me to start working in the  
8 warehouse, which I found that a bit odd, because it  
9 required lifting heavy objects, like boxes and whatnot,  
10 and I'm, like, you know. . .

11 So I -- like I said, I've always been the kind  
12 of person that pushes through things like this, and  
13 I. . .

14 Q Okay. When you -- as a result of the June 4th,  
15 2020, accident, where were you feeling pain immediately  
16 following the accident?

17 A Most prevalent was the neck area. But  
18 definitely, you know, back, neck, and in the arm, right  
19 arm. And till this day, even from the day of the  
20 accident, and I chalked it up, well, maybe it was --  
21 maybe just, you know, inflammation, aches and pains and  
22 whatnot, but -- I can't tilt my head to the left.

23 Q Okay. Let me --

24 A I can only -- yeah.

25 Q Okay. Let me ask the questions. We're going

1 to get to it, okay? Promise.

2 All right. Before the accident on June 4th,  
3 2020, in that -- let's just say in the one year before  
4 that, were you feeling any pain in your neck?

5 A No. Absolutely not. Yeah. I was actually in  
6 pretty good shape.

7 Q Okay. In the one year before that -- scratch  
8 that.

9 When you tell me you had pain in the back  
10 because of the June 4th, 2020, accident, what part of  
11 the back are you referring to? The lower back?

12 A Yes.

13 Q So in the one year before June 4th, 2020, were  
14 you feeling any pain to your lower back?

15 A Well, there was the common aches because the  
16 repetitiveness of getting in and out of this car, you  
17 know --

18 Q Right. Mr. --

19 A -- because as a courier --

20 Q Okay. Listen. Stop. Let me ask the  
21 questions.

22 You're doing a great job. You are. You're  
23 doing a super job, but this will go a lot quicker, and I  
24 promise you're going to get everything out.

25 In the one year before your injury of June

1 2020, did you feel pain in your low back because of any  
2 work activities?

3 A I would say from cumulative, yeah.

4 Q Okay. How about your neck?

5 A Not so much the neck, because that's not --

6 Q Okay.

7 A -- the area that was being, you know. . .

8 Q And how about --

9 A Not at all really.

10 Q Okay. And how about your right arm? Did you  
11 feel anything in your right arm?

12 A No. Just like I said, common -- sometimes the  
13 company would ask us to deliver supplies on top of  
14 picking up specimens. So sometimes we had to pick up  
15 these large boxes of supplies to deliver to the -- some  
16 of the doctor's offices that we would go to. And  
17 sometimes the warehouse people would over pack these  
18 things that would be beyond the weight limit.

19 Q Okay. And what -- and what weight would you  
20 estimate that they weighed?

21 A Some of them were pretty heavy, to where you  
22 had to struggle to pick them up.

23 Q Well, can you provide an estimate as to weight?

24 A Maybe 50 pounds, a little more.

25 Q And how often would that occur, that you would

1 have to deliver these over packed boxes that could weigh  
2 50 pounds or more?

3 A It didn't happen very often. Maybe a couple of  
4 times every two weeks or something. But we had to  
5 deliver boxes at least two to three times a week, every  
6 week.

7 Q So the regular boxes that weren't over packed,  
8 how much would those weigh?

9 A They were, I would say, 20 to 25 pounds,  
10 sometimes less.

11 Q All right. Going back to your June 2020  
12 accident for a minute, do you ever see your private  
13 doctor for any pains?

14 A No.

15 Q Anything resulting from that accident --

16 A No.

17 Q -- to the neck, the back, or the arm?

18 A No.

19 Q Other than the two days you told me that you  
20 lost time from work, did you ever lose any other time  
21 from work because of the pain?

22 A There had been some occasions where -- yes.

23 Q As a result of that accident?

24 A I don't recall.

25 Q Okay.

1           A    I don't recall, but -- I mean, there's been  
2 times where, yeah, I was sick -- too sick to go to work.

3           Q    Okay. When you called in to work, did you just  
4 tell them you were sick or did you tell them that you  
5 had pains?

6           A    They were just out of sickness.

7           Q    And can you provide an estimate how many times  
8 you called in and said you were sick when you were  
9 having pains as a result --

10          A    I don't -- I don't recall. I have an  
11 impeccable work ethic, and for me to miss work or even,  
12 you know, show up late is a rare occasion. I'm sure my  
13 boss would even attest to that.

14          Q    Okay. In all the times -- scratch that.

15                All right. In -- can you describe to me how  
16 your injury in March occurred? Or scratch that.

17                Did you have a specific injury in March of  
18 2021?

19          A    I did.

20          Q    Okay. What was date of that injury?

21          A    That was March 23rd, and that was, like, toward  
22 the end of my shift. It was a little after 5:00 p.m.  
23 It was, like, at my last stop. And I had already -- a  
24 few days prior, I had already been experiencing some hip  
25 pain --

1 Q Which hip?

2 A -- and lower back pain. Yeah. And --

3 Q Which hip?

4 A Left side. My left hip.

5 And --

6 Q Okay. Let's back up for one second, because  
7 you told me that your -- you -- after your automobile  
8 accident in June 2020, you got moved into the warehouse.  
9 When -- at what point did you stop working in the  
10 warehouse and then become a driver again?

11 A They only had me in the warehouse for about a  
12 month. And in most of those occasions that I worked in  
13 the warehouse, I had to ask my supervisor to allow me to  
14 sit while I was filling orders, because I couldn't stand  
15 for long periods of time.

16 Q Is it -- was there a reason why -- was there  
17 any other reason why you didn't request to go back to  
18 the doctor other than you were worried about being  
19 furloughed?

20 A That was mainly the reason.

21 Q Did the company ever end up furloughing  
22 anybody?

23 A I'm not sure if they did, because they  
24 didn't -- they wouldn't, you know -- they -- I don't  
25 think they'll say anything to us, but --

1 Q You don't know --

2 A -- the word was already put out, you know.

3 Q Okay.

4 A My boss even told me, he says, "Yeah, we might  
5 have to be furloughing people." And so the --- that  
6 just, you know, stressed me out already. So I didn't --  
7 I couldn't be without work.

8 Q Okay. So then after about a month you went  
9 back to being a driver; correct?

10 A That's when an Orange County route came up,  
11 working out of the Newport Beach lab.

12 Q So your route was all in Orange County then?

13 A Yes. And it started from 9:00 -- 9:30 a.m. to  
14 about 5:30, sometimes 6 o'clock. And sometime it would  
15 even go past that. Just depend on will calls that would  
16 come in.

17 Q Okay. And were you still delivering supplies  
18 during that long period of time?

19 A Yes.

20 Q Two and three times a week?

21 A Yes.

22 Q And boxes were about the same weight, 25 -- 20  
23 to 30 -- 25 pounds, and then sometimes larger?

24 A Yes.

25 Q All right. And were you still driving a Toyota

1 Yaris?

2 A Yes.

3 Q Was it the same car that you were involved in  
4 the accident in 2007 or different one?

5 A It was. Yeah. They had to get it repaired.  
6 They had to replace the whole bumper and everything.

7 Q As a result of your June 2020 accident, did you  
8 receive some kind of monetary settlement from the  
9 insurance company of the girl who rear-ended you?

10 A I got a -- I got a very small settlement from  
11 their -- the girl's insurance company.

12 Q And was that Mercury Insurance Company?

13 A Yes, I believe so.

14 Q And what was that amount of that settlement?

15 A 2,400 or something like that. 25. I can't  
16 remember.

17 Q Do you have any documents at home that have the  
18 amount listed in it or you check the --

19 A I don't -- I don't know or I don't think I do  
20 have.

21 Q Okay. Did you have an attorney represent you  
22 in that?

23 A No. It was just they offered that and that was  
24 it.

25 Q Okay. So back to March 23rd, 2021, accident,



1 what happened?

2 A Okay. I was -- like I said, a few days prior I  
3 had already been experiencing pain, and all through that  
4 day was a very -- you know, I struggled through the  
5 whole day.

6 And then while I was getting -- picking up the  
7 last stop, which I believe the doctor's office was  
8 American Family Center over there in Santa Ana. As I  
9 was walking towards the car and getting in the car, I  
10 must have moved my body a certain way, but it just -- as  
11 I was getting in it, it felt like my hip, like,  
12 dislocated. That's how painful it was.

13 Q And again, we're talking about your left hip;  
14 right?

15 A Yes.

16 And I had to sit back for at least 15 to 20  
17 minutes, because that's how painful it was.

18 Q Okay. Had you ever --

19 A From that --

20 Q I'm sorry. Go ahead.

21 A And from that point forward, trying to finish  
22 my shift was a huge struggle, because I still had to go  
23 to the lab, drop off all the specimens that I had picked  
24 up, and that required me walking from the parking area  
25 into the lab area, which was a little bit of a distance,

1 not much, but -- and it was a struggle, you know.

2 Q All right. Had you ever --

3 A So I took off -- yeah, I took off the next day.  
4 You know, like, I was off the next day, which was the  
5 24th, because I was just not able to move.

6 And then I tried to go back in on the 25th, and  
7 could barely even make it in to work, and that's where I  
8 had to call my boss, say, "You know what? I -- I just  
9 can't finish. There's no way. There's. . ."

10 Q Who was your boss?

11 A Blake Pruitt.

12 Q How much did you work on March 25th?

13 A I think it was just a quarter of my shift. I  
14 think two hours, if that.

15 Q All right. Had you ever felt that pain in your  
16 left hip before March 23rd, 2021?

17 A Never pain like that, but there was some  
18 discomfort two months -- maybe two to three months prior  
19 to that.

20 And I, without a doubt, believe that it was  
21 because of the repetitiveness of getting in and out of  
22 this vehicle numerous times a day, five to six days a  
23 week.

24 Q How many times a day did you get in and out of  
25 the vehicle?

1           A    I -- it -- it was anywhere between 25 to  
2 times a day.  And when I was in San Diego, sometimes it  
3 was even more than that, because that was a pretty long  
4 run.

5           Q    All right.  So a Toyota Yaris, is -- can you  
6 describe that car?  Is it a big car, small car?  What is  
7 it?

8           A    It's a -- it's a very small, low-profile car.  
9 Yeah.

10          Q    And how tall are you, sir?

11          A    I'm six-two.

12          Q    And how much do you weigh?

13          A    I'm about, say, like three.

14          Q    300 pounds?

15          A    Uh-huh.

16          Q    Is that "yes"?

17          A    Yes.

18          Q    The court reporter will ask me to clarify if I  
19 don't, so I've -- that's why I ask.

20          A    No problem.

21          Q    As she's glaring at me now.

22                    Okay.  So in this car, did your head hit the  
23 ceiling when you sat in this Yaris?

24          A    Well, I would have to bend down, you know, to  
25 keep my head from hitting the ceiling.  Yeah.

1 Q Okay. And --

2 A Which was a lot of strain not only on the back,  
3 but on the left hip, because when you get in, all the  
4 weight is on the left leg as you're trying to get in.

5 Q Had you ever had any injuries to your left hip  
6 before --

7 A No.

8 Q -- you went to work at Westpac?

9 A No.

10 I may be a big guy, but I'm pretty strong, you  
11 know, and I was always in good shape.

12 Q Did you -- you said earlier that you would  
13 drive the Yaris home after work; correct?

14 A Correct.

15 Q And did you drive it on the weekends too, when  
16 you were not working?

17 A No. I use my own personal vehicle.

18 Q And what kind of car was that?

19 A It's a 1995 Chevy Caprice. It's a big car.

20 Q Did you have any other cars when you worked at  
21 Westpac?

22 A No.

23 Q For your personal?

24 A No. That was -- that was one I had. Which  
25 was -- because it was a big car, it was a lot easier for

1 me to get in and out of.

2 Q Right.

3 Were there any other activities that you did at  
4 work besides getting in and out of the vehicle and  
5 delivering these packages that caused you to feel pain  
6 to any part of your body?

7 A That was the only activity we did was driving  
8 from location to location, in and out, in and out, in  
9 and out, and deliver boxes, supplies.

10 Q On the week -- when you worked at Westpac, on  
11 the weekends did you have any hobbies?

12 A Actually I didn't really do much other than I  
13 would, you know, enjoy time with my grandson when I had  
14 him. But yeah, I'd go walking sometimes. I'd go, you  
15 know -- me and my fiancée would go, you know, like, to a  
16 park or -- you know. Nothing strenuous. Nothing that  
17 would be, you know. . .

18 Q Did you engage in any kind of physical activity  
19 on the weekend or when you were not at work with  
20 Westpac?

21 A No.

22 Q Before you went to Westpac -- or scratch that.  
23 While you worked at Westpac, did you belong to  
24 a gym?

25 A I did have a gym membership, but I rarely went.

1 You know, rarely went.

2 Q Where was that membership?

3 A That was 24 Hour Fitness, where you can go to  
4 any -- any 24 Hour Fitness gym.

5 Q Which one did you go to?

6 A It varied. Sometimes it would be  
7 Fountain Valley, sometimes it would be Costa Mesa,  
8 sometimes it would be Santa Ana. It varied, but like I  
9 said, I rarely went.

10 Q Yes.

11 Did you ever have any --

12 A Unless I was --

13 Q -- pain -- when you went to 24 Hour Fitness,  
14 did you ever have any pain while you were performing any  
15 of the activities that you did there?

16 A Absolutely not. When I went, I was feeling  
17 pretty good.

18 Q And you -- presently do you have any exercise  
19 equipment at home?

20 A I do not.

21 Q So at the present are you still feeling pain to  
22 your neck?

23 A At this present time, absolutely.

24 Q Okay. After your injury of June of 2020, did  
25 the neck pain ever go away?

1           A    Never.

2                    As a matter of fact, my sleep pattern since  
3   that accident has been altered quite a bit, because --  
4   because of the neck, it was weeks after that that I  
5   beginning -- began experiencing numbness and tingling in  
6   my right arm.  And this would happen, even till this  
7   day -- and as a matter of fact, it happened just before  
8   the Zoom meeting -- my whole arm goes completely numb  
9   and it starts tingling, kind of like when your leg falls  
10  asleep.  I just -- you know, it just start -- and it  
11  lasts for several minutes, and then it slowly starts  
12  dissipating and go away, and this happens multiple times  
13  a day.

14           Q    And by --

15           A    And I can feel it -- when I move my neck, I can  
16  feel it generating down that arm, the feeling.

17           Q    Okay.  At the present time, just say in the  
18  last 30 days, about how often do you have that -- that  
19  tingling and numbness in your arm that lasts for several  
20  minutes?

21           A    It happens at least a dozen times a day.

22           Q    And when you feel it, best estimate, how long  
23  will it last?

24           A    Three to four -- three to five minutes at  
25  least.

1 Q And at the present time, do you feel that  
2 that -- do you notice that if you -- if you do something  
3 in particular; in other words, if you move your neck in  
4 a certain way or you do some kind of activity?

5 A I -- I -- if I move my neck in a certain way, I  
6 can actually feel it down that arm, and like I said --

7 Q And what --

8 A -- I can't tilt my head to the left. And I  
9 noticed -- I noticed that it was right after the  
10 accident in June 4th where I started having difficulty  
11 not being able to fully tilt my head to the left, and  
12 when I try to, it's very painful.

13 Q Okay. So since your accident -- scratch that.

14 In the last year, would you say that your neck  
15 pain has gotten better, worse, or stayed the same?

16 A It's -- the fact that I -- I never have been  
17 able to fully tilt it to the left, and my sleep pattern  
18 has been -- I'd say I'm lucky if I get three to four  
19 hours of sleep a night. Because when -- as you know,  
20 when you're sleeping, as -- you toss and turn during the  
21 night. So there are times where -- when I'll turn in my  
22 sleep, and if my head hits the pillow and angles my head  
23 to the left during the night, the pain wakes me up.

24 So I'm waking up numerous times during the  
25 night.



1 Q I understand.

2 So in the last year -- well, let me ask it this  
3 way: You had the injury in June of 2020?

4 A Right.

5 Q But just as it pertains to your neck, between  
6 June of 2020 and your last day of work, did your pain  
7 get -- in your neck, did your pain get better, worse, or  
8 stay the same, in your opinion?

9 A The pain has -- the pain has not gotten any  
10 better, no.

11 Q Okay. But did it get worse or did it just stay  
12 the same?

13 A It stayed the same.

14 Q Okay. And then since you stopped working, just  
15 in your opinion, and just as it pertains to the neck,  
16 has it gotten better, or worse, or stayed the same?

17 A When -- I've been going to therapy, and they  
18 were doing chiropractic therapy at the beginning. And  
19 the chiropractor somehow would try to work my neck, but  
20 when he would try to start moving it to the left to  
21 loosening it, it was wasn't very successful.

22 So now we're doing acupuncture. And they work  
23 on my neck area, as well as my lower back. Now, it --  
24 it hasn't gotten any better and it hasn't gotten any  
25 worse. But when they do the acupuncture, it seems

1 like -- although it takes a little bit of the pain away  
2 temporarily, I still can't tilt my head to the left very  
3 far.

4 Q How many acupuncture sessions do you think you  
5 had?

6 A I would say it's been maybe two, three weeks  
7 now since they started that.

8 Q So how many times do you go in a week?

9 A Three.

10 Q So you've had about nine sessions?

11 A So far.

12 Q And have you told the doctor that the  
13 acupuncture treatment is only providing temporary  
14 relief?

15 A I -- I told the staff there, yes.

16 Q Okay. And just as an estimate, how long do you  
17 feel good after you have the acupuncture before it goes  
18 back to the level it was before?

19 A Maybe just a few hours. Two to three hours.

20 Q All right. And did you ever have any numbness  
21 and tingling in your right arm before your accident of  
22 June 2020?

23 A No.

24 Q Is that the same as your neck; that's all  
25 staying about -- right around the same?

1 A Yes.

2 Q And yet -- have you had any injuries to your  
3 neck or right arm since you left Westpac?

4 A Since I've been off work from Westpac?

5 Q Yes.

6 A No.

7 Q All right. And are you still having pain in  
8 your lower back?

9 A Yes.

10 Q All right. Can you -- you told me earlier that  
11 you were having some pain in your lower back before your  
12 accident of June 2020; correct?

13 A Very minimal though. Most of -- most all my  
14 pain -- most of all this is generated from that  
15 accident, because ever since that accident, nothing has  
16 been -- nothing has been the same. Nothing has been --

17 Q And by "that accident," you mean your June  
18 2020; correct?

19 A Correct.

20 Q So would it be a fair statement that your lower  
21 back pain got worse as a result of June 2020 accident?

22 A It got worse from that, yes.

23 Q Okay. And did it ever get better then at some  
24 point in time between the June 2020 accident and the  
25 March 2021 accident?

1           A    The March 21st accident, that was more of the  
2 hip. But the June accident was definitely a major  
3 impact, yes.

4           Q    All right. And did you ever go see your  
5 private physician for pain to your lower back as a  
6 result of the June 2020 accident?

7           A    No. I pushed through the pain. Just kept  
8 showing up. It -- trust me, it was a -- it was a huge  
9 struggle getting up -- let me put it this way: Ever  
10 since my accident, it's -- it's been a lot of struggle  
11 to get up, because I was getting up at probably 8:30 in  
12 the morning to prepare for work.

13                    It took me an hour just to prepare myself to be  
14 a little more mobile. I had to literally get up and go  
15 to the -- go in the shower, take a hot shower, and allow  
16 the water to hit my back so it will loosen it up. And  
17 it was -- you know, and then I'd go to work.

18                    Thankfully, I mean, I drove. And I didn't  
19 have, like, some major labor type of job, but. . .

20                    Like I said, I just managed to push through  
21 that pain the whole time, with only two to three hours  
22 of sleep that whole time.

23           Q    Since you have been off work, has the pain in  
24 your lower back gotten better, worse, or stayed the  
25 same?

1           A    It's the same.

2                    I have to utilize -- I have to utilize a cane  
3 to get around now, which -- where I didn't have to  
4 before.

5           Q    Was that cane prescribed by a doctor?

6           A    That was given to me by Concentra.

7           Q    How often do you use that?

8           A    Every day now.

9           Q    And was that cane given to you after the June  
10 2020 accident or after the March 2021 accident?

11          A    It was after -- after the hip one, because --  
12 the hip, even till this day, when I take a step I can  
13 feel it all the way up. So the cane provides me a  
14 little support to where I'm able to get around to the  
15 therapy sessions and to get around to where I need to  
16 go.

17          Q    Okay. So in your opinion, is the cane because  
18 of pain to your back or because of pain to your hip?

19          A    Both.

20          Q    Okay. The pre-med sessions -- you told me  
21 earlier that you got chiropractic treatment sessions.  
22 I'm assuming that was from Dr. Komberg. Is that  
23 correct?

24          A    Yes.

25          Q    All right. Did any of the chiropractic

1 treatment sessions you had through Dr. Komberg's office  
2 provide any benefits?

3 A Honestly, temporary relief.

4 Q And the acupuncture, are you getting any  
5 acupuncture for your lower back?

6 A Same thing, temporary relief.

7 Q Have you had any other treatment besides  
8 acupuncture or chiropractic treatment for any part of  
9 your body?

10 A They -- they've done the electrodes where they  
11 connect, you know, and they provide the --

12 Q TENS unit?

13 A Yeah. I -- it did some of that.

14 Q Did that help at all?

15 A Not really, no.

16 Q All right. So with this cane, do you use it  
17 every day?

18 A Yes.

19 Q All day?

20 A Anywhere I go, yeah.

21 Q Okay. Do you also use it when you're in your  
22 house?

23 A Sometimes. I use the walls if I'm not using  
24 it, like when I go to the restroom.

25 Q And then when you're outside, can do you always

1 use it?

2 A Yes.

3 Q Do you wear a back brace or any other type of  
4 brace to any part of your body?

5 A I do wear a back brace, yes, when -- when I --  
6 I know I'm going to be out and about for any lengthy  
7 period of time, I will definitely wear a back brace.

8 Q And was that prescribed by a doctor?

9 A It wasn't prescribed, but they asked me if I  
10 had one, and I said, "Yes, I do have one."

11 And they said, "Okay. Use it."

12 Q When did you purchase that back brace?

13 A Maybe year and a half, two years ago.

14 Q So sometime after the June 2020 accident?

15 A There were times where I'd use it, yes.

16 Q So did you purchase it after your June 2020  
17 auto accident?

18 A Yes.

19 Q Did you have a back brace before your June 2020  
20 accident?

21 A Nope.

22 Q Did you ever use -- after the June 2020  
23 accident, did you ever use a back brace while you were  
24 working at Westpac?

25 A There were times where I did, where it was more

1 prevalent. You know, on the days that I was really --  
2 yeah, I would have it on.

3 I kept it in the car always. I always had it  
4 in the back seat of my car.

5 Q Do you use any other type of brace or assistive  
6 device?

7 A No.

8 Q At the present time, how often do you have pain  
9 in your left hip?

10 A Daily. I -- again, I can't -- I can't sleep on  
11 my left side very long, because the moment I -- I roll  
12 over and I'm on my left side, I just -- pain just wakes  
13 me right up and I got to turn.

14 Q Okay. Does the pain in your left hip come and  
15 go?

16 A It's always there now, but it's --

17 Q It's constant --

18 A There's days where it's worse and then there's  
19 days where it's not so bad.

20 Q Okay. And has it been constant?

21 A Constant.

22 Q Since March of 2021?

23 A Yes.

24 Q Okay. So -- and you told me -- you told me  
25 earlier that you were having a little bit of low back



1 pain before March 2021; correct?

2 A Yes.

3 Q And were you having a little bit of left hip  
4 before March of 2021 too?

5 A If I had hip pain before?

6 Q Yes.

7 A No.

8 Q Okay. So that -- that started with -- in March  
9 of 2021?

10 A That happened from that day forward, yes. From  
11 March 23rd, yes.

12 Q And to the best of your knowledge, you never  
13 had any injuries to your left hip when you were growing  
14 up or anytime before March 23rd, 2021?

15 A Never. Never had anything like that. No.

16 Q And on a scale of 1 to 10, with 10 being so bad  
17 you've got to go to the emergency room and 1 being a  
18 minor pain, what is the lowest level of pain you  
19 presently feel? And by "present," I'm just going to say  
20 within last 30 days.

21 A The lowest level?

22 Q Yes.

23 A I would say maybe 4, 5.

24 Q And what level will it go up to?

25 A Well, at the time of the injury, it was --

1 Q No.

2 A -- pretty close to a --

3 Q Okay.

4 A You mean -- at the time of the injury?

5 Q In the last 30 days -- in the last 30 days what  
6 level of your -- what level will your pain go up to with  
7 respect to your left hip?

8 A I would have to say anywhere between a 6 or a  
9 7.

10 Q And what -- are there certain events or things  
11 that happen that make that pain level go up?

12 A Yeah. When I'm up and about and walking or if  
13 I'm -- where I'm laying down and I -- I'm on my left  
14 side, yeah.

15 Sometimes it hurts to sit for any lengthy  
16 period of time. I have to rest my weight on the right  
17 side of -- you know, I have to tilt my body over.

18 Q Okay. With respect to your lower back pain, at  
19 the present time how often do you have lower back pain?

20 A Now it's pretty constant.

21 Q Does it come and go? Some days, sometimes you  
22 don't have pain?

23 A No, it's there. Every day. I --

24 Q Okay.

25 A -- struggle with this pain every day.

1 Q All right. Do you take any medication for the  
2 pains that you're having?

3 A Yeah. I take ibuprofen.

4 Q What kind of medication do you take?

5 A Ibuprofen.

6 Q Is this prescribed ibuprofen?

7 A It originally was prescribed by Concentra,  
8 yeah.

9 Q Okay. How often --

10 A 800 milligram.

11 Q And how often do you take that?

12 A When needed. When I need to use it. But other  
13 than that, I bear and grin through the pain.

14 Q Okay. Any --

15 A I don't like to take too much ibuprofen because  
16 it can start messing with your stomach, your -- your  
17 liver, your kidneys. So I try to limit the amount I  
18 take.

19 Q Best estimate, how many times a week will you  
20 take it, or times a month? Whatever's easiest for you.

21 A I would say within a week, maybe three to five  
22 times a week.

23 Q Okay. On your lowest level -- with respect to  
24 your low back, and say within the last 30 days, what is  
25 the lowest level of pain you would feel in your lower

1 back?

2 A The lowest level, 4 to 5.

3 Q And it goes up to what?

4 A And it can go up to about 6 or 7.

5 Q All right. And on your neck what is the lowest  
6 level of pain?

7 A The neck's -- I would have to say it's pretty  
8 equal. The same, 4 to 5, when I'm --

9 Q You don't --

10 A -- sleeping, and then I'm -- like I said, when  
11 I'm sleeping and then I roll in my sleep, and then my  
12 head's positioned to the left, the pain wakes me up, and  
13 that's, like, pretty close to a 6 or a 7.

14 Q And how often do you have pain in your neck at  
15 the present time; say within last 30 days?

16 A Every day.

17 Q Is it constant or does it come and go?

18 A It's constant.

19 Q And -- all right. We talked about your right  
20 arm. It says, "He's told me 12 time a day."

21 A Yes, at least a dozen times a day.

22 Q Okay. Are you feeling any pain in your right  
23 hip?

24 A Nothing wrong with the right hip.

25 Q Are you feeling any pain in your abdomen?

1           A    A little bit, which generates from the left  
2    hip.

3           Q    Have you ever been told that you have a hernia?

4           A    No.

5           Q    Which side -- okay. Which side of your abdomen  
6    do you feel the pain in?

7           A    The left side.

8           Q    Okay. How often do you have that?

9           A    It's pretty constant, but the pain level is not  
10   really high. It's mostly in the hip.

11          Q    So just as it pertains to your abdomen, what  
12   level of pain would you say that that is?

13          A    I'd say a 3, 4.

14          Q    To the best of your knowledge, have you had any  
15   type of tests for your abdominal pain?

16          A    No. They did some kind of nerve test with the  
17   doctors.

18          Q    Was that just -- was that for your upper  
19   extremities?

20          A    They did both.

21          Q    Upper and lower extremities?

22          A    Yes.

23          Q    And you had an M.R.I., you think, to your back  
24   too?

25          A    There was an M.R.I. done on the back, yeah.

1 That was through Concentra. But --

2 Q Okay.

3 A -- they're needing to do one for my neck.

4 Q Okay. Do you know if that was requested or  
5 authorized, off the top of your head?

6 A As far as I know, it's been requested.

7 Q Okay. But You haven't received anything that  
8 it's been authorized or declined at this point?

9 A Not yet.

10 Q Okay. Are you having any pain to your  
11 shoulders?

12 A There are -- there is some discomfort in the  
13 shoulders that's --

14 Q Both shoulders?

15 A -- generating from the neck.

16 The left side mostly, and the right. Both --  
17 both the left and the right, but because of my numbness,  
18 I feel it in the right. Only when the arm goes numb,  
19 that's when I can start feeling it on the right side.

20 Q And how about your left shoulder? When did you  
21 start feeling pain in your left shoulder?

22 A I had that pain there since the -- since the  
23 accident, yeah.

24 Q Yes. Which one?

25 A Both shoulders.

1 Q So since your automobile accident?

2 A Yeah. Yep.

3 Q And at the present -- scratch that.

4 In your opinion, was your left shoulder  
5 aggravated by any work activities?

6 A Quite honestly, it may have. You know, when  
7 you're picking up supplies and boxes on -- you know,  
8 numerous times a week. And when you're getting in and  
9 out of a small vehicle multiple times a day, yeah, I  
10 would -- I would say the repetitive movement. Yeah.

11 Q At the present time how often do you feel pain  
12 in your left shoulder?

13 A It's constant.

14 Q Constant pain in your left shoulder?

15 A Uh-huh.

16 Q Is that "yes"?

17 A Yes.

18 Q When you said yes -- yeah. Thanks.

19 And at the present time, what level is your  
20 lowest level of pain in your left shoulder?

21 A It's not a -- it's not a very painful level,  
22 it's just a discomfort. So it -- I would say 2, 3.

23 Q And is that pain level ever increase or does it  
24 stay at that level?

25 A There -- there is times where it can increase

1 up to about 3 or 4.

2 Q All right. And are you having any pain in your  
3 lower extremities?

4 A Just other than the left hip, not much.

5 Q Okay. Well, "not much" is difficult for  
6 attorneys --

7 A I understand. It's a vague -- it's a vague  
8 answer.

9 Q Right.

10 A Quite honestly, 1 to 2.

11 Q All right. Where in your left -- where in your  
12 lower extremities other than your left hip do you feel  
13 pain?

14 A Knees.

15 Q Both knees?

16 A Especially -- especially the right knee,  
17 because when I was -- when I was rear-ended, the right  
18 knee hit pretty hard against the middle console where  
19 the gearshift is. So when I was rear-ended, my knee hit  
20 that console on the right. And as a matter of fact, in  
21 that car you can see where the -- a piece of that  
22 console broke off from where my knee hit. There's a  
23 piece, chunk missing from that console that it broke off  
24 from that day. So yeah.

25 Q When you went to Hoag, did you tell them about



1 your right knee?

2 A I told them -- I told them I was hurting in my  
3 neck, in my back, and in the right knee. But the funny  
4 part is, they only took a -- they only took a -- a C.T.  
5 of, I think, my neck, so I was quite surprised about  
6 that. Yeah.

7 Q Yes. I have the medical report from Hoag, and  
8 I did not see any complaint of a right knee in there. I  
9 did see the head, the neck, and the arm.

10 When you went to Concentra, do you recall if  
11 you told them about your right knee?

12 A I -- I may have. I must have. I'm not sure.  
13 Maybe.

14 Q Did you ever see your own personal physician  
15 about pains --

16 A No.

17 Q -- to your right knee?

18 A No.

19 Q Did you ever have any prior injuries to your  
20 right knee?

21 A Nope.

22 Q Have you ever seen a doctor or health care  
23 practitioner for your right knee?

24 A No.

25 Q Have you told Dr. Komberg about your right

1 knee?

2 A They know of the -- the parts of my body that  
3 were affected, so yes.

4 Q Have you gotten any treatment for your right  
5 knee?

6 A No.

7 Q At the present time, how often do you have pain  
8 in your right knee?

9 A It's not very often. It's -- it comes and  
10 goes.

11 Q So more than once a day?

12 A I'd say a few times a day. But it's a very low  
13 pain. It's not -- it's not very -- it's like a 2 or a  
14 3. Yeah.

15 Q And "a few" is how many to you?

16 A I'm sorry?

17 Q You said it happens a few times a day. How  
18 many is that to you?

19 A Two to three times a day.

20 Q And at the present time, do you notice that  
21 pain with any particular activities or things that  
22 you're doing, or just come and go at will?

23 A It doesn't really -- no. It just comes and  
24 goes at will, but it -- like I said, it's not -- it's  
25 not a debilitating kind of pain. It's just sometimes I

1 feel that's there, and then it's there -- and then  
2 there's times that I don't.

3 Q Okay. Are you feeling any pain in your left  
4 knee at the present time?

5 A No, but I'm definitely feeling the left hip  
6 right now that I'm sitting.

7 Q Can you hang in there a few more minutes and  
8 then we'll be done or do you need to take a break?

9 A No. I want to get this over.

10 Q I understand.

11 A I have a very high tolerance to pain, so that's  
12 why all my life I've managed to push through these kind  
13 of things, but -- you know, after accident and then  
14 after this March 23rd pain, it became -- all of this  
15 just became overwhelming for me.

16 And it got to the point where my fiancée says,  
17 "You need to allow -- you have a right to get this taken  
18 care of." And I'm, like -- so I'm -- I'm stopping  
19 ignoring all this and just -- I'm listening to her,  
20 because she's a nurse practitioner, and she'll kick my  
21 butt if I don't do it.

22 Q Is she a nurse practitioner for your personal  
23 physician now?

24 A No.

25 Q Okay. Just curious.

1           A    No.

2           Q    Did you ever serve in the military?

3           A    No, ma'am.

4           Q    Okay.

5           A    My -- all my family has though. My brother

6   has.

7           Q    Okay. And have you ever been involved in any

8   automobile accidents other than this one in June 2020?

9           A    Not to my recollection, no. That's -- huh-uh.

10          Q    Have you ever had any other injuries that have

11   required you to seek medical treatment that you haven't

12   already told me about?

13          A    No.

14          Q    The Yaris that you were driving, was that a

15   stick shift or standard?

16          A    It's standard.

17          Q    Did you go to Hoag after your March 2021

18   accident?

19          A    I did go -- I did go to Hoag urgent care on

20   March 29th for the hip and the back, yes.

21          Q    Okay. Did you get an injection?

22          A    It was a pain injection, but it didn't do

23   anything.

24          Q    Which urgent care did you go to? Which one?

25          A    It was Hoag Huntington Beach.

1 Q And you said the injection was for your left  
2 hip?

3 A Yeah. I was -- they told me that it was a pain  
4 injection, to help with the pain, and it really didn't  
5 help.

6 Q Had you ever had an injection to your left hip  
7 before?

8 A No.

9 Q You're receiving benefits now; correct?

10 A Yes.

11 Q That's from Gallagher Bassett?

12 A Yes.

13 Q Are you seeing any doctors besides Dr. Komberg  
14 now for your -- your injuries that you filed on?

15 A No.

16 Q All right. Dr. Komberg had a history that you  
17 reported symptoms to your employer in January 2019. Do  
18 you recall if that is correct?

19 A That is correct.

20 Q Who did you report your symptoms to?

21 A I would say to my -- my peers. You know, I --  
22 there was times where I would show up to -- to work  
23 and -- it was Jim Norris, the lab manager there. There  
24 was times when I'd go in there and, you know, I'd be a  
25 little achy, and he would ask me, "What's going on,

1 Martin? Is something wrong?"

2 And I'm, like, "Yeah. My --" you know, and I  
3 would tell him. My back was hurting, my leg was hurting  
4 a little bit, and I told him my neck was hurting.

5 And he asked me, you know, what, you know,  
6 "What -- what's going on? What'd you do?"

7 I said -- I mean -- I told him, I said, "It's  
8 been since the accident. Since the accident" --

9 Q Well --

10 A -- I said, "nothing's been right."

11 Q Okay. So what Dr. Komberg's history was, is  
12 that you reported these pains in January 2019, which  
13 would have been about a year and a half before your  
14 accident.

15 A Yes.

16 Q Is that right?

17 A Yeah.

18 Q Okay.

19 A Oh, there's days when I'd go in and I -- yeah,  
20 I'd say, "Yeah, man, my -- my lower back's bugging me"  
21 or --

22 Q And was Jim --

23 A My leg's bugging me.

24 Q Did you tell Jim -- did you just tell

25 Jim Norris about your complaints or did you tell anybody

1 else?

2 A There was other people. There's a Tri Nguyen  
3 that works at the lab.

4 And then -- like I said, I was in San Diego  
5 since then, you know, since that 2019, and there were  
6 times when I would meet up with some of my peers when we  
7 do the hand offs of the specimens, and we would talk  
8 about that stuff. And, you know, they would say, "Yeah,  
9 my --" you know, "My arm's hurting," this.

10 Then I'd say, "Well, yeah, my -- my leg and my  
11 back's been hurting."

12 And -- so there was talk about it, you know.  
13 We'd mention it to our peers on occasion.

14 Q At any point in time -- at any point in time do  
15 you recall ever complaining about the pains to your  
16 supervisor before June 2020?

17 A Not that I recall. Not to the supervisors, no.

18 Q All right. At the present time, as a result of  
19 your pains are you having any problems with such things  
20 as using the restroom, taking a shower, taking a bath,  
21 anything like that?

22 A Absolutely.

23 Q Okay. Describe to me what symptoms or  
24 complaints you're having.

25 A Well, it's still a struggle to get up. I mean,

1 I -- when I get up, I have to sit at the edge of my bed  
2 for a bit. And then once I get up, I grab my cane and I  
3 make my way to the shower, and -- I get in the shower,  
4 and I'm kind of having to hold on to the sides of the  
5 walls of the shower. And it's -- it's a struggle to try  
6 to wash my body, yeah. I manage, but I -- you know,  
7 it's painful.

8 To bend over and tie my shoes, you know, just  
9 to get dressed, it's a struggle. And it's -- like I  
10 said, it's -- since the accident I've been having to  
11 deal with this, and I've been living this way.

12 My quality of life has been deeply altered.  
13 Before this accident --

14 Q Are you also --

15 A -- I was able to enjoy my grandson. I would  
16 take him out to play and we would have a little fun.  
17 Now I can't even do these things without -- you know, I  
18 can't even stand for any period of time.

19 You know, and I -- I've been pretty active most  
20 of my life. You know, I -- I walk and I -- you know,  
21 I've been in pretty good shape. But now it's like, you  
22 know -- and I hate being in this position. I hate being  
23 like this.

24 I never in my wildest dreams thought I would be  
25 feeling the way I do. I'm only 56 years old. I'm not



1 at the age where I should be having all these problems.

2 Q As a result of these accidents, are you having  
3 any problems with things like writing or typing?

4 A When my arm goes numb, which is the arm that I  
5 use to write, yes.

6 Q So you're right-handed?

7 A Yep.

8 Q Are you having --

9 A I can be holding something and all of a sudden  
10 my arm goes numb, and then it's hard for me to hang on  
11 to whatever I'm holding.

12 Q You told me that you're having issues with  
13 standing. Are you having issues with sitting as well?

14 A Yes, because if I -- if I sit straight, then  
15 after a while, you know, the left hip starts to hurt.  
16 So I kind of have to, like, you know, tilt myself to the  
17 right, so to speak, and put the weight on the right  
18 side.

19 Q Are you doing any stretching exercises at home?

20 A Well, when I get dressed, it's already a -- a  
21 stretching.

22 Q It's a stretch?

23 A Yeah, I'm already stretching and -- you know,  
24 and like I said, it's a struggle. Yeah.

25 Q All right. Are you having problems with

1 climbing stairs?

2 A It's -- I do -- I can climb stairs, I just have  
3 to do it really slowly, and I have to use the rail.

4 Q As a result of your pains, are you having any  
5 issues -- scratch that.

6 Since March of 2021, have you taken any trips  
7 anywhere?

8 A No. My -- my mobility has been extremely  
9 limited since the -- since the injury.

10 Q And since March of 2021, have you received any  
11 benefits beside through Gallagher Bassett? In other  
12 words, any state disability benefits; anything like  
13 that?

14 A Not as of yet, no.

15 Q Have you applied for social security  
16 disability?

17 A No.

18 Q Are you under any treatment with any doctor  
19 besides Dr. Komberg right now?

20 A No.

21 Q I mean other than for your diabetes.

22 A No.

23 Q And do you have any hobbies that you haven't  
24 already told me about?

25 A At this moment I have none. No.

1 Q All right. Have you filed any other claims  
2 against your employer?

3 A Yes.

4 Q And what is the nature of those other claims?

5 A It's an employment claim. It's -- it's  
6 regarding the employment.

7 Q Can you be any more specific? Is it a wage and  
8 hour or is it --

9 A It was -- I'm sorry?

10 Q Was it -- I mean, just type of claim. I know  
11 you said it's employment, but what is it in reference  
12 to?

13 A Wages.

14 Q Back owed wages or --

15 A Back wages, promised wages that never happened.

16 Q Do you have an attorney representing you in  
17 that?

18 A Attorney Spencer.

19 Q Has your deposition been taken in regards to  
20 that claim?

21 A No.

22 Q And has that claim been resolved? Is it  
23 settled?

24 A Not at the moment, no.

25 MS. DUGAN: I don't have any further questions.

1 MS. FOLEY: I don't have any questions.

2 MS. DUGAN: Stipulate to waiver of 2025 of the Code  
3 of Civil Procedure.

4 Deposition may be signed under penalty of  
5 perjury.

6 In the event it is unsigned, a copy may be used  
7 with the same force and effect as if it was signed.

8 Any corrections are to be made within 45 days  
9 of receipt of transcript; otherwise, the deposition  
10 booklet is stipulated to be true and correct as printed.

11 MS. FOLEY: So stipulated.

12 (Whereupon, the deposition of MARTIN LUGO  
13 adjourned at 12:00 p.m.)

14 \* \* \*

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

Executed at \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

MARTIN LUGO

1 State of California )  
2 County of Los Angeles ) ss.

3

4 I, Trina D. Cox, a California Certified  
5 Shorthand Reporter, No. 7992, do hereby certify:

6 That the witness named in the foregoing  
7 deposition was, before the commencement of the  
8 deposition, duly sworn to testify the truth, the whole  
9 truth, and nothing but the truth;

10 That said deposition was taken down in  
11 stenographic writing by me and thereafter transcribed  
12 into typewriting under my direction, and I hereby  
13 certify that the foregoing deposition is a true,  
14 correct and complete transcript of said proceedings.

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

18 I declare under penalty of perjury that the  
19 foregoing is true and correct.

20 Executed at La Mirada, California.

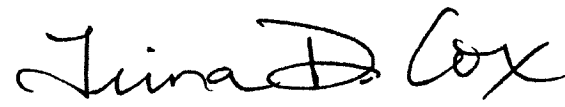
21 Dated: August 12, 2021

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25



Trina D. Cox  
CSR #7992

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