

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)
)
CINAGRO FARMS, INC.) Case Nos.: 2017-CE-008-SAL
)
Respondent,)
)
and)
)
MARISOL JIMENEZ,)
)
)
)
Charging Party.)

VOLUME 1

HEARING

Remote via WebEx

Tuesday, February 23, 2021

Location: ALRB Oxnard Sub-Regional Office
1901 North Rice Avenue
Suite 300
Oxnard, California 93030

Reported by:
Martha Nelson

APPEARANCES

BEFORE: THE HONORABLE MARK SOBLE,
Administrative Law Judge

On behalf of Respondent:

Robert P. Roy, President
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On behalf of Charging Party:

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Gabriella Vega, Compliance Officer

Spanish-To-English Interpreter: Rosario Lucas

I N D E X

WITNESSES DIRECT CROSS REDIRECT RECROSS VOIR DIRE

Charging Party:

Marisol Jimenez 36 79 132

Hector Cruz Vasquez 139

EXHIBITS

ADMITTED

Charging Party:

Respondent:

1
2 P R O C E E D I N G S

3 9:08 A.M.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, we'll go
5 on the record. The hearing will come to order. This is a
6 hearing before the State of California Agricultural Labor
7 Relations Board in the matter of Cinagro Farms, Inc.,
8 Respondent and Marisol Jimenez, Charging Party for a
9 hearing on (indiscernible) under alleged unfair labor
10 practices. I may sometimes refer to the Agricultural Labor
11 Relations Board as the ALRB, which are the initials. And
12 this is ALRB Case Number 2017-CE-008-SALINAS.

13 I am Chief Administrative Law Judge Mark R. Soble
14 on the screen. That refers to me as ALRB ALJ. This is on
15 WebEx. I am considered the host of this video conference
16 call. My office is located in the ALRB headquarters in
17 Sacramento and correspondence or filings in this matter
18 should be addressed to me at that locations, which is 1325
19 J Street, Suite 1900 B, Sacramento, California 95814.

20 Certain types of filings may also be sent to the
21 email address efile@alrb.ca.gov. However, generally if
22 we're adding a new hearing exhibit as we go through the
23 hearing, those will be instead emailed to me and to
24 opposing counsel, but not through the e-file system.
25 Individual ALJs may handle that differently, as they have

1 their own video hearings, but I'm not having you send every
2 exhibit to e-file, which is a broader distribution than the
3 people who are participating in this hearing.

4 Today's date is Tuesday February 23, 2021. And
5 this hearing, as mentioned, is being held in a video
6 conference format on WebEx.com. Ordinarily, Title 2,
7 California Code of Regulations Section 20269 gives parties
8 the right to appear in person at an Unfair Labor Practice
9 Hearing. However, this right was and is suspended by the
10 Governor's Executive Order N-6320, paragraph 11, dated
11 May 07, 2020. In light of that order, the decision as how
12 to best proceed, and the format to be used, therefore,
13 falls before me as the Administrative Law Judge presiding
14 over this hearing, pursuant to Title 2, California Code of
15 Regulations Section 20262.

16 In this instance, I solicited feedback from all
17 counselors to whether this hearing would best be conducted
18 in person, by video conference format, or a hybrid of the
19 two methodology. Taking into account the ongoing COVID 19
20 pandemic, all Counsel agreed that conducting this hearing
21 via video conference was appropriate. I then agreed with
22 Counsel that such a format would be able to meet both our
23 required due process safeguards, and also our health
24 safeguards for all hearing participants. No witness will
25 be permitted to testify audio only without also having a

1 video feed.

2 For the record, here's what we're doing. I think
3 all of the participants are already familiar with this.
4 With the exception of one out of state witness, all of our
5 witnesses will be giving their testimony from a conference
6 room location at the California Unemployment Insurance
7 Appeals Board. It is the video stream right now where you
8 see about three blue chairs and behind them, about three
9 grey chairs. And so they will be testifying from that
10 conference room location at CUIAB, which is the initials
11 for California Unemployment Insurance Appeals Board in
12 Oxnard.

13 The -- by agreement of the parties, the general
14 counsel's field examiner, Ms. Vega, will, wearing a face
15 mask, escort witnesses in and out of the hearing room, or
16 that conference room, if you will. The judge, the court
17 reporter, the interpreter, will all, and are all, located
18 in different cities. I can, speaking for myself, I am in
19 Sacramento County for the duration of this hearing. The
20 Assistant General Counsels are located in the ALRB
21 Subregional office in Oxnard. And the Regional Director, I
22 believe, is located in the ALRB Regional office in Salinas.

23 The respondent -- Respondent's counsel, I believe is
24 located in his office in Camarillo, California.

25 We're all connected, again, by video conference

1 on Web Ex. All participants in the hearing should be
2 visible to the other participants, both at this initial
3 stage, and at any time there is a witness giving testimony.

4 Your web camera should be set and adjusted to provide
5 approximately a head and shoulders view. Everybody who I
6 see right now is appropriately visible with that type of
7 view.

8 So, we are starting today at approximately 9:00
9 a.m. We will discuss, before the day is over, if for the
10 subsequent days of the week, we will be starting at the
11 same time, 9:00 a.m. Or instead we will be starting a
12 little bit earlier. Perhaps at 8:30.

13 In advance of this hearing, the Assistant General
14 Counsels and Respondent's Counsel have provided paper
15 copies of their exhibits to each other, and to me. And
16 have put them in binders, or loose, in the hearing room for
17 physical attestability to the witnesses. I in turn, have
18 forwarded those exhibits to the interpreter and court
19 reporter in the event that they might need access to them
20 during the time of the hearing.

21 Emailing, texting, instant messaging, or any
22 equivalent to a witness during her or his testimony is
23 strictly prohibited. Recording the hearing, video or
24 audio, or taking a screenshot of the proceeding is strictly
25 prohibited without my specific approval.

1 As you have likely observed, or if you haven't,
2 there is a court reporter, Ms. Nelson. On my screen she is
3 row three on the right side. She may be in a different
4 location on your screen. She will be taking the official
5 transcript of this hearing. Any other recording, other
6 than by the court reporter, must be approved in advance by
7 me. The WebEx video conference is set so it will not be
8 recording, and the court reporter's transcript is the only
9 official record of this hearing.

10 I am determined that I believe it might have a
11 chilling effect on our farmworker participation in our
12 hearings to record the video of the hearing. So it is my
13 ruling for this hearing, and this hearing only, and I will,
14 on my cases, address it on a hearing-by-hearing basis, that
15 the video portion will not be recorded by anyone. That
16 includes the court reporter. She's just doing an audio
17 recording. So during the hearing, please do not make any
18 requests directly to the court reporter. Instead, make
19 those requests to me. I'll ascertain their appropriateness
20 and then address them to the court reporter, if needed.

21 For portions in this hearing, we will also be
22 using a court interpreter. That would be Ms. Rosario Lucas
23 and if you have any questions or requests regarding the
24 interpretation, again, initially please address them to me
25 rather than to the interpreter. A few minutes from now, we

1 will be addressing the interpreter's qualifications,
2 whether she has any conflicts in this matter, the usual
3 interpreter oath and voir dire, just a little bit from now.

4 All of the participants are permitted to drink
5 water or other beverages during the course of their
6 hearing. The General Counsel has requested -- Ms. Nelson
7 demonstrated that just perfectly on queue there. All of
8 the participants, again, are welcome to do that. Generally
9 speaking, I don't have a problem if you eat something
10 during the hearing, but if there is a witness present, I do
11 ask that you be respectful and not have something so
12 elaborate that the witness might be longing for it as they
13 see you enjoy whatever it is that you have. So use your
14 discretion.

15 The General Counsel has requested that, to
16 accommodate the needs of one of her staff, we take a 20-
17 minute break, approximately midmorning and midafternoon,
18 and an 80-minute lunch break. I have indicated that we
19 will in fact follow that schedule. But it is possible we
20 may occasionally need to take additional other short breaks
21 for witnesses to use the restroom, to stretch, or for other
22 reasons. However, breaks are generally disallowed,
23 however, while a single specific question is pending to the
24 witness. That is, we try very, very hard to get a question
25 and an answer before we take a break because that instills

1 everyone's confidence in that -- in the answer and in the
2 record better if we do that whenever possible.

3 So this matter is governed by the Agricultural
4 Labor Relations Act found in California Labor Code Sections
5 1140 to 1166.3. And the ALRB regulations found in Title 8,
6 California Code of Regulations Section 2100 to 21200.
7 Excuse me, 20,100 to 21,200. The hearing will not be
8 conducted according to the strict rules of evidence.
9 Relevant evidence will be admitted if it is a source of
10 evidence upon which reasonable persons are accustomed to
11 rely upon in the conduct of serious affairs.

12 Hearsay evidence may be used for the purpose of
13 supplementing, bolstering, or explaining other evidence,
14 but it is not sufficient by itself to support a finding.

15 All motions or objections which the parties make
16 should be accompanied by specific reasons behind the motion
17 or objection and should be as concise as possible. The
18 judge, however, will take action when Counsel use speaking
19 objections to try to coach a witness. I may or may not
20 have Counsel and court staff occasionally move to a WebEx
21 breakout room to hear argument outside of the presence of a
22 hearing witness.

23 Since the last time I met with Counsel, I went
24 through the WebEx settings again, and a -- preassigned a
25 breakout room with the people who I understood to be

1 participating at that time in the hearing. So I think we
2 have it set up so that that should work. And I believe I
3 actually have it set up so that everyone can go to the
4 breakout room, except for the witness. So, we'll see when
5 we get to that. First, if we even need to do that, and
6 then if we do, how the technology will work.

7 Please know, and I will reiterate this to each of
8 our witnesses, I will often ask questions of witnesses.
9 This does not mean that I am taking one side or the other,
10 it just means that I am trying to create as full and
11 complete a record as possible.

12 All of the parties present at this hearing will
13 be given the opportunity to give an opening and closing
14 statement, not to exceed fifteen minutes for each said
15 statement. While we were off the record, the General
16 Counsel indicated that they will in fact be giving an
17 opening statement. Only one attorney may give the opening
18 statement, and only one attorney may give the closing
19 statement, but it need not be the same attorney who does
20 both.

21 A single attorney shall be designated for each
22 witness as the attorney who conducts that witness's direct
23 examination, cross examination, and who makes or defends
24 any objections during that specific witness's testimony.
25 That does not preclude, on the other hand, having a

1 different attorney assigned to each witness.

2 So each of the witnesses that will be speaking at
3 the hearing has already, I believe, provided me with a pdf
4 copy of his or her notice of appearance. Precisely the
5 same form that we have for our in-person hearings.

6 Just a quick reminder, the law prohibits anyone
7 from making an ex parte communication to either myself, the
8 administrative law judge, or to the Board. I, at this
9 time, am going to order sequestration of witnesses unless I
10 hear an objection from counsel. But as part of my
11 sequestration order, I will permit each side to have one
12 non-attorney representative present who may participate in
13 the hearing as a witness.

14 Is there any objection to that ruling?

15 MR. ROY: No, Your Honor.

16 MS. DE YOUNG-DOMINGUEZ: No, Your Honor

17 MS. HERRERA: No, Your Honor.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Not hearing any
19 objections with respect to that, I will also -- that
20 basically means that any -- any witness other than, and
21 again Ms. Vega might not be a witness, but other than
22 Ms. Vega and other Ms. -- other than Mr. Dighera, may not
23 attend the hearing prior to the completion of their
24 testimony. And if we think there's a reasonable
25 possibility they could be brought back as a rebuttal

1 witness, they may not even be permitted to attend after
2 giving their initial testimony.

3 I am also going to order, as I have done before,
4 that no Counsel may speak with a witness during the lunch
5 period or other hearing breaks if that witness has already
6 begun his or her testimony. So Witness A takes the stand,
7 and we take a break, none of the Counsel can talk to the
8 witness during that break. Even when they've completed
9 their testimony because they could be brought back. Again,
10 none of the Counsel can talk to that witness during the
11 break. That's a standard practice that I have. I don't
12 believe that I have the authority to preclude Counsel from
13 talking to witnesses before they take the stand. So that
14 isn't part of my order, but once they've begun that's my
15 standing order for this hearing.

16 Does anybody not understand that order?

17 MR. ROY: Nope.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I think
19 then, just a reminder, the parties will have an opportunity
20 to file post hearing briefs. We do that in every ULP case.
21 ULP stands for Unfair Labor Practice, for the transcript.
22 So the parties will have an opportunity to file
23 post-hearing briefs pursuant to ALRB regulation section
24 20278, which if any of the parties order a transcript,
25 generally I believe has service of the brief within 20 days

1 of the post marked date of the hearing transcript for the
2 parties. However, short extensions of time are considered
3 when appropriate.

4 MR. ROY: Your Honor. Your Honor, this is Rob
5 Roy. We might need a minor extension. I'm going to be out
6 of the country, and for some of that time, initially, so --

7 ADMINISTRATIVE LAW JUDGE SOBLE: And that had
8 previously been discussed at our first, I believe
9 prehearing conference that --

10 MR. ROY: Right.

11 ADMINISTRATIVE LAW JUDGE SOBLE: -- that -- and
12 so if the parties are able to reach some sort of agreement
13 on their own, if it's not that long there's a chance I'll
14 accommodate that, certainly. Some extension of time will
15 be permitted and certainly one that's consistent with the
16 fact that you'll be traveling some of that time and it may
17 even be that one of the other counsel and yourself also
18 have potentially a hearing scheduled in April that may or
19 may not impact the briefing, depending upon whether that
20 case goes forward or is otherwise resolved.

21 MR. ROY: Thank you.

22 ADMINISTRATIVE LAW JUDGE SOBLE: So when you do
23 file your post-hearing brief, it needs to be served on all
24 of the parties, on the Administrative law judge who
25 presided over the hearing, and on the Executive Secretary

1 of the ALRB. Thereafter, I file a written decision with
2 the ALRB's Executive Secretary.

3 The General Counsel's exhibits will start with
4 either GC or GCX. The respondent's exhibits will start
5 with either and R or an E. In this case we already have
6 one joint exhibit. The joint exhibits will have the
7 abbreviation K. All of them are numbered using Arabic
8 numbers from 1 on. I have not looked substantively at any
9 of the exhibits, but it did not look like they were
10 pre-numbered. They were numbered with face numbers in some
11 instances, but not numbered like GC-1, GC-2, GC-3.

12 Because they have not been numbered we will
13 address, when we get to the first exhibit, whether we are
14 going to number them in the order that they are actually
15 used or if we are going to order and number them, instead,
16 in the order that they were presented to me.

17 The Respondent only had one exhibit, so that
18 applies to the General Counsel's exhibits where they were
19 given with -- in a binder with thumb index dividers.
20 But -- and I believe there is a Table of Contents page,
21 which will not be considered as evidence, that may or may
22 not have a number on them, but it's not like an exhibit
23 number like GCX or GC but is actually marked on them.

24 For a normal in-person hearing I would normally
25 have some labels with me and mark them that way. I may or

1 may not use labels as we go through the hearing if I don't.
2 These exhibits do not have a lot of handwriting on them, so
3 if I simply write something on the front or back in pen, it
4 will be very obvious if I write GC-1 that it's not part of
5 the exhibit. So I'm not at all concerned about that.

6 Does anybody have any questions before I move on
7 to the interpreters voir dire and oaths.

8 MR. ROY: No, Your Honor. Can you hear me?

9 ADMINISTRATIVE LAW JUDGE SOBLE: Yes.

10 MR. ROY: Thank you.

11 MS. DE YOUNG-DOMINGUEZ: No questions, Your
12 Honor. Thank you.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. This is
14 the part where we ask a few questions of Ms. Lucas. I'm
15 going to mention what all of the questions are that I
16 typically ask, which is at least five or six of them,
17 before I have her even answer any of them.

18 My general background questions are, are you
19 certified by the State of California as a Spanish/English
20 interpreter, or by any other Federal or State court?

21 Have you ever served before as the interpreter
22 for the ALRB California Public Employment Relations Board,
23 or NLRB, that is National Labor Relations Board?

24 To describe your experience briefly as an
25 interpreter.

1 Are you able to interpret both simultaneously,
2 and/or consecutively?

3 Have you previously served as an interpreter for
4 a trial or hearing conducted by video conference and/or
5 WebEx, specifically?

6 And then finally, whether or not Ms. Lucas knows
7 any of the Counsel or parties participating in the -- in
8 this matter and whether any of them are a source of income
9 to her, other than her employment as a court reporter,
10 excuse me, as an interpreter. Which is actually through a
11 firm that contracts with the State, rather than directly
12 with the State.

13 After she's answered those questions, I'll ask if
14 any of the Counsel have any additional questions, to direct
15 them to me, and then I'll decide if they're appropriate.

16 So, Ms. Lucas, are you certified by the State of
17 California as a Spanish/English interpreter, or by any
18 other Federal or State Court?

19 THE INTERPRETER: I am, by the California
20 Judicial Counsel.

21 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

22 And have you ever served as an interpreter,
23 either for the ALRB, the NLRB, or the California Public
24 Employment Relations Board?

25 THE INTERPRETER: I have not. I previously have

1 done -- I'm sorry, Labor Board hearings I have. Yes.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Do you
3 know if any of them have been with the ALRB?

4 THE INTERPRETER: I don't think with ALRB.

5 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, but you
6 think you have with the NLRB and the Public Employment
7 Relations Board, maybe?

8 THE INTERPRETER: Correct. Correct.

9 ADMINISTRATIVE LAW JUDGE SOBLE: So both. Okay.
10 Those are the two agencies that I think have
11 hearings that are the most similar to ours. There are some
12 differences. I'll do my best when I notice a juncture in
13 the hearing where one occurs, to try to bring that to your
14 attention.

15 Very briefly, just describe your experience as an
16 interpreter, and whether you're able to interpret
17 simultaneously and consecutively. What we typically do in
18 our hearings is a little bit in between both, in that if a
19 witness gives a short answer, we generally let the witness
20 finish. I direct the witness at the beginning of their
21 testimony, that they need to pause, both for your
22 interpretation and potentially for objections by Counsel.
23 I will object -- I will direct the attorneys to allowing
24 you to interpret the question before they state their
25 objection. And in a perfect world, the witness will pause

1 enough so that if there's an objection, it comes before the
2 witness gives their answer.

3 However, for a longer answer it's often needed,
4 and this is the one time where it will be a little bit more
5 challenging now than in person, sometimes for the
6 interpreter to sort of gesture, like for the witness to
7 wait a little bit after they've done a few sentences to
8 interpret that, then have them continue with their
9 answering go a few sentences.

10 So as we bring each witness to the stand, we'll
11 just try to explain to them that if their answer is more
12 than a few sentences, they should pause after a few
13 sentences to give you a chance to translate those few
14 sentences before continuing with their answer. And we'll
15 see how that works.

16 But with that in mind, have you done both styles
17 of translation before?

18 THE INTERPRETER: I have. Both consecutive and
19 simultaneous.

20 And with Zoom, the simultaneous is a little more
21 complicated, however it -- and there's times when it does
22 work okay.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

24 And have you -- how many video conference
25 hearings have you done before, and were any of them on the

1 WebEx platform?

2 THE INTERPRETER: Yes. There have been quite a
3 few on the WebEx platform and I would guesstimate were, you
4 know, including depositions and other types of hearings,
5 more than 90. And I think I'm -- it's -- that's a small
6 number. I mean I, since March I've been working through
7 the, either Zoom or WebEx platform quite a bit.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

9 And the name of the Respondent in this matter is
10 Cinagro Farms. The charging party is Marisol Jimenez, and
11 the ALRB General Counsel's office has participating various
12 people as its attorneys, as does the Respondent.

13 To your knowledge, do you have any personal or
14 financial relationships with any of the parties or any of
15 the attorneys who are participating here? Other than the
16 firm that you work for, contract with multiple state
17 entities to provide court reporting services --
18 interpreting services.

19 THE INTERPRETER: I do not.

20 ADMINISTRATIVE LAW JUDGE SOBLE: Do any of the
21 counsel have any additional questions they'd like me to
22 direct to Ms. Lucas?

23 MR. ROY: I do, Your Honor.

24 Ms. Lucas, good morning.

25 THE INTERPRETER: Good morning.

1 MR. ROY: Have you ever provided translation
2 services to any unions in California, like UFW?

3 THE INTERPRETER: I have not.

4 ADMINISTRATIVE LAW JUDGE SOBLE: And again, I'd
5 prefer that Counsel direct the questions to me, and
6 I -- but that question would have been fine. I would have
7 interpreted his question as not being has a union
8 participated in any of those hearings but have the unions
9 or bargaining representatives ever been the person paying
10 for you to provide services.

11 MR. ROY: That is correct, Your Honor.

12 ADMINISTRATIVE LAW JUDGE SOBLE: And I understood
13 the answer to be no.

14 THE INTERPRETER: Correct.

15 MR. ROY: And I'm directing this to you, Your
16 Honor, has the translator ever performed any translation
17 services for any employee, or nongovernmental
18 organizations, like CLRA, or CAUSE, or MYCOF?

19 ADMINISTRATIVE LAW JUDGE SOBLE: And again, I'm
20 interpreting that question not, have they appeared as a
21 witness in some government hearing, but rather, have they
22 ever retained you to provide some sort of services of
23 interpreting or translating where they would have paid
24 (indiscernible) who represents you or to you directly.

25 THE INTERPRETER: I have not.

1 MR. ROY: Okay.

2 And lastly, are there any reasons why you cannot
3 fulfill your obligations here in an unbiased manner?

4 THE INTERPRETER: There are not. No.

5 MR. ROY: Okay. Thank you.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

7 (The Spanish to English interpreter is sworn.)

8 ADMINISTRATIVE LAW JUDGE SOBLE: Generally
9 speaking, I do not have the interpreter translate all of
10 the exchanges back and forth with Counsel, however, there
11 may be specific times where either I or Counsel ask me to
12 do that. My general practice is when I think something is
13 of very substantive nature, to try to have witnesses, at
14 least for the in-person hearings, step out of the room. So
15 as a result, there is no different experience for English
16 or Spanish speaking witnesses because neither of them are
17 hearing the longer exchanges between Counsel when they're
18 arguing over something.

19 However, if during any of those shorter exchanges
20 the attorneys want to ask me to have you translate
21 something that was discussed, for the benefit of the
22 witness, I will consider it on an instance-by-instance
23 basis.

24 So okay.

25 MR. ROY: Your Honor, before we start and before

1 our witness is called my client --

2 ADMINISTRATIVE LAW JUDGE SOBLE: Before we have
3 opening statement from the General Counsel, I was about to
4 ask if anybody has any other things they'd like to address,
5 and that sounds like you do.

6 MR. ROY: Yes, I do. Thank you.

7 My client says it says on his computer, the host
8 has to admit Mr. Dighera to the -- for the conference.

9 ADMINISTRATIVE LAW JUDGE SOBLE: And I've so done
10 that. Again, whenever you have someone who's coming into
11 the hearing at a different juncture, please let me know
12 because on a miniscule portion of the screen there is a
13 little thing that tells me if someone's there to be
14 admitted. And so he is present.

15 Mr. Dighera, are you able to hear me?

16 MR. ROY: He was having a problem with the sound,
17 too.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Well we'll give
19 him a moment to current that, but again, it is going to be
20 my position that by the time we get to witness testimony
21 I'm going to require that everybody is visible, depending.
22 For purposes of any opening statements, not that it's less
23 important, but now is a better time rather than when
24 witnesses are present if there are any questions on his
25 part as to what he needs to do to do that.

1 MR. ROY: Thank you.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Generally
3 speaking, there should be an oval button near the bottom
4 that says start and stop video. Again, that doesn't refer
5 to recording the hearing, but rather allowing your video
6 stream to be visible to others.

7 I don't know if you want to take a second to let
8 him know how that works, Mr. Roy, or if you'd prefer that
9 we just move on to our opening statements?

10 MR. ROY: I prefer we move on. I just instructed
11 him to -- that you've allowed him into the meeting and that
12 he has to unmute in order to hear or speak.

13 ADMINISTRATIVE LAW JUDGE SOBLE: No, that's not
14 quite it. He -- if he if he wishes to stay in the hearing
15 by the time we have a witness, he needs to be visible by
16 then.

17 MR. ROY: Okay.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Because I need
19 to prepare for the time that only attorneys are talking.
20 Again, this -- that's my position for this hearing.

21 So, with that in mind, again, taking into account
22 when we're taking our breaks, if -- does the -- I once had
23 a hearing where the ALJ asked me if I was going to give an
24 opening statement and I said that I don't think I need to
25 and then the other side answered that they were going to

1 and then I said, okay, well then I'll give one too. And
2 the judge told me, well no, I already asked you, Mr. Soble,
3 so the judge then proceeded to let the one side give an
4 opening statement and not me. With the caveat in mind that
5 I will let you change your mind later, Mr. Roy, do you plan
6 on giving and opening statement right now?

7 MR. ROY: No. I'll reserve that till our case,
8 Your Honor.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. The only
10 reason I was asking that is then we may get to our first
11 witness before we take a mid-morning break to the extent
12 that anyone was thinking ahead that far.

13 So okay. Who is giving the opening statement for
14 the General Counsel?

15 MS. DE YOUNG-DOMINGUEZ: Your Honor, I will.
16 I'll be giving the opening statement this morning.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. You are
18 free to begin. You have fifteen minutes.

19 OPENING STATEMENT

20 MS. DE YOUNG-DOMINGUEZ: Okay. And again, my
21 name's Amisha De Young-Dominguez, Assistant General Counsel
22 in the Sub-regional Office in Oxnard.

23 Your Honor, this case is about farmworkers
24 voicing their basic needs while working at Cinagro and them
25 being fired as a direct result. They complained about

1 their drinking water and about the personal checks that
2 Cinagro gave them.

3 The workers had no way to verify, with the
4 personal checks, how Cinagro paid them for their boxes, or
5 how deductions were made to file their taxes. This was
6 critical as workers relied on public agencies for services
7 for themselves and their families. And it was imperative
8 that they receive paystubs. The worker's complaints caused
9 problems and when Cinagro did not want any more problems,
10 they terminated them.

11 Cinagro has yet to make any offers of
12 reinstatement to any of these farmworkers. So for the past
13 four years, nearly to today's date, when farmworkers spoke
14 up for the last time, the message has been quite clear,
15 there is no place in -- at Cinagro for workers to voice
16 their basic needs.

17 At the end of February, four years ago, Marisol
18 Jimenez and her crew pulled out yet another paycheck
19 without a paystub. They were working in Moorpark, where
20 they typically worked. Marisol and her coworkers had been
21 complaining for months, both as individuals and as a group,
22 about the same problems. And at this last meeting, the
23 workers raised the same issues again. And Cinagro gave
24 them the same response. They were a new company and did
25 not have their paperwork. Their basic needs would have to

1 wait.

2 After that meeting Cinagro discriminated against
3 Marisol and her coworkers. Cinagro told the workers, after
4 that last meeting, there was no work for them and to wait
5 for a call back. Then the next day they asked again and
6 were told again there's no work, wait for a call back.
7 Dismayed after being told this, crew members drove to
8 Moorpark in search for work. And to their disbelief, they
9 saw another group of workers in the fields. They
10 immediately called their supervisor to ask if there was
11 work, and he said no, that no one was working.

12 You may hear testimony about a lot of reasons
13 that Cinagro did not issue checks the right way, but this
14 is not relevant here, nor explain why they terminated the
15 workers shortly after their complaints. What happened here
16 is that workers complained, then they were fired.

17 Your Honor, the ALRA is important because it
18 protects workers to be able to come together and to talk
19 about work problems, and speak to their employer about it,
20 as these workers did. And this company took that right
21 away from these workers and from all workers at Cinagro.
22 After review of the evidence, we are confident that you
23 will find Cinagro violated the Act and discriminated
24 against these workers.

25 Thank you.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. That was
2 well within the amount of time allowed.

3 Mr. Roy, any changes or for now, no desire to do
4 an opening statement.

5 MR. ROY: I'll do it at the time we start our
6 defense, Your Honor.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

8 So does anyone have anything else they want to
9 raise before the General Counsel calls her first witness?

10 Not hearing anything, who is going to be doing
11 the direct examination for the first witness?

12 MS. DE YOUNG-DOMINGUEZ: I will, Your Honor.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, and what
14 is the first witness's name?

15 MS. DE YOUNG-DOMINGUEZ: Marisol Jimenez.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

17 Now, as we discussed before, the General Counsel
18 has arranged for field examiner, Gabriella Vega to be the
19 person escorting people in and out of the hearing room.
20 Protocols have been set in place to protect both her and
21 the witness, which hopefully will include the witness
22 wearing a mask until she has left the room. And will
23 definitely include her wearing a mask when she's in the
24 same room with that person.

25 I'm assuming the first witness is not yet in the

1 room, so we will see how that process works. And we
2 certainly appreciate how this system may, hopefully, work
3 for a very effective methodology for the witnesses to see
4 the exhibits.

5 MS. DE YOUNG-DOMINGUEZ: Your Honor, may I offer
6 that I cannot see Tony Dighera's video, and so I -- I would
7 hope that that would be something that can be resolved
8 before the start of the hearing.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Well the hearing
10 has started, but I understand what you mean by the time we
11 start the first witness's testimony.

12 MS. DE YOUNG-DOMINGUEZ: Right. Correct.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Roy, on my
14 screen, it actually shows that Mr. Dighera has his video
15 on, but that due to low bandwidth, or low computer
16 conditions, video is not available from him. I don't know
17 if he's trying to appear by phone or something else, but as
18 we discussed more in the context of the General Counsel's
19 out of state witness, if people are going to be
20 participating, they have to have a method that allows their
21 video. I'm wondering if perhaps he actually does have his
22 video feed going but is not using technology that will
23 work. Because I don't think it's that he has it turned
24 off.

25 MR. ROY: Yeah, Your Honor, he's been advised as

1 to what he has to do, and if he doesn't, then I suppose you
2 reserve the right to cut him off.

3 ADMINISTRATIVE LAW JUDGE SOBLE: The problem
4 with -- with that, when I exclude him, I'm not sure if he
5 will then know until I readmit him, how to get that back.

6 MR. ROY: I'll send him a text.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

8 MR. ROY: I'll give him a text.

9 MR. DIGHERA: Can I say something? I don't know
10 if anybody can hear me.

11 MR. ROY: Oh, there he is. Go ahead.

12 ADMINISTRATIVE LAW JUDGE SOBLE: That's between
13 you and your client, but if it relates to the technology in
14 your being here, I have no problem with your -- with your
15 saying something that has nothing to do with the substance
16 of the hearing right now.

17 MR. DIGHERA: Yes, just the technology end of it.

18 So I'm on my iPad, and I think I have everything
19 set correctly, and I can see and hear you guys, but I'm not
20 sure if there's something else I'm doing wrong to get this
21 connected.

22 MR. ROY: In terms of video?

23 ADMINISTRATIVE LAW JUDGE SOBLE: Yeah. I show a
24 little yellow hazard triangle in the top left of your
25 rectangle. And it says, due to low bandwidth or local

1 computer conditions, (such as CPU or RAM use), video is
2 currently not available. Video will resume automatically
3 when conditions improve. So I don't know if that's your
4 iPad, or your Wi-Fi, or something different, so.

5 MR. ROY: It sounds like there's just not a good
6 enough connection to support --

7 ADMINISTRATIVE LAW JUDGE SOBLE: So -- so
8 that's -- that's my issue here.

9 I do see someone having entered the hearing room,
10 and so most likely Ms. Jimenez, but we'll find out soon
11 enough. And so Mr. Roy, I'll start with you. Do you have
12 any alternative solution. I mean I -- I mean if we're just
13 talking about a couple of minutes, I want to give your
14 client every opportunity to attend the hearing, but I do
15 wish you, under my earlier order, which is if people are
16 going to attend the hearing, that they're also visible.

17 MR. ROY: Yeah, Your Honor, I'm not sure that it
18 can be resolved because of the bandwidth issue. The only
19 thing I could suggest is if Mr. Dighera wants to come to my
20 office and observe what's going on here in the room here,
21 that would be fine with me, but other than that, Tony, we
22 may have to shut you down. Is that all right with you?

23 ADMINISTRATIVE LAW JUDGE SOBLE: Do you have a
24 separate --

25 MR. DIGHERA: (Indiscernible) option.

1 MR. ROY: Pardon?

2 MR. DIGHERA: I'm sorry.

3 MR. ROY: Tony, do you have any other options, or
4 would you prefer to come to my office and watch?

5 MR. DIGHERA: No, this is the only way I have to
6 connect, so if it's not working, I would just have to come
7 to your place.

8 MR. ROY: Okay. All right, very good. Thank
9 you.

10 MR. DIGHERA: Okay.

11 MR. ROY: So, Judge, I guess you can take him out
12 of the meeting room.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I am
14 comfortable, I think, having him available during all of
15 the hearing when witnesses aren't present. And certainly,
16 if him not being present requires you to occasionally need
17 a minute or two to consult with him that you otherwise
18 didn't expect will, not while he's on the stand, but during
19 some other portion, then we can certainly try to address
20 that as we go. In the interim. I hope I don't manage to
21 cause everyone to leave because this is -- okay. That
22 worked.

23 There's a button for expel. That sounds much
24 more dramatic than is intended.

25 Please make sure that your client knows, Mr. Roy,

1 that he's welcome to participate, either from like if he
2 has a desktop computer or something like that or if you
3 have a separate office, or if you're comfortable with him
4 being in your office wearing a mask, whatever. Whatever
5 works and we'll go from there.

6 Okay, I believe the person we have who is in the
7 conference room is Marisol Jimenez.

8 Ms. Jimenez, will you please state your full name
9 for the record? And for now, without knowing, as the
10 Judge for sure, what language, and I'll be asking her in a
11 moment what language Ms. Jimenez speaks best, I'm going to
12 have the interpreter translate what I said anyhow, which is
13 just simply, please state your full name for the record.

14 MR. ROY: Your Honor, I can't hear the
15 translator.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Yeah, she needs
17 to unmute.

18 THE WITNESS: Marisol Jimenez.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Good morning,
20 Ms. Jimenez. What is the language that you speak the best
21 and what is the language you speak the most at home and at
22 work?

23 THE WITNESS: Spanish.

24 ADMINISTRATIVE LAW JUDGE SOBLE: Ms. Jimenez, do
25 you solemnly swear or affirm that your testimony in this

1 hearing will be the truth, the whole truth, and nothing but
2 the truth?

3 THE WITNESS: I do.

4 (The witness is sworn.)

5 ADMINISTRATIVE LAW JUDGE SOBLE: Ms. Jimenez,
6 what will happen this morning is that some of the
7 attorneys, and also likely myself, will ask some questions
8 in English. After we ask a question, the interpreter, Ms.
9 Lucas, will translate the question from English to Spanish.
10 After the interpreter translates the question please,
11 before you answer, pause for a couple of seconds. And this
12 is because once in a while one of the attorneys, or myself,
13 may object to a question. That also makes it easier for us
14 to get an accurate transcript. So if there is an
15 objection, either myself or the interpreter will let you
16 know whether it's appropriate to answer the question, or
17 whether to instead wait for the next question.

18 If you have a particularly long answer, like my
19 prior statement that was going a little bit long, you may
20 see the interpreter either like raise her hand or ask you
21 to pause so that she can translate part of what you said
22 before you finish. Also, if you have a longer answer,
23 please talk a little bit more slowly so the interpreter can
24 keep up with you.

25 For all of your answers, it's important that you

1 answer orally or audibly. This is because if you simply
2 nod your head or gesture with your hands, the court
3 reporter is either unable, or less able, to get that as
4 part of the record.

5 If at any point you do not understand the
6 question, please just let me know (indiscernible) determine
7 if there is a way that the attorney can rephrase the
8 question so that you better understand it.

9 THE WITNESS: That's fine.

10 If at any point you need to take a break to use
11 the restroom, to have a drink of water, to stand up and
12 stretch, please let me know because that's permitted.

13 THE WITNESS: Okay. Thank you.

14 ADMINISTRATIVE LAW JUDGE SOBLE: There are also
15 set periods of time during this hearing when all of us will
16 be taking a break. And there may be periods of time where
17 I have to discuss things with the attorneys outside of the
18 presence of the witness. In either of those scenarios,
19 that is not because of necessarily something in your
20 testimony, but is rather just part of the expected process
21 of this type of hearing.

22 THE WITNESS: That's fine.

23 ADMINISTRATIVE LAW JUDGE SOBLE: I believe the
24 first attorney who will be asking you questions this
25 morning is Ms. De Young-Dominguez of the General Counsel's

1 Office; is that correct?

2 MS. DE YOUNG-DOMINGUEZ: Yes, that is correct.

3 ADMINISTRATIVE LAW JUDGE SOBLE: You may proceed
4 with your first question for the witness.

5 MS. DE YOUNG-DOMINGUEZ: Thank you, Your Honor.

6 DIRECT EXAMINATION

7 BY MS. DE YOUNG-DOMINGUEZ:

8 Q. Good morning, Ms. Jimenez.

9 A. Good morning.

10 Q. So again, just wanted to remind you if you have
11 any trouble hearing or have technology issues, please feel
12 free to let us know.

13 A. That's fine.

14 Q. And we don't want you to guess. Just tell us
15 what you remember.

16 A. That's fine.

17 Q. Did you work in 2016?

18 A. Yes.

19 Q. What companies did you work for?

20 A. At the beginning, I worked for Mike's Farm. Then
21 Arthur's Labor. And lastly, Cinagro Farms.

22 Q. When did you start working for Cinagro?

23 A. Around the month of October.

24 Q. What was your job at Cinagro?

25 A. It was to cut the vegetables. It was picking.

1 Q. Can you explain to us how you harvested and
2 picked at Cinagro?

3 A. We would cut the vegetables that were in
4 good -- good manner, and then we would package them. We
5 would package them in boxes.

6 Q. When you first started working at Cinagro, did
7 you work with others?

8 A. Yes.

9 Q. How many people did you work with, usually?

10 A. At the beginning, we were around twelve.

11 Q. Who was your foreman?

12 A. Victor Mendoza.

13 Q. Did you work with Victor the entire time you were
14 at Cinagro?

15 A. Yes.

16 Q. Who was your supervisor?

17 A. My supervisor was Rene Macias.

18 Q. Did you work at different ranches?

19 A. I only worked in two ranches.

20 Q. Typically, how many days a week did you work?

21 A. Six.

22 Q. On a typical day, how many hours did you work?

23 A. At the beginning, ten hours.

24 Q. And did that schedule change?

25 A. Yes is changed. Towards the end we worked six

1 hours.

2 Q. How did you know to -- what ranch to report to
3 work each day?

4 A. When they would communicate with Victor, and
5 Victor would communicate with us.

6 Q. How did your foreman, Victor Mendoza, tell you
7 there was work?

8 A. There was times when they would let us know when
9 we were getting ready to leave work for the day. And other
10 times, they would let us know at night with a phone call.

11 Q. How did Cinagro pay you for the boxes you picked?

12 A. They would pay us -- they would pay us with
13 a -- with a contract or by a contract, and depending on the
14 vegetables, they would pay us by hour -- the hour.

15 Q. How would you report the boxes?

16 THE INTERPRETER: Counsel I -- you cut off. Can
17 you repeat that?

18 BY MS. DE YOUNG-DOMINGUEZ:

19 Q. How would you report the boxes by contract?

20 A. They gave us a number and a crayon to mark the
21 boxes and at the end of the day, we would report the boxes
22 with Victor.

23 Q. When you say you were paid by contract, what do
24 you mean?

25 A. They would pay us based on the boxes that we

1 would make.

2 Q. Did Foreman Mendoza ever tell you there were
3 problems with your work?

4 MR. ROY: Objection, Your Honor. That's vague as
5 to time. There's a period of months that Victor Mendoza
6 was the foreman, even when they previously had worked for
7 Art's Labor Service. So, we need to discern when.

8 ADMINISTRATIVE LAW JUDGE SOBLE: I think for my
9 purposes, just saying vague as to the time-period would be
10 sufficient.

11 And I'll sustain the objection.

12 Just, Counsel, just clarify for what time-period
13 you're interested in knowing.

14 MS. DE YOUNG-DOMINGUEZ: Okay, Your Honor.

15 BY MS. DE YOUNG-DOMINGUEZ:

16 Q. During your time that you worked at Cinagro, did
17 Foreman Mendoza ever tell you there were any problems with
18 your work?

19 A. No, never.

20 Q. During the time that you worked at Cinagro, did
21 Supervisor Macias ever tell you there was problems with
22 your work?

23 A. No, not him either.

24 Q. While you were at Cinagro, did you ever get a
25 disciplinary ticket?

1 A. No, never.

2 Q. Did you ever get a warning, verbal or written?

3 MR. ROY: Objection. Vague. What type of
4 warning, Your Honor.

5 MS. DE YOUNG-DOMINGUEZ: Let me --

6 ADMINISTRATIVE LAW JUDGE SOBLE: The objection's
7 overruled, and the witness can answer the question based on
8 her understanding of what that means. And then Counsel, on
9 cross-examination can further address it.

10 THE WITNESS: No, they never gave me a warning.

11 BY MS. DE YOUNG-DOMINGUEZ:

12 Q. And by warning, and when they -- when you say
13 they never gave you a warning, what do you mean by that?

14 A. There was never any complaint on my -- about my
15 job and they never told me that I was doing a bad job.

16 Q. Did you ever see other workers at the ranches you
17 worked?

18 A. At the end --

19 Q. Do you know --

20 A. At the end we did start seeing other workers.

21 ADMINISTRATIVE LAW JUDGE SOBLE: I'm just going
22 to interject. I assume that Counsel was asking did he ever
23 see workers other than her crew. And that I'm
24 understanding her answer to be that at the end, she saw
25 workers other than her crew, but if you want to clarify

1 that or not, I'll leave that up to you.

2 MS. DE YOUNG-DOMINGUEZ: Okay. I can ask her
3 that question.

4 BY MS. DE YOUNG-DOMINGUEZ:

5 Q. Did you ever see other workers besides your crew
6 at the ranches you worked?

7 A. Yes.

8 Q. Do you know if they worked for Cinagro.

9 A. I don't know that very well.

10 Q. How many workers did you see?

11 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going
12 to -- hold on. I'm going to object to that question
13 because she said there were multiple times she saw other
14 workers, so if you want to break that into different
15 questions, or ask in some other way, but otherwise, I think
16 the question is confusing.

17 MS. DE YOUNG-DOMINGUEZ: Okay.

18 BY MS. DE YOUNG DOMINGUEZ:

19 Q. Did anyone -- did your foreman tell you anything
20 about those other workers you saw?

21 A. Yes.

22 Q. What were you told?

23 A. Rene made -- called a meeting and told us that
24 that group was only going to be there to support us because
25 there was going to be a lot of orders.

1 Q. How often did your crew, and the other group of
2 workers, work on the same ranch?

3 A. We would work between three and four days a week.

4 Q. Did you ever complain about working with the
5 other crew?

6 A. No.

7 Q. Did you personally know anyone from the other
8 crew?

9 A. Yes.

10 Q. Did you have a problem working with any of them?

11 A. No.

12 Q. Earlier, you testified that you worked with Art's
13 Labor prior to working for Cinagro.

14 Do you recall that?

15 A. Yes.

16 Q. How long did you work with Art's Labor?

17 A. I remember it was three or four weeks.

18 Q. Can you tell us how you began to work with
19 Cinagro?

20 A. Arthur's Labor took us to work with Cinagro.

21 Q. Did you notice any changes when you switched
22 employment?

23 A. When we changed over to work for Cinagro, we did
24 have changes in the way they paid us.

25 Q. What were those changes?

1 A. The gave check stubs. They would pay us with
2 personal checks, and the other problem was that there was
3 no drinking water.

4 Q. And who told you that you would be receiving
5 personal checks?

6 A. Rene.

7 Q. How did he tell you?

8 A. He called a meeting with the group and he told us
9 that we no longer had anything to do with Arthur's Labor,
10 that we now belong to the company and that because they
11 were fixing their papers, they were going to use the other
12 checks.

13 Q. And did he say anything else?

14 A. He said that at first we were going to be paid
15 with personal checks and then when the company took care of
16 the paperwork, since it was a new company and they had a
17 lot of paperwork to fill out, then they would pay us with
18 the regular checks.

19 Q. When was that first meeting?

20 A. I remember it was towards the end of October,
21 beginning of November.

22 Q. Did you have concerns about that?

23 A. Yes.

24 Q. What were your concerns?

25 A. Well I needed my proof of income in order to

1 prove my income and do some paperwork that I was processing
2 during that time.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, before
4 Counsel asks her next question, it is 10:21 a.m. Do you
5 anticipate having more than 15 more minutes of direct exam
6 for this witness? I'm guessing that you do.

7 MS. DE YOUNG-DOMINGUEZ: Yes, Your Honor.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

9 As I previously indicated, the General Counsel
10 has requested that we have twenty-minute breaks mid-morning
11 and mid-afternoon and an 80-minute lunch break. So I think
12 now is when we're going to take the mid-morning break. It
13 is 10:21 a.m. In a minute we'll be taking that
14 twenty-minute break.

15 My intention is to do as following, I am not
16 going to exclude anyone from the hearing room during
17 breaks. I am simply going to put my microphone on mute and
18 turn my video camera to a portion of my room where no one
19 is present or stop the video feed. One or the other. Each
20 of you are welcome to do the same, just be sure to be back
21 at 10:42 when we presume, or excuse me, when we resume.

22 And this part you can interpret.

23 Ms. Jimenez, we are now taking a break from 10:22
24 until 10:42. Please let Ms. Vega know if you need to be
25 let into the restroom during the break, and we appreciate

1 your being present with us today and your patience for
2 while this break is being taken. Thank you.

3 THE WITNESS: Thank you.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, we'll go
5 off the record, unless anyone needs to mention anything
6 before we do so.

7 Okay, we'll come back at 10:43. Thank you.

8 (Off the record at 10:23 a.m.)

9 (On the record at 10:44 a.m.)

10 (The witness and Spanish interpreter are present in
11 the hearing room.)

12 ADMINISTRATIVE LAW JUDGE SOBLE: We will go back
13 on the record. I believe Ms. De Young-Dominguez is still
14 doing her direct examination questions of Ms. Jimenez.
15 Ms. De Young-Dominguez, you may ask your next question.

16 MS. DE YOUNG-DOMINGUEZ: Thank you, Your Honor.

17 BY MS. DE YOUNG-DOMINGUEZ:

18 Q. Earlier you testified that you had problems with
19 the checks that Cinagro gave you. What was wrong with the
20 check that they gave you?

21 A. So the information on the bottom of the check
22 stub was missing. It didn't have the deductions of the
23 money that we paid to the doctor, I'm sorry, to the
24 government or how much was deducted. It didn't have the
25 company's address, so how were we going to prove where we

1 worked.

2 Q. Did you talk to anyone in your crew about your
3 complaints?

4 A. Yes.

5 Q. Who?

6 A. Mainly with Victor and with my coworkers.

7 Q. What were your coworker's names?

8 A. Yolanda Antonio, Rigoberto Perez, and Hector
9 Cruz.

10 MS. DE YOUNG-DOMINGUEZ: Your Honor, I just
11 wanted to ask the interpreter if she also mentioned the
12 first part of her testimony.

13 THE INTERPRETER: I did not hear. Did I miss
14 something? I don't -- I'm not sure what you're referring
15 to.

16 ADMINISTRATIVE LAW JUDGE SOBLE: What I'm going
17 to ask is if there's something that you think that the
18 interpreter missed, why don't you ask that part of the
19 question again, but before you do so, before I ask the
20 court reporter to read back the previous answer, does the
21 interpreter remember all of the names that you just
22 mentioned? And if so, could you repeat them?

23 THE INTERPRETER: I did get three names, but
24 there was a delay, so I'm not sure if I -- if there was an
25 additional name. Did you want me to --

1 ADMINISTRATIVE LAW JUDGE SOBLE: Why don't you
2 tell me the three that you got, and then I may ask the
3 witness if there was a fourth, but first tell me the three
4 you have.

5 THE INTERPRETER: Yolanda Antonio, Rigoberto
6 Perez, Hector Cruz.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Ms. Jimenez, did
8 you name three coworkers or four? Because I heard the name
9 of Yolanda, Rigoberto, and Hector. Was there a fourth
10 person or was there only three?

11 THE WITNESS: It was three.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

13 Okay, Ms. De Young-Dominguez, why don't you try
14 asking the part of your question that related to the
15 earlier part that you're not sure whether it was translated
16 or not.

17 MS. DE YOUNG-DOMINGUEZ: No, Your Honor. That
18 clarified my question.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

20 MS. DE YOUNG-DOMINGUEZ: Thank you.

21 BY MS. DE YOUNG-DOMINGUEZ:

22 Q. When was the first time you spoke with your
23 coworkers?

24 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
25 object because it's vague. Are you asking the first time

1 she ever spoke to them or the first time she spoke to them
2 about the personal checks? You can ask either question. I
3 just want to know which one it is.

4 MS. DE YOUNG-DOMINGUEZ: Yeah. Can I rephrase my
5 question? I did mean to ask about personal check.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Yes. Absolutely.

7 BY MS. DE YOUNG-DOMINGUEZ:

8 Q. Marisol, when was the first time you spoke with
9 your coworkers about the personal checks?

10 A. It was around the end of November, beginning of
11 December.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Ms. Jimenez, how
13 long from when you first received the personal checks until
14 you talked to your coworkers about the personal checks?

15 THE WITNESS: Two or three weeks.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Thank
17 you.

18 Ms. De Young-Dominguez.

19 BY MS. DE YOUNG-DOMINGUEZ:

20 Q. And were there other times that you spoke with
21 your coworkers about the personal checks?

22 A. Yes.

23 Q. What did you say the first time you spoke with
24 your coworkers about this issue?

25 A. We talked about the fact -- we talked about the

1 fact that we needed the paycheck stubs. I needed them for
2 some personal documents that I was processing, and a few of
3 them had the same problem.

4 Q. And the other times you spoke with your coworkers
5 about this issue, what did you talk to them about?

6 A. Mostly it was about the stubs that we needed, but
7 we would first tell Victor so he could communicate that to
8 Rene.

9 Q. When was the first time you spoke with Victor
10 about the issue of paystubs.

11 A. It was around December.

12 Q. Did anyone go with you when you spoke with Victor
13 the first time?

14 A. The first time, it was Hector Cruz and I.

15 Q. What did Victor say, when you spoke to him?

16 A. He said he would let Rene know to see what kind
17 of answer he gave him.

18 Q. What did you say to Victor?

19 A. I asked him if he could please ask Rene he
20 would -- when he would be able to get us our paycheck stubs
21 because I needed them.

22 ADMINISTRATIVE LAW JUDGE SOBLE: At this time
23 that you and Hector spoke with Victor, were you aware
24 whether or not Victor was receiving personal checks as
25 opposed to company checks?

1 THE WITNESS: Victor was receiving personal
2 checks.

3 ADMINISTRATIVE LAW JUDGE SOBLE: And how did you
4 know that?

5 THE WITNESS: Because they were stubs, when they
6 would give him out his check at the same time we got them.
7 And they were all personal checks.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

9 Ms. DeYoung-Dominguez.

10 BY MS. DE YOUNG-DOMINGUEZ:

11 Q. After you spoke to Victor, what did you do next?

12 A. We kept -- we were working, waiting for Rene's
13 response.

14 Q. Did you ever speak with Rene about these issues?

15 A. Only one time.

16 Q. When did you speak with him?

17 A. About a week after having spoken with Victor.

18 Q. What did you say?

19 A. He said that he -- that that was not an answer
20 that he could give me, that he was only a worker and the
21 only thing he could do was relay the messages to the boss,
22 but it was the bosses who were going to let us know and
23 that there was nothing that he could do.

24 Q. When you spoke with Rene, did you -- was anyone
25 else present?

1 A. No. That time I did it by myself.

2 Q. And what did you say? Did you respond to Rene?

3 A. I told him that I hoped that they would give us
4 an answer because I did need my paycheck stubs.

5 Q. Earlier you testified that Cinagro reduced your
6 hours. Do you recall that?

7 A. Yes.

8 Q. Do you remember what month?

9 THE INTERPRETER: Counsel, was the question, was
10 do you remember what month?

11 MS. DE YOUNG-DOMINGUEZ: I'll rephrase the
12 question.

13 BY MS. DE YOUNG-DOMINGUEZ:

14 Q. When did they reduce your hours?

15 A. Around February.

16 Q. Of what year?

17 A. 2017.

18 Q. Did you meet with Rene again?

19 A. Yes, but we did it, the whole group.

20 Q. How many times?

21 A. I remember two to three times.

22 Q. When was the first time?

23 A. The first time that I remember was around the
24 beginning of February.

25 Q. Who was there?

1 A. It was Victor, Rene, and the whole group.

2 Q. When you say the whole group, what do you mean?

3 A. The crew, the workers.

4 Q. (Indiscernible) names, if you recall?

5 A. The ones that I remember are Yolanda Antonio,
6 Rigoberto Perez, Ygnacio Sanchez, Hector Cruz, Maria
7 Duarte. And the rest of them, I don't remember their last
8 names.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Do you remember
10 the first names of the other crew members?

11 THE WITNESS: What I remember was Maria Angelica
12 The other one, Maria Laureano (phonetic). Yes.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

14 BY MS. DE YOUNG-DOMINGUEZ:

15 Q. At this meeting, what did you say?

16 A. I told Rene to please provide us with an answer
17 as to when because we had been waiting too long without our
18 normal checks and we were getting notices that we needed to
19 provide proof of work.

20 Q. Did Rene respond?

21 A. Yes.

22 Q. What did he say?

23 A. He said that he had given the messages to the
24 boss and that there was nothing else that he can do except
25 for us to wait for the company to finish filling out their

1 paperwork that they needed to get done.

2 Q. Did you hear anyone else speak?

3 A. Yes.

4 Q. Who?

5 A. Yolanda Antonio, Maria Angelica, and Rigoberto
6 Perez.

7 Q. What did Yolanda say?

8 MR. ROY: Objection. Hearsay.

9 MS. DE YOUNG-DOMINGUEZ: Your Honor, may I
10 respond?

11 ADMINISTRATIVE LAW JUDGE SOBLE: Just a moment.

12 I'm going to allow the witness to answer the
13 question. As you know, hearsay by itself is insufficient,
14 but in this instance, I'll allow the witness to answer.

15 Do you remember the question?

16 THE WITNESS: No, I do not remember.

17 MS. DE YOUNG-DOMINGUEZ: May I ask again?

18 ADMINISTRATIVE LAW JUDGE SOBLE: Yes.

19 BY MS. DE YOUNG-DOMINGUEZ:

20 Q. What did Yolanda say?

21 A. She said that she urgently needed to get the
22 paycheck stubs because she needed to prove her income.
23 They were ask -- she needed to prove her income and she had
24 been waiting for a long time, even though we were told that
25 it was going to only take a little time before we would get

1 our regular checks.

2 Q. Did you hear what Rigoberto said?

3 A. Yes.

4 Q. What did he say?

5 A. He said that we needed to get an answer because
6 we all wanted to continue working but we did need a
7 solution with the problem to the paycheck stubs.

8 Q. Did you hear what Maria Angelica said?

9 A. Yes.

10 Q. What did she -- what did she say?

11 A. She said the same thing. She needed her proof
12 because she needed to submit them.

13 Q. Did Rene respond?

14 A. Yes.

15 Q. What did he say?

16 A. He said that he had given our messages to the
17 boss, but that there was nothing else that he could do for
18 us and he could not provide us with an answer.

19 Q. When was the next time you met with Rene?

20 A. End of February.

21 Q. Who was present during that meeting?

22 A. Rene, Victor, and the coworkers.

23 Q. Do you remember the names of the coworkers who
24 were there?

25 A. Yes.

1 Q. What were their names?

2 A. It was Yolanda Antonia, Hector Cruz, Ygnacio
3 Sanchez, Rigoberto Perez, Maria Duarte, Maria Angelica, and
4 Maria Laureano.

5 Q. What did you say at this meeting?

6 A. We asked him if he had any solution to the
7 request from the prior meeting.

8 Q. Did you hear -- did you hear anyone else speak?

9 A. Yes.

10 Q. Who?

11 A. Maria Duarte.

12 Q. What did Maria Duarte say?

13 A. She said that she needed some kind of proof that
14 they could provide because she needed to send it out
15 immediately.

16 Q. Did anyone else speak, after Maria?

17 A. Yes.

18 Q. Who?

19 A. Hector Cruz.

20 Q. What did Hector Cruz say?

21 A. He said if there was any way they could give us
22 some kind of proof to use to be able to prove that we were
23 working with them.

24 Q. Did you hear anyone else speak after that?

25 A. Yes.

1 Q. Who?

2 A. Yolanda Antonio.

3 Q. What did Yolanda Antonio say?

4 A. The same thing, if there was any way they could
5 give us some kind of proof that we were working for the
6 company because we really needed it.

7 Q. Did you hear anyone else speak after Yolanda?

8 A. After that, Rene replied.

9 Q. What did he say?

10 A. He said that the company had not completed the
11 paperwork necessary and that what he could do is he could
12 provide us with a document so that we could mark the number
13 of boxes at the end of the week.

14 Q. Did anyone else speak at this meeting?

15 A. Yes.

16 Q. Who?

17 A. Rigoberto Perez.

18 Q. What did Rigoberto say?

19 A. Rigoberto said that we needed to see that
20 document to see if it was -- we were going to be able to
21 use it if it was going to be useful.

22 Q. Did anything else happen at that meeting?

23 A. Yes, Rene spoke.

24 Q. What did Rene say?

25 A. He said that the paper was going to include the

1 number of boxes and the address of the company and that he
2 hoped that that was going to be useful.

3 Q. Did anyone respond?

4 A. He said that -- we said that it was fine that we
5 would wait for the weekend to see what that document looked
6 like.

7 Q. And did you receive that document?

8 A. Yes.

9 Q. What did it look like?

10 A. It was basically a blank paper that had the
11 number of boxes, but it had no address or company phone
12 number. Basically, we were not able to use that document.

13 Q. What did you -- what happened after that?

14 A. After that -- after that Rene was no -- he was no
15 longer around us. He didn't go to the ranches where we
16 were at. We would just communicate through Victor, mainly.

17 Q. Were you able to meet with Rene again?

18 A. No, he didn't go to the ranches anymore. He
19 didn't come close to us anymore.

20 Q. Earlier you testified that you complained about
21 water. Do you recall that?

22 A. Yes.

23 Q. Did you ever -- strike that.

24 What were your concerns about the water?

25 A. They wouldn't bring water for us to drink.

1 Q. When you say they, what do you mean?

2 A. All of us in the group, when we have worked, the
3 company always brings the water. And there, they never
4 brought us water.

5 Q. At Cinagro, they never brought you water?

6 A. No, never.

7 Q. Did you talk to anyone in your crew about your
8 concerns?

9 ADMINISTRATIVE LAW JUDGE SOBLE: With respect to
10 water.

11 THE WITNESS: Yes.

12 BY MS. DE YOUNG-DOMINGUEZ:

13 Q. Who did you speak with?

14 A. With Victor Mendoza.

15 Q. Was anyone present with you when you spoke with
16 Victor?

17 A. Yes.

18 Q. Who?

19 A. Maria Duarte and Hector.

20 Q. What did you say?

21 A. I asked him that if that company they were not
22 going to bring us drinking water.

23 Q. And did Victor respond?

24 A. Yes.

25 Q. What did he say?

1 A. He said that he had never been told anything
2 about the drinking water when they transferred us over to
3 Cinagro.

4 Q. Did your coworkers say anything?

5 A. Yes.

6 Q. What did they say?

7 A. They told him why don't you ask and if not, then
8 we can try to find out a solution for the water.

9 Q. And did Victor respond?

10 A. He said he would mention it to Rene.

11 Q. Did you ever complain to Supervisor Rene?

12 ADMINISTRATIVE LAW JUDGE SOBLE: About the water.

13 MR. ROY: I'm going to object as nonresponsive.

14 Your Honor, that question, the answer, it -- they were
15 asking her about what she spoke to Macias about. And then
16 she started referring to someone else.

17 ADMINISTRATIVE LAW JUDGE SOBLE: I heard the
18 witness give an answer, but I didn't hear the interpreter
19 just yet.

20 MR. ROY: I'm sorry.

21 ADMINISTRATIVE LAW JUDGE SOBLE: So I'm going to
22 have the interpreter interpret the answer first and then
23 I'll address the objection.

24 MR. ROY: Thank you.

25 THE WITNESS: Yes. And in waiting when he told

1 us we were now part of Cinagro, one coworker asked him if
2 he was going to -- if they were going to provide drinking
3 water.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

5 Now, the objection.

6 MR. ROY: It was nonresponsive because they were
7 asking her about what she said to Mr. Rene about water.

8 And her response was a fellow worker said this.

9 ADMINISTRATIVE LAW JUDGE SOBLE: I'll allow the
10 answer. You can ask your next question.

11 MS. DE YOUNG-DOMINGUEZ: Okay.

12 BY MS. DE YOUNG-DOMINGUEZ:

13 Q. Did you ever complain to your supervisor
14 directly?

15 A. Yes.

16 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
17 clarify that I understand the question, Ms. Jimenez, to be
18 did you ever speak to Mr. Macias yourself, with respect to
19 water. Either in the presence of your coworkers or in the
20 presence of your foreperson?

21 THE WITNESS: Yes. I spoke by myself, with him,
22 one time.

23 BY MS. DE YOUNG-DOMINGUEZ:

24 Q. What did you say?

25 A. I asked him if they were going to provide the

1 water because it was very hot and even though he would
2 bring water, it wasn't enough. We would run out, and then
3 it would get warm.

4 ADMINISTRATIVE LAW JUDGE SOBLE: When you had
5 this conversation, was it in Spanish, or in English, or in
6 a different language?

7 THE WITNESS: Spanish.

8 ADMINISTRATIVE LAW JUDGE SOBLE: And to your
9 understanding, was Rene fluent in Spanish?

10 THE WITNESS: Yes, he spoke Spanish well.

11 BY MS. DE YOUNG-DOMINGUEZ:

12 Q. Did Rene respond?

13 A. Yes.

14 Q. What did he say?

15 A. He said that he was dealing with that so that he
16 could bring us some water.

17 Q. Was anyone else present that time that you spoke
18 with Supervisor Rene?

19 A. Not the first time.

20 Q. Any other times?

21 A. Yes.

22 Q. Who else was there?

23 A. Hector Cruz.

24 Q. Can you tell me what happened that time?

25 A. That time, Rene showed up during our lunch hour.

1 We were eating and he greeted us and that's when I asked
2 him hey what's going on with our water.

3 Q. What did he say?

4 A. He said that at that moment, he didn't have cash
5 with him and that if we could go to that store that was
6 close to the ranch and get it and then he would pay us
7 back.

8 Q. What happened after that?

9 A. Hector Cruz and I went to buy them water for the
10 whole group.

11 Q. Did Rene ever reimburse you?

12 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
13 object to that question as being vague.

14 Did anyone ever reimburse you?

15 THE WITNESS: No.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Did you ever
17 provide a receipt or give a specific dollar amount request
18 to someone asking to be reimbursed?

19 THE WITNESS: When we returned, Mr. Rene, the
20 receipts -- he could see the amount. He didn't take it.
21 He just said that he would pay us back later.

22 ADMINISTRATIVE LAW JUDGE SOBLE: Thanks.

23 BY MS. DE YOUNG-DOMINGUEZ.

24 Q. Did Rene ever bring water for you or the crew?

25 A. Water, no, never. He never brought us any.

1 Q. After your last meeting -- strike that.

2 Do you remember your last day of work?

3 A. Yes.

4 Q. What day was it?

5 A. Saturday.

6 Q. Where did you work?

7 A. At the Moorpark Ranch.

8 Q. Who worked?

9 THE INTERPRETER: Counsel, you cut off. Can you
10 repeat the question?

11 BY MS. DE YOUNG-DOMINGUEZ:

12 Q. Who worked that day?

13 A. We were picking parsley.

14 Q. What were the names of the people who worked that
15 day?

16 A. It was Hector Perez, Yolanda Antonio, Hector
17 Cruz, Ygnacio Sanchez, Maria Laureano, Maria Duarte, and
18 Victor Perez.

19 Q. Did you see any group of workers besides the
20 people you just named?

21 A. Yes.

22 Q. Who? Who?

23 MR. ROY: Objection. Go ahead. Sorry, Your
24 Honor.

25 BY MS. DE YOUNG-DOMINGUEZ:

1 A. It was another crew that they had brought over as
2 support.

3 MR. ROY: Objection as nonresponsive. She was
4 asking who the members of that other crew were.

5 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
6 allow the part of the answer that it was another crew, and
7 strike after it was another crew.

8 MR. ROY: All right. Thank you.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Counsel can
10 elicit if she so wishes the remainder of it with a
11 different question, but the remainder of it was not
12 responsive to the earlier question.

13 You can proceed.

14 BY MS. DE YOUNG-DOMINGUEZ:

15 Q. Do you know -- strike that.

16 What did Victor say about working the next day?

17 A. He told us that Rene had not let him know yet,
18 but that he would let us know later on.

19 Q. What did you say?

20 A. It was fine.

21 Q. Did you talk to him the next day?

22 A. In the afternoon, we spoke.

23 Q. And what did you say? What did you say?

24 A. We spoke to Victor. Victor said that Rene had
25 told him that there was not going to be work for us on

1 Monday because the cooler was full of the vegetables and
2 there was no more room for them.

3 Q. What happened after that?

4 A. And when I waited for Sunday to see if they were
5 going to call us, but they didn't call us, so I went to
6 look for work somewhere else.

7 MS. DE YOUNG-DOMINGUEZ: Your Honor, I think
8 there was a part of her answer that wasn't fully
9 interpreted. If I may repeat the question or, I'm not sure
10 how to address that.

11 ADMINISTRATIVE LAW JUDGE SOBLE: You can either
12 ask the question again, or if you -- and then if that
13 doesn't work, we'll ask the court reporter to play the
14 answer back.

15 MS. DE YOUNG-DOMINGUEZ: May I have a moment? I
16 need to review my notes.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Sure.

18 While you're doing that, do you have an
19 approximate time, an amount that you think it might be
20 before you finish your direct examination?

21 MS. DE YOUNG-DOMINGUEZ: Yes. I'm near the end
22 of my direct examination, so.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

24 So Mr. Roy, we'll probably be starting the cross
25 examination before our lunch break.

1 MR. ROY: I don't know how close we will be, Your
2 Honor. If that's the case, I would prefer that we just
3 take the lunch break and I start out fresh with the
4 witness, if that's okay. We're at 25 until noon right now.

5 ADMINISTRATIVE LAW JUDGE SOBLE: Right. Well we
6 won't necessarily take our lunch break right at noon, so
7 we'll see. It depends on how long the remainder of the
8 direct exam is.

9 MS. DE YOUNG-DOMINGUEZ: Your Honor, I do think I
10 need to hear the answer, the recorder to repeat what her
11 answer was exactly so I can compare if that's what I heard.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

13 If the court reporter would play back the
14 previous question, answer, and interpretation of the
15 answer. Thank you.

16 Okay. Why don't you go ahead and take the couple
17 of minutes so that you can play it back. I think that's
18 okay.

19 Whatever is possible. Thank you.

20 (Off the record at 11:36 a.m.)

21 (On the record at 12:04 p.m.)

22 (The witness and Spanish Interpreter are present in
23 the hearing room.)

24 ADMINISTRATIVE LAW JUDGE SOBLE: Let's go back on
25 the record.

1 It is approximately 12:04 p.m. We have been off
2 the record for, I don't know, maybe about 20 to 25 minutes
3 while the court reporter has replayed back the previous
4 question and answer upon request of one of the counsel.

5 Having heard when we were off the record that
6 previous question and answer, was there something that the
7 interpreter wanted to add to her translation?

8 THE INTERPRETER: Yes. I believe Ms. Jimenez
9 said I went to look for work in the meantime. Meaning
10 waiting to hear whether she was going to be called back or
11 not.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Does
13 anybody have anything that they wish to add, with respect
14 to the translation of that answer? Otherwise, I'll have
15 Ms. De Young-Dominguez ask her next question.

16 MR. ROY: I have a question, Ms. Lucas.
17 You gave your opinion as to what she meant when
18 she said in the meantime. Was that actually recorded
19 thereafter, or is that your opinion as to what she meant?

20 ADMINISTRATIVE LAW JUDGE SOBLE: One thing, Mr.
21 Roy. Those questions really should be addressed to me. In
22 this instance I'll just sort of overlook that because we've
23 already had like a delay, but I just prefer to do that.
24 That's how I think the exchange works best, but just --

25 MR. ROY: No problem, Your Honor.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Just, if the
2 question makes sense to you, you can answer it. If it
3 doesn't, you can let me know why the question doesn't make
4 sense.

5 THE INTERPRETER: No, it does. I think I should
6 have said the correct interpretation should have been, I
7 went to look for work, meanwhile, they called me.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

9 Anything else? Otherwise, Ms. De Young-
10 Dominguez, you can ask your next question.

11 MS. DE YOUNG-DOMINGUEZ:

12 MS. MONTGOMERY: I don't know if we're -- I mean
13 we are parsing words here. And I'll address Your Honor,
14 but I think this last translation that the court -- the
15 interpreter did is not as coherent as something that I
16 believe I understood, and I would suggest, but I don't want
17 to go there without Your Honor's permission.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Two
19 things. One, as you know, I'm going to have only one
20 Counsel both examining and dealing with objections and
21 interpretation for each witness. So if you think there's
22 something that you and Ms. De Young-Dominguez want to
23 discuss that, then I'm going to suggest that we take our
24 lunch break now. You can zoom that afterward. But I can
25 tell you that I personally think if it's just a subtle

1 difference as to how it's interpreted, the easiest thing
2 may be to have Ms. De Young-Dominguez ask follow-up
3 questions, and then Mr. Roy, ask any questions on cross-
4 examination.

5 If either party thinks that there is ambiguity,
6 a, and b if it has any bearing on the case, which I could
7 see how someone might conclude that it would.

8 So it is now 12:07 p.m. I certainly apologize to
9 the witness for the delay waiting while the court reporter
10 tried to play an answer back. Usually it does take about
11 five minutes, but in this instance it certainly did take
12 longer.

13 So at -- it's 12:08 p.m. now, so we're going to
14 resume at 1:28 p.m. in the same locations. And it's my
15 understanding, Ms. Jimenez, that Ms. Vega will be letting
16 you back into the room. Please coordinate with her. We
17 will start at 1:28 p.m. promptly.

18 Does anyone have anything they'd like to add
19 before we take our lunch break?

20 THE INTERPRETER: Can I interpret that for Ms.
21 Jimenez, or did you want me to --

22 ADMINISTRATIVE LAW JUDGE SOBLE: You should
23 actually interpret it before I hear if they have anything
24 they'd like to add. Thank you.

25 THE INTERPETER: Thank you.

1 THE WITNESS: No, Your Honor. Not now. Thank
2 you.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I'll see
4 everyone back then at 1:28. Thank you very much.

5 (Off the record at 12:08 p.m.)

6 (On the record at 1:35 p.m.)

7 (The witness and Spanish interpreter are present in
8 the hearing room.)

9 ADMINISTRATIVE LAW JUDGE SOBLE: Let's go on the
10 record. Okay. It's 1:35 p.m. I had previously indicated
11 that anybody who was attending the hearing needed to be
12 visible. And I heard exchange between one of the
13 Assistant's General Counsels and Respondent's Counsel that
14 in fact, Mr. Dighera was in fact watching the hearing, but
15 not visible.

16 And so I'm going to ask Mr. Roy why I shouldn't,
17 at this point, decide to either exclude him from testifying
18 at the hearing, or some other appropriate remedy for
19 violating my earlier instructions?

20 MR. ROY: Well, I appreciate that, Your Honor. I
21 must've misunderstood your position this morning because
22 when there was the back and forth between Mr. Dighera and
23 yourself he had voice, but he did not have the visual.

24 ADMINISTRATIVE LAW JUDGE SOBLE: Correct.

25 MR. ROY: And I thought that that would be

1 acceptable as long as the visual as a representative of the
2 party. So --

3 ADMINISTRATIVE LAW JUDGE SOBLE: I'm not sure
4 what confusion there is. Let me make it perfectly clear.
5 There are multiple people who have inquired, from the court
6 reporter to the other people, about not being visible. And
7 it's my position that the witnesses are entitled to see
8 who's there when they're testifying.

9 MR. ROY: Understood.

10 ADMINISTRATIVE LAW JUDGE SOBLE: So before I even
11 decide what I'm going to do with respect to the fact that
12 he was there, you either need to find a way that he's
13 visible on a separate laptop or desktop in your office and
14 log him into WebEx. If he's going to be further watching
15 the hearing.

16 Now that's up to you whether it's in the same
17 room as you or a different room as you.

18 MR. ROY: Your Honor, we don't have an extra
19 computer in this office. He doesn't have access to it so I
20 guess we would just have to exclude him.

21 ADMINISTRATIVE LAW JUDGE SOBLE: Or the
22 alternative is that one or both of you could put on masks
23 and he could just get like slightly behind your shoulder.
24 That depends on the comfort level for the two of you. I
25 don't want people to do anything that jeopardizes their

1 health and safety. But I don't think this is anything
2 different than what I explained at one of the prior
3 pre-hearing conferences, or what I explained at the
4 beginning of the hearing. So this shouldn't be a surprise
5 to anyone.

6 MR. ROY: All right. Can we try that right now?
7 Your Honor.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Uh-huh.

9 MR. ROY: Okay. Go ahead. See if you can get in
10 the peripheral vision of the --

11 Is that sufficient?

12 ADMINISTRATIVE LAW JUDGE SOBLE: It is for me,
13 unless any of the other Counsel have an objection to it, in
14 which case I'm going to hear it, but I'm probably going to
15 overrule it. Otherwise, again, that's just my position.
16 Again, I don't care so much if someone isn't visible when
17 it's not doing the witness testimony. And I feel even more
18 strongly about it if it's a witness who potentially may
19 give testimony. And if my recollection of your witness
20 list is correct, Mr. Dighera may or may not give testimony.
21 You haven't decided and you don't need to decide, but he's
22 certainly someone who you reserved the right to call.

23 At this point I -- my inclination is not to
24 consider precluding him from testifying. I'll take what
25 you're saying that this was just confusion on your part,

1 although I -- I'm not sure how we could've gotten to there.
2 But -- but let me just make it perfectly clear for everyone
3 that that is how I'm going to do this. I haven't decided
4 that that's how I'll do this for every hearing I have in
5 the future. But it seems like, to me, the best thing,
6 because I want to make sure each witness knows there's
7 nobody watching this hearing except the people that they
8 see are watching here. Just like if it was a regular
9 hearing in person.

10 MR. ROY: Uh-huh.

11 ADMINISTRATIVE LAW JUDGE SOBLE: And so with that
12 in mind, is there anything else before we go back to
13 resuming the General Counsel's direct examination?

14 MR. ROY: Nothing, Your Honor. Thank you. I
15 appreciate it.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Not
17 hearing anything else, Ms. De Young-Dominguez, I'm assuming
18 you have more questions for Ms. Jimenez, and if so, you can
19 ask your next question.

20 MS. DE YOUNG-DOMINGUEZ: Thank you, Your Honor.

21 Your Honor, I did want to just ask one thing
22 about the clarification from the court reporter. It's
23 going to stand as is, as it was prior to break, correct?

24 ADMINISTRATIVE LAW JUDGE SOBLE: I'm not sure I
25 understand your question, so you'll need to rephrase it.

1 I understood we had an initial question, and
2 answer the interpretation, and then we later had the
3 interpreter add to her interpretation. And I am assuming
4 that all of that was part of the record and that none of it
5 has been struck. But that one would take what she added as
6 part of her interpretation. Sort of incorporate it into
7 the first part.

8 If you think that somehow there's anything that's
9 unclear I will not sustain an objection to asked and
10 answered if you ask it again if it isn't too slow.

11 MS. DE YOUNG-DOMINGUEZ: Okay.

12 ADMINISTRATIVE LAW JUDGE SOBLE: I personally
13 don't think there's any confusion, but if you think that's
14 necessary, I don't have a problem with it.

15 MS. DE YOUNG-DOMINGUEZ: I do want to ask a
16 clarifying question.

17 BY MS. DE YOUNG-DOMINGUEZ:

18 Q. Marisol, when you testified that you went to look
19 for work, were you waiting for a call back from Cinagro?

20 A. Yes.

21 Q. And what happened on Monday?

22 A. On Monday, honestly, we did go looking for work.
23 We wanted to see what we could find, and we went by the
24 Moorpark Ranch.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Before you ask

1 your next question, I don't know if you know, Mr. Roy, but
2 right now I'm just getting one of your ears, so you may
3 want to just angle it, either the camera, or you, just a
4 little. Perfect. Thank you.

5 MR. ROY: I'm back.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Ms. De Young-
7 Dominguez, I think we're back to you.

8 MS. DE YOUNG-DOMINGUEZ: Your Honor, I would just
9 want to point out that I think there was some part of
10 Marisol's testimony that was again left out from the
11 interpretation.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Why don't you
13 try asking another question before we replay it.

14 MS. DE YOUNG-DOMINGUEZ: Okay.

15 ADMINISTRATIVE LAW JUDGE SOBLE: I do -- unlike
16 the first time, this time I did not hear -- I heard the
17 interpretation clearly, but I'm not sure I heard what the
18 witness said to be able to assess what you're saying or
19 not.

20 BY MS. DE YOUNG-DOMINGUEZ:

21 Q. Was it important that you had work on Monday?

22 A. Yes.

23 Q. Was there -- strike that.

24 When you went by the Moorpark Ranch, what did you
25 see?

1 A. We saw the other group of people working.

2 Q. Who was present with you?

3 A. Maria Duarte and Hector Cruz.

4 Q. What did you do after you saw that group of
5 workers?

6 A. I grabbed my phone and dialed Rene.

7 Q. And how did you call him?

8 A. I called him, and I told him I received a call
9 from another person, one of the crew members, the other
10 crew members. And they were asking us where we were
11 working because they had not seen us.

12 Q. And then what happened?

13 A. Rene answered me that he had understood that
14 nobody was working because they didn't have any orders and
15 the cooler was full of vegetables.

16 Q. What did you say?

17 A. I asked him if he knew when was the next time
18 that we were going to work and he answered me that he did
19 not know, he said, until further notice.

20 Q. Could -- when you were speaking with Rene, how
21 was your phone?

22 MR. ROY: Objection. Vague.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Sustained.

24 I'm not sure if the interpreter was translating
25 the question and then indicating that the objection to the

1 question was sustained. Or if -- or not, but in any event
2 (indiscernible) is going to ask a different question. And
3 just in the interest of time, in your telephone call with
4 Rene Macias, was the reception quality good so that you
5 could understand each other?

6 THE WITNESS: Yes.

7 ADMINISTRATIVE LAW JUDGE SOBLE: And that may not
8 have been Counsel's question, in which case, please proceed
9 with whatever your question was.

10 MS. DE YOUNG-DOMINGUEZ: Thank you, Your Honor.

11 BY MS. DE YOUNG-DOMINGUEZ:

12 Q. Could you -- could anyone else hear your
13 conversation on your cell phone with Rene?

14 ADMINISTRATIVE LAW JUDGE SOBLE: Hold on one
15 moment. So I'm going to narrow that question so that it
16 would sustain my own objection for speculation.

17 She can answer that as to whether anyone could
18 hear it, who she saw on her side of the phone. I'm not
19 going to have her speculate whether or not anyone could
20 hear on Rene's side of the phone.

21 THE INTERPRETER: I'm sorry. Did -- should we
22 ask that question again? I'm not even sure if I got to
23 interpret it.

24 ADMINISTRATIVE LAW JUDGE SOBLE: When you were on
25 the phone with Rene Macias, was there anybody who was

1 overheard your side of the conversation, standing or
2 sitting immediately next to you?

3 THE WITNESS: Yes.

4 BY MS. DE YOUNG-DOMINGUEZ:

5 Q. Who.

6 A. Maria Duarte and Hector Cruz.

7 Q. Did you quit your job at Cinagro?

8 A. No.

9 Q. Did you receive any communication from anyone at
10 Cinagro about returning to work?

11 A. No.

12 Q. And to clarify, could the people with you hear
13 both what Rene said and what you said on the phone?

14 A. Yes. I had my phone on speaker.

15 MS. DE YOUNG-DOMINGUEZ: Thank you, Your Honor.
16 I would need one more moment. I just need to review my
17 notes, briefly to make sure I captured everything.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

19 MS. DE YOUNG-DOMINGUEZ: Thank you, Your Honor.
20 I don't have anything else.

21 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Mr. Roy,
22 would you like to take a quick break for a couple minutes
23 before beginning your cross-examination?

24 MR. ROY: No, Your Honor, I'm ready.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. You can

1 proceed.

2 CROSS-EXAMINATION

3 BY MR. ROY:

4 Q. Ms. Jimenez, I'm the attorney for Cinagro Farms.
5 Have you ever testified at a proceeding like this
6 before?

7 A. No.

8 Q. Have you ever testified in a court of law before
9 a Superior Court judge?

10 A. Criminal, no.

11 Q. Civil? Have you done a deposition before?

12 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.

13 ADMINISTRATIVE LAW JUDGE SOBLE: That being
14 compound. One, you can ask both questions if she's ever
15 testified in a civil lawsuit, or had a deposition taken.

16 MR. ROY: Thank you, Your Honor.

17 BY MR. ROY:

18 Q. Have you ever testified in a civil lawsuit before
19 today?

20 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.

21 Relevance.

22 ADMINISTRATIVE LAW JUDGE SOBLE: Please wait
23 until after it's been translated, but I'll know your
24 objection is coming.

25 Okay, the objection is overruled. You can

1 answer, but for now, you are just being asked if you've
2 testified in a civil lawsuit, not what any circumstances of
3 it were.

4 THE WITNESS: No.

5 BY MR. ROY:

6 Q. Do you know that your testimony today is under
7 penalty of perjury?

8 A. Yes.

9 Q. Can you explain to me what that means, in your
10 opinion.

11 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.
12 Relevance.

13 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
14 allow this question just for purposes of establishing that
15 the witness understands the proceeding, but I'm not going
16 to allow much more leeway on this without a basis for it.
17 But you can answer the question.

18 THE WITNESS: When -- my opinion is that if I am
19 testifying with false information, they can proceed against
20 me.

21 BY MR. ROY:

22 Q. And do you understand that to be a criminal
23 violation if you (indiscernible) testimony.

24 MS. DE YOUNG-DOMINGUEZ: Your Honor.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, I'm going

1 to sustain Counsel's objection to that and my basis for
2 sustaining the objection is it's just an undue amount of
3 time. If there's a direction that's unique to this
4 witness, you can begin with that, but I think she's
5 established some sense of understanding what her obligation
6 is.

7 MR. ROY: Understood. I just wanted to make sure
8 she understood the seriousness of the testimony, Your
9 Honor.

10 BY MR. ROY:

11 Q. You testified that you had asked Victor if you
12 were working on Sunday, that would have been March 5th. Is
13 that your testimony?

14 A. Yes.

15 Q. And isn't it true that that date was a Sunday and
16 you do not normally work on Sundays?

17 A. We had been calling Victor because there had been
18 changes and so we just wanted to be --

19 THE INTERPRETER: Counsel, I'm going to have to
20 clarify what she meant by that.

21 A. We were trying to, you know, just be aware of the
22 changes.

23 Q. All right. Great.

24 MS. DE YOUNG-DOMINGUEZ: Your Honor, I'm going to
25 have to object because that wasn't accurately reflecting

1 her response.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

3 MR. ROY: I think it's nonresponsive too, but.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Well, if Counsel
5 wanted to stipulate to the strength of the last question
6 and answer, and I don't have a problem with that.
7 Otherwise, I'll need to have the interpreter further
8 explore what it is that Counsel thinks might have been left
9 out in the interpretation.

10 MR. ROY: I'll stipulate to that, Your Honor.

11 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Then you
12 can ask your next question, and if Ms. De Young-Dominguez
13 thinks it needs further clarification, she can ask it on
14 re-direct.

15 You can proceed.

16 BY MR. ROY:

17 Q. Ms. Jimenez, when you called Victor on Sunday,
18 you knew that was a normal day off, correct?

19 A. Yes. It was a normal day off, but sometimes we
20 would go work on Sunday.

21 Q. Did Victor tell you on Friday or Saturday that
22 there might be work on Sunday?

23 A. On Friday they didn't tell us anything. It
24 wasn't until Saturday that we had communication.

25 Q. Okay, I thought you called him on Sunday.

1 THE INTERPRETER: Your Honor, I'm having a really
2 hard time listening to her. I don't know if she's too far
3 away from the speaker, but it kind of cuts in and out and
4 her voice is very, very low now.

5 MR. ROY: I have the same problem, Your Honor.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Ms. Jimenez, can
7 you move a few inches forward because the interpreter is
8 having trouble hearing you.

9 MS. HERRERA: Your Honor, I suggest that Ms. Vega
10 might have to move the mic if we continue to have problems
11 because there's a large conference table in front of the
12 witness and so we're going to actually have to move some of
13 the technology if --

14 ADMINISTRATIVE LAW JUDGE SOBLE: And that's fine.
15 I assumed that you had positioned the mic so that if she
16 was closer to the table she'd be close to the microphone.
17 If that's not the case, then we're going to try to proceed
18 on for now, but certainly at the next break and conceivable
19 sooner, if needed, then yes. Please make sure the
20 microphone is as close to the witness as is physically
21 possible given the setup you have in there.

22 BY MR. ROY:

23 Q. Ms. Jimenez, we're going to go back and trace
24 part of your work history.

25 I believe you stated that you had worked for

1 Mike's. Is that Mike's Farm Labor?

2 A. Yes.

3 Q. What did you perform there? What type of work?

4 A. The same thing as in Cinagro. Cutting vegetables
5 and packing.

6 Q. And how is it that you came to work for Art
7 Vasquez?

8 A. Because Art Vasquez and Mike Farms are the same
9 company, and they would share the crews.

10 Q. Are you sure about that or are you speculating?

11 A. No, I am sure because I worked a few years with
12 them.

13 Q. With Mike?

14 A. Yes.

15 Q. How long did you work with Art Vasquez Labor?

16 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.

17 What is the relevance of this question? I'm struggling --

18 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled if
19 based on relevance. I'll allow the question.

20 Ms. Jimenez only answer the question if you know
21 the answer to it, and if you're not sure, please indicate
22 that.

23 THE WITNESS: Okay.

24 ADMINISTRATIVE LAW JUDGE SOBLE: So with that in
25 mind, if you know, how long was the period of time that you

1 worked for the Art Vasquez Labor, in between when you
2 worked for Mike's Labor and when you worked for Cinagro.
3 If that was even the case.

4 THE WITNESS: I don't remember very well if it
5 was two or three weeks.

6 BY MR. ROY:

7 Q. Did that end approximately in mid-November 2016?
8 Your employment with Vasquez.

9 THE INTERPRETER: Counsel, did you say 16?

10 MR. ROY: Yes.

11 BY MR. ROY:

12 A. I don't remember very well, but it was around
13 those months.

14 Q. And after that happened, you went to work
15 directly as an employee of Cinagro; is that correct?

16 A. Yes.

17 Q. And when did you start having problems with
18 regard to your wage statements?

19 A. At the end of November, beginning of December.
20 Around there.

21 Q. And those continued into January and February,
22 also?

23 A. Yes.

24 Q. Were you unhappy with that situation?

25 A. Yes.

1 Q. Your testimony indicated that on a number of
2 occasions you spoke to Victor who would relate your
3 complaints to Mr. Macias; is that correct?

4 A. Yes.

5 Q. But nothing was resolved; isn't that right?

6 A. Correct.

7 Q. You stated that Rene Macias never provided water
8 to drink. Is that your testimony?

9 A. Yes.

10 Q. And did you recognize that there were field
11 sanitation units with water attached to them, along with
12 yellow water jugs on Mr. Vas -- Mr. -- Victor's truck?

13 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.

14 ADMINISTRATIVE LAW JUDGE SOBLE: I'll --

15 MR. ROY: That was probably compound. I'll
16 rephrase it.

17 BY MR. ROY:

18 Q. Did you notice that your foreman, Victor, had
19 yellow water coolers on his truck with cups? Yes or no?

20 A. Yes.

21 Q. Okay. So water was available to you; is that
22 correct?

23 A. Yes, but we would buy it.

24 MR. ROY: Your Honor, I would move to strike that
25 last part because that was not -- the question was relative

1 to the water on Victor's truck, not a subsequent
2 conversation she had with --

3 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going
4 to -- I'm going to overrule the objection.

5 Ms. Jimenez, are you -- are you saying that the
6 water in the yellow jugs was paid for by yourself?

7 THE WITNESS: Yes.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Roy, you can
9 ask your next question. (Indiscernible) whatever you
10 prefer.

11 BY MR. ROY:

12 Q. Well, I guess my next question is, Ms. Jimenez,
13 how often did you fill those jugs up?

14 A. Every day.

15 Q. Just to make clear, those water jugs were on
16 Victor's truck, but you bought water to fill them every
17 day. Is that your testimony?

18 THE INTERPRETER: Counsel, did you say --

19 MS. DE YOUNG-DOMINGUEZ: Your Honor, this is mis-
20 stating her testimony. That's not what she said.

21 MR. ROY: I'm asking her if that's what she said.

22 ADMINISTRATIVE LAW JUDGE SOBLE: Hold on. I'm
23 going to ask both of you to wait until the interpreter has
24 interpreted before asking your objection.

25 In this instance, the objection is overruled.

1 It's cross examination, and Counsel is asking a cross-
2 examination question. So I do not take what he's saying as
3 being her testimony, but rather trying to determine if that
4 was her testimony. So with that in mind, the witness can
5 answer, if she remembers the question.

6 THE INTERPRETER: I haven't interpreted, Your
7 Honor, because I had a question.

8 Did you say brought the water, or bought? I
9 couldn't hear.

10 MR. ROY: Bought.

11 THE INTERPRETER: Purchased?

12 ADMINISTRATIVE LAW JUDGE SOBLE: Bought, as in
13 purchased.

14 THE INTERPRETER: Yes. Okay.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Roy, why
16 don't you ask your question again and then have the
17 interpreter interpret it.

18 BY MR. ROY:

19 Q. As I understand your testimony, are you saying
20 that the yellow jugs on Victor's truck, the water that was
21 in them, was purchased by you every day? Yes or no.

22 A. Yes. We would purchase it among the whole group.

23 ADMINISTRATIVE LAW JUDGE SOBLE: So to clarify,
24 Ms. Jimenez, how did the group purchase the water in the
25 yellow jugs? Did you pull your money together? Or did you

1 alternate different days where one of you purchased the
2 water for that day?

3 THE WITNESS: At first, when they stopped
4 bringing water, well no, they never brought us water. But
5 then we started selling the recyclables so that we'd give
6 it to Victor so he would recycle it.

7 ADMINISTRATIVE LAW JUDGE SOBLE: So are you
8 saying that you -- did you physically pick up the water, or
9 did you give money to Victor to pick up the water?

10 THE WITNESS: We would give Victor the money so
11 he would buy the water in the morning.

12 MR. ROY: Indiscernible.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Roy, you can
14 ask your next question.

15 MR. ROY: Thank you.

16 BY MR. ROY:

17 Q. Do you remember testifying on direct that the
18 company never provided any water? Is that a correct
19 statement of your testimony?

20 A. Correct.

21 MS. DE YOUNG-DOMINGUEZ: Objection.

22 ADMINISTRATIVE LAW JUDGE SOBLE: What is the
23 objection?

24 MS. DE YOUNG-DOMINGUEZ: I was going to say that
25 that answer was asked and answered.

1 ADMINISTRATIVE LAW JUDGE SOBLE: It was, but I
2 think there was still some uncertainty so the objection's
3 overruled.

4 BY MR. ROY:

5 Q. In what part of the year in 2017 that you did not
6 have water?

7 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
8 object to that question as being vague. Just to clarify,
9 when you say do not have water, are you asking was there no
10 water present at the worksite? Or was there no water
11 provided by the company at the worksite? You can ask
12 either or both questions. I just want to know which one.

13 BY MR. ROY:

14 Q. In January 2017, was there water at the worksite?
15 Yes or no.

16 A. There was because we purchased it.

17 Q. And how about in February? Is that the same
18 testimony?

19 A. Yes.

20 Q. And are you aware that the company had field
21 sanitation unit there at the field, along with water,
22 during January and February?

23 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.
24 Vague as to field sanitation.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Sustained.

1 Ms. Jimenez, did they have portable bathrooms in
2 the fields in January and February?

3 MR. ROY: (Indiscernible.) Go ahead.

4 THE WITNESS: They did have them, but they
5 cleaned them once a week sometimes.

6 MR. ROY: I move to strike the last portion of
7 that. It's gratuitous and it's nonresponsive. The answer
8 was yes, they did have them.

9 ADMINISTRATIVE LAW JUDGE SOBLE: I'm not going to
10 strike the answer, but I'm going to ask a follow-up
11 question.

12 Did you ever see water somewhere near those
13 portable bathrooms?

14 THE WITNESS: No.

15 BY MR. ROY:

16 Q. And your testimony on direct was, it was very
17 hot, and you had no water. Is that correct?

18 A. Yes. At the beginning, yes.

19 Q. Was it hot in February when we had numerous
20 rains, in February 2017?

21 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor,
22 it's argumentative.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled. It's
24 borderline, but I'll allow it.

25 You can re-ask the question because perhaps --

1 BY MR. ROY:

2 Q. Can you tell us how hot it was in February of
3 2017?

4 A. When I was referring to hot, I was talking about
5 November when it was hot. February it rained.

6 Q. Okay. So the only time that that occurred on a
7 hot day would've been in November 2016, correct?

8 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.
9 This is vague as to --

10 ADMINISTRATIVE LAW JUDGE SOBLE: Sustained. I'm
11 not sure what you're asking what was the only time in
12 November. Are you asking -- so you needed to specify that.
13 I'm sure there's a permissible question to be had, I just
14 didn't know which one you were asking. Hence, it's vague.

15 BY MR. ROY:

16 Q. Ms. Jimenez, did you mean to say that it was hot
17 in November of 2016?

18 A. Yes. They were hot days.

19 Q. And was that the only time in -- that the hot
20 days occurred, was in November of 2016?

21 A. Yeah. They were hot days throughout that time
22 but the labor that we perform is physical and we needed
23 water.

24 Q. You testified that you needed the wage statements
25 because the school district was asking for proof of your

1 employment. Is that correct?

2 ADMINISTRATIVE LAW JUDGE SOBLE: Just a moment.
3 I'm going to object to that question momentarily. I don't
4 recall the witness ever specifically saying -- well I don't
5 want to take the time to break us out there.

6 MR. ROY: I can break it down, Your Honor.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Why don't
8 you break it down because --

9 MS. DE YOUNG-DOMINGUEZ: Your Honor, may I offer
10 something?

11 ADMINISTRATIVE LAW JUDGE SOBLE: I'd like to ask
12 one question first.

13 Do you recall, Ms. Jimenez, stating during this
14 hearing, what it was that you needed documentation for of
15 your -- of your pay? Or do you recall not having yet said
16 that? I'm not asking you yet why you needed them, but do
17 you recall in this hearing having said why you need it?

18 THE WITNESS: I only said that it was for some
19 documents.

20 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Thus far,
21 and I could be mistaken, that is my recollection as well.
22 That the witness had yet not specified why it was that she
23 needed it. But I could be mistaken and so I'm going to let
24 Mr. Roy breakdown his question and if any of the other
25 Counsel think that his next question is appropriate or

1 inappropriate, once it's been translated they can object at
2 that time. I am not certain that the witness didn't say
3 that, but I do not recall her making reference to a school
4 district before right now. I'd have to go back and look at
5 my notes. And I'm not going to slow things up to do that.

6 Mr. Roy, you can ask your next question.

7 BY MR. ROY:

8 Q. Ms. Jimenez, did you ever obtain any company
9 paperwork that you provided to the school district? Yes or
10 no.

11 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Let's wait until
13 the interpreter's done.

14 Okay, now hold on. The witness can wait.

15 Okay, now you had an objection.

16 MS. DE YOUNG-DOMINGUEZ: Yes.

17 And I just want to object as this is going
18 outside of the scope of my direct examination.

19 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
20 disagree that it goes outside the scope of your direct
21 examination. However, I'm going to go out on a limb and
22 say that Mr. Roy probably does not intend to call Ms.
23 Jimenez again as his own witness after his cross
24 examination. If he does, at that point we can discuss
25 whether any of his other questions may have precluded him

1 doing that. But this one, in my opinion, would not.

2 So is there any different objection you might
3 have to him asking that question? If not, I'm going to
4 allow it.

5 MS. DE YOUNG-DOMINGUEZ: I would just say that to
6 the extent that these questions probe any financial
7 information or highly sensitive information, we would
8 object as to relevance to that.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Right
10 now, just to give you a little bit of where I'm coming
11 from, if the questions do not relate to needing it for
12 anything immigration related. And I've heard nothing to
13 suggest that they do.

14 MS. DE YOUNG-DOMINGUEZ: Uh-huh.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Then I'm
16 probably going to allow the question. Not because of what
17 it goes to show the truth of, but rather whether or not the
18 company may have provided Ms. Jimenez with the type of
19 documentation that she needed. And that may not require
20 her to go into a high level of detail. So why don't I
21 start with that.

22 Ms. Jimenez, did the company ultimately give you
23 documentation for whatever purpose you would hope to have
24 the check stubs for?

25 THE WITNESS: No.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Mr. Roy,
2 you can proceed.

3 BY MR. ROY:

4 Q. When did you, or what day did you go apply for
5 work at Silent Springs, LLC for Blueberry Harvest?

6 THE INTERPRETER: Did you say Silent Spring?

7 MR. ROY: Yes.

8 BY MR. ROY:

9 A. We went on Monday.

10 Q. Monday the 6th, correct?

11 A. Yes.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Just so there's
13 no confusion about what we're talking about. Are we
14 talking about Monday, February 6th, 2017 or a different
15 date?

16 MR. ROY: March 6th, 2017, Your Honor.

17 ADMINISTRATIVE LAW JUDGE SOBLE: March 6th, 2017.
18 Thank you.

19 Actually, hold on. That's what you're
20 testifying. Ms. Jimenez, did you mean February 6th or
21 March 6th, if you recall.

22 THE WITNESS: Excuse me. It's March 6th.

23 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. You can
24 proceed, Mr. Roy.

25 MR. ROY: Okay. Thank you.

1 BY MR. ROY:

2 Q. And you were hired by Silent Springs the
3 following day on March 7th. Correct?

4 MR. ROY: Your Honor, object. It's
5 nonresponsive.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I'm going
7 to need to hear the interpretation first.

8 THE WITNESS: We went back on February 7th to fill
9 out an application because -- I'm sorry, not February, on
10 March 7th. We went back on March 7th to fill out application
11 because on Tuesday they did not provide us with an
12 application. And they said to come back -- they said to
13 come back on the 7th.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I'm not
15 going to strike it as nonresponsive, but I don't understand
16 the answer so I'm not also able to utilize it for anything.
17 So Counsel will need to ask a similar question if they wish
18 to elicit something on it.

19 BY MR. ROY:

20 Q. Ms. Jimenez, yes or no. Were you hired by Silent
21 Springs, LLC. On Tuesday, March 7th, 2017. Yes or no?

22 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.
23 And I will have to say this is, as to a legal conclusion,
24 as to the term hired, which I think is --

25 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, I'm going

1 to overrule the objection made by Counsel because I am not
2 taking it as a legal conclusion of whether she was hired,
3 but rather what was her understanding in a general or lay
4 sense. I'm also going to add, just in case it comes up
5 again, I will sometimes let Counsel ask a question, yes or
6 no. But if you emphasize it too much, I will typically
7 then tell the witness, you can answer it yes or no or if
8 you think there's a more appropriate way to answer, then
9 you can do that as well. So I'm not precluding Counsel
10 from saying that, but at some point if they say it too
11 emphatically, then I sort of tell the witness well, you can
12 answer it yes or no, but you don't have to.

13 With that in mind, for now, the objection is
14 overruled.

15 Ms. Jimenez, as far as you know, were you hired
16 by Silent Springs on March 7, 2017?

17 THE WITNESS: Yes, and I started on the 8th.

18 BY MR. ROY:

19 Q. And your friend, coworker, Hector Cruz-Vasquez,
20 he also went with you to be hired on the 7th of March 2017
21 at Silent Springs. Is that right?

22 A. Yes. He also started on the 8th with me.

23 Q. And Maria Guadalupe Duarte was hired by Silent
24 Springs on March 8th, 2017. Is that correct?

25 A. Yes.

1 Q. And lastly, Yolanda Cruz Antonio was hired on
2 March 13, 2017 by Silent Springs. Is that right?

3 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.
4 I would just say, if she knows. Respondent is asking
5 questions about whether other people were hired, and it
6 just lacks foundation to her knowledge.

7 MR. ROY: Your Honor, may I respond?

8 ADMINISTRATIVE LAW JUDGE SOBLE: The objection's
9 overruled and I'm taking the issue now as it's implied,
10 but -- and so you can answer the question.

11 THE WITNESS: Yolanda, I don't know where she
12 started working, but she did not work at Silent Springs.
13 No.

14 BY MR. ROY:

15 Q. Well, I'm looking at a payroll record on that,
16 and she was hired on the 13th and quit on June 8th. You have
17 no recollection of that?

18 A. No.

19 Q. Weren't all --

20 ADMINISTRATIVE LAW JUDGE SOBLE: Before we
21 continue, Mr. Roy, I can't tell if like the lights
22 automatically shut themselves off in the witness's room or
23 not, but I'm okay with proceeding unless any of the Counsel
24 have a difficulty with that. If no one objects, Mr. Roy
25 can ask his next question.

1 MR. ROY: Thank you.

2 BY MR. ROY:

3 Q. After you went to work for Silent Springs on
4 March 7th, did you quit there on June 2nd, 2017?

5 MS. DE YOUNG-DOMINGUEZ: Your Honor, objection as
6 to the relevance.

7 THE INTERPRETER: I couldn't hear.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.
9 Generally, again, we're going to try to wait on the
10 objections until the question is translated. I'm -- I
11 certainly can understand why this question might be
12 relevant if this portion of the hearing was dealing with
13 (indiscernible) or back pay. But it's not.

14 Mr. Roy, do you have a different reason why you
15 think it might be relevant?

16 MR. ROY: Yes, I do there, Your Honor. If she
17 sought alternative employment and had no intention of going
18 back, notwithstanding her --

19 ADMINISTRATIVE LAW JUDGE SOBLE: Hold on.
20 Without having you go too far on that, how would that be
21 shown by when her employment ended at the next company?

22 MR. ROY: It shows that she continued working
23 there for almost a three-month period. So it wasn't a
24 temporary situation --

25 ADMINISTRATIVE LAW JUDGE SOBLE: So

1 you're -- you're just -- so --

2 MR. ROY: -- hear back from Macias or back -- or
3 Victor.

4 ADMINISTRATIVE LAW JUDGE SOBLE: So what you're
5 trying to solicit is not that her work ended on June 2nd,
6 but rather that she worked for Silent Springs to around May
7 7th through June 2nd.

8 MR. ROY: Correct.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

10 Is there an objection then to that?

11 MS. DE YOUNG-DOMINGUEZ: Not at the time, Your
12 Honor.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Then Ms.
14 Jimenez, did you work pretty much full time from March 8th,
15 2017 to June 2nd, 2017 with Silent Springs?

16 THE WITNESS: Yes.

17 BY MR. ROY:

18 Q. And you were very close friends with Maria
19 Guadalupe. Did she also work there for a couple of months?

20 A. We were acquaintances, but she worked with
21 another group of people in the same company.

22 Q. Did she leave around the same time you did?

23 A. Yes.

24 Q. And how about Yolanda Cruz, did she also leave
25 Silent Springs around the same time you did?

1 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.
2 This does misstate Marisol's prior testimony in his
3 question.

4 ADMINISTRATIVE LAW JUDGE SOBLE: I'd have to go
5 back and look at my notes whether that was the person who
6 she did not recall going there at all or not.

7 So let me ask a foundational question to that
8 questions.

9 Ms. Jimenez, do you recall if Yolanda Cruz
10 Antonio worked at Silent Springs at all?

11 THE WITNESS: I don't remember.

12 BY MR. ROY:

13 Q. But you do remember Maria Guadalupe Duarte,
14 Hector -- Hector Cruz-Vasquez working there with you; is
15 that correct?

16 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Roy, we can
17 certainly hear what you're saying to your client.

18 MR. ROY: All right. Thank you.

19 THE INTERPRETER: Your Honor, I missed half of
20 what she said. The only thing I --

21 ADMINISTRATIVE LAW JUDGE SOBLE: I missed some of
22 it too because I was distracted by other background noise,
23 so do you want to ask the last question again?

24 BY MR. ROY:

25 Q. Besides yourself, did Hector Cruz-Vasquez and

1 Maria Guadalupe Duarte also work with you at Silent Springs
2 after March 7th, 2017?

3 A. Yes, and also two other coworkers from Cinagro.

4 Q. And what were their names?

5 A. Ygnacio Sanchez and Maria Laureano.

6 Q. They went to work --

7 ADMINISTRATIVE LAW JUDGE SOBLE: Hold on, I have
8 one question, Mr. Roy. When all of you stopped working
9 approximately June 2nd, was that the end of the blueberry
10 season?

11 THE WITNESS: Yes.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

13 Mr. Roy.

14 MR. ROY: Yeah.

15 BY MR. ROY:

16 Q. And just to confirm, you're saying that was the
17 end of the blueberry season. Isn't it true that you and
18 your fellow workers quit your employment at that time?

19 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.
20 Objection.

21 ADMINISTRATIVE LAW JUDGE SOBLE: Hold on. Hold
22 on. What is the objection?

23 MS. DE YOUNG-DOMINGUEZ: As to relevance at --

24 ADMINISTRATIVE LAW JUDGE SOBLE: Objection as to
25 relevance is overruled. To the extend it calls for a legal

1 conclusion I won't be taking the witness's answer as
2 actually being whether she quit or if something else took
3 place. For example, hypothetically, I'm not saying this is
4 what took place, but I'm not taking an answer as a matter
5 of law if, for example, the season ended, whether or not
6 that's considered quitting or if that's considered
7 something else. That's something the attorneys can argue
8 at a later time.

9 But I'm still seeing no reason why the question
10 isn't allowable, so I'll overrule the objections.

11 So Ms. Jimenez, well, Mr. Roy, please ask the
12 question again.

13 BY MR. ROY:

14 Q. Were you and your fellow workers, did you quit
15 Silent Springs, or did you get laid off because of the
16 seasonal lay -- seasonal -- season of berries? It came to
17 an end.

18 A. We stopped working because it was the end of the
19 season.

20 Q. Was it the end of the blueberry season, or you
21 decided to leave early?

22 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.
23 This is past --

24 ADMINISTRATIVE LAW JUDGE SOBLE: Just a moment.
25 Hold on just a moment.

1 Okay, I don't know that it was interpreted yet,
2 but what is the objection?

3 MS. DE YOUNG-DOMINGUEZ: Asked and answered.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Sustained.

5 MR. ROY: Okay.

6 BY MR. ROY:

7 Q. Ms. Jimenez, I'm going to ask you some questions
8 now, and I'm going to request that you are very accurate
9 with regard to the testimony you are about to give.

10 When was the last time you spoke to Ms. Laureano.

11 THE INTERPRETER: Counsel, I'm sorry I missed the
12 first part of your question. Can you please repeat that
13 because I know I was --

14 ADMINISTRATIVE LAW JUDGE SOBLE: That's okay
15 because I -- I'm not sure that the first part of the
16 question was perhaps as artful as it could be.

17 MR. ROY: It was just preliminary, Your Honor.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Ms. Jimenez, the
19 attorney wants to know if you recall, with as much detail
20 as you can recall without guessing, when the last time you
21 spoke to a Ms. Laureano was.

22 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.
23 Relevance as to this line of questioning.

24 ADMINISTRATIVE LAW JUDGE SOBLE: Because I don't
25 know, and I don't wish to have the discussion in front of

1 the witness, who Ms. Laureano might or might not be,
2 because it's not a name I'm familiar with. It's impossible
3 for me to rule on that.

4 At this time I'm going to allow the question if
5 the witness knows who the person is. But before we get
6 much further on it, I may consider having Counsel discuss
7 whether it's relevant or not. So she's going to answer the
8 question. I don't need you to tell me her personage if I
9 already said she can answer the question, so thank you.

10 THE WITNESS: I'm sorry. I did not hear.

11 ADMINISTRATIVE LAW JUDGE SOBLE: When was the
12 last time that you spoke with Ms. Laureano, with as much
13 specificity as possible, but please do not guess. If you
14 know someone named Ms. Laureano.

15 MR. ROY: It's Maria Laureano, Your Honor.

16 THE WITNESS: I don't have any communication with
17 her since we left the blueberries, until a few days ago.

18 BY MR. ROY:

19 Q. Yes. You called her on the 9th of March. Isn't
20 that -- I mean of February. Is that correct?

21 ADMINISTRATIVE LAW JUDGE SOBLE: Just to clarify.
22 One moment.

23 Mr. Roy, when -- the date that you're stating, is
24 that of this calendar year?

25 MR. ROY: Yes, Your Honor.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

2 MR. ROY: March -- I mean --

3 ADMINISTRATIVE LAW JUDGE SOBLE: Yeah.

4 MR. ROY: February 9th of 2021.

5 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

6 MR. ROY: We have evidence of it.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Okay, well the
8 last part you didn't need to add, but.

9 So the question, Ms. Jimenez, is if you recall
10 having spoke with a, I don't remember or recall if it was
11 Marie or Maria Laureano, on February 9, 2021.

12 MS. DE YOUNG-DOMINGNES: Objection, Your Honor.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

14 MS. DE YOUNG-DOMINGUEZ: I would -- I would say
15 that this is just not relevant to the allegations of the
16 complaint.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I would
18 need to know more to be able to rule on it. For example,
19 hypothetically, for all I know, Mr. Roy's going to be
20 asking if they discussed something that relates to what the
21 underlying allegations in the complaint was. Or if it was
22 something totally different.

23 So for now, I'm going to allow the simple
24 question of whether they had the conversation because if
25 she denies having any such conversation, we may not need to

1 spend a lot of time on it. If she says there was a
2 conversation, we can decide if we need to go outside of the
3 presence of the witness to discuss why it's relevant.

4 MS. DE YOUNG-DOMINGUEZ: Thank you, Your Honor.

5 ADMINISTRATIVE LAW JUDGE SOBLE: So for now,
6 Ms. Jimenez, you are not being asked what you discussed,
7 but whether or not you had a conversation, two weeks ago,
8 with Ms. Marie Laureano.

9 THE WITNESS: Yes.

10 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

11 Mr. Roy.

12 BY MR. ROY:

13 Q. And during the course of that conversation, did
14 you discuss her proposed testimony?

15 A. No. I only asked her some questions.

16 Q. You didn't offer any money to change her story in
17 line with yours?

18 A. No.

19 Q. Did you suggest -- did you suggest to her that
20 she should file a sexual harassment complaint against Mr.
21 Macias?

22 A. No.

23 Q. I'm going to ask the same questions with regard
24 to Ygnacia Sanchez. She worked with you in the Cinagro
25 crew, and worked with you at Silent Springs, correct?

1 THE INTERPRETER: Counsel, can you repeat the
2 names of the farms, please?

3 MR. ROY: Cinagro Farms and Silent Springs.

4 A. Yes.

5 Q. Okay. And when was the last time you spoke with
6 Ygnacia Sanchez?

7 A. It had been a very long time since I talked to
8 her, until recently.

9 Q. And how did you know to call these two workers
10 recently?

11 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
12 rephrase that question because I think the question is sort
13 of unclear.

14 Why did you call Ygnacia Sanchez? The most
15 recent time that you spoke to her.

16 THE WITNESS: Why I called them?

17 ADMINISTRATIVE LAW JUDGE SOBLE: Well first I'm
18 just asking, just with respect to Ms. Sanchez. Not
19 Ms. Laureano.

20 Why, well first of all, did you talk -- the most
21 recent time you talked to Ms. Sanchez, was that in the past
22 30 days?

23 THE WITNESS: Yes.

24 ADMINISTRATIVE LAW JUDGE SOBLE: Did she call
25 you, or did you call her?

1 THE WITNESS: I called her, but she didn't
2 answer and then she returned my call.

3 ADMINISTRATIVE LAW JUDGE SOBLE: And why did you
4 try to reach her when you called her?

5 THE WITNESS: To find out a few things.

6 BY MR. ROY:

7 Q. And what were those few things that you wanted to
8 find out?

9 A. If they had communicated with them also.

10 Q. If who had communicated with who?

11 A. I called to ask them if they had been involved
12 with all of this thing with the lawsuit and they said no,
13 they didn't want any problems.

14 Q. Okay. And did --

15 ADMINISTRATIVE LAW JUDGE SOBLE: Hold on, Mr.

16 Roy. One question.

17 So the reason that you called Ms. Sanchez was to
18 ask if she was participating in this hearing, or something
19 different?

20 A. Yes. I wanted to know if she was going to
21 participate also.

22 BY MR. ROY:

23 Q. And what specifically did you want to know from
24 her about participating in this hearing?

25 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.

1 I would just say that asked and answered.

2 MR. ROY: No, it's --

3 ADMINISTRATIVE LAW JUDGE SOBLE: I'm not sure it
4 was asked, but it hasn't been answered, certainly. So the
5 objection's overruled.

6 What -- so, Ms. Jimenez, other than knowing if
7 Ms. Sanchez was participating in the hearing, was there
8 anything else that you wanted to know from her?

9 THE WITNESS: No. That's all I asked her.

10 BY MR. ROY:

11 Q. Isn't it true that you urged her to testify that
12 there was no water?

13 A. No.

14 Q. Did you have --

15 THE INTERPRETER: Counsel, I lost your audio.

16 MR. ROY: Okay. Sorry.

17 THE INTERPRETER: No problem.

18 BY MR. ROY:

19 Q. What about Ms. Laureano when you spoke to her.
20 Isn't it true that you urged her to assist you in claiming
21 that there was no water at the field?

22 ADMINISTRATIVE LAW JUDGE SOBLE: Just a moment.

23 On my screen, at least for a moment, Ms. Lucas froze, and I
24 saw a circle and her translation wasn't clear. I don't
25 know if Ms. Jimenez heard that correctly. Is it possible,

1 Ms. Lucas, you could repeat your translation?

2 THE INTERPRETER: Sure.

3 THE WITNESS: It's not true.

4 BY MR. ROY:

5 Q. And isn't it true that you also said you were
6 going to win a lot of money and you could pay her for her
7 testimony?

8 A. It's not true.

9 Q. Do you know that both of these employees will be
10 testifying this week?

11 A. I didn't know it, but they can.

12 Q. Did you know that they were under subpoena at the
13 time you spoke with both of them?

14 A. No.

15 Q. Did both of these ladies indicate to you that
16 they did not want to have anything to do with you or the
17 case?

18 A. Yes.

19 Q. Did you also suggest to Ygnacia Sanchez that she
20 file a sexual harassment lawsuit against Mr. Macias?

21 A. No.

22 Q. Why, after four years, of not seeing these two
23 ladies, you decided to call them out of the blue?

24 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.

25 This is asked and answered.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Just a moment.

2 Again, I think it's been asked, but not really
3 answered. It's cross examination. I'm going to allow the
4 question.

5 MR. ROY: Thank you, Your Honor.

6 ADMINISTRATIVE LAW JUDGE SOBLE: The question is
7 why, after not having seen Ms. Laureano and Ms. Sanchez for
8 a long time, did you decide to call them up in the past
9 month?

10 THE WITNESS: Because I wanted to see if they
11 were involved because at the beginning, when we got fired,
12 they also too wanted to speak to the attorneys.

13 BY MR. ROY:

14 Q. And do you know if they spoke with the ALRB
15 attorneys?

16 A. I never found out. I just provided the phone
17 numbers.

18 MR. ROY: I just need a moment, Your Honor.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

20 MR. ROY: Okay.

21 BY MR. ROY:

22 Q. Ms. Jimenez, did you receive a tip from anyone
23 that these two ladies would be testifying at this hearing?

24 A. No, I did not know.

25 Q. Ms. Jimenez, did you review any documents prior

1 to coming here today and testifying?

2 A. No.

3 Q. Did you talk to the -- any of the ALRB attorneys
4 before today about your testimony?

5 A. Before, yes.

6 Q. How many times?

7 A. Like two, three times.

8 Q. And when did those occur?

9 A. On Sunday.

10 Q. Of this week.

11 A. Yes.

12 Q. And then prior to that, when did you talk to
13 them?

14 A. About two weeks ago.

15 Q. Is that around the time that you talked to the
16 two ladies, Ms. Laureano and Ygnacia Sanchez?

17 A. Yes, because I wanted to know if they had also
18 been contacted.

19 Q. Did they let you know that those ladies were
20 going to testify?

21 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
22 object to that as vague. Are you asking if the General
23 Counsel let her know, or if Ms. Sanchez or Ms. Laureano let
24 her know? You can ask either of those questions. I just
25 don't know which you're asking.

1 BY MR. ROY:

2 Q. Did anyone from the General Counsel's office in
3 Oxnard tell you that the two ladies, Ygnacia --

4 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Roy, you
5 need to turn your microphone back on.

6 MR. ROY: Yes. Definitely. It's the computer.
7 I'll ask the question again.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Why don't you
9 break it down one name at a time just in case it's
10 different.

11 MR. ROY: Okay. All right.

12 BY MR. ROY

13 Q. Did anyone from the General Counsel's Office
14 contact you to let you know that these two ladies would be
15 testifying at this hearing?

16 A. They told me two workers, but they did not tell
17 me names.

18 Q. I see, but out of nowhere you decided to call
19 both these ladies. Is that right?

20 A. Yes.

21 MR. ROY: Your Honor, if I could just go off for
22 a minute, I just want to review my notes. I just have a
23 few more questions.

24 ADMINISTRATIVE LAW JUDGE SOBLE: That's fine.

25 The Assistant General Counsel should be thinking

1 about whether she has any redirect because when Mr. Roy is
2 done, I will have a very, very short number of questions.
3 And I'm trying to determine whether or not we can finish
4 the witness before we take our mid-afternoon break, or if
5 we're going to need to take our mid-afternoon break and
6 then wrap up with the witness.

7 So, I don't need to know the answer now, just
8 something for you to be thinking about.

9 MR. ROY: I'm ready, Your Honor.

10 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

11 I'm assuming that our court reporter is still
12 there so we haven't actually gone off the record, so you
13 can proceed with your next question, Mr. Roy

14 MR. ROY: Thank you.

15 BY MR. ROY:

16 Q. Ms. Jimenez, I believe you testified that when
17 you were working for Cinagro Farms you were paid with a
18 personal check. Is that correct?

19 A. Yes, it's correct.

20 Q. And I believe you also testified that there was
21 nothing on the check with regard to the name, or the
22 address, or the telephone number of the company. Is that
23 right?

24 A. Yes, that's correct.

25 Q. And if I told you I'm looking at a Cinagro Farms,

1 Inc. payroll check, 1457 Riverside Avenue, Fillmore
2 California 93015, 805-402-1247, is your testimony that you
3 never received any wages on a check like that. Is that
4 right?

5 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
6 object for a moment, not because of the question being
7 impossible but because you -- if you're going to read it
8 like that and you think that the interpreter could possibly
9 remember all of those numbers and translate them, then
10 you're guessing she's got an identic memory. So --

11 MR. ROY: I'll break it up, Your Honor.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Yeah.

13 MR. ROY: All right.

14 MS. DE YOUNG-DOMINGUEZ: Also, Your Honor, I
15 would just ask that -- is he going to be showing
16 documentation to this witness?

17 ADMINISTRATIVE LAW JUDGE SOBLE: That's up to Mr.
18 Roy at a later point. If you have an objection, you can
19 state what it is now, but -- but he obviously isn't in this
20 question. Whether he is in another question, I don't know
21 that that would go to whether there is an objection or not
22 but.

23 Do you have an objection?

24 MS. DE YOUNG-DOMINGUEZ: Not at this time.

25 ADMINISTRATIVE LAW JUDGE SOBLE: My only

1 objection was that that was impossible to interpret, not
2 the question itself.

3 MR. ROY: Understood, Your Honor. All right.

4 BY MR. ROY:

5 Q. Ms. Jimenez, I'm looking at a standard payroll
6 check issued by Cinagro Farms, Inc. and it has an address
7 of 1547 Riverside Avenue, Filmore, California 93015. Is it
8 your testimony you never received a check with that
9 information on it?

10 A. No.

11 Q. And you -- it's your testimony that you never
12 received a check like I just alluded to with the telephone
13 number of 805-402-1247; is that right?

14 A. I don't remember very well. It was personal
15 checks that we could not use for what we needed them.

16 ADMINISTRATIVE LAW JUDGE SOBLE: I have a
17 question. Ms. Jimenez, at some point, before you stopped
18 working at Cinagro, did the personal checks eventually
19 become company checks when you got paid. In other words,
20 were you just paid with personal checks all of the time you
21 worked at Cinagro, or was it that there a couple months
22 when you got personal checks, and then a couple months
23 where you got company checks?

24 THE WITNESS: No, it was always personal checks.
25 What they did at the end was add a sheet of paper that had

1 the number of boxes, but it was always a personal check.
2 It didn't really have any of the information that we needed
3 so we can use those.

4 BY MR. ROY:

5 Q. Okay, in light of that testimony I'd like to
6 clarify, Ms. Jimenez, please describe to us what was on the
7 personal check that you received.

8 A. It only had the owner's name, and it had -- so
9 that we could cash them.

10 Q. Did you take that check or those checks to your
11 own bank?

12 A. Yes.

13 Q. And they accepted a check with just Mr. Dighera's
14 name on it, no address, no telephone number. Is that your
15 testimony?

16 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.
17 This is argumentative.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Just a moment.

19 I don't -- I don't know that I'll say that it's
20 argumentative, but it certainly doesn't seem like a very
21 productive line of reasoning. I'm sort of at a loss why
22 neither side has, as far as I know, marked these checks as
23 their exhibits. It seems like to me, that would be more
24 effective for both sides to show whatever it is they hope
25 to show.

1 That being said, I'm going to allow the question.

2 MR. ROY: Thank you, your Honor. That's probably
3 my last question on that issue.

4 Can you please translate that question?

5 ADMINISTRATIVE LAW JUDGE SOBLE: So the attorney
6 was asking, did your bank ever refuse to accept one of the
7 checks that you were paid while you worked at Cinagro Farms
8 if you recall.

9 THE WITNESS: No, because it was a personal check
10 with the name of the owner of the account.

11 BY MR. ROY:

12 Q. No address, and no telephone number, correct?

13 A. The -- the address of the person was there, but
14 not the company.

15 Q. Ms. Jimenez, I asked you a similar question a
16 couple of questions ago and you said that there was nothing
17 on there other than the name of Mr. Dighera.

18 A. Yes, it was his personal check.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Ms. Jimenez, the
20 attorney is just trying to figure out, on the personal
21 check from the owner, was the owners address, or at least
22 some address that wasn't your work address, listed near the
23 owner's name?

24 THE WITNESS: Yes. There was an address of the
25 owner of the check.

1 ADMINISTRATIVE LAW JUDGE SOBLE: And at that
2 time, who did you understand to be the owner of the
3 company?

4 THE WITNESS: Tony.

5 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

6 Mr. Roy.

7 MR. ROY: Thanks, Your Honor.

8 BY MR. ROY:

9 Q. Ms. Jimenez, at any time in March following the
10 incident, following your last day of employment, did Victor
11 Mendoza tell you, you were terminated?

12 A. No.

13 Q. And the same question for Mr. Rene Macias. Did
14 Mr. Macias tell you you were terminated from your
15 employment? Yes or no.

16 A. No, he just said until further notice.

17 Q. Did you have a subsequent meeting with Mr. Macias
18 that involved you and a couple of the crew members, your
19 close crew members, where he indicated to you that work was
20 available, but you did not want to come back and work with
21 the other crew?

22 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.
23 I'm going to object as to the date at the time -- at the
24 timeframe that -- of the subsequent meeting. What does
25 that mean?

1 ADMINISTRATIVE LAW JUDGE SOBLE: I understood the
2 question to basically be anytime from the last day that she
3 worked at Cinagro Farms up until today, has she ever had a
4 meeting in which Mr. Macias offered work to her and one or
5 more of her then coworkers. And so for now, I'll take that
6 as the question. It's a broad period of time, but if she
7 says yes, then we can try to narrow down when that was.

8 MS. DE YOUNG-DOMINGUEZ: Your -- and Your Honor,
9 I just want to clarify that it's never been Respondent's
10 position that work was offered to them.

11 ADMINISTRATIVE LAW JUDGE SOBLE: That may be, but
12 that doesn't mean they're not able to ask that question.
13 We'll find out what the answer is either way. I'm not
14 concerned with who it helps and who it hurts, but I think
15 it's a relevant question.

16 So, Ms. Jimenez, so the last day that you worked
17 at Cinagro until today, did Mr. Macias ever tell you that
18 there was work if you and your coworkers wanted to come
19 back?

20 THE WITNESS: No, they never called me.

21 BY MR. ROY:

22 Q. And isn't it true that you informed Mr. Macias
23 that you had already obtained alternative employment and
24 you had no desire to come back to Cinagro? And this would
25 have occurred between the last day of employment, into the

1 first two weeks of March 2017.

2 MS. DE YOUNG-DOMINGUEZ: Objection. I'm sorry.
3 I'll wait for the translation.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Well that's
5 fine. Before that's even translated, what is the
6 objection?

7 MS. DE YOUNG-DOMINGUEZ: Just that she testified
8 that she did not talk to Supervisor Macias.

9 ADMINISTRATIVE LAW JUDGE SOBLE: So your
10 objection is asked and answered?

11 MS. DE YOUNG-DOMINGUEZ: Yes, Your Honor.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Sustained.

13 BY MR. ROY:

14 Q. Between the last day of employment and let's say
15 two weeks into -- two weeks later, did Mr. Macias offer you
16 work?

17 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Sustained.

19 We'll make this more broad to resolve this.

20 Did you have any conversations on any topic,
21 starting with your last day of work at Cinagro, for 30 days
22 thereafter. Did you have any conversations with Mr. Macias
23 about anything during that time period?

24 THE WITNESS: No. None.

25 BY MR. ROY:

1 Q. And it's fair to say that you did not meet with
2 Mr. Macias on the 10th of March when you got your payroll
3 check; is that correct?

4 A. On March 10th he set a meeting on the street, but
5 he wasn't there. It was another person that gave us the
6 check.

7 Q. That was Victor Mendoza, right?

8 A. Yes.

9 Q. Vic -- and at that time, Victor didn't say you
10 were fired; is that correct?

11 MS. DE YOUNG-DOMINGUEZ: Objection, Your Honor.
12 This has been asked and answered.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Overruled. You
14 can answer.

15 On March 10th, when Victor gave you your check, do
16 you recall if Victor said that you were fired?

17 THE WITNESS: I don't remember him telling me
18 that. He only gave me my check and that was all.

19 BY MR. ROY:

20 Q. And by March 10th you had already been working for
21 Silent Springs; is that correct?

22 A. I had been there two days.

23 MR. ROY: Thank you, Your Honor. No further
24 questions.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. For the

1 redirect, do you have an estimate as to how long you'll be?

2 MS. DE YOUNG-DOMINGUEZ: Yes, Your Honor. I
3 believe I would need about 10 to 15 minutes. But we -- I
4 do need a break at --

5 ADMINISTRATIVE LAW JUDGE SOBLE: Well that's
6 fine. Before -- with -- before you even explain that, if
7 you're going to be 10 to 15 minutes, and I have a couple
8 minutes of questions, then we're going to be taking our
9 break in about a minute, before I even ask my questions.
10 Let alone you ask any that you might have.

11 Ms. Jimenez, do you need the field examiner to
12 give you access to the restroom during the break? What
13 would be most convenient for you?

14 THE WITNESS: Yes. I need to go to the bathroom.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. It is
16 3:18, we'll resume at 3:38 p.m.

17 We're off the record. Thank you.

18 (Off the record at 3:18 p.m.)

19 (On the record at 3:40 p.m.)

20 (The witness and Spanish interpreter are present in
21 the hearing room.)

22 ADMINISTRATIVE LAW JUDGE SOBLE: We'll go back on
23 the record, it is 3:40 p.m.

24 Before we continue with any questions for
25 Ms. Jimenez, I have a couple of housekeeping matters. What

1 is the pleasure of counsel, would you like to begin
2 tomorrow at 8:30 a.m. or at 9:00 a.m. in light of the
3 longer than typical breaks that we're taking?

4 I'll start with Mr. Roy since he was not the
5 person who requested the breaks. Would you prefer to begin
6 tomorrow at 8:30 or 9:00?

7 MR. ROY: 8:30 is fine with us.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Does 8:30 cause
9 any difficulty for the General Counsel?

10 MS. DE YOUNG-DOMINGUEZ: No, Your Honor.

11 ADMINISTRATIVE LAW JUDGE SOBLE: What about for
12 the interpreter and court reporter, is 8:30 okay with both
13 of you?

14 We will be still ending at 5:00, we will still be
15 taking a 20-minute midmorning and midafternoon break and an
16 80-minute lunch. So the final answer is we will start
17 tomorrow at 8:30.

18 MR. ROY: May I inquire, and this is only with
19 regard --

20 ADMINISTRATIVE LAW JUDGE SOBLE: Just one second.
21 Hold on one second.

22 Okay. Mr. Roy.

23 MR. ROY: Yes, Your Honor. In terms of wanting
24 to time witnesses, I have a couple of Spanish-speaking
25 witnesses showing up on Thursday morning thinking that we

1 may end tomorrow afternoon with the General Counsel's case
2 and I wanted to inquire, you know, how many more witnesses
3 we might expect tomorrow so to determine what time to
4 contact these folks (indiscernible) earlier.

5 ADMINISTRATIVE LAW JUDGE SOBLE: I was going to
6 spend our last five or minutes today -- five or ten minutes
7 today talking about that topic.

8 MR. ROY: Okay.

9 ADMINISTRATIVE LAW JUDGE SOBLE: But if people
10 think they know enough information now, I'm fine with
11 discussing it now too. Normally I would just do that after
12 we are finished with the current witness. Assuming we
13 would finish with the current witness today.

14 With that in mind, does the General Counsel think
15 that they will be through with their witnesses on Wednesday
16 or do they think they'll go significantly into Thursday
17 with their witnesses? Taking into account that it appears
18 that best case scenario we will only get maybe 40 minutes
19 of testimony from whoever is the second witness today.

20 MS. DE YOUNG-DOMINGUEZ: Correct.

21 MS. HERRERA: Right.

22 MS. DE YOUNG-DOMINGUEZ: I just wanted to say
23 that I don't believe that we will be done by the end of
24 Wednesday. I estimate at this point that we would need at
25 least until midday on Thursday.

1 MR. ROY: Can I ask, Amisha, I'm sure you're
2 going to contact call the next three or four witnesses that
3 were in crew. You know, that may involve a lot of
4 cumulative testimony. So the question is, is there going
5 to be need to call all of them or maybe one or two to
6 corroborate your first witness?

7 ADMINISTRATIVE LAW JUDGE SOBLE: I think,
8 Mr. Roy, the simple answer to that question without hearing
9 what counsel would say is it really depends on what they
10 think the fact-finder facts. I mean, for --
11 hypothetically, they could have five witnesses say the same
12 thing and I could find three credible and two not credible
13 and so forth. I mean, so. I mean, I think -- I mean, I
14 don't think there's an answer that Counsel could give you
15 on that.

16 I mean, they can answer your question whether or
17 not they're going to call all of their witnesses, but I
18 mean, that's really something the two of you can work out.
19 I mean, it doesn't seem like there's going to be a
20 stipulation as to what took place so.

21 In any event, I don't have anything further to
22 add on that other that what they're saying is they
23 anticipate going at least midway through Thursday. And
24 I've already assumed that we will need the interpreter
25 every day of this hearing. Obviously, if we have an

1 English-speaking witness and we know they will take at
2 least an hour, then we can let the interpreter go during
3 that time period. But other than that, there's not much
4 for us to change.

5 At the rate we're going so far, I would be
6 surprised if we finish in four days but we'll have to wait
7 and see. Sometimes people pick up a little bit of steam as
8 they go in these hearings. And so we'll just have to wait
9 and see.

10 We will discuss probably no later than Thursday
11 at the end of the day if we think we're going into next
12 week, on which day we will resume. It would be Monday or
13 Tuesday but I haven't decided which and I will hear back
14 from counsel on that, although ultimately I'll make that
15 decision. But it would be one of those two days. But I
16 mean, I don't want to rule out the possibility that perhaps
17 we will finish this week. That certainly would be
18 preferable, I'm sure, for everyone involved.

19 Anything else?

20 MR. ROY: No, Your Honor.

21 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I was
22 interested if perhaps it might be productive unless anybody
23 objects for me to take notice of the fact that March 4th was
24 a Saturday, March 5th was a Sunday, March 6th was a Monday in
25 calendar year 2017.

1 Does anybody object to my taking notice of those
2 things? Certainly if I was to go to the Internet, that's
3 what the calendars would tell me.

4 MR. ROY: No objection.

5 MS. DE YOUNG-DOMINGUEZ: No objection, Your
6 Honor.

7 ADMINISTRATIVE LAW JUDGE SOBLE: So. Okay. Then
8 I believe we're already on the record, so Ms. Jimenez, you
9 understand you're still under oath?

10 THE WITNESS: Yes.

11 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.
12 What's going to happen next is I'm going to ask you a
13 handful of questions and then we'll see if the Assistant
14 General Counsel may have a few more questions for you. So
15 we appreciate your time today.

16 THE WITNESS: Okay.

17 ADMINISTRATIVE LAW JUDGE SOBLE: When you worked
18 at Cinagro Farms, were you paid the number of hours that
19 you worked, were you paid by piece rate for the amount that
20 you picked and packed, or was it some combination of both?

21 THE WITNESS: Sometimes it was for hours,
22 sometimes it was for piece, and there were some days but it
23 would just depend on the vegetable, it might -- it could
24 have been both.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. When you

1 were paid by Cinagro Farms with what you understood to be a
2 personal check, was the check your gross pay or your net
3 pay, if you know?

4 THE WITNESS: At the beginning, we all think it
5 was gross but then they told us that they were going to
6 start making the deductions, the legal deductions for the
7 government.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Do you
9 personally as distinct from your bank have a photocopy of
10 any of the personal checks that you were paid by Cinagro
11 when you worked for them?

12 In other words, I'm asking do you still have a
13 photocopy of any of those checks in your possession? I am
14 not asking you if you know if the ALRB has them. I am not
15 asking you if you know if your bank has them, only if you
16 personally still have a photocopy of one of those checks.

17 THE WITNESS: No, honestly I don't.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Are you
19 related to any of the other people who were members of your
20 crew at Cinagro Farms, either by blood or marriage?

21 THE WITNESS: No.

22 ADMINISTRATIVE LAW JUDGE SOBLE: Were Hector and
23 Yolanda related either by blood or marriage?

24 THE WITNESS: No.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Am I

1 correct that as of March 6, you had Rene Macias's telephone
2 number on your telephone?

3 THE WITNESS: Yes.

4 ADMINISTRATIVE LAW JUDGE SOBLE: After March 6,
5 did you ever telephone Mr. Macias?

6 THE WITNESS: No.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I have no
8 further questions for Ms. Jimenez.

9 Does the General Counsel have additional
10 questions?

11 MS. DE YOUNG-DOMINGUEZ: Yes, Your Honor.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. You may
13 proceed.

14 REDIRECT EXAMINATION

15 BY MS. DE YOUNG-DOMINGUEZ:

16 Q. Mr. Roy asked some questions about the check you
17 received. And you testified you brought copies of the
18 checks Cinagro to the bank; is that right?

19 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
20 object to that question as assuming facts not in evidence.
21 I don't recall her saying that she brought copies of the
22 checks to the bank, I understood her testimony to be that
23 she took the checks to the bank.

24 MS. DE YOUNG-DOMINGUEZ: I'm sorry, Your Honor,
25 that is what I was intending to ask.

1 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Well,
2 feel free to ask it.

3 BY MS. DE YOUNG-DOMINGUEZ:

4 Q. You testified that you brought checks, that
5 Cinagro -- checks from Cinagro to the bank?

6 A. Yes.

7 Q. Have you seen these checks you deposited since
8 you brought them to the bank?

9 A. No.

10 ADMINISTRATIVE LAW JUDGE SOBLE: Just to clarify,
11 I'll take the witness as saying that she hasn't seen those
12 actual checks. If you want to ask her if she's seen copies
13 of those checks, you can do so or not at your discretion.

14 BY MS. DE YOUNG-DOMINGUEZ:

15 Q. Have you seen copies of those checks or deposited
16 them?

17 A. Only the ones that are in the bank statement.

18 ADMINISTRATIVE LAW JUDGE SOBLE: Why don't I try
19 asking a question just in case it's more clear.

20 Has anyone from the ALRB ever shown you a
21 photocopy of the personal checks that were purportedly used
22 to pay you?

23 THE WITNESS: No.

24 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

25 Ms. De Young-Dominguez.

1 MS. DE YOUNG-DOMINGUEZ: Your Honor, I need a
2 moment on how I'm going to rephrase this question.

3 ADMINISTRATIVE LAW JUDGE SOBLE: I'll ask a
4 different question in the interim.

5 Ms. Jimenez, you've met a few times before with
6 the General Counsel staff, correct?

7 THE WITNESS: Yes.

8 ADMINISTRATIVE LAW JUDGE SOBLE: And did they
9 ever show you any documents in any of their meetings with
10 you?

11 THE WITNESS: I don't remember.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

13 Ms. De Young-Dominguez, I did not add any light
14 in where I was going, so I'll hand it back to you.

15 MS. DE YOUNG-DOMINGUEZ: Okay, Your Honor. I
16 think at this time, I'm just going to follow-up on one last
17 question, Your Honor.

18 BY MS. DE YOUNG-DOMINGUEZ:

19 Q. Marisol, is Hector your partner?

20 A. Yes, we're partners.

21 MS. DE YOUNG-DOMINGUEZ: That's all. I just
22 wanted to clarify that.

23 MS. HERRERA: Your Honor, Ms. Arciniega was
24 ejected from the meeting, I believe, or lost connection
25 (indiscernible).

1 ADMINISTRATIVE LAW JUDGE SOBLE: Ejected? She
2 voluntarily strayed from it. I am happy to readmit her.

3 MS. HERRERA: Thank you, Your Honor.

4 ADMINISTRATIVE LAW JUDGE SOBLE: I will people
5 know before I eject them.

6 So I don't believe -- I don't know how long
7 Ms. Arciniega was gone, but I don't believe she missed
8 anything that we would need to double back on. So.

9 Mr. Roy, do you have any additional questions for
10 this witness?

11 MR. ROY: No redirect (sic), Your Honor.

12 ADMINISTRATIVE LAW JUDGE SOBLE: At this time, do
13 you anticipate calling this witness as part of your
14 client's case in chief?

15 MR. ROY: No, I don't think so at this point.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Well, now would
17 be the time that we would need to know, I think. Because
18 otherwise, I'm just going to tell the witness that she
19 doesn't need to come back. And if that's not the case, I
20 mean, of course you can always subpoena her, but --

21 MR. ROY: Right.

22 ADMINISTRATIVE LAW JUDGE SOBLE: -- you don't and
23 if I tell her she can go, she does not need to come back.

24 MR. ROY: Understood. And if she is released, is
25 she advised not to speak her testimony with any of the next

1 witnesses?

2 ADMINISTRATIVE LAW JUDGE SOBLE: Whether she is
3 released or not, I will be directing the witness that she
4 should not discuss her testimony with any of the other
5 people who previously worked on her crew or who she knew to
6 work at Cinagro and I will ask her if there's any of those
7 people who she talks with in her regular life. For
8 example, Hector that while she can talk to those people,
9 she cannot discuss anything that she heard at the hearing.

10 MR. ROY: Okay. Good.

11 ADMINISTRATIVE LAW JUDGE SOBLE: That would be my
12 standard direction to all the witnesses, whether they come
13 back or not.

14 MR. ROY: Thank you. Yeah, I think I won't be
15 calling her back, Your Honor.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Okay.

17 Well, Ms. Jimenez --

18 THE WITNESS: Yes.

19 ADMINISTRATIVE LAW JUDGE SOBLE: -- we're through
20 asking questions of you at this hearing. There is a very
21 small but unlikely chance that you could be called as a
22 rebuttal witness later in this hearing. And there is also
23 a very small chance that someone could seek your back
24 records to see your paychecks.

25 But for now in a couple of minutes you're going

1 to be able to leave the hearing and unless you hear back
2 from me or from one of the attorneys, then your
3 participation in the hearing is done.

4 THE WITNESS: Okay.

5 ADMINISTRATIVE LAW JUDGE SOBLE: It is important
6 that you do not discuss your testimony in this hearing or
7 anything that you heard with anybody who is a possible
8 witness.

9 THE WITNESS: Okay.

10 ADMINISTRATIVE LAW JUDGE SOBLE: You can tell
11 someone that you were a witness in the hearing, although
12 you don't have to tell them that, but that is the only
13 thing that you can indicate.

14 THE WITNESS: Okay.

15 ADMINISTRATIVE LAW JUDGE SOBLE: So if anybody
16 asks you about your testimony, please just let them know
17 that the Judge said you are not permitted to discuss it.

18 THE WITNESS: Okay.

19 ADMINISTRATIVE LAW JUDGE SOBLE: Do you have any
20 questions about that?

21 THE WITNESS: No, that's fine.

22 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Thank you
23 very much.

24 I don't know, Ms. Vega, perhaps, needs to let
25 Ms. Jimenez out of the building. Are you going to be

1 brining in our next witness right after you take her out of
2 the room or what is the process going to be?

3 MS. HERRERA: Ms. Vega is going to let her out of
4 the building and bring in the next witness, but she does
5 need to sanitize the space first.

6 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Well the
7 only thing that I would ask is that you also make sure that
8 the witnesses themselves are socially distanced as one
9 comes in and the other comes out. But it sounds like
10 you're going to go above and beyond with your -- with your
11 sanitizing.

12 MS. HERRERA: Yes, Your Honor.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you,
14 Ms. Jimenez, and you're free to go.

15 THE WITNESS: Thank you.

16 (The Witness exits the hearing room)

17 ADMINISTRATIVE LAW JUDGE SOBLE: We'll go off the
18 record for a minute.

19 (Off the record at 4:03 p.m.)

20 (On the record at 4:07 p.m.)

21 (The witness and Spanish Interpreter are present in
22 the hearing room.)

23 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. It's
24 4:07 p.m. We're going to go back on the record.

25 I can't hear you, Mr. Roy.

1 MR. ROY: I was asking if this was Hector, Your
2 Honor.

3 ADMINISTRATIVE LAW JUDGE SOBLE: That's fine but
4 I just wasn't sure if you could -- if you were just asking
5 your client or if you were asking someone else and so I was
6 just as a courtesy wanted to let you know that we could all
7 hear.

8 MR. ROY: Thank you.

9 ADMINISTRATIVE LAW JUDGE SOBLE: So would the
10 witness please state his full name for the record?

11 THE WITNESS: My name is Hector Cruz-Vasquez.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Do you
13 prefer to go by Mr. Cruz or Mr. Vasquez or something
14 different?

15 THE WITNESS: Either of the names is perfect.

16 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Mr. Cruz,
17 what is the language that you speak the best?

18 THE WITNESS: Spanish.

19 ADMINISTRATIVE LAW JUDGE SOBLE: What is the
20 language you speak the most at home and at work?

21 THE WITNESS: Spanish.

22 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Cruz, do you
23 solemnly swear or affirm that your testimony in this
24 hearing will be the truth, the whole truth, and nothing but
25 the truth?

1 THE WITNESS: Yes, I do.

2 (The witness is sworn.)

3 ADMINISTRATIVE LAW JUDGE SOBLE: Mr. Cruz, what
4 will happen this afternoon and also tomorrow morning is
5 that some of the attorneys and possibly myself will ask
6 questions in English. After we ask a question, the
7 interpreter will translate the question from English to
8 Spanish.

9 After the interpreter translates a question,
10 please before you answer, pause for a couple of seconds.
11 This is because once in a while one of the attorneys or
12 myself may object to a question. In that event, either
13 myself or the interpreter will let you know whether it's
14 appropriate to answer the question or whether to instead
15 wait for the next question.

16 If you have a particularly long answer, please
17 talk a little bit more slowly so that the interpreter can
18 keep up with you. And if your answer is very long, after a
19 few sentences, pause so that the interpreter can translate
20 that portion of your answer before you continue.

21 For all of your answers, it's important that you
22 testify orally or audibly. This is because if you simply
23 nod your head or gesture with your hands, the court
24 reporter is either unable to get that as part of the record
25 or is limited in her ability to have that as part of the

1 record. So it's best to answer orally.

2 If at any point you do not understand a question,
3 please let me know and I'll determine if there's a way that
4 the attorney or myself can rephrase the question so that
5 you can better understand it.

6 THE WITNESS: Okay.

7 ADMINISTRATIVE LAW JUDGE SOBLE: If at any point
8 you need to take a break to get a drink of water, to use
9 the restroom, or to stand up and stretch, please let me
10 know because that's permitted.

11 However, today we're only going to go about 45
12 more minutes and then we're going to be resuming with your
13 testimony tomorrow morning at 8:30 a.m. We apologize in
14 advance because we know it's probably inconvenient to be
15 coming on two different days.

16 Who from the General Counsel's Office is going to
17 be asking Mr. Cruz questions?

18 MS. DE YOUNG-DOMINGUEZ: I will, Your Honor.

19 ADMINISTRATIVE LAW JUDGE SOBLE: You can proceed.

20 DIRECT EXAMINATION

21 BY MS. DE YOUNG-DOMINGUEZ:

22 Q. Did you work in 2016?

23 THE INTERPRETER: Counsel, I couldn't hear the
24 first part of your question, I'm sorry.

25 BY MS. DE YOUNG-DOMINGUEZ:

1 Q. Did you work in 2016?

2 A. Yes.

3 Q. Where did you work?

4 A. Houwelies Group and Cinagro Farms.

5 MR. ROY: Your Honor, I think he's referring to
6 Houweling's Nursey which happens to be a client of mine.
7 And I can provide the spelling, if you'd like.

8 ADMINISTRATIVE LAW JUDGE SOBLE: I'd prefer for
9 Counsel not to put potential ideas into the witness.
10 Although, I think certainly in this case, you're not doing
11 that with any intent of getting him to name your client.

12 But just as a general practice, I'd prefer not to
13 do that. Right now, I don't know that it bears any
14 relevance to the case so I wasn't even going to address it.
15 I was just going to have Ms. De Young-Dominguez ask her
16 next question.

17 MR. ROY: Okay.

18 ADMINISTRATIVE LAW JUDGE SOBLE: If in fact the
19 witness proceeds to indicate that the other employer
20 committed an unfair labor practice, we'll be sure to check
21 back on the record to see who you said it might be. No,
22 I'm teasing.

23 But until then, please proceed with your next
24 question.

25 BY MS. DE YOUNG-DOMINGUEZ:

1 Q. When you say Houwelie's, do you mean Houweling's
2 Nursery?

3 A. Exactly.

4 Q. Did you work directly with Houweling's Nursery?

5 A. No. 2016, no.

6 Q. Who did you work for?

7 A. Arturo Farms. Yes.

8 Q. When did you work with Houweling's Nursery?

9 A. January, February, March, April, May, June. Six
10 months from the beginning until the middle.

11 Q. When you say you worked six months, are you
12 referring to when you were starting work at Cinagro?

13 A. No, we had been sent to another company before
14 being sent to Cinagro.

15 Q. When did you start working for Cinagro?

16 A. The middle of October of 2016.

17 Q. When you worked for Cinagro, what was your job?

18 A. I was harvesting vegetables; was cutting
19 vegetables, picking vegetables.

20 Q. Okay. And who was your foreman?

21 A. Victor Mendoza.

22 Q. Who was your supervisor?

23 A. Rene Macias.

24 Q. Can you tell me how you did your job of cutting?

25 A. I was cutting the vegetables with your hand with

1 however much you could hold and then tying them with a
2 string or wire.

3 Q. Where did you put those vegetables after you tied
4 them together?

5 MR. ROY: Objection. Relevance. I mean, we're
6 going back to two prior employers prior to Cinagro. And
7 they were obviously working for labor contracts --

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Hold on.
9 Before you go too long on that.

10 The objection for relevance is overruled. I'm
11 going to sustain an objection as to being vague perhaps as
12 to which employment he's talking about right now. Because
13 I construed it to be different than how you are so let's
14 figure out whether he's talking about when he's at Cinagro
15 or a prior employer.

16 MS. DE YOUNG-DOMINGUEZ: I'll rephrase the
17 question, Your Honor.

18 BY MS. DE YOUNG-DOMINGUEZ:

19 Q. How were you paid by Cinagro?

20 A. A personal check.

21 Q. How did Cinagro know which boxes you completed?

22 A. At the beginning when we started working with
23 them, they assigned us a number from 1 to 15. And then
24 we'd use that number and place it on the box.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Was the -- I'm

1 going to interject a question here.

2 Was the amount that you were paid potentially
3 going to change based on the amount of work that you did or
4 were you paid only based on the total of what the crew as a
5 whole did?

6 THE WITNESS: It was individual.

7 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

8 Counsel, you can proceed.

9 BY MS. DE YOUNG-DOMINGUEZ:

10 Q. And did they pay you hourly?

11 A. When the contract didn't come out, yes.

12 MS. DE YOUNG-DOMINGUEZ: Your Honor, I would just
13 offer that I'm going to object to the translation just
14 because I think there's confusion about contract being
15 piece rate. I'm going to rephrase the question, but I just
16 wanted to speak that for the record.

17 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. At this
18 point I'm going to overrule that objection and just say I
19 think there's multiple different ways that that could have
20 been interpreted and that that's best explored by your
21 asking follow-up questions. I don't disagree that it could
22 have been interpreted differently but I think it was
23 interpreted incorrectly.

24 MS. DE YOUNG-DOMINGUEZ: Uh-huh.

25 ADMINISTRATIVE LAW JUDGE SOBLE: Keeping in mind

1 that my Spanish is significantly weaker than the
2 interpreter's. I think we'd have to go into a very lengthy
3 conversation for you to persuade me that that was an
4 incorrect rather than an alternative of different
5 interpretations.

6 So next question.

7 MS. DE YOUNG-DOMINGUEZ: I'll ask a clarifying
8 question.

9 BY MS. DE YOUNG-DOMINGUEZ:

10 Q. When you say a contract, what do you mean by
11 that?

12 A. The amount of boxes at the end of the day.

13 ADMINISTRATIVE LAW JUDGE SOBLE: Is working by
14 contract the same as working by piece rate?

15 THE WITNESS: Practically, yes.

16 BY MS. DE YOUNG-DOMINGUEZ:

17 Q. Okay. Did anyone -- did anyone ever tell you
18 there were problems with your work?

19 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
20 object to that as vague. Specify from which employer.

21 BY MS. DE YOUNG-DOMINGUEZ:

22 Q. Did anyone at Cinagro ever tell you there were
23 problems with your work?

24 A. No.

25 Q. Did your supervisor ever talk to you about your

1 work?

2 A. Yes.

3 ADMINISTRATIVE LAW JUDGE SOBLE: And just to
4 clarify when -- Counsel, when you referred to his
5 supervisor, you're distinguishing that as not being his
6 foreman but being the supervisor who was above the foreman.

7 MS. DE YOUNG-DOMINGUEZ: Correct, Your Honor.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Mr. Cruz,
9 she is ask -- in her question, she was asking about the
10 supervisor, not the foreman.

11 THE WITNESS: Yes, exactly.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

13 BY MS. DE YOUNG-DOMINGUEZ:

14 Q. Did Supervisor Rene Macias ever talk to you about
15 your work?

16 A. Yes.

17 Q. How often did he talk to you?

18 A. Two times a week.

19 Q. Did he ever approach you directly about your
20 boxes?

21 THE INTERPRETER: About your?

22 MS. DE YOUNG-DOMINGUEZ: Boxes that you picked.

23 THE WITNESS: No.

24 BY MS. DE YOUNG-DOMINGUEZ:

25 Q. While you were at Cinagro, did you ever get a

1 disciplinary ticket?

2 A. No.

3 Q. While you were at Cinagro, did you ever get a
4 warning?

5 A. No. No.

6 Q. On a typical day, how many hours did you work at
7 Cinagro?

8 A. Nine to ten hours.

9 Q. In a typical week, how many days did you work at
10 Cinagro?

11 A. Six days.

12 Q. How did you know what ranch to report to work
13 each day?

14 THE INTERPRETER: Counsel, you broke up, I'm
15 sorry.

16 MS. DE YOUNG-DOMINGUEZ: I'll repeat the
17 question.

18 BY MS. DE YOUNG-DOMINGUEZ:

19 Q. How did you know what ranch to report to work
20 each day?

21 A. Victor Mendoza was the one that would assign the
22 place.

23 Q. How would Victor tell you?

24 A. By telephone conversations or by text.

25 Q. Did he tell you at the same time each day?

1 A. It varied.

2 Q. When you worked for Cinagro, how many people were
3 in your crew usually?

4 A. When we started, it was about 15, more or less.

5 Q. How many ranch -- how many different ranches did
6 you work?

7 A. In two.

8 Q. When you were working at Cinagro, did you ever
9 see any other groups of workers working at (indiscernible)
10 Ranches?

11 A. Yes.

12 Q. Do you know if they worked for Cinagro?

13 A. As far as I knew, yes.

14 Q. How did you know that?

15 A. In the other crew, there was two people that
16 Maria Duarte knew.

17 Q. Who is Maria Duarte?

18 A. Another crew worker of ours that worked with our
19 crew in Cinagro Farms.

20 Q. How often did your crew and the other group of
21 workers work in the same ranch?

22 MR. ROY: Objection, Your Honor. Can we be more
23 specific as to time? I would object on vagueness.

24 I mean, we don't know --

25 ADMINISTRATIVE LAW JUDGE SOBLE: I'll sustain the

1 objection. You can ask it more broadly or more
2 specifically, but I'm assuming without knowing more that
3 you are asking the totality of his time with Cinagro but
4 that wasn't 100 percent clear.

5 MS. DE YOUNG-DOMINGUEZ: Right. That is what I
6 meant. I will make sure I include that.

7 BY MS. DE YOUNG-DOMINGUEZ:

8 Q. When you were working at Cinagro, how often did
9 your crew and the other group of workers work in the same
10 ranch?

11 A. It was irregular, but sometimes it was four days
12 a week that we would work together.

13 Q. What did you see them doing?

14 THE INTERPRETER: Counsel, you're not coming
15 through. I'm sorry.

16 BY MS. DE YOUNG-DOMINGUEZ:

17 Q. What did you see them doing? I'll speak up.

18 A. They would be picking vegetables.

19 Q. Do you remember the first time you saw the other
20 group working there?

21 A. No, I don't remember exactly.

22 Q. Did you ever complain about working with this
23 other group of workers?

24 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
25 object to that question as vague.

1 Are you asking did he ever complain to his
2 coworkers, to his foreperson, to his cousin, et cetera?

3 MS. DE YOUNG-DOMINGUEZ: Uh-huh.

4 BY MS. DE YOUNG-DOMINGUEZ:

5 Q. Did you ever complain to your supervisors about
6 working with this other group of workers?

7 A. No.

8 Q. Did you have a problem with any of the workers
9 from the other group?

10 A. No.

11 Q. Do you know if anyone in your crew had problems
12 with anyone in the other group of workers?

13 A. Not that I know of.

14 Q. Earlier you testified that you were working for
15 Art's Labor before working for Cinagro.

16 Do you recall that?

17 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
18 object to that assuming facts not in evidence. He did say
19 the name of an entity but it wasn't Art's Labor.

20 MS. DE YOUNG-DOMINGUEZ: Uh-huh. I'll clarify
21 that.

22 BY MS. DE YOUNG-DOMINGUEZ:

23 Q. When you were working at Houweling's Nurseries --

24 ADMINISTRATIVE LAW JUDGE SOBLE: Actually, I want
25 to ask a question just to save some time.

1 Have you ever heard Arthur Farms sometimes called
2 Art's Labor?

3 THE WITNESS: Yes.

4 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. You can
5 proceed.

6 THE WITNESS: Yes, that's correct. I worked with
7 Arturo before I went into Cinagro.

8 BY MS. DE YOUNG-DOMINGUEZ:

9 Q. And when you say you worked for Arturo, you mean
10 Art's Labor?

11 A. Yes.

12 Q. While working at Art's Labor, did they pay you?

13 A. Yes.

14 Q. What day of the week?

15 A. Fridays.

16 Q. Where did you go to get your pay?

17 A. In the crew at work.

18 ADMINISTRATIVE LAW JUDGE SOBLE: I believe the
19 attorney was asking if you recall if there was a usual
20 location where you received your paycheck from Art's Labor.

21 THE WITNESS: No, there was no specific place.

22 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

23 BY MS. DE YOUNG-DOMINGUEZ:

24 Q. Did someone give you your pay personally?

25 A. Yes.

1 Q. Who?

2 A. Victor Mendoza.

3 Q. How did you know your employment with Art's Labor
4 ended?

5 A. It wasn't until they started paying us with
6 personal checks at Cinagro Farms.

7 Q. Did you ask anyone about that?

8 A. At the beginning I asked Marisol Jimenez because
9 she had a little bit more experience with the payments.

10 Q. What did your new check look like?

11 A. It was a personal check with the name of the
12 owner. It was a simple check, a personal check.

13 Q. And when you spoke with Marisol, what did you say
14 to her?

15 A. That during the time that she had worked with the
16 vegetables, she had never been paid with a personal check.

17 Q. And did you speak with anyone else after you
18 spoke with Marisol?

19 A. With Victor Mendoza.

20 Q. And when did you speak with Victor?

21 A. The day after we received the first check.

22 Q. And what did you say?

23 A. I asked him why it was personal checks.

24 Q. And what did he say?

25 A. He said that he didn't know anything else but he

1 was going to call Rene Macias so that he can get the
2 answer.

3 Q. And did Victor ever explain to you what happened?

4 A. No. He only said he had heard rumors.

5 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
6 interject with a couple of quick questions rather than go
7 back to them.

8 In 2016, for all of your work, was Victor always
9 your foreperson or did you have some jobs where Victor was
10 not your foreperson?

11 THE WITNESS: The whole time he was my foreman.

12 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Even in
13 jobs that you had prior to Cinagro?

14 THE WITNESS: Yes. In 2016, yes.

15 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

16 Okay. You can proceed.

17 THE WITNESS: Can you repeat the question,
18 please?

19 ADMINISTRATIVE LAW JUDGE SOBLE: I'm sorry, I was
20 letting the Assistant General Counsel know that she could
21 proceed with her next question. So she'll be asking a
22 question now, Mr. Cruz.

23 BY MS. DE YOUNG-DOMINGEZ:

24 Q. Did Victor ever explain to you why the checks
25 were different?

1 A. No.

2 Q. Did you have any meeting with other workers about
3 when you started working at Cinagro?

4 MR. ROY: Objection. Vague.

5 THE INTERPRETER: Counsel, can you please repeat
6 that? I'm sorry.

7 MR. ROY: Vague, the objection.

8 ADMINISTRATIVE LAW JUDGE SOBLE: First, the
9 interpreter needs to hear the original question repeated by
10 counsel. Then she'll interpret it, then I'll rule on
11 whether it's vague.

12 MS. DE YOUNG-DOMINGUEZ: I'm going to rephrase
13 the question.

14 BY MS. DE YOUNG-DOMINGUEZ:

15 Q. When you first started at Cinagro, were there any
16 crew meetings about why the checks were different?

17 A. It wasn't until we got a second check -- a second
18 personal check that there was a meeting.

19 Q. And what happened at this meeting?

20 A. The coworkers asked Rene Macias as to why the
21 checks were different.

22 Q. And did they get a response?

23 A. Rene Macias told us that the reason was -- that
24 to be patient because it was a small company just started
25 out and that the following Monday the checks were going to

1 be different.

2 Q. And that time were the checks different?

3 A. No.

4 Q. Did you have concerns about that?

5 A. Yes.

6 Q. And did you speak with anyone about your
7 concerns?

8 A. Again, was Victor Mendoza.

9 Q. And what did you say to Victor?

10 A. He was going to talk to Rene Macias again.

11 Q. And did you get a response after that?

12 A. No.

13 Q. Did you meet with Rene directly?

14 A. No, he was with Victor.

15 Q. Did you ever meet directly with Rene while you
16 were working at Cinagro?

17 A. Yes.

18 Q. How many times?

19 A. Individually, two.

20 Q. Did you have meetings with him with others?

21 A. No. No. No.

22 ADMINISTRATIVE LAW JUDGE SOBLE: I want to
23 clarify something just because of his answer.

24 The two occasions that you met with Rene Macias,
25 who else was present at those meetings?

1 THE WITNESS: Marisol Jimenez.

2 ADMINISTRATIVE LAW JUDGE SOBLE: Anyone else?

3 THE WITNESS: No. Two times only I spoke with
4 him, but there were more meetings -- there were more group
5 meetings.

6 ADMINISTRATIVE LAW JUDGE SOBLE: So were there
7 occasions when Mr. Macias spoke to your entire crew?

8 THE WITNESS: Yes.

9 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. The
10 Assistant General Counsel can proceed.

11 MS. DE YOUNG-DOMINGUEZ: Thank you, Your Honor.

12 BY MS. DE YOUNG-DOMINGUEZ:

13 Q. How many times did you and the rest of the group
14 speak with Rene?

15 A. Twenty-six times.

16 Q. Okay. I want to ask you some questions about the
17 last two meetings. When did those two meetings happen?

18 THE INTERPRETER: Did you say where or when?

19 MS. DE YOUNG-DOMINGUEZ: When.

20 THE WITNESS: In last month they were over in for
21 Cinagro Farms.

22 BY MS. DE YOUNG-DOMINGUEZ:

23 Q. February 2017?

24 A. Yes.

25 Q. Okay. Let's talk about the first one. Who was

1 present during that meeting?

2 A. Okay. It was Maria Duarte, Rigoberto Perez,
3 Marisol Jimenez, Yolanda Antonio, Victor Mendoza, Maria
4 Duarte. And to be honest, I don't remember the other
5 names, and myself.

6 Can I add one more name? Mrs. Angelica but I
7 don't remember her last name.

8 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. I'm just
9 going to let counsel know that she has about six more
10 minutes to ask questions today because we're going to need
11 a few minutes for me to give instructions to the witness
12 for tomorrow morning. So you've got five or six more
13 minutes.

14 BY MS. DE YOUNG-DOMINGEZ:

15 Q. And what did you say?

16 A. I asked him again about the stubs, the insurance
17 for work, and the water.

18 Q. Do you -- strike that.

19 What did you hear the other workers say?

20 MR. ROY: Objection. Assumes facts, not
21 evidence.

22 MS. DE YOUNG-DOMINGUEZ: I'll rephrase the
23 question.

24 BY MS. DE YOUNG-DOMINGUEZ:

25 Q. Who -- did you hear other workers speak at this

1 meeting?

2 A. Yes.

3 Q. Who did you hear speak?

4 A. Rigoberto Perez and Yolanda Antonio.

5 Q. What did Yolanda Antonio say?

6 A. We should be getting paycheck stubs.

7 Q. Did you have anything else to add about what
8 Yolanda said?

9 ADMINISTRATIVE LAW JUDGE SOBLE: I'm going to
10 just ask that you clarify, are you talking about then or
11 now?

12 MS. DE YOUNG-DOMINGUEZ: I'll rephrase the
13 question, Your Honor.

14 BY MS. DE YOUNG-DOMINGUEZ:

15 Q. What did Rigoberto Perez say?

16 A. She (sic) was asking when would they finally get
17 the paycheck stubs. And he also asked if there was going
18 to be an insurance with the Labor Insurance.

19 Q. Did you remember hearing more details about the
20 paystubs?

21 A. No.

22 Q. Did anyone from Cinagro respond?

23 A. No.

24 Q. After you -- after the workers stopped talking,
25 did Rene say anything to you?

1 A. No.

2 Q. Did Victor say anything?

3 A. No, neither did he.

4 MS. DE YOUNG-DOMINGUEZ: Your Honor, I think at
5 this time I think it might be a good time to break because
6 these are all the questions I want to ask about this
7 meeting so that I can continue my questions tomorrow
8 morning, if that's okay.

9 ADMINISTRATIVE LAW JUDGE SOBLE: I think that's
10 fine.

11 So Mr. Cruz, we're going to need you to come back
12 to this location tomorrow morning at 8:30. Between now and
13 8:30 a.m., please do not discuss your testimony or any of
14 the questions or comments you heard at this hearing with
15 anyone who might be a witness in this matter.

16 This means please do not discuss it with any of
17 the people who were in your Cinagro crew or you know to
18 have previously worked for Cinagro.

19 THE WITNESS: Okay.

20 ADMINISTRATIVE LAW JUDGE SOBLE: It's okay if you
21 tell someone that you have testified at this hearing, but
22 please let them know that the judge said you cannot discuss
23 what you heard.

24 Between now and 8:30 a.m., also please do not
25 discuss any of this matter with any of the attorneys in

1 this case.

2 THE WITNESS: Okay.

3 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you so
4 much and you're free to go for the day.

5 Actually, I will ask one question before you go.

6 Other than copies that the General Counsel might
7 have or that your bank might have, do you have a photocopy
8 of any of the personal checks that you were paid with when
9 you started at Cinagro?

10 THE WITNESS: No, I don't have any copies.

11 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you so
12 much, we look forward to seeing you tomorrow at 8:30.

13 THE WITNESS: Excuse me. Good afternoon.

14 ADMINISTRATIVE LAW JUDGE SOBLE: Thank you.

15 (The Witness exits the hearing room)

16 ADMINISTRATIVE LAW JUDGE SOBLE: Okay. Is there
17 anything counsel wishes to discuss before we resume
18 tomorrow at 8:30? Just remember that for tomorrow there is
19 a different meeting number and a different passcode. You
20 should all have that.

21 Mr. Dighera, if you don't have that, then you
22 should be able to get that from your attorney.

23 MR. DIGHERA: Okay.

24 ADMINISTRATIVE LAW JUDGE SOBLE: If nobody has
25 anything additional, then I'll see everyone tomorrow

1 morning at 8:30.

2 MR. ROY: Good night, Your Honor.

3 ADMINISTRATIVE LAW JUDGE SOBLE: It is 4:57 p.m.,
4 we will go off the record.

5 (The hearing adjourned at 4:57 p.m.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of March, 2021.



MARTHA L. NELSON, CERT**367

TRANSCRIBER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of March, 2021.


Jill Jacoby
Certified Transcriber
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