

Apr 30 11 04:05p

Marcella Coca

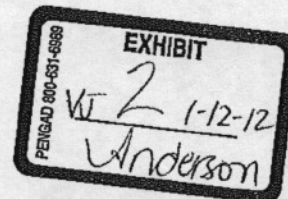
(209) 847-6438

P

Marcella I. Coca
315 Laurel Ave.
Oakdale, CA 95361
(209) 847-6438

Via Facsimile (209) 982-0120

April 30, 2011



John Stroh
San Joaquin County Mosquito & Vector Control District
77595 South Airport Way
Stockton, CA 95206-3918

Re: Emily ~~Stroh~~ POPE

Dear Mr. Stroh:

I own the property at 17265 and 17261 Enterprise Rd., Escalon, CA 95320. I would like to commend Emily ~~Stroh~~ POPE for the excellent work she does for the District. I saw her shimmy under a hot-wired fence to get to an area that had a mosquito problem. I have never seen anyone else do that. She is a very strong, capable, and willing worker.

If there is ever an opening in our area again please consider giving it to Emily. She takes her job very seriously.

Thank you for your consideration.

Sincerely,

M. I. Coca

Marcella I. Coca

*Emily -
Keep up the good work!
T.I. Stroh*

EXHIBIT
VS. 5 1-12-12
Anderson
PENGAD 800-651-6553

One mile north of
West Ripon Road

Pyronol

Mube

Chaffman

Morgan

Kincaid Rd

W Ripon Rd

Austin
Road

W Ripon Rd

W Ripon Rd

W Main St

Alice Ave

Kincaid Rd

Hutchinson Rd

Hutchinson Rd

Hutchinson Rd.

Melton Rd

Cull

S Mohler Rd

Minam Way
Doak Blvd

Mohler
Rd.

Augusta Ponte Dr
Doak Blvd
Bailey Dr

Jack Tone Rd

W. Maria
Avenue Park

Jack Tone Rd

Ripon Christian
Schools

S. Highland 99
Ave.

Colony Rd
Colony Rd

Brack

New Vleit Ditch in juncy site to 29-11-
30138 E. Hwy 130 E. Excavation

A sample from
the ditch
+ the ditch
has been
excavated

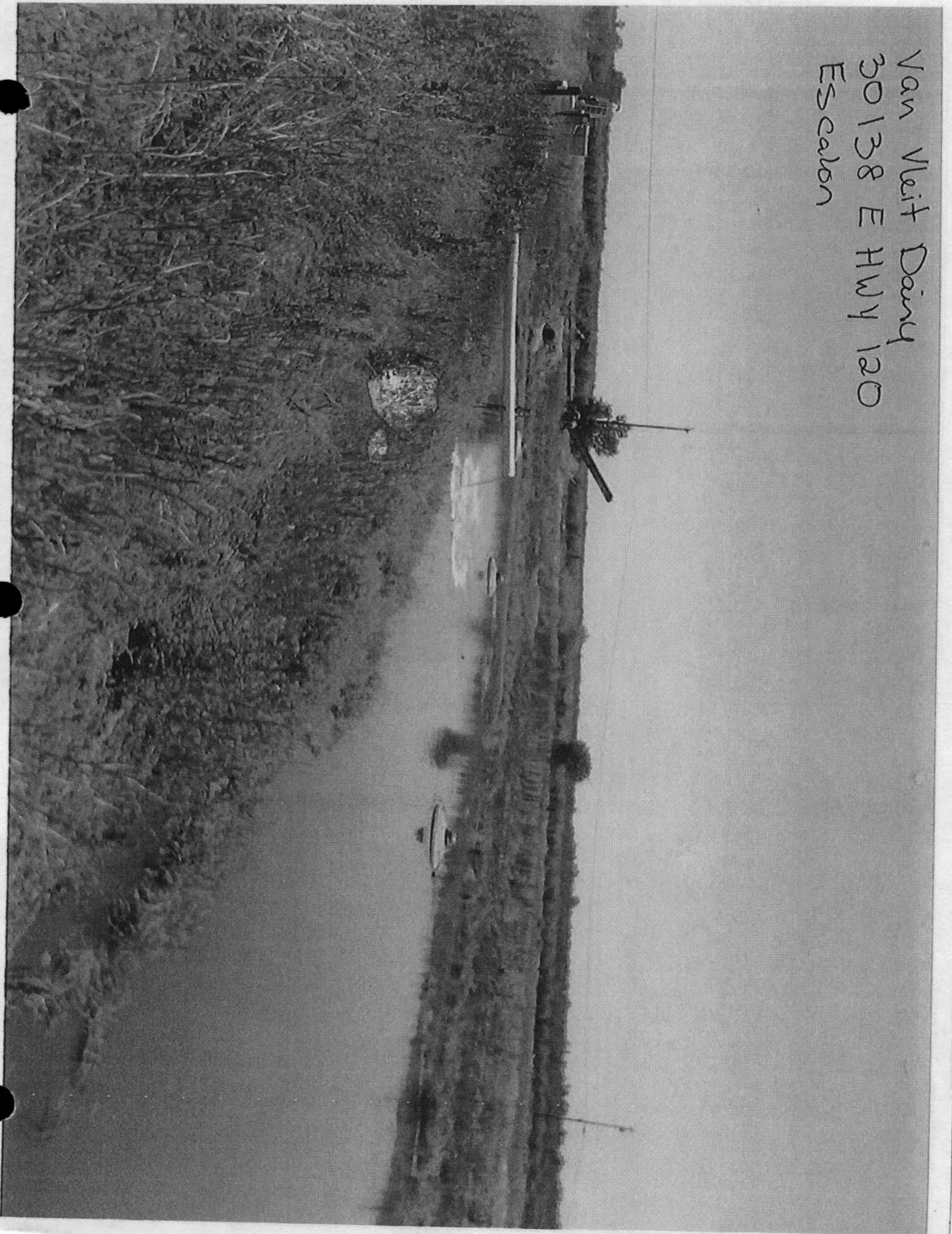


Van Vleet Dairy
30138 E Hwy 120
Escalon

7-28-11
11:30
Destructed
pieces of equipment
same dairy as
injury



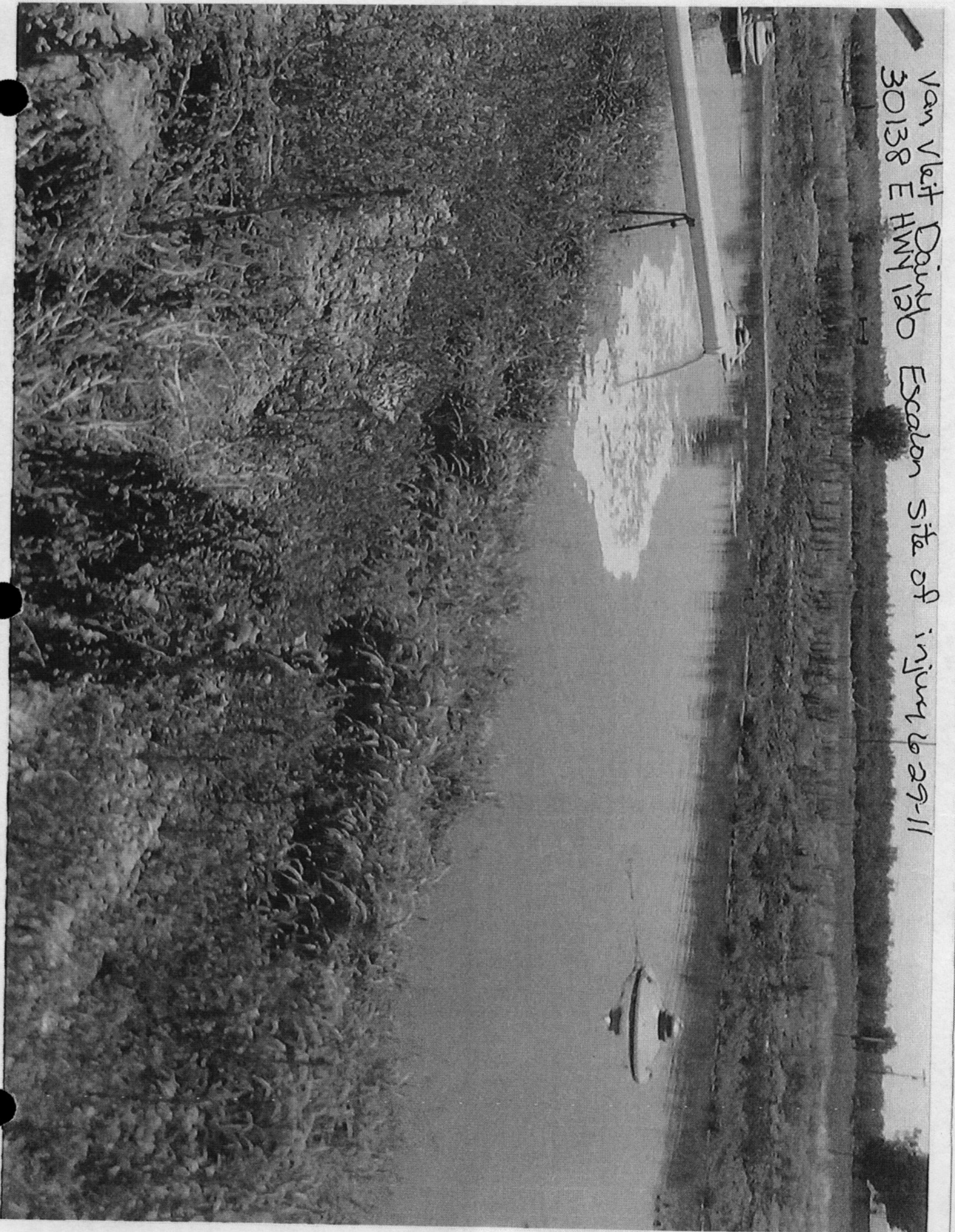
Van Vleit Dairy
30138 E HWY 120
Escalon



Van Weit Dairy
30138 E HWY 120
Escalon
site of injury 6-29-11



Van Vleet Dairy Escalator site of injury 6-29-11
30138 E HWY 120



weed control program in place, district inspectors will contact the pond owner/operator in person to request compliance.

If, during the months of March through November, any liquid waste pond system has vegetation that creates a mosquito-breeding problem, the site will be declared a public nuisance and the landowner will be requested to abate the nuisance. If compliance is not forthcoming in a reasonable amount of time, the district will initiate legal abatement action to eliminate the public nuisance. The landowner and/or operator will be responsible for all abatement costs. Because of the past cooperation received from most pond owners in San Joaquin County, it is not expected that the district will have to resort to this action.

Enclosed are recommendations for proper waste pond maintenance.

Do not hesitate to contact the district if you have any questions or comments. You may contact us toll-free at 1 800-300-4675.

POND MANAGEMENT FOR INSECT, RODENT, AND ODOR CONTROL

The way dairy wastewater facilities are managed affects many people including fly and air pollution control inspectors, mosquito abatement operators, and neighbors. If a wastewater pond is used only for storm runoff is emptied and dried promptly, and if weeds are controlled, there will probably be no complaints. If it is used daily as a sump for washwater, or as an irrigation reservoir, or just allowed to remain wet for long periods, close management will be necessary to prevent nuisances. Although house fly eggs will not hatch in standing water, the moist areas protected from the direct rays of the sun (e.g., under weeds or tall grass, in deep cracks in the soil, or in organic waste) are ideal places for fly development.

Mosquitoes favor sheltered or stagnant water such as occurs near pond floatage or near banks with vegetation growing or hanging into the water. Elimination of vegetation at the water line, raising and lowering the water level a foot or two every 3 days, and separation of waste material that will float will simplify fly and mosquito control.

Ground squirrel burrows are often a problem around levees. There should be a service road on top, and frequent vehicle use will tend to discourage squirrels. Vehicles (including tractors) will keep the soil compacted for hydraulic strength and safety. The road also will serve for weed and insect control purposes. Elimination of vegetation will discourage burrowing rodents.

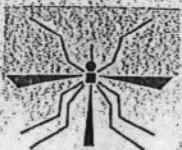
Wastewater ponds, properly managed, usually generate fewer odors than would the same total manure wastes remaining in the corrals. A US Department of Agriculture (USDA) study (Luebs, Laag, and Davis, 1973) in the Chino Basin found that the

atmosphere near a wastewater pond contained no more odorous gases than the atmosphere measured at corral fence lines. Careless operation, however, can produce excessive putrefactive odors from long-term anaerobic sludge from pond bottoms. Odor control, then, is accomplished by frequently removing settled sludge and diluting it with irrigation water. This is best done by pumping the lower pond water into an irrigation standpipe in a blend of no more than one part wastewater to three parts flowing irrigation water. Good sludge elimination and reasonable odor control also can be obtained by admitting irrigation water into the pond near the point of waste inflow and drawing off the manure-irrigation blend from near the bottom at the opposite end. This must be done frequently to prevent excessive concentration. The blend usually needs further dilution.

Ponds that are used daily for washwater storage should be promptly refilled with 2 feet of water after emptying to "cap" the odor-generating floor. Pond structures that are only used for infrequent storm runoff should be promptly dried to restore an odorless aerated condition (Light harrowing will speed up drying and will control fly larvae growth.)

(retyped from UC leaflet 2910)

SAN JOAQUIN
COUNTY



MOSQUITO &
VECTOR CONTROL
DISTRICT

JOHN R. STROH
MANAGER

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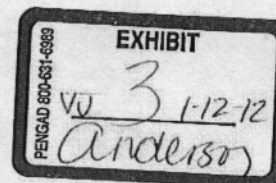
JANET L. JAMES
LATHROP

ALVIN C. INMAN
SAN JOAQUIN COUNTY

J. DON LAYSON
SAN JOAQUIN COUNTY

CHRISTOPHER K. ELEY
LEGAL ADVISOR

MEMORANDUM



Date:

April, 2001

From:

JOHN R. STROH, MANAGER

To:

AGRICULTURAL AND INDUSTRIAL WASTE POND OWNERS/OPERATORS

Subject:

WASTE POND VEGETATION MANAGEMENT

As an owner and/or operator of a liquid waste pond system, you have several responsibilities in managing and operating your pond and related drains, of which one is vegetation control to prevent mosquito development. Weeds controlled around the perimeter and surface of the pond, and along the ditch banks of drains, is the most effective mosquito control measure available to the waste pond system owner.

Because state law classifies mosquito development as a "public nuisance", the owner or operator of the mosquito breeding site is responsible for the prevention of mosquitoes. This district provides routine inspection service for all ponds in San Joaquin County to ascertain their condition and the status of any mosquito development. The district also performs mosquito control on the ponds to prevent adult mosquito emergence. However, these control operations cannot be performed economically or effectively when there is emergent vegetation around the perimeter and surface of the ponds and related drains.

The district is requesting that all owners and operators of liquid waste ponds implement a vegetation control program for their sites. The plan should contain the following objectives:

1. Eliminate and prevent emergent vegetation on all roadways and inside slopes of liquid waste ponds and drains from March through November.
2. Eliminate and prevent the accumulation of manure and organic solids on the surface of liquid waste ponds. Any vegetation growing on floating manure or organic waste must be immediately controlled and prevented from re-occurring during the months of March through November.

Pond owners can either perform the weed control themselves or contract with a licensed weed control company. The planning for weed control should start immediately. Certain types of chemicals used in controlling weeds must be applied during normal growing conditions, while others can be applied when the weeds are dormant.

District inspectors will monitor the condition of all liquid waste ponds through the fall and winter months. When vegetation growth appears excessive, or if there does not appear to be a

CHEMICAL SHEET INFORMATION

[illegible]

CHEMICAL SHEET INFORMATION

[illegible]

8/9/09	3.50	31185 River Rd	317	Morgan
8/9/09	3.50	31185 River Rd	317	Morgan
8/10/09	11.00	17132 Seidner	317	Morgan
8/10/09	11.00	17132 Seidner	317	Morgan
8/10/09	4.00	31393 Combs Rd	317	Morgan
8/10/09	5.50	19513 Sutliff	317	Morgan
8/10/09	5.50	19513 Sutliff	317	Morgan
8/10/09	5.50	19649 Sutliff	317	Morgan
8/10/09	5.50	19649 Sutliff	317	Morgan
8/10/09	5.00	31277 Lonetree Rd	317	Morgan
8/10/09	5.00	31277 Lonetree Rd	303	
8/11/09	4.00	31393 Combs Rd	317	Morgan
8/11/09	4.00	31147 Combs Rd	317	Morgan
8/11/09	4.00	29832 HWY 120	317	Morgan
8/11/09	4.00	30835 Rossier Rd	317	Morgan
8/11/09	12.00	29469 Vine Rd	317	Morgan
8/18/09	22.00	17963Enterprise	317	Morgan

440.90

5/9/11	12.00	17963 Enterprise	336	Norm	317	Morgan
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4/24/09	4.00	17101 Henry Rd	317	Norm
4/24/09	4.00	15787 Henry Rd	373	Joe S
4/27/09	1.00	16049 Henry Rd	317	Morgan
4/27/09	1.00	16049 Henry Rd	317	Morgan
4/27/09	2.50	30837 Combs Rd	317	Morgan
4/27/09	2.50	30837 Combs Rd	317	Morgan
4/27/09	2.50	31147 Combs Rd	317	Morgan
4/27/09	2.50	31147 Combs Rd	317	Morgan
4/27/09	5.00	31111 Lonetree Rd	317	Morgan
4/27/09	5.00	31111 Lonetree Rd	317	Morgan
4/27/09	2.00	31343 Lonetree Rd	317	Morgan
4/27/09	2.00	31343 Lonetree Rd	373	Joe S
4/27/09	11.00	30561 Lonetree Rd	317	Morgan
4/27/09	11.00	31343 Lonetree Rd	373	Joe S
4/27/09	5.00	30972 Lonetree Rd	317	Morgan
4/27/09	5.00	30972 Lonetree Rd	373	Joe S
4/27/09	2.00	29832 HWY 120	317	Morgan
4/27/09	2.00	29832 HWY 120	317	Morgan
4/27/09	2.50	29912 HWY 120	317	Morgan
4/27/09	2.50	29912 HWY 120	373	Joe S
4/27/09	1.50	30835 Rossier Rd	373	Joe S
4/27/09	1.50	30835 Rossier Rd	317	Morgan
4/27/09	5.00	17015 Henry Rd	317	Morgan
4/27/09	5.00	17015 Henry Rd	373	Joe S
4/27/09	2.50	15787 Henry Rd	317	Morgan
4/27/09	2.50	15787 Henry Rd	373	Joe S
4/29/09	21.00	17963Enterprise	317	Morgan
4/29/09	21.00	17963Enterprise	373	Joe S
4/29/09	2.50	27889 Vine Rd	317	Morgan
4/29/09	2.50	27889 Vine Rd	373	Joe S
5/1/09	3.50	31277 Lonetree Rd	317	Morgan
5/1/09	3.50	31277 Lonetree Rd	317	Morgan
5/1/09	5.00	15859 Henry Rd	317	Morgan
5/1/09	5.00	15859 Henry Rd	317	Morgan
5/17/09	5.00	31277 Lonetree Rd	336	Norm
5/17/09	5.00	31277 Lonetree Rd	373	Joe S
5/17/09	2.50	15787 Henry Rd	317	Morgan
5/17/09	2.50	15787 Henry Rd	373	Joe S
5/17/09	2.50	15787 Henry Rd	336	Norm
6/8/09	2.00	31343 Lonetree Rd	336	Norm
6/11/09	3.00	15251 Henry Rd	306	Tiffany
6/17/09	7.00	30138 HWY 120	306	Tiffany
6/18/09	5.00	31147 Combs Rd	306	Tiffany

8/13/08	15.50	29116 E Dodds Rd	292	Scott
8/13/08	15.50	29116 E Dodds Rd	317	Morgan
8/28/08	5.00	29116 E Dodds Rd	336	Norm
9/2/08	16.00	19513 Sutliff	317	Morgan
9/2/08	13.00	19649 Sutliff	317	Morgan
9/6/08	18.00	17963Enterprise	317	Morgan
9/6/08	18.00	17963Enterprise	336	Norm
9/6/08	4.00	31185 River Rd	317	Morgan
9/6/08	4.00	31185 River Rd	317	Morgan
9/6/08	6.00	31078 Rossier Rd	336	Norm
9/6/08	4.00	19774 Sutliff Rd	317	Morgan
9/6/08	4.00	19774 Sutliff Rd	336	Norm
9/15/08	2.00	16049 Henry Rd	317	Morgan
9/15/08	4.00	31393 Combs Rd	317	Morgan
9/15/08	5.00	31147 Combs Rd	317	Morgan
9/15/08	10.00	29469 Vine Rd	317	Morgan
9/15/08	10.00	15859 Henry Rd	317	Morgan
9/16/08	5.00	30837 Combs Rd	317	Morgan
9/16/08	4.00	28892 Lemon Rd	317	Morgan
9/16/08	4.00	15787 Henry Rd	317	Morgan

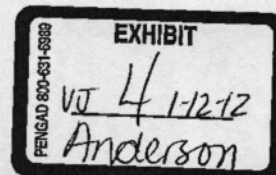
250.50

4/23/09	6.20	31185 River Rd	317	Morgan
4/23/09	6.20	31185 River Rd	317	Morgan
4/23/09	9.00	30695 Combs Rd	317	Morgan
4/23/09	9.00	30695 Combs Rd	317	Morgan
4/23/09	10.00	30695 Combs Rd	317	Morgan
4/23/09	2.50	31393 Combs Rd	317	Morgan
4/23/09	2.50	31393 Combs Rd	317	Morgan
4/23/09	2.00	31393 Combs Rd	317	Morgan
4/23/09	2.00	31393 Combs Rd	317	Morgan
4/23/09	11.00	19513 Sutliff	317	Morgan
4/23/09	11.00	19513 Sutliff	317	Morgan
4/23/09	11.00	19649 Sutliff	317	Morgan
4/23/09	11.00	19649 Sutliff	317	Morgan
4/23/09	10.00	29469 Vine Rd	317	Morgan
4/23/09	10.00	29469 Vine Rd	373	Joe S
4/24/09	3.00	17713 Enterprise	317	Morgan
4/24/09	3.00	17713 Enterprise	317	Morgan
4/24/09	2.50	31078 Rossier Rd	317	Morgan
4/24/09	2.50	31078 Rossier Rd	373	Joe S
4/24/09	5.00	27927 Vine Rd	317	Morgan
4/24/09	5.00	27927 Vine Rd	373	Joe S

8/27/07	2.00	17265 Enterprise	306	Tiffany		
4/21/08	8.00	29508 Grooms	306	Tiffany		
4/28/08	6.00	15787 Henry Rd	306	Tiffany		
4/28/08	14.00	16880 Henry Rd	306	Tiffany		
4/28/08	4.00	17015 Henry Rd	306	Tiffany		
5/1/08	7.00	19162 Sutliff Rd	306	Tiffany		
5/2/08	6.00	31343 Lonetree Rd	306	Tiffany		
5/2/08	10.00	31277 Lonetree Rd	306	Tiffany		
5/9/08	8.00	31078 Rossier Rd	306	Tiffany		
5/13/08	6.00	19774 Sutliff Rd	306	Tiffany		
5/17/08	2.50	29282 Grooms	317	Morgan		
5/17/08	2.50	29282 Grooms	317	Morgan		
5/20/08	14.00	21502 Santa Fe	306	Tiffany		
5/30/08	5.00	31393 Combs Rd	317	Morgan		
6/8/08	6.00	17713 Enterprise	306	Tiffany		
6/9/08	14.00	31185 River Rd	306	Tiffany		
6/10/08	11.00	27927 Vine Rd	306	Tiffany	336	Norm
6/10/08	8.00	16880 Henry Rd	306	Tiffany	319	Mike
6/10/08	11.00	27889 Vine Rd	306	Tiffany	336	Morgan
6/10/08	16.00	30138 HWY 120	306	Tiffany	336	Norm
6/16/08	3.00	30835 Rossier Rd	306	Tiffany		
6/16/08	3.00	30873 Rossier	306	Tiffany		
6/18/08	22.00	17963Enterprise	306	Tiffany		
6/18/08	5.00	30837 Combs Rd	306	Tiffany		
6/18/08	4.00	31053 Combs Rd	306	Tiffany		
6/18/08	16.00	19513 Sutliff	306	Tiffany		
6/18/08	13.00	29702 Vine Rd	306	Tiffany	319	Mike
6/18/08	13.00	19649 Sutliff	306	Tiffany	319	Mike
238.00						
7/1/08	2.00	16049 Henry Rd	317	Morgan		
7/1/08	10.00	15859 Henry Rd	317	Morgan		
7/1/08	4.00	15701 Henry Rd	317	Morgan		
7/3/08	2.50	29832 HWY 120	317	Morgan		
7/3/08	4.00	17015 Henry Rd	317	Morgan		
8/4/08	6.00	29282 Grooms	317	Morgan		
8/4/08	14.50	30695 Combs Rd	317	Morgan		
8/8/08	10.00	31277 Lonetree Rd	317	Morgan		
8/8/08	5.00	31111 Lonetree Rd	317	Morgan		
8/11/08	10.00	30972 Lonetree Rd	317	Morgan		
8/13/08	15.50	29116 E Dodds Rd	319	Mike		

Altosid Pellet Applications in Zone 18 on Pastures

Treatment Date	lbs. of Chemical	Address Applied	Technician	Helper
9/27/04	7.00	27889 Vine Rd	310 Tom	
5/26/05	5.00	31296 Rossier Rd	310 Tom	
7/28/05	22.00	28222 Vine Rd	310 Tom	
8/2/05	11.00	27927 Vine Rd	310 Tom	336 Norm
6/7/06	10.00	20300 Sutliff Rd	310 Tom	
6/13/06	7.00	28097 Vine Rd	310 Tom	
6/13/06	8.00	30098 Sutliff Rd	310 Tom	
6/19/06	12.50	19513 Sutliff	310 Tom	
8/1/06	16.00	17963 Enterprise	310 Tom	336 Norm
8/2/06	11.00	27889 Vine Rd	310 Tom	336 Norm
8/2/06	11.00	30962 Combs Rd	310 Tom	336 Norm
8/2/06	2.00	20300 Sutliff Rd	310 Tom	336 Norm
8/29/06	12.00	19513 Sutliff	310 Tom	
8/29/06	10.00	27889 Vine Rd	310 Tom	336 Norm
8/29/06	2.00	30962 Combs Rd	310 Tom	336 Norm
8/29/06	11.00	27927 Vine Rd	310 Tom	336 Norm
5/9/07	14.00	17963 Enterprise	336 Norm	317 Morgan
5/14/07	13.00	19513 Sutliff	336 Norm	
5/14/07	10.00	27889 Vine Rd	336 Norm	317 Morgan
5/14/07	12.00	20300 Sutliff Rd	336 Norm	317 Morgan
5/14/07	3.00	19224 Sutliff Rd	336 Norm	317 Morgan
5/14/07	4.00	30098 Sutliff Rd	336 Norm	317 Morgan
5/14/07	10.00	27927 Vine Rd	336 Norm	317 Morgan
5/16/07	10.00	17963 Enterprise	336 Norm	
6/28/07	5.00	31095 River Rd	317 Morgan	
7/26/07	13.50	19513 Sutliff	336 Norm	
7/26/07	11.00	27889 Vine Rd	336 Norm	317 Morgan
7/26/07	2.50	20300 Sutliff Rd	336 Norm	317 Morgan
7/26/07	3.00	19224 Sutliff Rd	336 Norm	317 Morgan
7/26/07	6.00	30098 Sutliff Rd	336 Norm	317 Morgan
7/26/07	11.00	27927 Vine Rd	336 Norm	317 Morgan
8/2/07	1.00	29832 HWY 120	306 Tiffany	
8/9/07	12.00	17963 Enterprise	306 Tiffany	336 Norm
8/9/07	22.00	17963 Enterprise	306 Tiffany	336 Norm
8/22/07	4.00	28892 Lemon Rd	306 Tiffany	
8/22/07	3.00	31393 Combs Rd	306 Tiffany	
8/24/07	4.00	17015 Henry Rd	306 Tiffany	



This product is a historical staple out in Escalon when the irrigation water is released onto a pasture larvae can go from egg to adult in 2.5 days

Altosid® Pellets

MOSQUITO GROWTH REGULATOR



A GRANULAR PRODUCT TO PREVENT ADULT MOSQUITO EMERGENCE

SPECIMEN LABEL

ACTIVE INGREDIENT:
(S)-Methoprene (CAS #65733-16-6) 4.25%
OTHER INGREDIENTS: 95.75%
Total 100.00%

EPA Reg No. 2724-448

KEEP OUT OF REACH OF CHILDREN
CAUTION

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS **CAUTION**

ENVIRONMENTAL HAZARDS

This product is toxic to aquatic dipteran (mosquitoes) and chironomid (midge) larvae. Using it in a manner other than that described by the label could result in harm to aquatic dipteran. Do not contaminate water when disposing of rinsate or equipment washwaters.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

INTRODUCTION

ALTOSID® Pellets release ALTOSID® Insect Growth Regulator as they erode. The pellets prevent the emergence of adult standing water mosquitoes, including *Anopheles*, *Culex*, *Culiseta*, *Coquillettidia*, and *Mansonia* spp., as well as adults of the floodwater mosquitoes, such as *Aedes* and *Psorophora* spp. from treated sites.

GENERAL DIRECTIONS

ALTOSID Pellets release effective levels of ALTOSID Insect Growth Regulator for up to 30 days under typical environmental conditions. Treatment should be continued through the last brood of the season. Treated larvae continue to develop normally to the pupal stage where they die. **NOTE:** This insect growth regulator has no effect on mosquitoes which have reached the pupal or adult stage prior to treatment.

APPLICATION SITES AND RATES

MOSQUITO HABITAT	RATES (lb/Acre)
Floodwater sites Pastures, meadows, ricefields, freshwater swamps and marshes, salt and tidal marshes, cattail marshes, woodland pools, flood- plains, fires, other artificial water-holding containers	2.5-5.0
Dredging spoil sites, waste treatment and settling ponds, ditches and other manmade depressions	5.0-10.0
Permanent water sites Ornamental ponds and fountains, fish ponds, cattail marshes, water hyacinth beds, flooded crypts, transformer vaults, abandoned swimming pools, construction and other manmade depressions, treeholes, other artificial water- holding containers	2.5-5.0
Storm drains, catch basins, roadside ditches, cesspools, septic tanks, waste settling ponds, vegetation-choked phosphate pits	5.0-10.0

7/15/2005 12
days

Here is a history and pattern I noticed while going through my personal records. I had three work-comp exposures during my employment with the district. In all three cases I broke out in severe rashes and then I was chronically sick. Because the treating physicians could only treat physical symptoms they could see with their eyes which happened to be severe rashes in all three cases I was released after the rashes were cleared up with the cortisone. As you can see some of these rashes lasted a near month. When the physical signs were gone I was then left to use my sick leave, vacation and accrued overtime to deal with the internal symptoms. But on all three evaluations given I was dinged on my abuse of sick leave. My supervisor at the time informed me his supervisor made him add those comments to my evaluation; which I believe is a violation. My supervisor then pointed out the time from which he wrote the evaluation to the time I signed it.

The discrimination I face today is isolation and blatant the District has always retaliated against their employees for filing work comp claims.

to Emily she informed me she was instructed by her supervisor Brian Heine not to talk to me. Emily has stuck to her guns and a year later still does not talk to me. The first date Emily was assigned to work with me alone she went home sick, yet was well enough to appear at a company party that evening. 1

As for the manager and his assistant they have discriminated against me in many ways. I have a book of documents I can provide to prove as I started writing the worst of the acts down this last year and calling them incident reports and sending them to the board.

In researching my past history with the District I noticed a pattern.

4/19/04	Date of Hire		
4			
6/9/04		Discharged	released with chronic fatigue
	Work-Comp	6/30/2004 22	symptoms
	Exposure to	days	
	unknown		
	chemical		
		Discharged	
		6/30/2004 22	
		days released	
		with chronic	
		fatigue	
		symptoms	
1/18/05	Evaluation by	written	
5	Duane	1/6/2005 13	
	Bridgewater-	days	
	Zone		
	assignment 7		
	Linden		
1/26/05	Work-Comp	Discharged	released with chronic fatigue
	Exposure-	1/31/2005 6	

Tiffany Anderson
2 N Avena Avenue
Lodi, CA 95240
209-329-9523
209-625-8587

August 31, 2011

I will start from the most current acts of discrimination in regards to me and my experiences with my employer and their responses to employees who file worker's comp claims.

July 29, 2011 my union representative called me as he had received a complaint from a fellow co-worker who noticed I was excluded from fishing duties that past protocol would have included me in. You see since my return to work on Monday August 30, 2010 from my last work comp claim I have encountered nothing but discrimination from my employer.

On July 18 2011 after returning from the weekend I meekly asked my assistant manager if I could return to US Health Works as I felt like I had a bug. This bug I believed to be contracted through dirty irrigation water that contained pesticides and animal feces I believed to of have entered a open wound I had encountered on June 28, 2011. My assistant manager verbally attacked me yelling at me about being a constant problem and how I pestered my supervisor about frivolous issues. Such as the half way house that serves as a boarding house for child molesters and a rapist.

My employer has not been alone in their discrimination against me. I called a Whistle Blower hotline back in September of 2010. This call went straight to my employers attorney who informed me he was going to investigate my manager and my complaints of harassment, retaliation and blackballing. I informed the attorney that I believed I was being harassed for filing my own work comp complaint as well as serving as a witness to a fellow co workers work comp case had I been served a subpoena to appear before the courts.

My employer, the board and the attorney all thought it would be a good idea to post the Board of Trustees Meeting agenda on Tuesday October 19, 2010, my work comp number along with the illusion that I was suing the district, on the break room wall for all employees to see. Creating an atmosphere where employees feared to communicate with me and some down right refused to work with me.

Such as in the case of our newly hired Emily Diguilio-Pope. Emily was hired in the absence of my last work comp case. When I returned to work and tried to talk

5 Discharged days symptoms
1/31/2005 -6
days-released
with chronic
fatigue
symptoms

7/26/0 Evaluation by written
5 Duane 7/15/2005 12
Bridgewater- days
Zone
assignment 9
Island Area-
written
7/15/2005 12
days

11/1/0 Work-Comp Discharged Discharged 11/30/2005 29
5 Exposure- 11/30/2005 29 days
Discharged days
11/30/2005 29
days-Discharged
11/30/2005 29
days

7/18/0 Evaluation by
6 Duane
Bridgewater-
Zone
assignment 9
Island Area-
written

pointed out that my whole crew, just the week prior while working at the cemetery followed the standard district rain policy

Morgan Bennett is not my supervisor but yet a pier that in 2007 physically and verbally harassed me by slamming his clipboard on the table I was sitting at and yelled ERMA at me. Morgan continued to call me ERMA for a week. This has been documented with my supervisor Brian Heine as I requested Brian to make Morgan stop his behavior. Brian was an assistant supervisor acting as our supervisor at that time. During that period of, time management advised Brian that he could not take sides between Morgan and I. Morgan's behavior defined harassment and Brian neglected along with management to protect my rights.

Why did Morgan Bennett even know that I filed a complaint with ERMA when it did not even involve him?

Here is yet another example of management singling me out and harassing me.

What are district policies? Why are there two sets of rules?

Email Correspondence Between Board President Mike Manna and me

Incident Report

Today's date Friday June 10, 2011

Date of incident Wednesday June 8, 2011

Time 7:30 am

On Wednesday June the 8th my supervisor Brian Heine pulled me aside and informed me we needed to talk.

Brian inquired on behalf of management regarding the date Monday June 6, 2011.

Our county had an unusual weather occurrence where we had a steady rain over the weekend. Along with these factors it rained during my drive to my zone in Escalon. The roads were sloppy and congested with traffic. I parked on the north side of HWY 120 and the east side of Seidner road. I documented this on my time sheet and studied irrigation lines for South San Joaquin County Irrigation District.

Since my employment with the district it has been a standard practice of employees to wait out a rain.

Management looked at my time sheet and then had Brian ask Morgan Bennett if it rained in Escalon, as if my judgment was off. Like I don't know the difference between the rain or the sun?

I informed Brian that Morgan's opinions of me are invalid. I also

SAN JOAQUIN COUNTY MOSQUITO & VECTOR CONTROL DISTRICT
7759 S. AIRPORT WAY, STOCKTON, CA 95206-3918
(209) 982-4675

BOARD OF TRUSTEES MEETING

AGENDA

**Tuesday, October 19, 2010
1:00 P.M.**

1. **CALL TO ORDER; ROLL CALL**
2. **PUBLIC COMMENT PERIOD** – This time is reserved for members of the public to address the Board of Trustees relative to matters of the San Joaquin County Mosquito & Vector Control District not on the agenda. No action may be taken on non-agenda items unless authorized by law. Comments will be limited to five minutes per person and twenty minutes in total.
3. **CONSENT CALENDER**
 - a. Minutes of the September 21, 2010 regular meeting of the Board of Trustees
 - b. Expenditure and Financial reports for September 2010
 - c. District activities report for September 2010
 - d. Community Education Program report for September 2010
 - e. Manager's report
 - f. Correspondence
4. **POLICY COMMITTEE REPORT**
5. **REVIEW OF DISTRICT WEBSITE, www.sjmosquito.org**
6. **REQUEST FOR AUTHORIZATION TO SEEK BIDS FOR THE PURCHASE OF THREE (3), ½ TON 4X4 PICK-UP TRUCKS PER BUDGET CATEGORY 6451001**
7. **REQUEST FOR AUTHORIZATION TO CHANGE THE DATE OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES FROM DECEMBER 21 TO DECEMBER 14, 2010**
8. **CLOSED SESSION (Pursuant to CGC §54956.9)**

→ **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
Name of case: **ANDERSON, TIFFANY vs. SAN JOAQUIN COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT, VCJPA CLAIM NUMBER VE0700184**

REPORT OF CLOSED SESSION (Pursuant to CGC §54957.1)
9. **COMMENTS FROM BOARD AND STAFF ON NON-AGENDA ITEMS**
10. **OTHER BUSINESS; ANNOUNCEMENT OF FUTURE BOARD AND COMMITTEE MEETINGS**
 - a. The next regular meeting of the Board of Trustees will be 1:00 p.m. Tuesday, November 16, 2010
11. **ADJOURNMENT**

Email Correspondence Between Board President Mike Manna and me

How is it going???

In a message dated 8/13/2010 4:41:04 P.M. Pacific Daylight Time, tiffanykayanderson@yahoo.com writes:

I enrolled at Humphrey's business school working towards a degree in paralegal studies. I am mid second quarter. I am educating myself so I can be informed of my rights and maybe land an office job one day.

I sent John a letter today it might be a good idea if you forward it to the board.

Take care
Tiffany Anderson
Dear John,

August 13, 2010

Dr. Murata my surgeon and physician assigned to my Workman's Comp claim, has given me a full release to return to work on Monday July 26th. I have not returned to work at your request stated on Friday July 23rd.

You are denying me the right to work.

It is illegal to retaliate against an employee for reporting illegal actions in the workplace. In my case, I would refer to the "Whistle Blowing" that resulted in an investigation by the board in November of 2009.

It is illegal to retaliate against an employee for filing a Workers Comp claim.

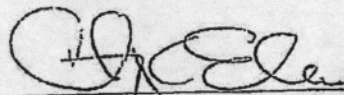
It is illegal to retaliate against an employee for giving testimony as a witness to another employee's Workers Comp claim.

Time limits on laws require that I take action to preserve my rights. I am asking that you follow the law and offer me reasonable accommodations or create a new job assignment for me. If you refuse to do this within 48 hours, I will be forced to pursue legal action in order to protect my rights, including filing a claim with the EEOC.

Sincerely,
Tiffany Anderson

With regard to your request for a meeting with some of the Trustees, I would advise my client against that at this time. The day to day operations of the District, including the review of performance evaluations, are up to District Management. The Board does not become involved unless there is some grievable issue which has not been resolved at the earlier steps in the grievance process. Additionally, the individual Trustees are not in a position to act alone, but can only act as members of the Board. Thus, please do not send your employment issues to the Trustees individually. If you believe that you have a grievance against the District, you should contact your employee representative to discuss the matter.

Sincerely,



Christopher K. Eley

CKE: pjd
Cc: SJCMVCD

CHRISTOPHER K. ELEY

Attorney-at-Law

A Professional Corporation

343 East Main Street, Suite 710 • Stockton, California 95202

Telephone: (209) 466-8511 • Facsimile: (209) 466-6340 • Email: eleylaw@gmail.com

September 14, 2010

Tiffany Anderson
2 North Avena Street
Lodi, CA 95242

Dear Ms. Anderson:

Mike Manna sent to me your e-mail dated September 5, 2010, regarding your employment at the District. In your correspondence you state that you wish your employee file to be expunged; you make some statements about employer-employee relations and ask for a meeting with members of the Board of Trustees.

Regarding expunging your employee file, I am not sure exactly what you are referring to. Are you asking for the District to remove your past performance evaluations? If an employee is unhappy with a performance evaluation, the employee can submit their own response. This needs to be shortly after receiving the evaluation. The time to submit any such response for the evaluation performed in February 2009 has long passed. Moreover, I am informed that your overall evaluation was 'satisfactory' at that time. There is an earlier performance evaluation completed for 2008. I believe that you did write a response to that evaluation. I am not aware of any other matters in the personnel file that would reflect on your performance as an employee.

Your correspondence also states that it is illegal to retaliate against an employee for certain protected actions, i.e., A) reporting of workplace wrong doing, B) filing a worker compensation claim or, C) giving testimony in a worker's compensation hearing. Your statements of the law are generally correct. If you have evidence to show that there has been retaliation against you based on any three of those actions, you may either contact management at the District, or I am available to receive facts which support any claim of retaliation. Finally, there are state and federal agencies which would consider such a claim.

worked two weeks ago. Legally I know I am right, but I'm not going to argue his position and put Brian in a more uncomfortable position. We've already made Brian uncomfortable enough.

Stop right here. This is my private information.

Bob Durham the man who should not even be working at the district due to his harassment and public humiliation of employees knows about my time on the books? Wait now his girlfriend in Lodi will know and the list goes on, as there is no privacy protection in our workplace.

The double standards and harassment astound me.

I go back to the locker room and put on my uniform and am thankful I have a job.

The date of my work comp hearing was scheduled at nine a.m. I put in a blue sheet requesting the district to pay for the time off. Eddie pulls my legal file with the county and attaches it to my blue sheet and hands it to Brian to look at. This document has nothing to do with my employment. It has my divorce date on it. The date my ex-husband and I filed charges against the person who molested my son. This information is given to Brian why? This is an invasion of my privacy, illegal, harassment and just morally wrong.

I could go on but I won't. It is my greatest hope that this information does not get back to my fellow employees and the cycle repeated as John has done in the past to perpetuate a hostile work environment and publicly humiliate me. These are acts that lawsuits are made of. When is it going to stop?

Sincerely,
Tiffany Anderson

district, disliked me from the day we met. per my request, John allowed me to change in different shifts.

When I returned to work these girls dogged. Somehow management was able to transfer the hate and hostility Janine held towards me to this new employee. Both the girls came to work late chronically. Both Janine and Emily abused their sick leave as I have been accused of doing. This is what I returned too.

December 17, 2010 Emily and I were assigned our first job assignment together. Emily had to clean the vehicle she worked in the day prior before we were to go out into the field. I was asked to clean the break room to fill in for the time I had to wait for her to finish her job assignment. Around nine when she was finished, she informed Scott Andreas she was going home sick. I believe this was an act so she wouldn't have to work with me. I believe this, due to her behavior towards me prior to this date and after. Due to this emotional insult I went to John and Eddie with Scott Andreas witnessing and asked if I could go home according to our rainy day policy. I was informed by both John and Eddie that we do not have a rainy day policy. The policy stands a day for a day. I was reassigned to inspect swimming pools in Tracy in the rain. That day I was rear ended by a woman in a parking lot. I had never been in a vehicle accident and it rattled me pretty bad. I was not sent to the doctor. I did however use my own medical care and time to be seen.

May 18 2011 was a rainy day. Many employees were allowed to leave due to the rainy day policy that didn't exist when I wanted to use it in the middle of winter, only five months ago. I requested to leave as well. I changed out of my uniform after Brian gave me permission to leave. Brian had been off work for four days and is apparently not allowed to go out into the field with me so I sat in his office and was pouring over field information I wanted to communicate to him. Brian and I are sitting at his desk. Bob is sitting right by in the same office. Eddie comes in and asks me why I am not in my uniform. I inform him I am going home. He in front of Bob informs me that I do not have enough time on the books. I asked him did you check my accrual time? He said "you bet I did" you only have 3 hours. I inform Eddie that I worked overtime a few weeks back and I know I have at least one accrual day. Eddie informs me that it hasn't been counted for yet, although it was

Email Correspondence Between Board President Mike Manna and me

----- Forwarded Message -----

From: tiffanyanderson <tiffanyanderson@me.com>

To: Michael Manna <zinman104@aol.com>; Tiffany Anderson
<tiffanykayanderson@yahoo.com>

Cc: tiffanyanderson <tiffanyanderson@me.com>

Sent: Thu, May 19, 2011 9:46:02 PM

Subject: my success at integrating back into a hostile work environment

Dear Mike,

Just in case you wanted to know how I am doing at work I thought I'd fill you in.

This letter of acknowledgement recognizing Emily is biased because it comes from her prior landlord of less than a month ago, while putting me down passively. Who's idea is it to get rid of me and put Emily back in zone 18? John!

Emily has aligned herself with Janine and Bob as they are still a couple (supervisor subordinate in the workplace) and is openly hostile to me. I guess this makes her a team player in the eyes of management, although ignoring the ERMA training seminar concepts that were taught a few weeks ago. "Creating A Better Working Environment"

When I was on work comp John offered me one month of work in November and December of 2010 while Chris Eley was supposed to investigate my complaint against John. I asked to be removed from the locker room as Janine and Emily had already formed a tight bond. It was obvious this new employee, Emily who should have not known a thing about me or regarding my past history with the

NAME
STREET
CITY, STATE, ZIP CODE

TELEPHONE #:

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Tiffany Anderson

Applicant,

vs.

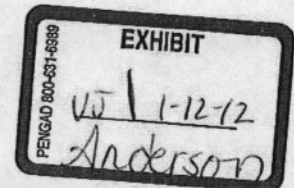
San Joaquin County
Mosquito & Vector Control
District

Defendants.

WCAB#:

APPLICATION FOR DISCRIMINATION
BENEFITS PURSUANT TO LABOR CODE
SECTION 132(A)

See attached



[Handwritten signature]

8/31/2011

1 January 20, 2012

2

3 Tiffany Anderson
4 2 North Avena Avenue
5 Lodi, CA 95240

6

7 Re: Anderson vs. SJ County Mosquito and Vector Control
8 District

9 Dear Ms. Anderson:

10 The transcript of your deposition in the above-entitled
11 action is now available for your review.

12

13 You have the option of coming into our office in
14 Stockton to read and sign the original transcript, or
15 you may read your attorney's copy (if you are
16 represented by an attorney and they have ordered a
17 copy) and advise us by letter of any changes you wish
18 to make in your testimony or if you approve the
19 transcript in its printed form.

20

21 Our office is open every weekday between the hours of
22 9:00 a.m. and 4:00 p.m. Our address is 2453 Grand
23 Canal Boulevard, Suite J, Stockton, California 95207,
24 and our telephone number is (209) 957-2841.

25 You have 30 days from the date of this letter within
which to review your deposition. If we do not hear
from you within that 30-day period, we will assume that
you are waiving review and signature, and the original
transcript will be sealed.

If you come to our office to read your deposition,
please bring this letter with you.

19

20

21 Sincerely,

22

23 Hill & McPherson

24

25

cc: All Counsel

24

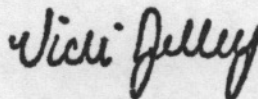
25

1 STATE OF CALIFORNIA,)
2 COUNTY OF SAN JOAQUIN.)
3
4

5 I, Vicki Jelley, a Certified Shorthand Reporter
6 licensed to practice in the State of California, do
7 hereby certify:

8 That on the 12th day of January, 2012, at the
9 hour of 1:28 p.m., I was present at the above-entitled
10 matter; that I took down in shorthand notes all
11 proceedings had and testimony given; that I thereafter
12 caused said shorthand notes to be transcribed into
13 longhand typewriting, the above and foregoing being a
14 full, true, and correct transcription thereof.

15 IN WITNESS WHEREOF, I have hereunto set my hand
16 this 20th day of January, 2012.
17
18
19
20

21 
22

23 Vicki Jelley, CSR No. 11067
24
25

1 and I think we're almost finished.

2 (Recess taken.)

3 MR. ELEY: I have no further questions.

4 MS. OTOYA: I would just like to state for the
5 record that I am here just representing Miss Anderson
6 just for this deposition on behalf of Moorad, Clark &
7 Stewart.

8 MR. ELEY: So then your representation would
9 cease now?

10 MS. OTOYA: Yes.

11 MR. ELEY: So I have no problem communicating if
12 I need to directly.

13 --oOo--

14

15 (The deposition concluded at 4:23 p.m.)

16

17

18 SIGNATURE: _____

19

20

21 DATE: _____

22

23

24

25

1 toward me. It was almost like he wished I would have
2 gotten fired because the stress or the pressure that he
3 was under was so bad.

4 Q. And what makes you think that John or Ed would
5 put pressure on Brian for the sake of Bob Durham?

6 A. Who gave Bob Durham and Keith Neiheis the
7 authority to give me two retaliatory evaluations saying
8 that I'm incapable of thinking? Who gave Keith Neiheis
9 the permission to send me home for being on my
10 menstrual cycle because I would be a liability to the
11 district? Who gave the district such authority to do
12 such heinous things? Did they act on their own?

13 Q. Those are kind of rhetorical. I'm asking,
14 though, if there's something else that would indicate
15 that Ed Lucchesi or John Stroh would interfere with
16 your supervisorial relationship between you and Brian
17 simply to please Janine or Bob.

18 A. Maybe they're protecting something other than
19 just Janine and Bob. Maybe Bob or Janine know
20 something. I don't know, Chris. I don't have all the
21 answers. I just -- I can only see what I can see.

22 MR. ELEY: Counsel, are you going to have any
23 questions?

24 MS. OTOYA: I do not.

25 MR. ELEY: Let me talk with you just a minute,

1 A. Okay. Well, then Brian and I were very close.
2 Brian and I, in group settings, went to concerts and
3 went to church a couple times, carpooled. He helped me
4 move.

5 When Brian became my supervisor, he had
6 come from the northern region, so he had no idea really
7 what had taken place. I hadn't told anybody, so the
8 only -- only way people were going to know is if Bob,
9 Janine, Keith, or John or Eddie told them, and I asked
10 Brian if he would like to carpool again because we had
11 carpooled back when he worked with me before, and he
12 said that when he took the position, John told him he
13 was giving him the job but that he was not allowed to
14 get involved in any of the stuff going on at work.

15 Now, I want to know why I can't carpool
16 with a coworker, but we can have married couples at
17 work.

18 Q. All right. Other than not carpooling with you,
19 anything else?

20 A. He acted like -- see, when you know somebody and
21 you know that their personality has changed, you just
22 know, and I knew Brian, and so he would avoid me.

23 He -- I mean, I'd be walking this way.
24 He'd see me, and he'd walk the other way. He was like
25 afraid of me, and then he would say derogatory things

1 document off of my computer to give to John, and Keith
2 walked up and saw me doing something.

3 He didn't know what I was doing, but he saw
4 something, so, you know, I think that he was aware.
5 John told me -- we had a meeting, John, Eddie, Keith,
6 Bob, myself, and John said, "There's going to be a lot
7 of speculation why Tiffany is being moved, but if
8 anybody has any questions, they can come and ask me,
9 and that's what you tell them," and so when I was
10 asked, that's what I did, but I feel like from the day
11 that I filed my complaint, the process of firing me was
12 in effect, and we can -- we can just refer back to my
13 evaluation from Keith and Bob.

14 Q. Okay. What about Brian -- Brian was the next
15 one? Was he the next supervisor after Keith?

16 A. Yes.

17 Q. And do you think that somehow Bob has affected
18 your relationship with Brian?

19 A. I think John even affected my relationship with
20 Brian, but -- does this get repeated to other
21 employees? Do other employees get to know in this
22 meeting? Is this confidential?

23 Q. This is not confidential.

24 A. This is not?

25 Q. No.

1 A. Oh, of course.

2 Q. And do you think that influenced -- do you think
3 that affected your new supervisors after that?

4 A. Yes, yes.

5 Q. Who was that -- who was your first supervisor
6 after Bob?

7 A. My first supervisor was Keith Neiheis.

8 Q. And do you think that affected his relationship
9 with you?

10 A. Very much so.

11 Q. Negatively?

12 A. Very much so.

13 Q. What makes you think that?

14 A. Keith and I had carpooled for a couple years
15 together. Keith was so kind to me. I had so much
16 respect for Keith, and he just -- his behavior towards
17 me changed.

18 Q. And when did it change?

19 A. When I filed -- when I was moved under his
20 supervision.

21 Q. And is there any particular incident you can
22 think of that indicates that change?

23 A. Keith did see -- when I returned -- when I showed
24 up for work the day that I filed my ERMA complaint,
25 because that is the mediator that I used, I pulled the

1 had never taught me or showed me how to do and --

2 Q. You were transferred to a different zone and a
3 different supervisor in 2007. I think you said July.
4 And correct me if I'm wrong, but I think it was about
5 July, 2007?

6 A. I believe so, Chris.

7 Q. All right. Do you think that Bob's attempt to
8 put you in a bad light continued after that?

9 A. Oh, I think -- well, yes, because I -- I went to
10 Steve Azevedo. Our kids went to school together. I
11 went to Steve Azevedo, dropped my daughter off one day,
12 and just started venting, and Steve Azevedo told me to
13 put a formal complaint in writing against Bob Durham
14 because management had a history of protecting Bob's
15 misconduct and if I were to complain, I would need
16 something, a document, to back up my complaint, and so
17 I believe that that document was -- once I gave it to
18 management, it was given to Bob to read, so I think
19 that management created the -- I don't know what came
20 first, the chicken or the egg.

21 I mean, yes, I complained about Bob, but
22 Bob deserved it. Bob did not have the personality or
23 the behavior of a supervisor.

24 Q. I guess my concern is, do you think that
25 continued then after 2007?

1 A. I'm going to correct you and I'm going to tell
2 you that Janine had the animosity toward me. I think
3 that Bob was indifferent. I think that Janine
4 influenced Bob and told him not to talk to me, he
5 wasn't allowed to talk to me.

6 There was a jealousy factor there, and
7 because of Janine's bad-mouthing me and to protect
8 Bob's own misconduct and the misconduct of his
9 girlfriend, Janine, I think that he, you know, brought
10 to management's attention my faults and my issues to
11 kind of divert from him and what was going on with him
12 and Janine. Does that answer your question?

13 Q. Well, yeah, it does. What would be the things
14 that they would have said to management that would have
15 somehow diverted that?

16 A. Oh, look at, Tiffany is off again. Oh, look
17 at -- you know, making fun of me for being on the
18 radio. Making fun of me for asking him for help.

19 Bob Durham and Dwayne Bridgewater are two
20 different people, and Dwayne supervised differently
21 than Bob Durham, and to know what Bob would need as a
22 supervisor, I would need to be able to communicate with
23 him, but Bob would not communicate with me, and
24 therefore, not know what he wanted.

25 Bob would ask me to do things that Dwayne

1 relationship then, do you think that then caused Bob
2 and Janine to act hostilely to you?

3 A. They -- no. It was -- it was almost like Bob --
4 anybody was fair game for Bob. Bob --

5 Q. I know. I'm not concerned about anybody. I'm
6 just concerned about what you've --

7 A. Okay. Well, I don't think I was any different
8 than anybody else --

9 Q. Okay.

10 A. -- okay?

11 When I had my rash and I was gone, Janine
12 would sit and talk about me at the table and just
13 bad-mouth me, and so, you know, knowing that she was
14 with the supervisor, I just thought, this isn't going
15 to be good for me, you know.

16 JOHN STROH: Excuse me. I need to make that
17 quick phone call back to the office.

18 MR. ELEY: Sure, sure. Let's take a break.

19 (Recess taken.)

20 MR. ELEY: Q. Okay. We were discussing the
21 animosity that Janine and Bob Durham had towards you.

22 Do you think that Bob Durham or Janine
23 somehow influenced management, in terms of disliking
24 you or retaliating against you or treating you
25 differently?

1 behavior and -- or at the very least demoted or asked
2 to leave work for a while and get some help because I
3 will acknowledge that his wife passed away, and maybe
4 it had something to do with his behavior.

5 Q. Okay. So how do you relate that misconduct of
6 Bob Durham then to treatment of you or do you? Maybe
7 you don't.

8 A. Oh, I do, because -- well, it seemed like there
9 was a few things going on at the same time, and one was
10 that Bob was sleeping with Janine, the subordinate, and
11 Janine -- I don't know -- was like really jealous or
12 very catty towards me.

13 Q. You guys were friends at one time, weren't you?

14 A. I've known Janine since -- geez, 14 years old.
15 She dated my cousin when I was like 12. Yeah, I've
16 known Janine for a very long time, but the day that I
17 had my -- the White Slough incident, she told me
18 that -- you know, under her breath, she told me she
19 would kick my ass if I scraped her with some brush, and
20 I got some insight as to a different side of Janine.

21 I didn't like the idea of her dating Bob
22 and Bob having power and authority in the workplace
23 because he abused his power, and she was taking
24 advantage of that.

25 Q. And the fact that you didn't like that

1 know -- a lot of people -- a lot of people -- there has
2 been this -- this story or this prediction that when
3 John Stroh retires that Eddie will have John's job and
4 that Bob Durham would have Eddie's job, and so a lot of
5 people have kissed up to Bob for that purpose, thinking
6 they're going to get ahead, and so I think it's caused
7 a lot of dissension in the workplace.

8 Q. You said Don's lawsuit, people had to pick sides.
9 Which lawsuit is this?

10 A. His stress heart attack.

11 Q. And is that a work comp lawsuit?

12 A. I don't know. I'm assuming, yes, because I was
13 subpoenaed and had to appear in the work comp building,
14 so I would say yes.

15 Q. And, I mean, are you relating your -- well, let
16 me think about that. Are you relating your, somehow
17 aligning -- well, are you viewed as aligning yourself
18 with Don?

19 A. I'm -- unknowingly. I had never worked with Don
20 Meidinger, and Don Meidinger and I weren't friends, so
21 it's not like we got together and said, hey, you
22 know -- unknowingly, Don and I aligned ourselves
23 because I had my own personal issues with Bob Durham.
24 I -- his misconduct -- he should have been fired.

25 He should have lost his job for his

1 technician and I should know.

2 Q. And when was this?

3 A. Well, it started -- in 2007 is when I was
4 relocated. It was -- I think it was the 29th of July.

5 Q. And does this indicate, in your mind, some
6 discriminatory action?

7 A. Oh, yes, definitely.

8 Q. And what do you think was the cause of that --
9 the reason that discriminatory action occurred?

10 A. I believe -- I didn't know that there was so much
11 dissension between Don Meidinger and management, and I
12 didn't know that -- I had never worked with Bob Durham.
13 He had worked in Lodi, so I didn't know the history of
14 those men, and apparently I walked into something that
15 was bigger than me, and there was a lot of dissension
16 with those men and a lot of history.

17 Q. Okay.

18 A. I happened to align myself with Don's way of
19 thinking without knowing, you know, that he had been
20 labeled a problem or that there was problems with him
21 in management.

22 Q. Do you think that became the genesis of the
23 discrimination against you?

24 A. Yeah, Don's lawsuit affected a lot of people at
25 work. It's like people had to pick sides and, you

1 EXHIBIT 6: Map

2

3 MR. ELEY: Q. Anything else? Photos?

4 A. Yeah, I have photos because it's like, you know,
5 I was assigned to the islands, and what my assignment
6 was in the islands is pretty much duck clubs, and it's
7 a flooded area.

8 They're the same areas usually every year.
9 You map it out, you find out when it's breeding.
10 You -- I would report it to Eddie usually going above
11 Dwayne, going above my assistant supervisor.

12 They would normally send me straight to
13 Eddie, and Eddie would fly it. Eddie wouldn't even
14 tell you what he was putting on it, so I go from that
15 to being sent to Escalon after filing my complaint
16 against Bob Durham, and I'm put out in these pastures,
17 and I don't know what to do.

18 I mean, I honestly -- I have never see an
19 irrigation system or an irrigation district, and I
20 didn't know if I could put chemicals in pipes. I
21 didn't know if I could put chemicals -- you know, if I
22 was breaking rules or laws, I mean, and nobody was out
23 there to help me or tell me.

24 When I told them I didn't know what I was
25 doing, I was told that I was -- that I was a trained

1 fired, I'm being discriminated against.

2 Why am I being put in someone else's area
3 when I know my area and know it well, especially when
4 this stuff tracks you and, you know, tells on you,
5 tells where you've been, how much you put out, what
6 mistakes you made.

7 Q. And who made the assignment? Do you know?

8 A. Brian Heine. It's my assumption, Chris, that
9 Eddie Lucchesi tells Brian what to do.

10 Q. And did -- did you discuss with Brian --

11 A. The difficulties?

12 Q. Well, the difficulties or why you were being
13 assigned out of your zone.

14 A. I'm a complainer, Chris. I'm not going to tell
15 Brian -- Brian has called me a complainer. Why would I
16 tell him that I need help?

17 Q. Did he volunteer why it was being done that way?

18 A. No.

19 MR. ELEY: Okay. We'll mark those if we haven't
20 marked them. We'll mark them next. Oh. That's this.
21 I think it's just that, isn't it?

22 THE WITNESS: There's that one and then that one.

23 MR. ELEY: I think this has been marked. We'll
24 mark that. That would be 6, I believe.

25

1 it's this one right here.

2 Q. All right. The area that you've marked three?

3 A. Yes.

4 Q. And do you know who did one?

5 A. I think Deanna Hopkins did. I'm pretty sure
6 Deanna Hopkins did, and I think Mike did his area.

7 Q. Now, to do these, you use a cold fogging truck;
8 is that correct?

9 A. That is correct.

10 Q. So you don't use your usual truck?

11 A. That is correct. Now, when we do these, we have
12 a computer system that -- I mean, we have a computer
13 system that we're supposed to be looking at while we're
14 driving, and -- but because I don't know where I'm at,
15 I also have to have my own GPS unit that I'm looking
16 at, so I'm driving, and I'm looking at two computer
17 systems, and the one -- this computer system -- I don't
18 know what you want to call this document for her
19 purposes, but the one that the district provides, the
20 light goes out to preserve the battery life, so we're
21 supposed to be looking at it the whole time we're
22 driving, but you constantly have to be pushing the
23 button to keep the light on so that you can see it, so
24 I just don't understand -- you know, I already feel
25 like I'm being set up to fail, I'm being set up to be

1 A. Just a small portion. It was town.

2 Q. Well, I mean, that's -- looks to me about a third

3 of the area is in zone 18. No?

4 A. Oh. Okay. Of this area?

5 Q. Yes.

6 A. Yes.

7 Q. Do you know whose zone this is?

8 A. I believe it's Mike Corales.

9 Q. Would this be Mike Corales, as well?

10 A. It's either Mike Corales or Morgan Bennett. I

11 think one is Mike's and one is Morgan's.

12 Q. One person was to go ahead and cold fog this

13 whole area surrounded --

14 A. No. One, two, three.

15 Q. So there were actually three different areas?

16 A. Right.

17 Q. Let me rephrase that. This entire section

18 surrounded by the dotted red line was to be cold fogged

19 that evening, but it was to be done by three different

20 people?

21 A. Correct, three technicians.

22 Q. Did you do any of these areas?

23 A. Yes.

24 Q. Which area did you do?

25 A. I did -- let me double-check, but I'm pretty sure

1 Q. And if you look at these, was it -- which one of
2 these represents your area or your zone?
3 A. This part.
4 Q. Is that the one that's --
5 A. Henry, Vine.
6 Q. You've got this whole area that's kind of
7 circled?
8 A. This was my assigned area. Yeah, I was given
9 somebody else's, and somebody was given mine.
10 Q. Let me go back. So this area which is hedged in
11 the dotted red line, that's not zone 18, is it?
12 A. No, it's not.
13 Q. Okay.
14 A. My zone is this portion right here.
15 Q. Okay. And is that zone 18, or is that --
16 A. That's a portion of it.
17 Q. That's a portion of zone 18?
18 A. Yeah.
19 Q. So the area that is in that red line --
20 surrounded by that red line, what is the -- what does
21 that red line represent?
22 A. I think it represented the whole area that was
23 being cold fogged or Adulticiding.
24 Q. So that would indicate then that part of zone 18
25 would be --

1 EXHIBIT 5: Map

2

3 THE WITNESS: I'm pretty sure that this is this
4 here, and this was another cold fogging assignment that
5 was given to me, and for the life of me, I just really
6 couldn't understand -- I was not familiar with this
7 area at all, but my area was being cold fogged, and
8 somebody else was assigned my area, and I just thought,
9 why are they giving me somebody else's area that I'm
10 not familiar with; it's pitch black out.

11 You know, why am I doing somebody else's
12 assignment when my area is being done, and why am I not
13 being assigned my own place that I'm familiar with when
14 they have that -- you know, this light here that shows
15 everywhere I've been and what I'm doing and every
16 mistake I make.

17 MR. ELEY: Q. So this was another incident
18 sometime in the 2011 mosquito season; is that right?

19 A. Correct.

20 Q. Do we have an estimate of the date?

21 A. Is it on there?

22 Q. I couldn't say. I'm not seeing anything in
23 particular.

24 A. Oh, wait. You know what? I got it right here.

25 7-29-2011.

1 what sense?

2 A. This one, no. This is an example of our new
3 computer system that actually shows where you've been,
4 how you've distributed the material.

5 It judges you. It grades you. You don't
6 even need a supervisor, anybody out there to, you know,
7 see if you're okay or see if you've done the job right
8 because it's going to tell on you.

9 Q. And how does this relate to your application for
10 discrimination benefits?

11 A. Well, I'm pretty sure that this is this one. Let
12 me double-check. This, if anything, was just an
13 example of showing you what happens out here.

14 This is depicting what, you know -- what it
15 looks like when I come back and how well of a job I
16 did. I don't think I did a good job that night because
17 I didn't know -- I couldn't see anything.

18 Q. There were no headlights?

19 A. Yeah, but, Chris, our trucks are pretty low.
20 They're the -- yeah, I don't know how to explain this
21 to you, but we don't have like a big beacon light on
22 top or something that, you know, shows ahead. It's
23 pitch black out there.

24 MR. ELEY: Okay. All right. Let's mark this 5,
25 I guess.

1 Q. Had you ever done that?

2 A. No. The first time I ever cold fogged an area

3 that was unfamiliar to me, somebody rode with me, and

4 that's very common, but this is the new thing --

5 Q. Let me stay on that.

6 A. Okay.

7 Q. Did anybody ride with Morgan that night?

8 A. That was Morgan's zone. Morgan didn't need

9 anybody to ride with him.

10 Q. I thought you said it was Mike's zone.

11 A. Morgan used to have that zone.

12 Q. But did anyone ride with Morgan?

13 A. No.

14 Q. Did anybody ride with Mike that night?

15 A. No, but if you look, Mike has roads.

16 Q. But I think we've established Mike would have to

17 go off road, right?

18 A. You've established that. I don't know what Mike

19 did. I'm sure they have to chart that -- that's the

20 part that's a little scary that now they have this

21 where it actually shows everywhere you've been that --

22 Q. So now we're referring to a different map. It's

23 got, "West rural Ripon," at the top of it, and in the

24 bottom in a little box, it's got, "Truck 58," and with

25 regard to this, you said it was a little scary. In

1 A. Sure, sure, but some of these are not orchards.
2 Like mine was. Mine was an orchard. I don't know what
3 they had in theirs.

4 This, I think, depicts a chicken ranch,
5 but, I mean, what scared me about this incident is I'm
6 driving through these orchards, and trees are falling,
7 and a tree is down, and you have to back up out of
8 there and you're driving down a road and you're praying
9 to God that somebody hasn't irrigated because, you
10 know, once you start going, you can't back out when
11 it's dark, and I just -- I felt like I was being set
12 up. I don't know if I was or not.

13 Q. Okay.

14 A. So that was that incident.

15 Q. Have other employees had to cold fog out of their
16 zone? Do you know?

17 A. Oh, of course, but past precedent used to be --
18 well, there's two things. One is employees used to go
19 out in the daytime and drive the area so that they
20 would be familiar with it. I don't know why that's
21 changed.

22 Q. You mean that they would drive the entire area
23 again once and then come back at night and do it?

24 A. Sure. I mean, during the day. I mean, you're
25 looking at -- somebody could --

1 A. Yes.

2 Q. Now, this shows Mike, Tiffany, and Morgan.

3 A. Right.

4 Q. Was Morgan doing that at about the same time, do
5 you think?

6 A. Uh-huh. Yeah, we were all out there at the same
7 time.

8 Q. All right.

9 A. But those guys know the area. Morgan used to
10 have Mike's zone, so Morgan knows that area, and if it
11 was Mike's zone, Mike knows it, but they both have
12 roads to drive around. I don't.

13 Q. But aren't they then leaving the zone and going
14 through the orchards, as well?

15 A. Yeah, you can. Yeah, you can, but if you just
16 have a road, some people -- if you just have a road,
17 you can just go through the road.

18 Q. But if you want to get the material to the -- I'm
19 looking at this area which you have Mike's name written
20 on.

21 A. Right.

22 Q. And if you were trying to get material into the
23 area between Austin and Frederick, would they not have
24 to go off either Austin or Frederick Road into that
25 area?

1 this area?

2 A. Actually, I think I had been injured. This was
3 one -- this, I do think, happened after I was injured.
4 I was asked to go out here, but if -- what is crazy
5 about this assignment here is there's no road, so I'm
6 asked to drive in pitch black in an area that I'm not
7 familiar with, and I'm supposed to drive through
8 orchards. Like this is not a road right here, right?
9 I'm supposed to drive through here and serpentine in
10 between back and forth, and the part to me that seems
11 discriminatory where I could get in trouble that -- you
12 know, that made me concerned was that my employer
13 actually has a computer on the truck that shows exactly
14 where you've been and exactly how much chemical you've
15 put out, and so, you know, I felt like I was being set
16 up, put in the middle of nowhere with no roads.

17 I didn't know where I was, and I didn't
18 know what I was doing.

19 Q. Now, you were in your truck?

20 A. Not in my assigned truck. It was a cold fogger
21 truck.

22 Q. A cold fogger truck?

23 A. Yes.

24 Q. All right. And you turn the cold fog machine on,
25 and then you drive through orchards?

1 Q. And is that -- whose zone is that? Do you know?

2 A. I don't really. I think it's Mike -- I think
3 it's Mike's -- no. It's either Steve Azevedo or Mike
4 Corales.

5 Q. It's not your zone, though?

6 A. It's not my zone.

7 Q. Is it close to your zone?

8 A. No, but it's not out of the ordinary to ask
9 somebody to work on somebody else's zone, but
10 definitely, as far as safety is concerned, it's
11 important -- supervisors used to go out and be out
12 there.

13 They would either drive ahead of you,
14 especially if it was a foreign place to you, but if you
15 look at this map, I don't even have roads to follow.

16 Q. Let me first of all ask you, what was the date of
17 this? Do you recall?

18 A. Is there a date on here? 2011 Google maps. It
19 was during the season. It was -- I'm sure it was
20 before August of 2011.

21 Q. Okay. Was there one -- are we talking about one
22 incident or multiple incidents?

23 A. This one, this was one time.

24 Q. Okay. One time. All right. And sometime in
25 2011 and you -- were you asked to go out to this -- to

1 was taken away from all operators to use on pastures,
2 so our hands were already tied by the state removing a
3 chemical away from us, so I don't know why my assistant
4 manager would take more away from me.

5 MR. ELEY: We marked that one, didn't we? We
6 marked that one 4?

7 THE REPORTER: Yeah.

8 MR. ELEY: Q. Something further?

9 A. Yeah.

10 Q. Okay. That's fine.

11 A. Now, these are little ones. They're not big old
12 deals here, but, okay, I'm assigned to go out at night
13 and spray another technician's area.

14 Past precedent, the supervisor in charge
15 would allow you to go out in the daylight and see where
16 it is that you're going to be spraying because it's a
17 foreign place, and when it's dark outside without
18 streetlights, you can't see where you're going or what
19 you're doing, so I get assigned to work out in somebody
20 else's field, somebody else's zone.

21 Q. Okay. And -- now, we are looking at a document
22 which appears to be a map, and on it there in the
23 middle of it, there is an area which is lined in broken
24 red lines?

25 A. Correct.

1 Altosid back, did that truck go to your zone and
2 disburse Altosid?

3 A. No.

4 Q. And how would you have disbursed the Altosid
5 without having the benefit of that truck? How would
6 you have done it?

7 A. Well, we have this granule spreader. It's kind
8 of a joke, though, because it gets clogged up, and it's
9 just the Ag Department's requirement that we use some
10 kind of calibration, but most technicians would use it
11 by hand, and you just -- you take the acreage of the
12 property, and you look at where the water is going to
13 sit, and then you do the math and you decide how much
14 chemical should go on that property.

15 Q. All right. That's what you were intending to do
16 with the Altosid on that day?

17 A. Sure, sure.

18 Q. Okay.

19 A. So in conjunction with the Altosid -- and this
20 part isn't so much the discrimination, but it just adds
21 to how important the Altosid is. We had a chemical
22 that the state took away from us, and that was our
23 Golden Bear -- well, actually, it was the BVA because
24 they changed the name. Sorry.

25 So we had an oil -- a second chemical that

1 It was something -- and usually two guys
2 went out and did it together. It was, you know,
3 something they did together. I wasn't allowed to work
4 with people, and I wasn't allowed to have chemical.

5 Q. How is it normally applied?

6 A. There's a truck that we can use, but you have to
7 have your supervisor's authorization.

8 Q. So this would not be your normal truck?

9 A. Correct.

10 Q. You would have some different truck that would go
11 out there?

12 A. Correct.

13 Q. And there's -- is there -- what on that truck
14 disburses the Altosid?

15 A. It's like a gun kind of. It's kind of cool. It
16 shoots at a -- I don't know. It's like a reverse
17 vacuum, so it shoots it out, and it shoots it out
18 pretty far. It's supposed to be calibrated, and....

19 Q. And normally then, one would use the truck to
20 disburse it?

21 A. Yes, two would.

22 Q. Two people would use that truck?

23 A. Yes, one person would drive, and the second
24 person would spray the chemical.

25 Q. Okay. And after Ed requested that you bring the

1 day?

2 A. No.

3 Q. And did he -- let's see. Did he say that you
4 couldn't use it in the future, or was there some
5 limitation placed on your use?

6 A. He asked me to return it twice, and by the
7 second -- no. The answer would be no.

8 Q. He asked you to return it twice on the same day
9 or different days?

10 A. No. I checked it out -- let's see here. We've
11 got May, and we've got June. It's not on that one. I
12 don't think I have a copy of the first one when he had
13 me return it. Okay.

14 So what I have here is April's inventory
15 sheet. I was requested to return the 22 pounds I
16 checked out.

17 The sheet is in the office, so I just made
18 my own note on the May one, so, again, in June, I tried
19 to check it out again, and was called on the radio and
20 told, "Bring it back."

21 Q. Okay. Was there -- is there just one container
22 of Altosid, or is there....

23 A. I'm sorry I'm laughing. No, Chris, no. I mean,
24 Altosid was something that -- I mean, if you look at
25 the past history in my zone, it was used.

1 that? I see the first use by you was on June 11th.

2 A. I don't have all the inventory sheets. We don't
3 have a photocopy machine, and I don't have access to --
4 it looks like I checked it out in June.

5 Oh, no, because in June, Eddie asked me to
6 return it again.

7 Q. So let's look at that one chemical sheet
8 information for June 11th -- June, 2011, and there is
9 the first date there, it says, "June 1st, 2011," and
10 then, "22 pounds." What does that indicate, the 22
11 pounds? Is that how much was used?

12 A. Uh-huh.

13 Q. Okay. And withdrawn by 365. Is that you?

14 A. 306? Where are you at?

15 Q. I'm looking at, "Withdrawn by." Here.

16 A. No. I'm 306. I don't know who 365 is.

17 Q. Okay. So then the next one down is June 15th,
18 '11, 22 pounds.

19 A. I checked it out on the 15th, 22 pounds, and
20 Eddie called me and told me to return it.

21 Q. Okay. So you returned it pretty much that same
22 day with the same amount? You didn't use it?

23 A. I wasn't allowed to use it.

24 Q. Okay. All right. And then -- now, did Ed give
25 you any indication of why you wouldn't use it on that

1 Altosid use in --

2 A. Zone 18.

3 Q. -- zone 18?

4 A. Correct. So I have 440 pounds, so why is a grown
5 man who doesn't have any medical limitations allowed to
6 use chemical that would be helpful to prevent mosquito
7 breeding?

8 Why would he be allowed something that
9 somebody who has limitations, you know -- to me, that's
10 a perfect example of discrimination.

11 Q. All right. So you're -- and I have to say, and
12 I'm not sure exactly how one uses Altosid, but I don't
13 think that's impairing my understanding of this.

14 What you're saying is that you were denied
15 the ability to use the Altosid; whereas, others in that
16 same zone were not; is that correct?

17 A. That is correct, and I can tell you how Altosid
18 is used. Altosid is a pre-emergent, so you lay it down
19 prior to an irrigation.

20 In my zone, I have two irrigation
21 districts. I have South San Joaquin Irrigation
22 District, and I have Oakdale Irrigation District.

23 Q. Now, the reason -- now, you had the Altosid on
24 the truck. Do you remember looking at this -- does
25 this indicate -- tell you when it was that you got

1 was able to put 12 pounds out on a notoriously bad
2 pasture, and it looks like -- oh, and then --

3 Q. Let's see. Just so we're all on the same --

4 A. Okay. I'm on the last page. I didn't number
5 these.

6 Q. The last page?

7 A. Yeah. You have it there.

8 Q. Okay.

9 A. If you look -- so this is the year -- there's a
10 typo there because 7-3 -- that's got to be 2011 where
11 the 5 is.

12 Q. Oh. 5-9-11?

13 A. 7-3-11. See 5-9-11? That should be 7-3-11. I'm
14 sure that's a typo.

15 Q. Okay.

16 A. Anyway, no. I was able to put 22 pounds out in
17 that season. That's how much Altosid I was given.

18 Q. Okay. So this is the total amount of Altosid
19 that went out, and let's just take 2009, and that's
20 like on the third page, 4-23-09.

21 A. No. It's on the last page, as well.

22 Q. I'm just thinking if we start with the third
23 page, 4-23-09.

24 A. Sure.

25 Q. It follows -- this is a history of -- of the

1 MR. ELEY: Q. Okay. So --

2 A. So --

3 Q. -- you were explaining the purpose of the
4 document.

5 A. Okay. So the first time I checked the -- the
6 first time I checked out the chemical was a bit
7 premature, but I thought I'm going to have one on my
8 truck because, in my zone, the eggs are already in the
9 soil, and they are determined by weather, so when the
10 temperatures get between 90 and a hundred degrees, the
11 eggs are there, and within three days, the mosquitoes
12 hatch, and they hatch in high numbers, especially if a
13 zone had been not taken care of, and mine had not been
14 taken care of, so this is a pre-emergent, and you lay
15 it down prior to an irrigation, and in theory, it's
16 supposed to last X amount of irrigations, so I checked
17 out a jug of the Altosid, and Eddie Lucchesi called me
18 on the radio and asked me to return it, so it was a
19 little bit early in the season, so I thought maybe --
20 you know, maybe just giving him the benefit of the
21 doubt, maybe it's not retaliation. Maybe it's needed
22 for something else and I'll be able to get some later,
23 but I wasn't.

24 I checked it out again, and I was asked to
25 return it again, and I finally -- I put out May 9th, I

1 A. Yes, that's a multi-page document.

2 Q. All right.

3 A. You will notice two things, the applicator and
4 the helper, and you will notice -- now, this is not --
5 I mean, John probably has better records than I do.

6 This is, you know, handwritten things that
7 I can do during my break and my lunch, but it's as
8 accurate as I could get it.

9 Q. All right. So this is a document that you
10 created?

11 A. That I created.

12 Q. Okay. And how does this indicate some form of
13 discrimination?

14 A. If you notice that -- well, I don't even know if
15 John was aware of this. This may just be an Eddie
16 thing. I don't know, but I checked out my -- I need to
17 back up a little bit. I just need to breathe for a
18 second.

19 Q. While you're doing that, let me get a copy of all
20 this because we're going to have to do it anyway. You
21 can take a break, and counsel can look at it, too.

22 (Recess taken.)

23

24 EXHIBIT 4: Altosid Application Information

25

1 EXHIBIT 3: April, 2001 Memorandum

2

3 MR. ELEY: Q. So you've handed me a multi-page
4 document and several more. Do these all go together?

5 A. They do.

6 Q. Okay. So we've got three single sheets and a
7 multi-page document, and let's put the top thing on it,
8 would be a -- looks like a label for Altosid pellets.

9 Below that is a chemical sheet information
10 dated May, 2011 and another for June, 2011 and
11 something titled, Altosid Pellet Applications in Zone
12 18 on Pastures.

13 Would you indicate how this group indicates
14 some discrimination towards you because of work comp?

15 A. Sure. Can I read to you on this Altosid pellet
16 mosquito growth regulator the first site that this
17 chemical is used for?

18 Q. Okay.

19 A. Pastures. It gives a list of others, but
20 pastures is the very first one on its title.

21 Q. Okay.

22 A. If you go through my little spreadsheet here, you
23 will see that I started to do an Excel spreadsheet on
24 use of Altosid pellets in zone 18.

25 Q. Is that the multi-page document?

1 and resolve issues has always come back where Brian is
2 told what I have said, and it just creates animosity,
3 but when did the rules change for the supervisors?

4 Where was the memo?

5 Q. My question was whether or not you thought that
6 Brian sat around all day at his computer not going into
7 the field, from your own personal knowledge?

8 A. From my perspective, yes, Chris. I had Brian out
9 in my zone that I was aware of three times in that
10 season, and -- and historically in that zone, a
11 supervisor used to be out in that region daily from
12 Ed Greenmeyer to Keith Neiheis (phonetic) to even Bob
13 Durham.

14 Q. Okay. Going back, though, to the issue of the
15 evidence of the weeds here. You said that you
16 didn't -- at some point, you just stopped communicating
17 with Brian about these kinds of things? Is that
18 accurate?

19 A. I communicated what I felt was the most
20 important.

21 Q. We're going to make copies of this.

22 A. You can have them.

23 MR. ELEY: Well, we're going to have to put them
24 on the record, too, but okay. We'll mark this as --
25 all as one package, and we'll mark it as next which....

1 supervisor?

2 A. The supervisor is supposed to hand out the letter
3 and make sure that they're enforced.

4 Q. And if you saw this, generally, you would report
5 this to the supervisor? Is that --

6 A. I never had a supervisor where I had to tell a
7 supervisor to do his job. When I worked for Dwayne
8 Bridgewater, he was out in the field.

9 He did what he was supposed to. This was
10 unusual, but I -- these were unusual circumstances.

11 Q. So you're thinking that Brian doesn't carry out
12 his job?

13 A. I think that Bob Durham set the tone for
14 supervisors, and supervisors don't go out in the zone
15 anymore.

16 Q. And you think that Bob Durham had some influence
17 then on how Brian Heine handles your zone?

18 A. If one supervisor doesn't leave his office and
19 sits at his computer all day, then why wouldn't the
20 next?

21 Q. And you're thinking, then, that Brian spends most
22 of the day at his computer? Is that what you're
23 indicating?

24 A. You know, this is the part that kind of concerns
25 me because any communication that I've ever had to try

1 Q. Would ordinarily part of your responsibility be
2 to report back to your supervisor if there were -- if
3 the condition of this pond would lead to mosquito
4 breeding?

5 A. Sure, but in a -- but ordinarily, a supervisor
6 would be out in the field at least once a week to see
7 if there was anything that you would need or to see
8 what your environment was.

9 Q. Okay. And we'll put that aside for a sec. And
10 if you noted this problem then, would it generally
11 be -- first of all, looking at these photos, what do
12 you see that indicates a problem with regard to
13 mosquito breeding?

14 A. The weeds around the edges, yeah.

15 Q. Okay. And would the fact that there's weeds
16 around the edges, that would be something that you
17 would report -- ordinarily would report to your
18 supervisor?

19 A. Not necessarily. More you would complain about
20 the access.

21 Q. Well, how would the -- does the existence of
22 those weeds create a mosquito breeding problem?

23 A. Oh, sure, yeah.

24 Q. And how would that problem be dealt with? Is
25 that something you would deal with it or the

1 dairy then give indication of discrimination against
2 you?

3 A. Is that letter enforced?

4 Q. Well, I don't know. If it's -- if the condition
5 of this dairy or this pond prevents you from getting to
6 it, is that your obligation then to tell the owner that
7 he has a problem?

8 A. That's my supervisor's job. My supervisor's job,
9 the way I understand it, is to communicate with the
10 dairymen and to hand out the letter, and I'm supposed
11 to treat and document and report to my supervisor. I
12 may be incorrect, but that's the way I understood it.

13 Q. And did you take any steps to report the
14 condition of this dairy pond to your supervisor?

15 A. Chris, I stopped saying anything probably when I
16 returned from my -- not this injury but the one prior
17 because my supervisor told me I was a complainer, and I
18 just stopped.

19 I just stopped communicating because
20 anything I had to say was a complaint, so....

21 Q. Stopped communicating with your supervisor?

22 A. Yes, I shared very little information with him,
23 but even with the example of the rapist, child
24 molester, halfway house, again, I was a complainer,
25 so --

1 evidence of some discrimination towards you, though?

2 A. Well, back in the beginning of the season -- you
3 know, we try and be preemptive, and so in the beginning
4 of this -- this season, my supervisor asked me to put a
5 weed list letter together so that I could spray my
6 roadsides, and the zone next to me, that operator
7 sprayed all his roadsides, but I was told that it
8 wasn't necessary for me to spray mine, so I put this
9 list together, and then I'm not treated the same, I
10 don't get the same treatment, which means I'm going to
11 have a harder time controlling mosquitoes in my area.

12 Q. And that's because -- and when you say the
13 roadsides, you're referring to the roadsides around the
14 dairy pond; is that correct?

15 A. The roadsides in my whole zone. I wish I would
16 have brought -- that's probably the one thing I didn't
17 bring -- is a picture of my whole zone, but my -- a lot
18 of my pastures irrigate, and they drain into the
19 roadsides, and that's where the water, you know, if it
20 can make it there, will sit, and it creates a great
21 environment for mosquitoes to breed.

22 Q. Okay. But let's just focus on these photos in
23 front of us.

24 A. Okay.

25 Q. So how does the condition of this particular

1 and enforce and inform. I do not believe that that was
2 done. Here is --

3 Q. Okay. Before we go to that -- so now, you're
4 thinking that that was not done in your district or
5 district-wide?

6 A. I don't know. I've only been in my zone. I
7 don't know. I've been in my zone, and I know what my
8 zone looked like.

9 Q. Well, and how would that show discrimination
10 towards you because of a work comp claim?

11 A. Well, I'll get there. I mean, the weed letters,
12 they're supposed to go out, and it's -- I mean, the
13 supervisor is supposed to ensure that we have safe
14 access to properties.

15 A supervisor is actually supposed to go out
16 in the zone and, do you need anything, will you --

17 Q. Okay. I want to get to that. I don't want to
18 ignore that, but I want to get to the bottom of this
19 first.

20 A. Okay. Here's my pond. Does that look like
21 that's been enforced? That's where I was injured.
22 This is my dairy pond. I'm supposed to be able to
23 drive around my dairy pond. I can't drive around that.

24 Q. All right. And is the condition of this dairy
25 pond -- or how is the condition of this dairy pond some

1 them to keep their property weed-free.

2 It's dairy -- dairy properties, companies
3 who have ponds for safety reasons and also for -- you
4 know, to help prevent mosquitoes from breeding, okay?

5 Q. Okay. I'm just wondering if counsel wants to
6 see -- we have a number of things here. Let's go off
7 record for a second.

8 (Off-the-record discussion.)

9 MR. ELEY: Q. So let's go back on, and if I
10 could just take a minute. I'm going to look at this
11 memorandum.

12 A. Didn't you type that?

13 Q. Pardon me?

14 A. Didn't you type that?

15 Q. I don't know. Okay. So we've got this document,
16 which is dated April, 2001. It's a memorandum from
17 John Stroh's manager to agricultural and industrial
18 waste pond owners and operators. "Subject, waste pond
19 vegetation management." All right.

20 Now, how does this then indicate some
21 discrimination towards you after 2010?

22 A. That is a letter that's supposed to go out
23 annually, unless I have been informed incorrectly.

24 That is a letter that my supervisor should
25 go out and meet with each property owner in his region

1 my zone, and I was informed -- even though this is your
2 specialty -- do we not have the right to enter
3 properties?

4 That's a rhetorical question, but we have
5 the right to enter properties. I was informed I was
6 not allowed to access Emily's property, although I had
7 done it prior to her employment to access sources in my
8 zone, so I was very aware that that was Emily's
9 property because I wasn't allowed on it, and I was
10 aware that that was her landlord. Lengthy answer to a
11 short question.

12 Q. So just the property at -- on Enterprise was
13 Emily's -- where she lived? Is that....

14 A. Uh-huh.

15 Q. Okay. Anything else that you think that occurred
16 between your return to work in August of 2010 to the
17 present which indicates some sort of discrimination by
18 the district against you for filing a work comp claim
19 or being a witness in a work comp claim?

20 A. Yes.

21 Q. What are those things?

22 A. Can I show them to you singly?

23 Q. You bet, yes.

24 A. Okay. We'll start here. This is a letter that
25 is supposed to go out to property owners, and it asks

1 That had to do with me. It was pointed at
2 me. That was my feeling, and so I felt like I had a
3 right to address it.

4 Q. Let me make a copy of this.

5 A. You can have it.

6 Q. I think we need one for everyone, so....

7 A. Okay.

8 (Off the record.)

9 MR. ELEY: Romina, if you would like that, and
10 then we will put this just as -- well, let's do this:
11 Let's have this whole thing marked 1.

12

13 EXHIBIT 1: Various Documents

14

15 MR. ELEY: So we're marking the packet, which we
16 refer to as the application itself as 1. Now we can
17 mark this as 2.

18

19 EXHIBIT 2: 4-30-11 Letter

20

21 MR. ELEY: Q. That would be the letter from
22 Marcella Coca. You can have that back. Counsel has
23 one. Just out of curiosity, how do you know that
24 Marcella Coca is her prior landlord?

25 A. Because that property happened to be a source in

1 know, I brought something to you guys' attention, I
2 asked for help -- and, actually, if we're going to be
3 honest, I didn't even go to the board. I called a
4 whistle blower hotline, and the board contacted me.

5 Q. And did you let Emily know that you had forwarded
6 this on to --

7 A. No, no, but I believe that somebody let Emily
8 know.

9 Q. Okay.

10 A. And then, I mean, just --

11 Q. Do you think it would have been wrong for
12 somebody to let Emily know that you were saying that
13 this letter was biassed and it was mocking you?

14 A. What would be the intention? To create more
15 hostility between us?

16 Q. Well, to let her know what you're doing.

17 A. You know, Chris, my first day back to work, I go
18 out to a property, and the property owner wants to know
19 why we're there. I'm with my assistant supervisor, and
20 he starts to inform us that Emily has stole his pot
21 plants, and I just walk away because I'm like, my first
22 day back, I don't want to get involved with this, but,
23 you know, that was something that didn't involve me,
24 and I walked away. I didn't say anything to anybody
25 else because it wasn't my business.

1 response.

2 Q. And that response -- what are you referring to?

3 A. Mocking me, you know. Just, look at, you're
4 complaining because you got shocked by a hot wire
5 fence. You're complaining, you know, because you got
6 pinned in by a bull, but look at Emily, she can shimmy
7 through a hot wire fence. Look at her, she's super
8 woman. It was, you know, mocking me.

9 Q. Do you have any reason to think that management
10 had anything to do with the creation of this letter?

11 A. I don't -- could I prove that?

12 Q. Well, do you suspect that it's true?

13 A. I believe that management knew that was her
14 landlord. Why would they -- why would they -- hey, if
15 my mom sent me a letter and recognized me, would John
16 say, good job, Tiffany, and hang it up? I mean....

17 Q. You're right. It says at the bottom of the
18 letter, it says apparently in handwritten, it says,
19 "Emily, keep up the good work, John Stroh," and you
20 think that that was somehow mocking you; is that right?

21 A. Yes.

22 Q. And you sent that to the board president with the
23 intent of letting him know that you thought it was
24 biased?

25 A. Right, and just letting the board know, hey, you

1 what does that refer to?

2 A. That is -- I don't have one to refer to, so we'll
3 have to share it, but you can have it because I have a
4 copy of it, and it was a letter written by her
5 landlord, and, you know, it was almost like a mockery
6 of me because I had written the board a ten-page
7 document when I filed my whistle blower complaint, and
8 they refused to talk to me, and a lot of the things
9 that I had to say in that document were turned and
10 twisted around in praising Emily out in my zone, and it
11 looked like I was being mocked.

12 Q. All right. So how -- first of all, how did you
13 become aware of this letter from Marcella Coca?

14 A. It was hanging on the chalkboard.

15 Q. And this is -- you've stapled it to this e-mail
16 that you sent to Mike. Did you also attach it to the
17 e-mail that you sent to Mike?

18 A. I believe that I did. Sometimes they don't go
19 through. People have, on their computer, messages shut
20 off, so he may have not seen it, but I did send it.

21 Q. Okay. All right. So you sent it to him, and
22 then what was your intent in sending that to him?

23 A. Like, hey, you know, this isn't stopping. I
24 asked for help. I asked the board for help. I bring a
25 problem to the board's attention, and this is the

1 so, yeah, I mean, I'd be out in the field with these
2 three people and, you know, just be the odd man out.
3 It was -- yeah, Emily didn't talk to me and....

4 Q. So both in the field and at the district around
5 that district office is pretty much from the beginning;
6 is that correct?

7 A. That is correct.

8 Q. Take a look at the document.

9 A. It's e-mail correspondence between board
10 president, Mike Manna, and me, and it says it's sent
11 May 19th, 2011. "Subject, my success at integrating
12 back into hostile work environment."

13 Q. Is this --

14 A. Hold on. Let me get there.

15 Q. Sure.

16 A. Okay. Got it. This one?

17 Q. Yeah. Okay. And is that -- that's an e-mail
18 that you sent to Mike; is that correct?

19 A. That is correct.

20 Q. Okay. And the second paragraph reads this way:
21 It says, "This letter of acknowledgment recognizing
22 Emily is biassed because it comes from her prior
23 landlord of less than a month ago, while putting me
24 down passively."

25 First of all, the letter of acknowledgment,

1 talk to you; is that correct?

2 A. I believe that, yes.

3 Q. Okay. All right. Now I'm going to take a short
4 break.

5 (Recess taken.)

6 MR. ELEY: Q. Going back to the statements on
7 your August 31st letter with regard --

8 A. Is this our compass?

9 Q. Pardon me?

10 A. Is this our compass?

11 Q. Well, it is the complaint or the application, so
12 yeah.

13 A. Okay.

14 Q. And having to do with Emily, and I think you said
15 that she didn't speak to you with regard to at least
16 questions in the field.

17 Am I accurate to think, though, that she
18 didn't want to speak with you in the locker room or
19 just in those kind of informal meetings that you would
20 have around the district office?

21 A. We actually were assigned, if my date is right --
22 when I returned to work, we were assigned to work as a
23 crew together. Janine, Emily, Morgan Bennett, and
24 myself.

25 Now, Morgan, Janine already disliked me,

1 in Janine's transference of the anger and hatred toward
2 you?

3 A. They could -- management was fully aware of mine
4 and Janine's -- I don't know what you want to call it.

5 There definitely was an imbalance of power
6 because she was sleeping with the supervisor, so she
7 had influence in the workplace.

8 I did not have that same influence, but the
9 one thing that management could have done is separated
10 Janine and Emily from one another, and instead, they
11 allowed them to work together on a regular basis, and
12 there is one point where an employee lost his job over
13 stepping up and saying something in my absence.

14 Q. Who was that?

15 A. Steve Liepelt.

16 Q. And he was terminated for stepping up and saying
17 something in your absence?

18 A. He retired. He believes that he was going to be
19 fired, and he said he was tired of the retaliation, and
20 he retired, but there was an incident that happened
21 with him and Emily involving me that proceeded the
22 retaliation and discrimination that he received out in
23 the field.

24 Q. So you think Janine's influence in the workplace
25 helped to create this atmosphere where people wouldn't

1 A. So Janine's tone, Janine's hatred, the way she
2 felt towards me had been now put on Emily.

3 Emily treated me the same way Janine did,
4 and I, at that time, had asked John, since I was only
5 going to be there for 30 days and did not know what my
6 future was, if I could change at a different time
7 period than those two girls, and that was accommodated
8 for that 30 days.

9 Q. And do you have reason to think that Janine would
10 have, as you say, transferred her anger or hatred to
11 Emily?

12 A. Oh, yes.

13 Q. Do you have reason to think that she would have
14 transferred that to any other employees?

15 A. Yes.

16 Q. What other employees do you think?

17 A. Anybody who would listen, anybody who can't think
18 for themselves. You want a list?

19 Q. Sure.

20 A. Norm Hopkins, Deanna Hopkins, Bob Durham, Morgan
21 Bennett, and I think those are pretty much the people
22 who don't really think for themselves.

23 Q. How about Brian?

24 A. I think Brian is scared out of his mind.

25 Q. What makes you think that management was involved

1 I'm thinking about the zone, so you're
2 thinking that this was more expansive, don't just
3 discuss -- don't just not discuss issues about the
4 zone, but don't just talk to her generally? Is that
5 your understanding?

6 A. I definitely believed that in that scenario, she
7 was not to answer any field questions. Now, whether
8 she took this a step further on her own or not, Emily
9 did not talk to me in the field.

10 Q. Did she talk to you outside of the field in other
11 settings?

12 A. No. We would, every morning, change our uniforms
13 together and every afternoon change back into our
14 clothes, and she would not talk to me.

15 Q. And was this ongoing from the date you first came
16 back, or was this something that occurred over time?

17 A. The one month that I returned, Emily was newly
18 hired, and the history has been that the other female
19 in the locker room and I did not get along, and so when
20 I returned for that one month, the tension was there
21 with the new employee just like it was with the other
22 female that I had had --

23 Q. Is that Janine?

24 A. Janine, yes.

25 Q. All right.

1 relocated to another employee's zone, and past practice
2 and precedent had been to share field information, so
3 being that Emily had my zone prior or while I was away
4 from work, I had a question about a specific property,
5 and when I asked her the question, she put her hand up
6 in the air, and she said, "I don't mean any disrespect,
7 but I was told not to answer any questions that you
8 have and that you need to go to your supervisor. I am
9 really sorry."

10 What does that tell a new employee?

11 Q. Did you have -- did she say anything else in that
12 conversation on that line?

13 A. Not that I can remember. It was pretty hurtful.

14 Q. And when you -- indicating the supervisor, you're
15 indicating Brian Heine?

16 A. Yes.

17 Q. Okay. Did she say supervisor, or did she say
18 Brian? Do you recall at this point?

19 A. I don't. It could have been just, I was told not
20 to talk to you.

21 Q. And that's slightly different.

22 A. I know. I understand that, but then who?

23 Q. No. My question is, you said not to talk to you
24 would be one way, and the other, not to answer any
25 questions.

1 so I think that my injuries and me not being at work
2 angered him very much, but you're asking for examples
3 of discrimination, and I have a book of them.

4 Q. Okay. And did you bring that book today?

5 A. Yes.

6 Q. Okay. Is that what you have in your lap?

7 A. Yes.

8 Q. Okay. Let's -- staying with the August 31st
9 letter or document, you relate to the -- this is in the
10 fifth paragraph down and the last sentence of that
11 paragraph.

12 It says, "Creating an atmosphere where
13 employees fail to communicate with me and some
14 downright refuse to work with me," and then you begin
15 the next paragraph by saying, "Such as in the case of
16 newly-hired Emily Diguilio-Pope," and you state that,
17 "When I returned to work and tried to talk to Emily,
18 she informed me she was instructed by her supervisor,
19 Brian Heine, not to talk to me."

20 Not wanting then to just put words in your
21 mouth, can you tell me what Emily said, if anything,
22 with regard to indications that Brian had instructed
23 her how to handle you or how to act around you?

24 A. I returned to work, and Emily had been given my
25 work truck and my zone. When I returned, Emily was

1 is it because Ed yells at you?

2 A. When somebody is ill and they don't feel well and
3 they're asking to go to the doctor, the last thing they
4 want to do is be yelled at.

5 I mean, we'll just start there, but my
6 safety should be the district's -- one of their
7 concerns. It should be a concern. If I don't come
8 home at the end of the day, I will be a liability.

9 I can't bring stuff like this to my
10 supervisor's attention without me being a problem? To
11 me, that's discriminatory.

12 Q. And my question for you, though, is the
13 discrimination, then, is because Ed is getting mad at
14 you? Is that what you think to be the discrimination?

15 A. Well, yeah, I think Eddie was very angry at me or
16 is angry at me or....

17 Q. And do you think -- how do you relate that anger
18 specifically to any work comp-related incidents?

19 A. One thing, if I would have had hindsight that I
20 didn't understand more than anything, was how important
21 it is to the district, whether it's Eddie -- I've heard
22 it come out of Eddie's mouth, so I'll just say Eddie,
23 how important it is no matter what, rain or shine, for
24 an employee to be there at the district, whether
25 there's work, whether there's not, it's very important,

1 complaining of a supervisor initiating my first injury,
2 as well as at the same time being subpoenaed to testify
3 in another employee's hearing for his work comp case
4 creating a very hostile work environment.

5 Q. I've noted that, and we'll get back to that.

6 A. Sure.

7 Q. I want to try to focus on incidents after August
8 30th, 2010 because that's what you set forth here in
9 the application.

10 A. This is a document of a rapist and two child
11 molesters. It's a halfway house in my zone. It was
12 brought to my attention from a property owner not to go
13 onto that property, although it is a source property in
14 my zone, and when I brought that to the attention of my
15 supervisor, I guess his supervisor sent him out to get
16 to the bottom of it, and on the date that I asked to go
17 to the doctor on July 18th, 2011 when I'm asking for
18 medical care, Eddie Lucchesi starts yelling at me and
19 telling me that I am nothing but a problem and that
20 things like this, rapists and molesters, are not to be
21 worried about and I'm wasting my supervisor's time.

22 That is an example of what I would think
23 would be discrimination or --

24 Q. And so the discrimination is arising from having
25 to go onto a property where there's a halfway house, or

1 What makes you think that the management
2 was creating an atmosphere where other employees didn't
3 want to talk to you or didn't want to work with you,
4 and you said they set the tone, and my question was,
5 can you explain that further?

6 Now, we've talked about this. Is there
7 anything else that you can think of that would be
8 evidence of setting the tone of discrimination?

9 A. Sure.

10 Q. Okay. Can you tell me?

11 A. Okay. John Stroh has an open-door policy. I
12 took advantage of John Stroh's open-door policy and
13 brought to John's attention a relationship between the
14 supervisor and his subordinate and misconduct of a
15 supervisor, the same supervisor.

16 Q. Okay. Before we get into that, if we get into
17 that, let's focus on things, at least from August 30th,
18 2010 forward, just so we're -- well, because you filed
19 a claim for 132A discrimination, and this has to do
20 with work comp discrimination, so I'd like you to focus
21 on something -- on evidence that the district has
22 created a hostile environment towards you because of
23 the filing of a work comp claim.

24 A. Due to my open-door policy meeting with John, I
25 incurred an injury due to a relocation after

1 isn't that right?

2 A. Yes. Every person who's seen by -- who goes
3 through the work comp system is given a number and a
4 claim. It's not a suit. It's a claim. I did not file
5 a claim with the district until this 132A.

6 Q. And are you thinking that this listing of the
7 claim or the litigation would be -- is evidence of some
8 discrimination against you because of the filing of the
9 claim?

10 A. I'm sorry. Repeat that.

11 Q. All right. Do you believe that the fact that
12 this was listed on an agenda is evidence of some
13 discrimination against you by the district or by
14 management?

15 A. I believe that this was posted for employees to
16 believe that I had legal issues with the district.

17 Q. All right. And do you think that that was
18 inaccurate, that you had legal issues with the
19 district?

20 A. I had an injury at work. That's accurate.

21 Q. And isn't it accurate that agendas are routinely
22 posted every month at the district?

23 A. Sure.

24 Q. Going back to my question, though, was, how did
25 the -- how do you -- let me rephrase that.

1 A. It says, "I think you should show this to the
2 board." I got the impression that employees saw this.

3 Q. And if you're showing it to the board, would it
4 not then be public record for everyone in the community
5 to see?

6 A. I do not believe so. The board has closed
7 sessions, and the board was -- the board had contacted
8 me.

9 Q. Before we get to that, are you thinking then
10 that -- you're referring to the closed session, this
11 closed session here on October 19th, which would be the
12 next one down?

13 A. I'm referring to any board meeting where they
14 have closed sessions.

15 Q. And if they have a closed session with regard to
16 you or any employee, do they not then have to list the
17 object of that closed session?

18 A. Was there a litigation? Was there a suit filed?

19 Q. I don't know, but it seems like you're --

20 A. I'm stating my rights were being denied.

21 Q. Right. And you're stating that there's a claim
22 opened at that time. I'm just thinking that --

23 A. Not my claim.

24 Q. "Dr. Murata, my surgeon and physician assigned to
25 my work comp claim." So you had a claim at that time;

1 A. Yes.

2 Q. All right. And going up a sentence above your
3 name, it says, "I sent John a letter today. It might
4 be a good idea if you forward it to the board."
5 You're referring to that letter then that's
6 further on down dated August 13th; is that right?

7 A. Correct.

8 Q. And you wanted Mike Manna to forward that to the
9 board; is that right?

10 A. That is correct.

11 Q. You wanted the whole board to see it?

12 A. That is correct.

13 Q. Okay. And then -- and that would then have been
14 shown to them at a board meeting; is that correct?

15 A. I don't think it was, to be frank.

16 Q. If you wanted it to be shown to them, would it
17 not have had to be done through a formal board packet?

18 A. Sure.

19 Q. And anyone who looked at that board packet would
20 see that letter to John; is that right? This is public
21 record? Is that your understanding?

22 A. For the board or for you --

23 Q. Or --

24 A. -- or for John?

25 Q. -- for the public at large; isn't that correct?

1 the employees might have seen things a little
2 differently.

3 Q. I noticed looking through here an e-mail between
4 you and Mike Manna. Let's see that. This is -- at the
5 top, it says, "E-Mail correspondence between board
6 president, Mike Manna, and me," and the next line is,
7 "How is it going?" Do you see that?

8 A. Yeah. Mike sent me a one sentence, "How's it
9 going?"

10 Q. Okay. And then you apparently had attached to
11 that a letter which you had sent to John dated August
12 13th. Am I reading that correctly?

13 A. Are we looking at the same....

14 Q. No, no. It's this one.

15 A. Got it.

16 MR. ELEY: It's this one.

17 MS. OTOYA: Yeah.

18 MR. ELEY: Q. Okay. So it's -- about halfway
19 down right below your name, it says, "Dear John," and
20 it's dated August 13th, 2010.

21 Is that a letter that you prepared for John
22 Stroh?

23 A. If it says, "Dear John," then yes.

24 Q. Well, take a look at it. Just from the tone of
25 it, it looks like....

1 who wouldn't want to be in trouble might not want to
2 rub shoulders with me or work with me because I'm a
3 trouble -- somebody who causes trouble.

4 Q. So you don't perceive this 132A application
5 against the district as being litigation?

6 A. This is, but back here on October 19th, 2010,
7 there was no -- I wasn't suing anybody.

8 Q. Was there -- I think it refers to a -- let's
9 see -- a claim number, and there was an existing claim
10 through your work comp case, the Work Compensation
11 Board for damages; is that correct?

12 A. Every employee who files a work comp claim is
13 assigned a work comp number.

14 Q. But at that point, had you brought a claim
15 through the board itself for damages?

16 A. I filed the whistle blower -- I called the
17 whistle --

18 Q. No, no, no. I'm just referring now to the
19 Workers' Compensation Appeals Board, whether there was
20 open litigation at that point.

21 A. I wrote a letter to the judge disputing me owing
22 the insurance company \$3,000. I thought that was
23 unfair, so it wasn't a lawsuit. It was me disputing me
24 owing the insurance company \$3,000.

25 Now, maybe if you post that there, maybe

1 correct in thinking that the major thrust of your
2 complaint here is that there is an atmosphere where
3 other employees don't want to work with you?

4 A. I believe that management has created an
5 atmosphere where other employees do not want to work
6 with me.

7 Q. Okay. And what makes you think that?

8 A. When you go with a group -- with your crew and
9 nobody talks to you but they're all talking to one
10 another and you're excluded, when you don't receive the
11 information you need to do your job.

12 If you give me a minute, I'll come up with
13 some more. Read the question again.

14 Q. My question had to do with what makes you think
15 that management had created that atmosphere?

16 A. They set the tone for the work environment.

17 Q. Can you be more descriptive?

18 A. Well, if -- we can refer to in this packet of
19 documents that you gave me that I filed, there is a
20 board of trustees meeting, an agenda, and a work comp
21 case is not somebody suing the district.

22 It's just -- it's a case you get assigned a
23 case number. I wasn't suing anybody, but yet, it's
24 posted on the board for all employees to see and give
25 the appearance that I'm suing the district, and anybody

1 not a valid reason?

2 A. No, because I could have just as easily weighed
3 the fish. When you go to White Slough and you net
4 them, they need to be weighed, and somebody on modified
5 duty could definitely weigh the fish.

6 Q. On that day, though, you -- you did perform
7 service for the district; is that right?

8 A. Yes.

9 Q. Okay. And you were paid your regular salary for
10 that day; is that right?

11 A. Yes.

12 Q. And you received, let's see, credit towards
13 longevity; is that right?

14 A. Yes.

15 Q. So there was no financial discrimination --

16 A. Hardship.

17 Q. -- hardship to you; is that right?

18 A. That is correct.

19 Q. And do you know at this point whether the
20 coworker was complaining because someone else had to do
21 the work and you didn't?

22 A. That's what it sounded like, that that person was
23 removed from their job duties and had to do my job for
24 me, which is not good for morale.

25 Q. In looking at this August 31st letter, would I be

1 A. Well, for one, for an employee -- another
2 employee who I had no contact with to take note and
3 make it a point to call our union rep, to me just says
4 volumes.

5 I didn't say anything to anybody. I had
6 been used to the treatment that I was receiving, and I
7 just was documenting it, but somebody took it on their
8 own because they noticed how abnormal it was.

9 Q. And did you take that to mean that this was
10 prejudicial to you, or was this a preference to you
11 that you didn't have to do fishing duties?

12 A. Prejudice.

13 Q. Okay. Is there some advantage to doing fishing
14 duties? I'm just wondering how this works.

15 A. There's an advantage to knowing that when you're
16 working out in the field, that somebody has your back.
17 There's an advantage to knowing that you're not alone
18 and that there's somebody around in case you get hurt.

19 Q. Was there -- were you under some sort of work
20 restrictions at that time with regard to your knee?

21 A. Yes, yes.

22 Q. Do you have any idea whether that affected the
23 decision to have you work on fishing duties or not?

24 A. I'm sure that that will be the reason given.

25 Q. And do you have a reason to believe that that's

1 July 29th, 2011 having to do with a complaint from a
2 fellow coworker noticing that you were excluded from
3 fishing duties. Do you recall that incident?

4 A. I do.

5 Q. Okay. What, in your mind, indicates some sort of
6 discrimination against you in that incident?

7 A. Employees -- it's common for employees to work in
8 pairs, and I'm excluded from that. I work solely
9 alone. It's very uncommon that I would be scheduled to
10 work with another employee.

11 Q. Well, don't employees have zones?

12 A. Of course they do.

13 Q. Okay. And don't they work in their zone alone
14 generally?

15 A. No, Chris.

16 Q. You mean it's common for people to work out of
17 their zone in someone else's zone on a regular basis?

18 A. Can I give you an example?

19 Q. No. Just that one question. I mean, does that
20 regularly occur that people will work out of their zone
21 in someone else's zone in pairs?

22 A. Yes, yes.

23 Q. All right. And how does that, though -- how does
24 this particular incident in which you're not doing
25 fishing duties, how does that show discrimination?

1 leave that you were taking in 2005 when you got dinged
2 for the time off?

3 A. Some of it was. Some -- some of it, Chris, was
4 repercussions from my exposures where I was still sick,
5 but the doctor could not find any physical symptoms and
6 released me, and some of it had to do with having
7 children at home and being a single parent. Some of
8 it, yes.

9 Q. This current application seems to begin from your
10 last return to work, which I think was -- you had it in
11 here as August of --

12 A. What document are you looking at?

13 Q. We're looking at, again, that first claim, that
14 first document that you prepared dated August 31st. My
15 notes show a return to work of August 30th, 2010, and
16 this seems to be listing sort of discrimination from
17 that day.

18 In fact, if you look at the second
19 paragraph on that document dated August 31st, the third
20 line down, it says -- you say, "Since my return to work
21 on Monday, August 30th, 2010 for my last work comp
22 claim, I have encountered nothing but discrimination
23 from my employer," so let's focus on that time period
24 beginning August 31st going forward, and the first part
25 of that paragraph relates to something that occurred

1 Q. And that supervisor was -- is that Dwayne
2 Bridgewater?

3 A. Dwayne Bridgewater.

4 Q. How was your evaluation, other than the mention
5 of time off?

6 A. Good.

7 Q. Was there -- was it factually accurate that you
8 had taken time off?

9 A. Oh, yeah.

10 Q. And how did the -- being dinged for time off, in
11 your mind, show some sort of discrimination?

12 A. Is that not our time to take?

13 Q. Well, I don't know. I'm just asking you how do
14 you equate the one to the other.

15 A. Well, if you're not exceeding what you're
16 accruing, why should you be reprimanded or....

17 Q. Well, is this vacation time, or is this sick
18 time? Is this family time?

19 A. Both, both.

20 Q. Okay.

21 A. I probably was an anomaly where I was the only
22 single parent working there. Not that that's an
23 excuse, but definitely family sick leave is something
24 that you're allowed.

25 Q. And are you asserting then it was family sick

1 A. That 30-day period, the permanent -- my
2 settlement.

3 Q. You got your settlement?

4 A. Yes.

5 Q. Okay. But I'm just thinking about -- you know,
6 there are other disability payments provided through
7 the district. As far as you know, there were none?

8 A. I may have received UNUM, U-N-U-M, which is \$26
9 every two weeks.

10 Q. But nothing other than that UNUM money or the
11 settlement from Aimes?

12 A. Right. I cashed in my retirement, yeah.

13 Q. Now, the work comp injury -- or the work comp
14 application that you filed which you indicate shows --
15 which you allege that there's some discrimination based
16 on some of your work comp injuries, is there one
17 specific injury that you feel has caused that
18 discrimination?

19 A. I think there was a feeling that started to
20 happen when I fell in the spud ditch on the islands.

21 Q. And what makes you think that?

22 A. In my evaluation, I was getting dinged on taking
23 time off. My supervisor informed me he did not want to
24 put that on my evaluation but was told by his superior
25 that he had to put it in there.

1 then, for reference.

2 Q. Okay. You said that there was a time there when
3 you were able to return to work, but during which time,
4 John didn't let you return to work for about 30 days?

5 A. Yes.

6 Q. Okay. And is it accurate -- and I think you said
7 that you were without pay at that point?

8 A. Yes.

9 Q. Okay. Were you without other compensation
10 provided by the district?

11 A. I did receive my medical benefits. I did not
12 receive my retirement. My longevity stopped. My
13 accrual of vacation and sick leave, all those things
14 stopped.

15 Q. Other income did you receive during that time
16 period?

17 A. That 30-day period, no -- yes and no. Aimes
18 (phonetic), the insurance carrier, termed that period
19 my settlement, and so they distributed the money to me
20 as my settlement.

21 It was supposed to be a settlement. It
22 wasn't supposed to be living wages. It wasn't supposed
23 to be your income.

24 Q. Did you receive any disability, though, during
25 that time period, disability income?

1 is that right?

2 A. Yes.

3 Q. And how long were you off work then?

4 A. I believe I returned in May.

5 Q. May. Okay. And then how long were you able to

6 stay at work at that point after May when you returned

7 to work?

8 A. I'm believing it's June. Something doesn't sit

9 right with me. I don't think I have the dates right.

10 Q. Okay. All right. Okay. Yeah. If you have to

11 look at -- if there's something that will refresh your

12 recollection, that's fine.

13 A. I'm wondering -- I'm just wondering if....

14 Q. Oh, yeah.

15 A. Chris, here is this document that you referred

16 to. You have it right there in front of you.

17 Q. Okay.

18 A. I have my first work comp exposure.

19 Q. This goes through -- we're looking at this

20 document that starts out with the name of Tiffany

21 Anderson at the top dated August 31st, 2011, and on the

22 second and third pages, it has a history. I think the

23 one that I have, the history stops in 2006, and we had

24 worked past that to about 2009.

25 A. Uh-huh. It does have my work comp exposures

1 A. March -- I can't remember if I returned back in
2 March or if I actually was out for a month or two in
3 March. I returned to work for a very short time.

4 Q. Okay. And when you returned to work, this is
5 when you had those restrictions and accommodations; is
6 that correct, that we discussed before? Well -- is
7 that accurate?

8 A. I don't understand.

9 Q. Well, earlier you said that you had some
10 restrictions and there were some accommodations made,
11 at least on paper; is that right?

12 A. Yes.

13 Q. All right. So then you returned to work, and
14 those accommodations were in place, at least on paper,
15 as far as you're concerned; is that right?

16 A. Yes.

17 Q. And then you lost additional time or you were off
18 work after that and I'm wondering when that was that
19 you returned -- when you were back off of work.

20 A. I can give you an estimate.

21 Q. Okay. That's fine.

22 A. It's going to be a guess.

23 Q. Okay.

24 A. It was somewhere between February and March.

25 Q. And this is the time that you go back off work;

1 (P
2 MR. ELEY is if you
3 remember what
4 These the QME
5 at some point eit d now,
6 did you indicate ever
7 been removed? Is
8 A. From the QME?
9 Q. Yeah.
10 A. They've never been removed from the QME.
11 Q. Do you have an understanding that those
12 restrictions then are still in force?
13 A. By who?
14 Q. Or still -- let me just say valid.
15 A. Now.
16 Q. All right. You returned in January or February
17 of 2009?
18 A. Correct.
19 Q. Okay. And you had a later injury -- let me
20 rephrase that.
21 You returned to work with those
22 restrictions from the QME; is that correct?
23 A. (Witness nodded head.)
24 Q. And then did you have a subsequent time that you
25 were off work?

9/5/09

1-0-1
Restrictions still
in place when I
returned to work

1 time?

2 A. There really was none. I mean, in words, there
3 were accommodations. John said, "I will accommodate
4 what is written here," but nothing changed. My work
5 requirements were the same.

6 Q. And do you recall -- was there a time then when
7 those restrictions were lifted?

8 A. Never.

9 Q. So those restrictions which were placed by the --

10 A. The QME.

11 Q. -- the QME back in January --

12 A. No. The QME saw me prior to January. I am
13 learning about the work comp protocol, but it doesn't
14 seem -- it doesn't seem right, but the QME sees you
15 before you're even healed, and he makes a determination
16 off of a one-time visit and going through your medical
17 records, so the QME decided what these limitations or
18 restrictions were three or four months before the
19 surgeon, who I had been seeing for the duration of my
20 injury, released me. When my surgeon released me, he
21 released me without any limitations.

22 MS. OTOYA: Counsel, do you mind if we take a
23 break?

24 MR. ELEY: Go ahead. Let's take a break.

25 (Recess taken.)

1 either standing or carrying loads?

2 A. I couldn't tell you, to be frank. Yes, it had
3 something to do with bending or squatting or walking
4 too much.

5 Q. And you said that there was some accommodation
6 made for that, correct?

7 A. Yes.

8 Q. What accommodation was made?

9 A. It was -- I had the same job duties that I had
10 prior to when I left.

11 Q. But you were able -- you were able to perform
12 those job duties within that accommodation?

13 A. I hope so.

14 Q. Do you recall any restrictions or do you recall
15 what accommodations were made so that you could do your
16 work and still work within the restrictions?

17 A. I do not know the legal wording. I -- the QME
18 was performed -- was performed three, four months prior
19 to when the surgeon released me, and by the time when
20 the surgeon released me, I was -- I felt full capacity.
21 The only thing that I couldn't do prior to my surgery
22 or injury was run, and I don't run at work, so....

23 Q. Okay. But I guess what I'm just trying to focus
24 on now, not so much what the surgeon said, but what
25 changes or accommodations were made at work during that

1 gave me one month of work while you investigated my
2 whistle blower complaint. That was during that period,
3 and once that investigation was done, I returned back
4 home and did not return until I recovered from my
5 surgery.

6 Q. Okay. For that -- during that time -- and there
7 was some limitation placed upon you by the physician?

8 A. Yes.

9 Q. When those limitations were removed, did you
10 return to work?

11 A. Not immediately. John had a discrepancy with the
12 doctor's wording, and for 30 days, I was without work
13 and without pay.

14 Q. This would have been approximately when?

15 A. When I was released?

16 Q. Yes, uh-huh.

17 A. 2009. It was January of 2009.

18 Q. At some point, did you return to work full time?

19 A. I did.

20 Q. Okay.

21 A. At that point when I did return to work, John
22 agreed to accommodate -- I had some kind of
23 restriction -- limited restriction due to the injury --
24 due to the QME evaluation.

25 Q. And was that restriction having to do with like

1 Q. And were you off work as a result of that?

2 A. I think a couple of days. It wasn't to the
3 extent -- it wasn't as severe as the January exposure.

4 Q. And did you go to a physician provided by the
5 district, or was it your own physician?

6 A. Dameron Occupational Health. I felt they were a
7 very even medical provider, they were fair.

8 Q. And after the couple of days off, you returned to
9 your regular assignment?

10 A. I did.

11 Q. Was there any other incident in 2005 that was a
12 work comp-related incident?

13 A. No.

14 Q. What about 2006?

15 A. Yes.

16 Q. When was the next one?

17 A. I believe it's June 28th of 2008. You can't
18 quote me on it because I don't -- somewhere -- June of
19 2008. That's my memory.

20 Q. No. That's fine. That's -- okay. And you were
21 off for several months at that point?

22 A. Yes.

23 Q. All right. When you -- you returned to work at
24 some point; is that correct?

25 A. Let me think. I returned for one month. John

1 Q. Want to tell me about that?

2 A. Yes. I was on Roberts Island. I was standing
3 next to a spud ditch.

4 Q. I'm sorry. Next to a what?

5 A. A spud ditch, and what happens is after a crop
6 has been harvested, that area will be flooded to bring
7 the nutrients up to the surface, and I was dipping the
8 edge of the ditch, and out on Roberts Island, the dirt
9 is like powdered sugar, and the dirt just caved out from
10 under my feet, and next thing you know, I am shoulder
11 deep in water, and I just got out as quickly as I
12 could, and I drove straight to the yard with my wet
13 clothes. It was about a 25-minute drive, and, again,
14 my supervisor mandated me to file a work comp.

15 Q. Well, did you -- and did you suffer injuries
16 immediately upon that fall?

17 A. Immediately, no, no.

18 Q. Okay. All right.

19 A. Not that I could remember today.

20 Q. All right. Did you receive any medical treatment
21 as a result of that fall?

22 A. I did. I incurred another rash.

23 Q. Okay. And did that seem to be the same kind of
24 rash?

25 A. Yeah. Not as bad.

1 having physical symptoms, but the doctor could not --
2 we did not know what I was exposed to, so the doctor
3 released me, and I had to use my own sick leave.

4 Q. Okay. Now, did you miss -- did you have time off
5 for this -- days off as a result of this?

6 A. I think like four, five. When the rash was gone,
7 I was returned to work.

8 Q. And you returned to your regular job or your
9 regular assignment after that?

10 A. I'm sorry for the nod. Yes.

11 Q. Now, we're thinking -- let's see. This is in
12 2005?

13 A. Yes.

14 Q. All right. And is there a way that we could just
15 estimate when that was in 2005?

16 A. I'm pretty sure it was January of 2005. I mean,
17 if the district still has our time sheets, they're on
18 our time sheets.

19 I can tell you who I was working with. An
20 incident transpired on that day that was very pivotal
21 for me, so I remember it pretty well.

22 Q. And, you know, that's probably close enough, just
23 January, 2005. Just trying to get an estimate here.

24 Was there another incident in 2005?

25 A. There was.

1 was -- it was my own sick leave that I took. I did
2 not -- no. Let me retrace this.

3 Q. All right.

4 A. Okay. I've had two in 2005, one in the
5 beginning, and that one transpired at White Slough. I
6 was off. I was affected for about 30 days physically.
7 My body broke out in a rash.

8 Q. All right. Was there an incident related to
9 this, a specific event?

10 A. There was, but we were pruning roses at the White
11 Slough facility. We loaded the brush truck up. We
12 brought the brush back to the Stockton yard and
13 unloaded it into the garbage can at the Stockton yard,
14 and by the 24-hour period, I had broke out in a severe
15 rash that was as red -- just a bright red.

16 Q. Okay. And you got medical treatment for that?

17 A. I did.

18 Q. Did you report this as a work comp injury?

19 A. Again, my supervisor mandated that I do that.

20 Q. You got medical treatment; is that correct?

21 A. I did.

22 Q. Was that through your own physician or through
23 a -- district-provided?

24 A. It was through the district, but at some point
25 when the physical symptoms diminished, I was still

1 A. I wasn't.

2 Q. Did you file a claim?

3 A. I did.

4 Q. Okay. How far did that claim go?

5 A. Just for doctor visits. My supervisor initiated

6 it and made me file the form.

7 Q. All right. Did you receive any monetary

8 reward -- not reward but compensation for that?

9 A. I did not.

10 Q. And then after that claim, you continued on to be

11 employed with the district; is that correct?

12 A. That is correct.

13 Q. What would be the next claim then that you're

14 aware of?

15 A. I believe it's January of 2005 -- I'm guessing,

16 Chris. I have -- I have the documents. I did not even

17 think to bring them because I didn't know this would be

18 a line of questioning.

19 Q. Okay. Well -- and I don't want you to guess, but

20 if we can estimate, that would be helpful, so let's try

21 to do that.

22 A. Okay.

23 Q. Were you off work at that time, as well? Did you

24 miss time off?

25 A. That one -- that one, yes. That one, but I

1 And -- all right. You want me to -- let me rephrase
2 that question. In --

3 A. I have an answer.

4 Q. Oh, go ahead. Okay.

5 A. Just being treated differently.

6 Q. And do you think that different -- and what do
7 you think is the reason for that different treatment?

8 A. I feel that there are many reasons.

9 Q. Okay. And do you think that any of those reasons
10 have to do with your filing or your participation in
11 any work comp claim?

12 A. Yes, I do.

13 Q. Okay. And before we get into the letter -- the
14 petition itself, let me just ask you, you're currently
15 employed by the district; is that correct?

16 THE WITNESS: John, am I currently employed by
17 the district? Yes.

18 MR. ELEY: Q. Yes. Okay. And when was your
19 first work comp injury that you remember?

20 A. My first work comp injury -- and I didn't even
21 remember it. I actually called workers' comp and asked
22 for my file. It happened to be within the first month
23 of my employment with the district.

24 Q. Oh. Okay. Were you off work as a result of
25 that?

1 underscored your claim?

2 A. Not understanding.

3 Q. Okay. Well, some of these things appear to have
4 been created before the application itself.

5 A. Okay.

6 Q. Okay. I mean, there are -- some of this is
7 correspondence between you and other -- and other
8 people.

9 There's apparently a letter from myself in
10 here, and then there is a -- I think it's a four-page
11 document dated August 31st, 2011. Can you -- let me
12 show you this.

13 A. I have it right in my hand.

14 Q. Okay. All right. Now, you created this
15 document; is that right?

16 A. I did.

17 Q. Okay. What was the purpose of creating the
18 document?

19 A. I believe it was to give a background to the
20 judge or to the courts.

21 Q. And did you create this then specifically for the
22 132A application?

23 A. Yes.

24 Q. All right. Now -- and then did you -- well, what
25 do you consider to be the factual basis of your 132A?

1 MR. ELEY: Q. Well, take your time.

2 A. Okay.

3 Q. Now --

4 A. I skimmed this. I did not read it in its
5 entirety.

6 Q. My questions at this point have to do with the
7 papers themselves, not the contents so much. Was there
8 part of that -- first of all, does this represent what
9 you filed with the Workman Compensation Appeals Board?

10 A. Everything that you have is what I filed with the
11 board.

12 Q. Okay. Was there anything additional that you
13 filed with the board that's not there that was part of
14 the initial application?

15 A. I sent the judge a letter, and either it
16 pertained -- now, I sent the judge a letter --

17 Q. And at this point, I'm just thinking what you
18 filed initially when this was done on 8-31-2011.

19 A. Right, right.

20 Q. Does this appear to be what was initially filed?

21 A. This is what was initially filed, correct.

22 Q. It appears to also have some of the things that
23 were created -- well, previous to that, was there
24 something which you created which you felt to be the
25 application itself or the document itself that

1 and then you later look at that and change that answer
2 substantially and materially --

3 A. Oh, okay.

4 Q. -- then I would be able to comment on that and
5 say that you changed that later.

6 Do you understand that?

7 A. Yeah.

8 Q. So I think that's why it's best that you give us
9 your full answers to the extent you can today.

10 Now, this is regarding a 132A action that
11 you have brought, and 132A -- you filed it, and you
12 filed it without representation at that time; is that
13 right?

14 A. That is correct.

15 Q. And I'm going to just hand you what I received --

16 A. Okay.

17 Q. -- as the 132A, and tell me if this is -- which
18 documents in here or perhaps of all of them, represent
19 what you thought to be your application, so let me hand
20 you that, and then we'll get that to the -- have you
21 seen this at all?

22 MS. OTOYA: I have not seen that, no.

23 MR. ELEY: Take a look at that.

24 MS. OTOYA: Thank you.

25 THE WITNESS: It's a lot to....

1 Q. But I don't want you to guess, and if you don't
2 know, just say you don't know.

3 A. Okay.

4 Q. Is there any reason that you couldn't give me
5 your full answers today, your full, best answers today?
6 Physically, is there any reason that you couldn't give
7 me good responses today?

8 A. Unless I can't think of them. You know,
9 sometimes you rethink things and replay things in your
10 mind, and something will come up, and you'll go, oh, I
11 wish I could have or I wish I said. That would be the
12 only instance.

13 Q. Okay. All right. When this is finished, this
14 will be put into a booklet form, and you'll have a
15 chance to look at that and make comments or corrections
16 with regard to that.

17 Those comments and corrections, if they go
18 to things like the spelling of a name or one particular
19 word, it's probably helpful.

20 However, if, after looking at those
21 answers, you try to add additional information, that
22 would go to perhaps your credibility if this ever goes
23 to trial. Do you understand that?

24 A. No, I did not understand what you just told me.

25 Q. Okay. Well, let's say that you gave an answer,

1 A. A little bit, a little bit. This is all new,
2 but....

3 Q. Okay. Well, I'm going to be asking you a series
4 of questions, as you know, and let me advise you that,
5 of course, the court reporter is taking this all down,
6 so it's important that we get a clear record, so I'm
7 going to ask you to wait until I finish my question
8 before you begin to answer, and I will try to wait
9 until you finish your answer before I ask the next
10 question. Is that fair?

11 A. Yes. Can you hear my tone?

12 THE REPORTER: Yes. If I can't hear you, I'll
13 ask what you said.

14 MR. ELEY: Q. And it's important that you answer
15 audibly on the record. Just nodding your head is not
16 sufficient.

17 If I ask a question and you don't
18 understand it, I'll repeat it. I'm not trying to
19 confuse you in that regard. Is that okay?

20 A. Yes.

21 Q. I'm going to ask you some things. If I ask you
22 and you don't know the answer, say that. If you have a
23 way of estimating an answer, then I would ask that you
24 give me an estimate, okay?

25 A. Okay.

1

TIFFANY ANDERSON

2 the witness herein, having been duly and regularly
3 sworn by the Certified Shorthand Reporter to tell the
4 truth, the whole truth, and nothing but the truth,
5 deposed and testified as follows:

6

7

EXAMINATION BY MR. ELEY

8 MR. ELEY: Q. All right. So would you state
9 your name just so we can get that started.

10 A. Tiffany Kay Anderson.

11 Q. And, Tiffany, you know me. I'm Chris Eley, and I
12 represent the district.

13 A. Yes.

14 Q. And we're going to have a deposition here today.
15 Have you had a deposition before?

16 A. I have.

17 Q. Okay. So you know -- you're familiar with how it
18 works generally, and you're represented, at least for
19 this deposition, by Romina Otoya?

20 MS. OTOYA: Yes.

21 MR. ELEY: Is that correct?

22 MS. OTOYA: Uh-huh.

23 MR. ELEY: Q. All right. And have you had a
24 chance to discuss with Miss Otoya or some other counsel
25 your presence here today and how this will work?

1 APPEARANCES OF COUNSEL

2
3 ROMINA OTOYA, Attorney at Law, 3308 Kay Bridges
4 Place, Stockton, CA 95206, appeared in place and stead
5 of ADAM J. STEWART, Attorney at Law, of the Law Offices
6 of MOORAD, CLARK & STEWART, 1020 15th Street, Suite 22,
7 Modesto, CA 95354, for and on behalf of the Applicant.

8
9 CHRISTOPHER K. ELEY, Attorney at Law, 343 East
10 Main Street, Suite 710, Stockton, CA 95202, appeared
11 for and on behalf of the Defendant.

12
13
14
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16 --oOo--

17 PERSONS PRESENT:

18 TIFFANY ANDERSON, Deponent

19 ROMINA OTOYA, Attorney at Law

20 CHRISTOPHER K. ELEY, Attorney at Law

21 JOHN R. STROH, Manager, San Joaquin County
22 Mosquito and Vector Control
23 District

24 VICKI JELLEY, Reporter

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STATE OF CALIFORNIA

TIFFANY ANDERSON,

Applicant,

VS.

SAN JOAQUIN COUNTY MOSQUITO AND VECTOR)
CONTROL DISTRICT,)

Defendant.

COPY

No. ADJ 7976768

DEPOSITION OF TIFFANY ANDERSON

Thursday, January 12, 2012 at 1:28 p.m.

DEPOSITION OFFICER:
VICKI JELLEY, CSR NO. 11067

Taken in the Law Offices of:
Christopher K. Eley
343 East Main Street, Suite 710
Stockton, California 95202