

EGH
300141-040

BEFORE THE WORKERS' COMPENSATION APPEALS BOARD
IN AND FOR THE STATE OF CALIFORNIA

Ms. Tiffany Anderson,

Applicant,

vs.

No. 1) ADJ7004221;
2) ADJ7004227;
3) ADJ7010682

San Joaquin County MVCD;
AIMS Insurance (Sacramento),
Defendants.

_____/

**CERTIFIED
COPY**

Deposition of
MS. TIFFANY ANDERSON
Thursday, June 3, 2010

Reported By: Sandy Arnoldy Lewis, CSR #5710



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APPEARANCES

For the Applicant:

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For the Defendants:

STOCKWELL, HARRIS, WIDOM,
WOOLVERTON & MUEHL
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1 BE IT REMEMBERED that on Thursday,
2 June 3, 2010, at the hour of 9:35 a.m., of said
3 day, at STOCKWELL, HARRIS, WIDOM, WOOLVERTON &
4 MUEHL, 1545 River Park Drive, Suite 330,
5 Sacramento, California before me, SANDY ARNOLDY
6 LEWIS, a Certified Shorthand Reporter, State of
7 California, there personally appeared MS. TIFFANY
8 ANDERSON, who was examined as a witness in said
9 cause.

10 --o0o--

11 MS. TIFFANY ANDERSON,
12 the Witness, called on behalf of the Defendant,
13 being duly sworn to state the truth, the whole
14 truth, and nothing but the truth, testified under
15 oath as follows:

16 EXAMINATION BY MR. HELPHREY

17 Q. Okay. Ms. Anderson, my name is Eric
18 Helphrey.

19 A. Hi.

20 Q. And I represent San Joaquin County
21 Mosquito and Vector Control District regarding your
22 workers' compensation claim. Okay?

23 A. Okay.

24 Q. I'll just remind you that you're under
25 oath.

1 A. Okay.

2 Q. Correct?

3 A. Correct.

4 Q. You understand that?

5 A. Yes.

6 Q. And you're obligated to tell the truth?

7 A. Yes.

8 Q. Okay. And if you don't understand a
9 question in which I've asked, please ask me to
10 clarify.

11 A. Okay.

12 Q. And try to avoid nods of the head and
13 "uh-huhs" and "huh-uhs." "Yes" or "no" with an
14 explanation if appropriate works the best. Okay?

15 A. Okay.

16 Q. If you need to take a break, let me know.

17 A. Okay.

18 Q. Okay. Let's get started.

19 Can you please provide me your full legal
20 name?

21 A. Tiffany K. Anderson.

22 Q. Have you been known by any other last
23 names?

24 A. Tiffany K. Ebel. I'm sorry, you want the
25 last name. Ebel, E-B-E-L.

1 Q. Okay. When did you use that last name or
2 what period of time?

3 A. When I was born 'til I was 18.

4 Q. Okay. Then Anderson is a married name?

5 A. Correct. I like that one better.

6 Q. Which one do you like better?

7 A. Anderson.

8 Q. Okay. And date of birth 8-22-70?

9 A. Yes. Correct.

10 Q. Okay. Where were you born?

11 A. Lodi.

12 Q. Okay. Social Security number?

13 A. 549-23-5133.

14 Q. Are you currently taking any medications?

15 A. I am.

16 Q. What?

17 A. I'm taking -- do you want the bottle
18 because I would --

19 Q. Whatever works the best.

20 A. Okay. I am taking hydrocodone 7.5 325,
21 two a day. I am taking Alprazolam .5 milligrams.
22 It's prescribed four times a day if I choose to
23 take so. Do you want my supplements?

24 Q. Any other prescribed medications?

25 A. Not at this time.

- 1 Q. At any time in the last six months?
- 2 A. Ibuprofen 800 milligrams.
- 3 Q. Okay. Any other prescribed medications?
- 4 A. Not -- no.
- 5 Q. Is the same doctor prescribing your
- 6 medications?
- 7 A. No.
- 8 Q. Which doctor is prescribing the hydro --
- 9 A. Dr. --
- 10 Q. -- hydrocodone?
- 11 A. Dr. Gary Murata.
- 12 Q. He's prescribing the hydrocodone?
- 13 A. Correct.
- 14 Q. And the other?
- 15 A. Jasti.
- 16 Q. How do you spell the doctor's last name?
- 17 A. J-A-S-T-I.
- 18 Q. First name?
- 19 A. I could not pronounce it if you asked me
- 20 to.
- 21 Q. Male or female?
- 22 A. Female.
- 23 Q. Where is Jasti located?
- 24 A. Kaiser.
- 25 Q. Which Kaiser?

1 A. In Stockton.

2 Q. Okay. Where are your prescriptions
3 filled? Kaiser, I presume, for the Kaiser?

4 A. Correct. Safeway.

5 Q. Which Safeway?

6 A. Safeway on Kettleman Lane.

7 Q. What town?

8 A. Lodi.

9 Q. Okay. Thanks. All right. Has your
10 deposition ever been taken before at any time in
11 your life?

12 A. No.

13 Q. Okay. Your current physical address,
14 please?

15 2 North Avena Avenue, Lodi, California
16 95240.

17 Q. Okay. How long have you resided there?

18 A. Since January of this year.

19 Q. Who else resides with you there?

20 A. Mary Jean Parvin, which is my second or
21 third cousin.

22 Q. Anyone else?

23 A. My cats.

24 Q. Any other humans?

25 A. No.

1 Q. Okay. Mary Jean is how old approximately?

2 A. Boy --

3 Q. Approximately.

4 A. Between 60 and 70.

5 Q. Okay. Where did you reside prior to 2
6 North Avenue?

7 A. Avena. A-V-E-N-A, Avena Avenue.

8 Q. In what town are we in?

9 A. Lodi.

10 MR. WEE: Hold on just a second. The
11 Avena address is the current one. Then you asked
12 her about a North Avenue address.

13 Q. BY MR. HELPHREY: I'm sorry. So the
14 2 North Avena --

15 A. Avenue.

16 Q. -- you currently reside --

17 A. Correct.

18 Q. -- from January?

19 Then where did you reside prior to that?

20 A. 1516 Sylvan Way.

21 Q. What town?

22 A. Lodi.

23 Q. All right. How long have you resided in
24 the greater Lodi area?

25 A. All my life. Okay. Except I went to Job

1 Corps in Sacramento for a year, and I lived in
2 Stockton for one year of my life.

3 Q. When were you in Stockton?

4 A. I was in Stockton, I think, when I was 16.
5 Fifteen, 16.

6 Q. Okay. So basically since age 18, save
7 maybe the one year, you've been in the greater Lodi
8 area?

9 A. Correct.

10 Q. Okay. Any convictions for any crimes?

11 A. Not yet.

12 Q. Okay. Any military experience?

13 A. No.

14 Q. College?

15 A. Some.

16 Q. College degrees?

17 A. Not yet.

18 Q. Okay. Are you attending college?

19 A. College certificate. Yes.

20 Q. Where are you attending college?

21 A. Humphreys in Stockton.

22 Q. Okay. How far along are you?

23 A. My first quarter. I have some units
24 transferred from Delta College.

25 Q. Okay. High school in Lodi, I presume?

1 A. I -- I received my G.E.D. at Sacramento
2 Job Corps.

3 Q. All right. Children?

4 A. Two. They're young adults now.

5 Q. How old are they?

6 A. My son is 21 and my daughter is 19.

7 Q. And they don't live with you then?

8 A. No.

9 Q. Okay. Where does the son live?

10 A. My -- my son has resided in Ventura until
11 this last weekend. He now is spending at least two
12 weeks in Sebastopol, which is a commune, and he
13 will decide how long he wants to stay there and
14 whether they will accept him, and then he plans on
15 returning to Lodi to finish college.

16 Q. What's your son's name?

17 A. Benjamin Alexander Anderson.

18 Q. How about the daughter's name, please?

19 A. Amanda Elizabeth Anderson.

20 Q. Where does she reside?

21 A. I can't give you the physical address, but
22 I can tell you she lives in Lodi.

23 Q. Okay.

24 A. And she lives --

25 MR. WEE: That's okay. Just answer the

1 question.

2 THE WITNESS: She lives in Lodi.

3 Q. BY MR. HELPHREY: Thank you.

4 Have you filed for any type of
5 unemployment benefits in the last five years?

6 A. No.

7 Q. Have you filed for any Medicare benefits
8 through the Federal Government?

9 A. No.

10 Q. Have you filed for any type of Social
11 Security benefits through the Federal Government?

12 A. No.

13 Q. Have you ever filed for any type of
14 federal disability benefit such as --

15 A. No.

16 Q. -- through Veterans Affairs?

17 A. No.

18 Q. How about state disability benefits --

19 A. No.

20 Q. -- such as through E --

21 A. Sorry.

22 Q. So state disability benefits such as
23 through EDD?

24 A. No.

25 Q. Now, it looks like you might have made

1 some type of request from San Joaquin County
2 Employee Retirement System; is that correct?

3 A. What I was trying to do was purchase back
4 my retirement. I'm five months away shy of being
5 vested.

6 Q. So where are you with that process then?

7 A. Their policy, if I remember it correctly,
8 is while I'm not working, I would have to pay it in
9 full in order to purchase it. I do not have that
10 ability, so if I return to work, then they will
11 take payments from me through my paycheck. And I
12 was starting that process prior to my, whatever,
13 injury. You would have the dates.

14 Q. Okay. Besides your employment with the
15 Mosquito and Vector Control District, have you had
16 any other employment that might add to this
17 retirement?

18 A. Only if I purchased it back and that would
19 be the City of Lodi.

20 Q. But there haven't been other agencies
21 outside of the Mosquito and Vector Control
22 District?

23 A. I withdrew from those. I no longer have
24 them, if you're asking me if I have them available
25 to me, or are you asking me if I --

1 Q. Let me go --

2 A. Okay.

3 Q. We may come back to that.

4 A. Okay.

5 Q. Have you filed for any type of formal
6 retirement?

7 A. I -- I'm sorry, but I don't understand
8 because I understand retirement to mean that you're
9 62 years old and that you have the right to file
10 for retirement and I'm not 62. So I don't
11 understand the question.

12 Q. Well, forget what you may or may not
13 understand. But have you formally filed for any
14 type of retirement?

15 A. Wait a minute. I have a -- no, I don't
16 understand you, so it's not a simple question. I
17 have a 401(k) that I withdrew. Is that what you're
18 asking me?

19 Q. I'm sorry. Let me try it again. I'm not
20 trying to trick you. I'm just curious, sometimes
21 people file for retirement prior to age 62.

22 A. Okay.

23 Q. So I'm just curious if you did that, for
24 example, through San Joaquin County Employer
25 Retirement System?

1 A. No.

2 Q. Okay. Is there any agency where you may
3 have filed for retirement even though you're not
4 62?

5 A. I withdrew my 401(k) that I had invested
6 in as a hardship.

7 Q. No. I understand. Okay. I think the
8 answer is -- I think I have the answer that I need.

9 MR. WEE: He's asking about retirement
10 systems, like a Social Security system or a county
11 retirement system, but that doesn't --

12 THE WITNESS: No.

13 MR. WEE: -- appear to be the case here.

14 THE WITNESS: No.

15 MR. HELPHREY: Okay.

16 THE WITNESS: Not that I'm aware of.

17 MR. WEE: That's a fair answer.

18 Q. BY MR. HELPHREY: Let's move on.

19 You're currently employed by San Joaquin
20 County Mosquito and Vector Control District, right?

21 A. Correct.

22 Q. And you were hired in 2004; is that
23 correct?

24 A. 4-19, if I remember correctly.

25 Q. All right. And since April 19th, 2004,

1 have you worked for anybody else?

2 A. I -- I worked at a voting poll so like a
3 one-day shot.

4 Q. Besides the one-day voting poll, have you
5 worked for anyone else since April 19th, 2004?

6 A. I don't think so. No, I -- no.

7 Q. When was the one-day voting poll?

8 A. It was for Obama's election.

9 Q. Okay. So --

10 A. Can't tell you the date, but --

11 Q. Did you injure yourself during that one
12 day?

13 A. No.

14 Q. Okay. What county were you in?

15 A. San Joaquin County.

16 Q. Okay. Did you have employment prior to
17 the district?

18 A. Yes, tons.

19 Q. We'll get into that.

20 A. All right.

21 Q. So who did you work with immediately prior
22 to San Joaquin County?

23 A. City of Lodi Public Library.

24 Q. Were you --

25 A. I was a library aid.

1 Q. Okay. Were you an employee of the City of
2 Lodi?

3 A. Correct.

4 Q. What was the period of that employment?

5 A. It was one year. I can't give you dates.
6 They actually kept me on the -- they kept me on the
7 call list to -- that I could come back and work
8 while I was employed for mosquito abatement, but I
9 never did.

10 Q. So was it approximately 2003 to 2004?

11 A. Approximately. While I was working for
12 the library, the same period of time I also worked
13 at Twin Arbors Athletic Club as a front desk clerk.

14 Q. That's Spare Time?

15 A. Correct.

16 Q. The only reason I'm smirking is I took a
17 deposition yesterday and I heard the same thing
18 from somebody else, but anyways --

19 A. And I also worked at the --

20 Q. Hold on. So with Lodi you were a library
21 assistant?

22 A. Library aid.

23 Q. Aid?

24 A. Yes.

25 Q. Was it a part-time job?

1 A. Yes.

2 Q. Okay. Did you injure yourself at all?

3 A. No.

4 Q. Did you file any workers' compensation
5 claims --

6 A. No, no.

7 Q. Let me just get the question -- I know
8 you're totally anticipating what my question is,
9 but if you can just allow me to ask the question in
10 full --

11 A. Sure.

12 Q. And you're doing it right now, too. It's
13 okay. It's all right. If you look at the
14 transcript that's being created -- and it's
15 perfectly natural to anticipate what my question
16 is, and I sometimes stutter and I pause, but I'll
17 try to get the question out in full and then you'll
18 respond. Then when we go back and look at the
19 transcript, it will be more clear as to what was
20 said and what was asked and how it was answered.
21 Okay?

22 A. Okay.

23 Q. So did you file any workers' compensation
24 claims with Lodi library?

25 A. No.

1 Q. Did you ever seek any medical treatment
2 because of anything that may have occurred with
3 Lodi library?

4 A. Not that I remember.

5 Q. Okay. Then you were also working for
6 Spare Time at the front desk, correct?

7 A. Correct.

8 Q. What period of time was that employment?

9 A. Same period of time as the library.

10 Q. '03 to '04 approximately?

11 A. Correct.

12 Q. Part time?

13 A. Correct.

14 Q. Any workers' compensation claims that you
15 may have filed with them?

16 A. No.

17 Q. Any on-the-job injuries that resulted in
18 you needing to seek medical treatment?

19 A. No.

20 Q. All right. You had another job roughly at
21 the same period of time?

22 A. Correct.

23 Q. Who was that with?

24 A. UPS.

25 Q. UPS?

1 A. UPS.

2 Q. Out of what location?

3 A. Stockton location.

4 Q. Any on-the-job injuries?

5 A. No.

6 Q. File any workers --

7 A. No.

8 MR. WEE: Wait.

9 THE WITNESS: Sorry. I'm so sorry.

10 Q. BY MR. HELPHREY: So did you file any
11 workers' compensation claims?

12 A. No.

13 Q. Okay. What was the rough period of
14 employment with UPS?

15 A. Two months around the holiday season. So
16 from like October to December.

17 Q. Okay. Why did that job end?

18 A. It was seasonal.

19 Q. Okay. How about the Spare Time job?

20 A. I was hired at mosquito abatement and able
21 to seek full-time employment, which is what I was
22 looking for.

23 Q. Why did the library job end?

24 A. Same reason.

25 Q. Okay. Did you have work prior to the

1 three that we just talked about?

2 A. Yes.

3 Q. With whom?

4 A. Yes.

5 Q. With whom?

6 A. With whom?

7 Q. We're going to try to work our way back
8 chronologically.

9 A. Two years I home schooled. Do you want to
10 know that?

11 Q. You home schooled your kids or --

12 A. Correct.

13 Q. -- someone else's kids?

14 A. My children.

15 Q. Okay. Did you have employment with anyone
16 else during that two-year period of time?

17 A. I tried to self employ through selling
18 nutrients and Mary Kay and go to school.

19 Q. Okay. Mary Kay. Was there an
20 organization or company for the nutrients?

21 A. It was Reliv.

22 Q. Reliv?

23 A. Correct.

24 Q. Any injuries with Mary Kay?

25 A. No.

1 Q. Any injuries with Reliv?

2 A. No.

3 Q. You file any claims against Mary Kay?

4 A. No.

5 Q. Any claims against Reliv?

6 A. No.

7 Q. Okay. How about prior to that, were you
8 employed?

9 A. Yes. Rite Aid, which -- gosh, what was it
10 before it was Rite Aid? They hired me under one
11 title, and then they switched over to Rite Aid
12 shortly after. I don't remember.

13 Q. When you last worked there, it was Rite
14 Aid, though?

15 A. Correct.

16 Q. What location?

17 A. Lodi Avenue.

18 Q. In Lodi, California?

19 A. Yeah. I'm a small-town girl.

20 Q. What was the period of employment with the
21 pharmacy or drugstore, however you want to call
22 them?

23 A. Gosh, I can't remember.

24 Q. Approximately.

25 A. Approximately six to nine months.

1 Q. All right. Why did that employment end?
2 A. To home school my children.
3 Q. Okay. Any on-the-job injuries?
4 A. No.
5 Q. Seek any medical treatment because of
6 anything that happened --
7 A. No.
8 Q. -- with Rite Aid?
9 A. No.
10 Q. Did you work for anybody else during the
11 same time you worked for Rite Aid?
12 A. I can't remember.
13 Q. Did you have any other employment around
14 the same period of time?
15 A. I think the next job that we would go to
16 would be Century Christian School.
17 Q. What town are we in?
18 A. Lodi.
19 Q. How long?
20 A. Two years. Two school years.
21 Q. What did you do?
22 A. I was a teacher's assistant, kindergarten.
23 Q. Okay. What year are we approximately
24 now?
25 A. I think we're at '94 to '96, but I --

1 Q. Approximately?

2 A. Yeah.

3 Q. That's fair. So it was Rite Aid then '96,
4 '97-ish?

5 A. Something. I honestly don't know. I
6 could sit down and write it out for you, but I'm
7 trying to go off my memory.

8 MR. HELPHREY: Well, do you want to allow
9 her time so it might make things quicker? You tell
10 me.

11 MR. WEE: No, why don't we just go through
12 this. I don't know how far back you want to go.
13 She'll testify to the best of her ability.

14 Q. BY MR. HELPHREY: Okay. All right. So
15 we've got '03-ish was Lodi library, Twin Arbors?

16 A. That's pretty concrete there.

17 Q. Okay. Then UPS around the same time?

18 A. That's concrete, yes.

19 Q. So then you were home schooling your kids,
20 would it be two years immediately prior to that?

21 A. Yes, yes.

22 Q. So that would be roughly 2000, 2002; is
23 that fair to say?

24 A. Yes.

25 Q. Okay. So then we've got Rite Aid for

1 about a year. Actually, I have six to nine months,
2 so we'll just round off. So that would have been
3 late 1990; is that approximately correct?

4 A. That's approximately correct.

5 Q. Okay. Because then we go to -- then the
6 Century Christian School you were thinking '94,
7 '96, so that leaves a few years gap there.

8 A. I home schooled for two years.

9 Q. In between Rite Aid and Century or --

10 A. Yes. Immediately when I left Century
11 Christian School, I -- I quit that job to home
12 school.

13 Q. Okay. Then from there you went to Rite
14 Aid?

15 A. Correct.

16 Q. Okay. That probably fills the gap there.
17 So what about prior to the Christian school?

18 A. I worked for Albertson's grocery store.

19 Q. All right. For what period of time?

20 A. I want to say '93. Around '92.

21 Q. For how long?

22 A. I worked there for five years.

23 Q. So '92 to '96, seven-ish?

24 A. No, that's too late. Maybe it was -- my
25 son -- okay. My son was born in '89.

1 Q. What year did you graduate from high
2 school?

3 A. What year? '87. Should have graduated in
4 '88. I received my G.E.D. in '87. My graduating
5 year was '88.

6 Q. Okay. So did you have a job around '87,
7 '88?

8 A. I worked for Olan Mills.

9 Q. Doing what?

10 A. Front desk.

11 Q. Okay. Any injuries with them?

12 A. No.

13 Q. How long were you there?

14 A. About nine months to a year.

15 Q. Full time?

16 A. Yeah, it was full time.

17 Q. Where? Lodi?

18 A. Lodi.

19 Q. Then where from there?

20 A. I did a paper route for Stockton Record so
21 I could be home with my kids.

22 Q. Injure yourself?

23 A. No.

24 Q. File any workers' compensation claims --

25 A. No.

1 Q. -- with the Stockton Record?

2 A. Sorry. No.

3 Q. And then where did you go? To
4 Albertson's?

5 A. To Albertson's.

6 Q. Okay. Did you sustain any on-the-job
7 injuries with Albertson's?

8 A. No.

9 Q. Did you seek any medical treatment because
10 of any event that happened at Albertson's?

11 A. No.

12 Q. Albertson's is located?

13 A. I started on Kettleman Lane in Lodi for
14 two and a half years, and then I transferred to
15 Stockton on Pacific and Alpine for two and a half
16 years.

17 Q. Okay. So maybe '90 to '95 was
18 Albertson's; is that fair?

19 MR. WEE: You can give an approximate
20 answer, if you think that's reasonably close.

21 Q. BY MR. HELPHREY: I'm just trying to put
22 your high school -- you know, the kids and all that
23 into perspective.

24 A. I'm trying to think. My son was born in
25 '89. I think my son was about two years old when I

1 started working at Albertson's, and I know I was
2 out of there by the time he was in first grade,
3 so --

4 MR. WEE: Do you need anything more
5 specific?

6 THE WITNESS: '93. I believe I started at
7 Albertson's in '92, '93, and I was there for five
8 years, I know that much.

9 Q. BY MR. HELPHREY: Okay. What were you
10 doing there?

11 A. I did a vast array of things. I started
12 in the bakery/deli for two and a half years. The
13 other two and a half years I worked for the meat
14 department and I ran my own department.

15 Q. Okay. All right. Besides filing a
16 workers' compensation claim with San Joaquin County
17 Mosquito and Vector Control District, have you ever
18 filed any other workers' compensation claims with
19 any other employers?

20 A. No.

21 Q. Have you ever sustained any on-the-job
22 injuries with anyone else besides the Mosquito and
23 Vector Control District?

24 A. No.

25 Q. Did you ever seek medical treatment

1 because of anything that happened with any other
2 employers?

3 A. Besides colds or flus with my own sick
4 leave, no.

5 Q. Okay. Any injuries performing any
6 volunteer work for anyone?

7 A. No.

8 Q. Okay. In terms of source of income from
9 April 2004 to the present, has it either come from
10 the Mosquito and Vector Control District or the one
11 day of working at the polls?

12 A. Yes.

13 Q. No other sources of income from April 2004
14 to the present?

15 A. I have received other income besides
16 mosquito abatement.

17 Q. From whom?

18 A. My ex-husband.

19 Q. Okay. That's spousal support or child
20 support?

21 A. Correct.

22 Q. Save that, any other income you may have
23 received?

24 A. I cashed out my retirements.

25 Q. Okay. Any other sources of income?

1 A. Not that I am aware of.

2 Q. Okay. Do you remember the date of injury
3 with the Mosquito and Vector Control District from
4 which your workers' compensation benefits have been
5 flowing?

6 MR. WEE: I'm sorry, are you asking her to
7 tell upon which claim the carrier is paying
8 benefits?

9 Q. BY MR. HELPHREY: Well, I'm trying to sort
10 out the dates. So how many injuries have you had
11 with mosquito -- we'll just call them the district.
12 Okay?

13 A. Yeah.

14 Q. Do you understand if I say district? With
15 the district as relates to your right knee?

16 A. I believe three.

17 Q. Okay. And when was the first injury?

18 A. I believe 6-19 of 2008. Do not quote me
19 on that.

20 Q. I'm not doing any quoting.

21 Okay. What was the injury event?

22 A. I tore my lateral meniscus.

23 Q. What happened resulting in you tearing
24 your meniscus? Were you stepping up? Were you
25 stepping down? What physical activity?

1 A. I was pelleting a pasture.

2 Q. So were you walking then?

3 A. I was walking. I was climbing up and down
4 off of the truck to load it with pesticide.

5 Q. Was there a specific event that happened,
6 or was it more just a combination of events on that
7 day?

8 A. I can tell you I went to work with no
9 injury, and I can tell you by the end of the day my
10 knee swelled and started to hurt, and that's what I
11 know. And then I can tell you the series of events
12 I did on that day.

13 Q. So prior to 6-19-2008, in other words,
14 6-17-2008, was your right knee bothering you?

15 A. No.

16 Q. Any swelling?

17 A. No.

18 Q. Had you ever had any like or similar
19 symptoms to your right knee --

20 A. No.

21 Q. -- prior?

22 A. No.

23 Q. Okay. So after you finished working on
24 the 19th, you noticed your knee was swelling?

25 A. Yes.

1 Q. Painful?

2 A. Yes.

3 Q. Okay. Did you miss any time from work?

4 A. I believe I missed six months from work.

5 Q. Okay. Did you have surgery after that
6 particular injury?

7 A. Yes.

8 Q. Okay. When was the surgery?

9 A. Oh, man.

10 Q. Approximately.

11 A. The injury was 6-19. In September? Does
12 that sound right? I honestly do not know.

13 Q. Who did the surgery?

14 A. Dr. Gary Murata.

15 Q. Okay. After the surgery were you able at
16 some point in time to return back to work?

17 A. I returned back to work 1 of 2009.

18 Estimate date. It was January of 2009.

19 Q. Okay. Were you working full duty at the
20 time?

21 A. I was.

22 Q. How long did you continue working full
23 duty?

24 A. Until March of 2009.

25 Q. So for about three months?

1 A. Correct.

2 Q. Then what happened?

3 A. I had another inflammation or swelling of
4 the knee.

5 Q. Was there some specific event that
6 happened?

7 A. I can tell you what I was doing on the
8 job.

9 Q. Sometimes people tell me they remember --
10 okay. Go ahead and tell me what you remember.

11 A. I -- that week I was on a brushing crew,
12 and we were required to move tree limbs and
13 branches out of a steep incline where water would
14 surface where -- I'm sorry. You don't probably
15 know what we do for a living, so --

16 Q. I'm just trying to get a general -- you
17 were out in the field doing field-type work; is
18 that fair to say?

19 A. Yes. But we have a vast array of field
20 work.

21 Q. Right. Okay. Anyway, so on 3-26-09,
22 March 26, 2009, you're out in the field, and you
23 notice that your knee is bothering you again after
24 you finish your shift?

25 A. It was hurting -- it just started to

1 swell.

2 Q. Okay.

3 A. That's been the biggest indication, it
4 swells.

5 Q. Okay. Did you go back to work the next
6 day?

7 A. I do not believe so. I do not remember.

8 Q. Okay. Did you take any significant amount
9 of time off after March 26, 2009?

10 A. I believe that I had a scheduled
11 appointment with Dr. Murata that following week,
12 and I returned to Dr. Murata and he looked at my
13 knee and put me on modified duty again.

14 Q. How long were you on modified duty?

15 A. I returned to work, I want to say, in June
16 of 2009. So from 3 -- 3 of 2009 until 6 of 2009, I
17 went back to physical therapy. I had another MRI
18 and I returned --

19 MR. WEE: I'm sorry. He's not asking any
20 of that.

21 THE WITNESS: Okay.

22 MR. WEE: Listen carefully to his
23 question.

24 THE WITNESS: To what he's asking.

25 MR. WEE: Yes. You want to repeat the

1 question.

2 Q. BY MR. HELPHREY: Sure. So March 26,
3 2009, you're out doing the brushing work, if you
4 will?

5 A. Yes.

6 Q. Brushing crew?

7 A. Right.

8 Q. Your knee swells. Within a week of that,
9 you're seeing your treater, correct?

10 A. Correct.

11 Q. He put you on modified duty, correct?

12 A. Correct.

13 Q. Do you work modified duty then for
14 approximately three months?

15 A. No. My employer does not allow modified
16 duty.

17 Q. So you did not do modified work?

18 A. Correct.

19 Q. Okay. So you were off work completely for
20 about three months?

21 A. Correct.

22 Q. Okay. Then you returned back to full duty
23 in June of 2009?

24 A. Correct.

25 Q. Okay. Then did you continue working full

1 duty?

2 A. When I returned?

3 Q. Well, June 2009 you're back at full duty,
4 correct?

5 A. Correct.

6 Q. Did anything else happen after that?

7 A. Again my knee.

8 Q. When approximately?

9 A. It was the weekend before the 4th of
10 July.

11 Q. What activity were you doing?

12 A. I was treating a pasture.

13 Q. You were whating a pasture?

14 A. I'm sorry, I was applying pesticide to a
15 pasture.

16 Q. Okay. Let's go over your general job
17 responsibilities with the district.

18 A. Okay.

19 Q. What is your job title, first of all?

20 A. Pesticide applicator or a Tech I.

21 Q. Okay. Has that been your job since you
22 were hired in 2004?

23 A. Yes.

24 Q. Okay. How much are you paid?

25 A. Around \$23 an hour.

1 Q. Do you typically work 40 hours a week?

2 A. It's seasonal. In the winter we work 40
3 hours a week. In the summer we work 60 hours a
4 week. It's all dependent on the climate, the
5 temperature.

6 Q. Are you approximating it's 60 hours a
7 week?

8 A. I'm sorry?

9 Q. Are you approximating the 60 hours a
10 week?

11 A. I'm approximating, yes. It's all
12 dependent on the elements.

13 Q. So you go to an office, my understanding,
14 or district location, correct, when you start your
15 shift?

16 A. Yes.

17 Q. Then you don or put on mosquito abatement
18 clothing?

19 A. Yes.

20 Q. And then basically you're out in the field
21 for most of the shift; is that fair to say?

22 A. Yes.

23 Q. Okay. Are you required to carry anything?

24 A. Yes.

25 Q. Okay. Like what would you carry?