

1 PLAINIFF'S COUNSEL: Mr. Anderson

2 THE WITNESS: Debbie Sherman

3 THE COURT

4 DEFENSE COUNSEL: Ms. Casey

5

6 **WARMUP**

7

EXAMINATION

8 Q. BY MS. CASEY: Do you know the name of that insurance  
9 company?

10 A. No.

11 Q. All right. Do you know where the office was?

12 A. Fremont.

13 Q. Fremont, California? They sent you / all the way to  
14 Fremont?

15 MR. ANDERSON: Objection. That is argumentative.

16 THE COURT: I will allow it. The witness may answer.

17 THE WITNESS: What is the question now?

18 Q. BY MS. CASEY: You said you / were being sent to  
19 Fremont; is that correct?

20 A. Yes.

21 Q. Were you in your automobile when you were injured?

22 A. Yes.

23 Q. Were you injured?

24 A. Yes.

25 Q. What was / injured?

1 MR. ANDERSON: Objection. Vague.

2 THE COURT: Objection sustained.

3 Counsel, please clarify your question.

4 Q. BY MS. CASEY: What part or parts of your body were  
5 hurt?

6 A. It was my right shoulder, left // shoulder, wrist;  
7 and I sustained a concussion.

8 Q. Oh, brother. And was this in front of Cedar Springs  
9 High School?

10 A. Yes.

11 Q. Do you remember the date / of the accident?

12 A. Yes.

13 Q. What was that?

14 A. May 1st, 2017, I think.

15 Q. Did you ever receive a settlement for this accident?

16 A. No. It /// is still pending.

17 Q. Understood.

18 Have you had any court proceedings so far on this  
19 case?

20 A. No.

21 Q. Did you miss time from work because of this /  
22 accident?

23 A. Yes.

24 Q. How much time did you lose?

25 A. About six days.

1 Q. Did you get medical treatment?  
2 A. Yes.  
3 Q. Where did you go?  
4 A. Dr. Robert Rogers.  
5 Q. Okay. /(\*1)  
6 A. And a doctor named Jane White.  
7 Q. Are you still undergoing treatment for these  
8 injuries?  
9 A. Yes.  
10 Q. And have you had medication in the last 24 / hours  
11 that caused problems for you with your memory?  
12 A. Well, I now take medication from Dr. Jarvis and a new  
13 guy that I see, Dr. / Bates.  
14 Q. So the medicine that Dr. Bates prescribes for you,  
15 can you tell me what it is for?  
16 MR. ANDERSON: Objection. Calls for expert medical  
17 opinion.  
18 MS. CASEY: I / can rephrase, Your Honor.  
19 THE COURT: Please proceed.  
20 Q. BY MS. CASEY: What is your understanding of why you  
21 take the medicine?  
22 A. Sleep.  
23 Q. Does that impair your ability to recall?  
24 A. No. //  
25 Q. Okay. What medication aids you in sleeping?

1 A. I take Restoril for sleeping.

2 Q. Okay. When did you last take the Restoril?

3 A. Last night.

4 Q. And you said / there is another medication prescribed  
5 by Dr. Bates; is that right?

6 A. No.

7 Q. This may sound like a silly question. Is the idea of  
8 having to /// testify here in court a little stressful  
9 for you?

10 A. No, not really.

11 Q. Does it make you a little nervous?

12 MR. ANDERSON: What is the relevance of this, / Your  
13 Honor?

14 THE COURT: Ms. Casey, where are you going with this?

15 MS. CASEY: I will withdraw the question.

16 No more questions of this witness.

17 THE COURT: Cross-examination, Counsel?

18 MR. ANDERSON: Yes, / (\*2) Your Honor.

19 CROSS-EXAMINATION

20 Q. BY MR. ANDERSON: When were you first hired by Lark  
21 Unified School District?

22 A. August 2005.

23 Q. Okay. And at the time of your claim, / you were  
24 working at Cedar Springs High School; correct?

25 A. Correct.

1 Q. How long had you worked at Cedar Springs?  
2 A. Since 2010.  
3 Q. Okay. And last / year, 2018, what was your job at  
4 Cedar Springs High School?  
5 A. Introduction to Art teacher.  
6 Q. How long have you been an art teacher / at Cedar  
7 Springs?  
8 A. For nine years.  
9 Q. Okay. Do you teach any other subjects at Cedar  
10 Springs besides the art classes?  
11 A. Not currently, but I have // in the past.  
12 Q. Do you have a teaching credential?  
13 A. I do.  
14 Q. And what was your credential for?  
15 A. Single subject, secondary art.  
16 MS. CASEY: I'm sorry, Your Honor, / but I missed  
17 that. What was the beginning part of the answer?  
18 THE COURT: She said "single subject."  
19 MS. CASEY: Thank you.  
20 Q. BY MR. ANDERSON: Do you have to renew your  
21 credential? ///  
22 A. No.  
23 Q. Is it valid for life?  
24 A. Correct. It is.  
25 Q. In the last, say, five years, have you earned income

1 from any other sources besides your / salary at Lark  
2 Unified?

3 A. Yes.

4 Q. All right. Where else have you earned income?

5 A. I have a piece of rental property at Lark Mountain  
6 Lake Resort. / (\*3)

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8 **END OF WARM-UP**

9 **(PAUSE)**

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**EXAM:**

Q. BY MR. ANDERSON: Do you still own that property?

A. Yes.

Q. Any other source of income that you have earned in the last five years besides your rental property / and your salary at Lark Unified?

A. No.

Q. Are you involved in any art activities or groups outside of work?

A. No.

Q. Okay. Do you own your / own business?

A. No.

Q. And do you have a license in any other line of work besides your teaching credential?

A. I once was a beauty consultant / for a makeup company.

Q. And when did you last work in that business?

MS. CASEY: Objection. Relevance.

THE COURT: That will be overruled.

Please answer the question.

THE WITNESS: I am // now a consultant, but the company changed hands a few years ago and is not what it used to be.

Q. BY MR. ANDERSON: Approximately when is the last /

1 time you actually worked for them?

2 A. That would have been about 2000, possibly, I think.

3 Q. Okay. No problem.

4 Ma'am, let me ask you this: /// Where were you born?

5 A. San Francisco.

6 Q. Can I assume that you graduated from high school?

7 A. Yes.

8 Q. And attended college?

9 A. Yes.

10 Q. Where did you go to / college?

11 A. I went to several.

12 Q. Where did you get a degree from?

13 A. I got two degrees.

14 Q. From?

15 A. My A.A. from Kelley Junior College in /(\*1) Hayward.

16 I received my B.A. from Cal State University Hayward.

17 Q. What was your B.A.?

18 A. Fine art.

19 MS. CASEY: I did not hear that, Your Honor. / What

20 was the degree?

21 THE COURT: Please repeat your answer, Ms. Sherman.

22 THE WITNESS: I have a B.A. in fine art.

23 Q. BY MR. ANDERSON: Any other colleges where you had

24 a / degree or diploma?

25 A. Well, I have a teaching credential from Cal State

1 Hayward.

2 Q. In 2018, when did the school year begin for you? /

3 A. July 25th, I believe.

4 Q. And how many classes were you teaching in that school  
5 year?

6 A. Four.

7 Q. I know you said Introduction to Art. Were // all  
8 five classes Introduction to Art?

9 MS. CASEY: Objection, Your Honor. That misstates  
10 the evidence.

11 THE COURT: I think she said four classes.

12 MR. ANDERSON: Oh, four. I am sorry.

13 THE WITNESS: Yes, / they were all Introduction to  
14 Art.

15 Q. BY MR. ANDERSON: What age students were you  
16 teaching?

17 A. Grades nine through twelve.

18 Q. Could you give me an estimate or average of /// how  
19 many students in each class?

20 A. 120.

21 Q. Wow. That is a lot of students. Is that in every  
22 class?

23 A. I would say 31 / to 32.

24 Q. I imagine you had a helper that worked with you. Is  
25 that correct?

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A. No, that is not correct. I never had one. /\* (2)

**(end of lead-in) KEEP READING**

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**START TYPING:**

Q. BY. MR. ANDERSON: Okay. When you were still working at the school, what hours would you normally work?

A. From 7:30 to 3:45.

Q. Okay. Were you / involved in any groups or after-school activities?

A. No.

Q. Okay. That gives me kind of an idea. I am going to go back and ask / you a little more history.

Did you have full-time employment --

A. Yes.

Q. -- before you started working for Lark Unified?

A. Yes. Burns Unified.

Q. How long did / you work there?

A. Four and a half years.

Q. What were you teaching at Burns?

A. Art, yearbook, typing, world geography.

Q. And why did you stop working // at Burns?

A. An opening became available at Lark. Art jobs or art positions are hard to find.

Q. Was the pay better at Lark Unified than / Burns?

A. Considerably.

Q. I figured as much.

While you were working at Burns High School, did you ever have an injury while working where you had /// to go

1 see a doctor?

2 A. No.

3 Q. Did you have employment before Burns High School?

4 A. Yes.

5 Q. Where were you employed right before Burns?

6 A. I was a / substitute teacher in several cities for a  
7 year and a half in the East Bay.

8 Q. Was it for more than one school district?

9 A. Yes.

10 Q. Did /\* (1) you make a workers' comp claim at any of  
11 these school districts?

12 MS. CASEY: I object. Vague and ambiguous.

13 THE COURT: Sustained. Please rephrase that,  
14 Counsel.

15 MR. ANDERSON: Yes, sir. I / will do that.

16 Q. Besides Lark Unified School District, have you ever  
17 made a workers' comp claim against any other place of  
18 employment?

19 A. No, sir.

20 Q. All / right. And while working for any other  
21 employer before Lark, have you had an injury at work  
22 where you had to seek medical treatment?

23 A. No, / I have not.

24 Q. And I know you said you had a carpal tunnel claim  
25 against Lark Unified; is that correct?

1 A. Yes, sir. That is correct. //

2 Q. Are you still getting medical care for the carpal  
3 tunnel problems?

4 A. The second set of surgeries seemed to clear up the  
5 problem. The first set / left the medical open. I have  
6 carpal tunnel symptoms back again.

7 Q. All right. Were you dealing with just one insurance  
8 company when you had your /// carpal tunnel claim?

9 A. No. There were two.

10 Q. Do you know who the insurance companies were?

11 A. The first one was in Fremont.

12 Q. Okay.

13 A. I do not / remember the name. Fremont something.

14 Q. That is okay. The claim that was being handled by  
15 Fremont -- did you ever receive a settlement?

16 A. No. I had /\* (2) medical insurance that helped me get  
17 through that time.

18 Q. Was there ever any kind of final settlement with the  
19 claim that was being held by / Fremont?

20 A. I do not recall other than the medical was left open  
21 because it was not successful.

22 MR. ANDERSON: No further questions at this time.

23 THE COURT: Do you / have any redirect, Ms. Casey?

24 MS. CASEY: Yes, I do.

25 THE COURT: Please proceed.

1 REDIRECT EXAMINATION

2 Q. BY MS. CASEY: Did you have more than one date of  
3 injury for your carpal tunnel claim?

4 A. Yes, / I did.

5 Q. Okay. Do you recall the other insurance company at  
6 all that was involved?

7 A. No, I do not remember.

8 Q. Could it have been State // Fund?

9 A. I think it was. That does sound familiar to me.

10 Q. And whoever that second insurance company was -- did  
11 they ever give you a final / settlement for this case?

12 A. Yes.

13 Q. Did that settlement allow for future medical care?

14 A. No.

15 Q. Do you still go to visit a doctor ever for your ///  
16 carpal tunnel problems?

17 A. I need to again.

18 Q. And when is the last time that you have seen a doctor  
19 for that, ma'am?

20 A. 2011. / The surgery fixed the problem, but it has  
21 since returned in both wrists.

22 Q. Have you filled out any kind of paperwork with Lark  
23 Unified as /\* (3) far as filing a claim for your hands or  
24 wrists at this point in time?

25 A. Probably.

1 Q. Going back to your history, I believe you said / you  
2 were married at one time, ma'am; is that correct?  
3 A. Yes, it is.  
4 Q. Please tell us what years you were married.  
5 A. 1977 to / 1985.  
6 Q. What was your husband's name?  
7 A. Kenneth.  
8 Q. Sherman?  
9 A. Sherman.  
10 Q. And did the marriage end through a divorce?  
11 A. Yes, it did.  
12 Q. Does Mr. Sherman / still reside in the area, if you  
13 know?  
14 A. No.  
15 MR. ANDERSON: I will object as vague and ambiguous.  
16 THE COURT: Is that "no," you don't know or, "no,"  
17 he // is not residing in the area?  
18 THE WITNESS: No, he is not in the area currently.  
19 Q. BY MS. CASEY: Do you still have any contact with him?  
20 A. No.  
21 Q. Did you / file for the divorce, or did he?  
22 A. He did.  
23 Q. In what state?  
24 A. Here in California.  
25 Q. Okay. Are your parents living, ma'am?

1 A. No, they are not. ///

2 Q. Both are deceased?

3 A. Yes.

4 Q. And when did your father die? You can estimate if

5 you want.

6 A. I believe it was in 1991.

7 Q. And / when did your mother pass away?

8 A. 2001.

9 Q. Do you have any brothers or sisters?

10 A. I have one brother.

11 Q. And is he still /\*(4) living?

12 A. Yes.

13 Q. Does he live anywhere near you?

14 A. No.

15 Q. Do you maintain contact with him?

16 A. Telephone calls and email.

17 Q. Is he older or younger than / you?

18 MR. ANDERSON: Objection. Relevance.

19 THE COURT: Sustained.

20 Please move on.

21 Q. BY. MS. CASEY: You don't have to mention the name,

22 but are you an active member of a church, ma'am?

23 A. No. /

24 Q. Okay. Are you a member of any outside organizations

25 or clubs that we have not talked about already?

1 A. No.

2 Q. I think what I will do / is ask you a little bit  
3 about the situation that caused you to go off work, if I  
4 could.

5 A. Certainly.

6 Q. Just to make sure, what // was the last day that you  
7 worked at Lark Unified?

8 A. I believe it was November 4th, 2015.

9 Q. And since November 4th, you have / not earned income  
10 from working for any other employers, have you?

11 A. No.

12 Q. Okay. And just in your own words the best you can,  
13 what caused /// you to go off work after November 4th?

14 MR. ANDERSON: Objection. Calls for a narrative.

15 THE COURT: Sustained.

16 Please rephrase your question, Counsel.

17 MS. CASEY: I will break it down, Your / Honor.

18 Q. Did you have any physical symptoms that caused you to  
19 leave work on November 4th?

20 A. Well, that particular day, I noticed that my  
21 face, /\* (5) especially the cheeks, were unusually numb  
22 and started tingling.

23 Q. All right. And about what time of day did you notice  
24 that, ma'am?

25 A. It was mild / at 12:30, and then it was more

1 pronounced at 1:00 o'clock.

2 Q. And had you ever experienced that kind of problem  
3 before?

4 A. No. This was / the first time.

5 Q. You testified you noticed the numbness and it seemed  
6 to be getting worse. What happened next?

7 A. I called my doctor. I needed / to make an  
8 appointment with him.

9 Q. Was that your regular doctor?

10 A. Yes, it was.

11 Q. Okay.

12 A. And I noticed as I was driving --

13 MR. ANDERSON: Objection. No question // pending.

14 THE COURT: Just wait for the next question, please.

15 THE WITNESS: Sorry.

16 THE COURT: No problem. Take your time.

17 Q. BY MS. CASEY: What happened when you were driving?

18 A. I noticed, as I was / driving, both arms from my  
19 shoulders down to my hands were numb and tingling.

20 Q. That must have been frightening.

21 A. It certainly was. I drove very /// slowly. I was  
22 very concerned.

23 Q. I understand.

24 A. I thought I was having a mild stroke.

25 Q. Okay. Did you then get to the office and visit /

1 your doctor?

2 A. Correct.

3 Q. Did he discuss with you what he thought was

4 happening?

5 A. He told me it was probably stress, and he took me

6 off /\* (6) work.

7 Q. Did the doctor run any kind of testing on you?

8 A. They did the usual blood pressure.

9 Q. And what did they find?

10 A. My blood pressure / was very high. It has never been

11 high in my life.

12 Q. Okay.

13 A. It has always been in the normal range.

14 Q. Did they find anything else? /

15 A. I had a blood test. He requested a blood test.

16 Q. When did the subject of stress come up?

17 MR. ANDERSON: Objection. Leading.

18 THE COURT: I will allow it. Overruled. /

19 Please answer the question.

20 THE WITNESS: Would you repeat the question, please.

21 I have forgotten it.

22 Q. BY MS. CASEY: Did you and your doctor discuss

23 stress?

24 A. We had a discussion // about my symptoms and the

25 situations that I had been dealing with in school.

1 Q. Okay.

2 A. Oh, and that is when he doubled my prescription, I /  
3 believe.

4 Q. So prior to November 4th, were you taking medication?

5 A. Yes, ma'am.

6 Q. What was prescribed for you?

7 A. Zoloft.

8 Q. How long were you on the Zoloft, /// if you remember?

9 A. A couple of years.

10 Q. And going back to your school day on November 4th,  
11 did anything strange or out of place happen / that  
12 particular day that was stressful for you?

13 A. Well, I started to spray my plants with water. I  
14 keep plants in the classroom, and I /\*(7) enjoy spraying  
15 them.

16 Q. What was unusual or stressful about that?

17 A. Well, I noticed that one of the students had poured  
18 bleach in the water.

19 Q. How / did you know that? Why are you certain that  
20 the student added bleach into the water?

21 A. Well, I was spraying around the plants and smelled /  
22 the aroma.

23 Q. Now, this is going to sound stupid, but how do you  
24 know that a student added that?

25 A. I smelled the bleach.

1 MR. ANDERSON: That is / nonresponsive, Your Honor.  
2 I object and ask the answer be stricken.

3 THE COURT: That is sustained.

4 Please just listen to the question, ma'am, and answer  
5 that question. //

6 Q. BY MS. CASEY: You smelled the bleach and assumed  
7 probably a student had done that; is that correct?

8 A. Yes, that is correct.

9 Q. Okay. And what time of day / was it approximately  
10 when you were spraying your plants and noticed the bleach  
11 smell?

12 A. It was during my lunch.

13 Q. When you smelled the bleach, was /// that upsetting  
14 to you?

15 A. I would not say it was upsetting, but it was  
16 surprising.

17 Q. Why did you find it surprising?

18 A. Something like that had / never happened before with  
19 my students.

20 Q. Was there anything else strange or upsetting to you  
21 that happened on that day while you were at school? /\* (8)

22 A. No, ma'am.

23 Q. Okay. From your perspective, were there any other  
24 events that happened at school that you think led up to  
25 your stress and anxiety? /

1 A. Yes. I had started the year with sinusitis; so I  
2 missed the first month, which I never, ever missed.

3 Q. All right. Why was missing the / start of the school  
4 year stressful?

5 A. Well, I saw two different doctors and had to take  
6 medicine. I had to prepare lots of work for / a  
7 substitute, knowing I was starting the year being sick.

8 Q. You had a substitute teacher; is that correct?

9 A. Yes. I tried to come in sometimes // to make sure  
10 things were going smoothly.

11 Q. Okay. Anything else that was going on that you think  
12 led up to the stress at school?

13 MR. ANDERSON: Objection. / Asked and answered. We  
14 have talked about this.

15 THE COURT: Overruled.

16 You may go ahead and answer.

17 THE WITNESS: Well, for the past two years, I have  
18 had a /// class where I had problems.

19 Q. BY MS. CASEY: Are you talking about discipline  
20 problems?

21 A. Yes. That is what I mean.

22 Q. I understand now.

23 A. This year I was lucky / that I did not have the  
24 concentration of students in one period like I had in  
25 previous years.

1 Q. Okay. I do not want to put /\*(9) words in your  
2 mouth; so please correct me if I am wrong, but you are  
3 testifying that this school session you were not having  
4 the / same discipline problems?  
5 A. Yes. That is correct.  
6 Q. Okay.  
7 A. Then there was another incident.  
8 Q. Please tell us about that.  
9 A. On October 3rd, I had gone to / the next office to  
10 make copies to hand out.  
11 Q. Was this a regular part of your day?  
12 A. Correct. It was.  
13 Q. Okay. Well, what happened to / cause you anxiety?  
14 A. When I got back, my classroom keys, car keys, and  
15 house keys were all missing.  
16 Q. Okay. Where were your keys taken from? // Your  
17 purse? Your desk?  
18 A. They were taken from my desk.  
19 Q. What did you do after you noticed your property was  
20 missing?  
21 A. I had to contact / a neighbor to come and take me to  
22 my residence so I could retrieve my other set of keys.  
23 Q. Did you let anyone at school /// know about your keys  
24 missing?  
25 A. Absolutely.

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Q. Who did you tell?

A. I told the science teacher in the next classroom.

Q. What did you say?

A. My keys / were missing and had anyone seen them in there when I was running off the copies?

Q. What subsequently happened?

A. I called for a ride home. /\* (10)

**END OF EXAM**