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FILED
SAN MATEO COUNTY

JUL - 7 2017

Clerk of the Superior Court
By *Debra Krumm*
DEPUTY CLERK

6 Attorneys for Defendant
STANFORD HEALTH CARE

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN MATEO

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Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

11 ROBERT DOE,
12
13 Plaintiff,
14 vs.
15 STANFORD HEALTH CARE; ROBERT
LASTINGER; and DOES 1 THROUGH
25, INCLUSIVE,
16 Defendants.

) CASE NO. 16CIV01627
)
) **DECLARATION OF**
) **DON WILLENBURG IN**
) **SUPPORT OF DEFENDANT**
) **STANFORD HEALTH CARE'S**
) **MOTION FOR SUMMARY**
) **ADJUDICATION**

-) Accompanying Papers:
) 1. Notice of Motion and Motion
) 2. Memorandum
) 3. Request for Judicial Notice
) 4. Separate Statement of Undisputed
) Material Facts
) 5. Declaration of John Krumm
) 6. Declaration of Suzanne Harris

18 16 - CIV - 01627
19 DEC
Declaration
594447



) Date: September 20, 2017
) Time: 9:00 a.m.
) Dept: Law and Motion

) Action Filed: September 28, 2017

2017 JUL - 7 P 4 121

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Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

1 I, Don Willenburg, declare as follows:

2 1. I am an attorney at law, a member in good standing of the State Bar of
3 California and duly admitted to practice before this and other courts. I am partner with
4 Gordon & Rees LLP, counsel of record for defendant Stanford Health Care in this matter
5 and one of the attorneys chiefly responsible for this representation. In that capacity I have
6 personal knowledge of filings and other matters contained or described in this
7 declaration. I make this declaration in support of Stanford Health Care's motion for
8 summary adjudication.

9 2. Attached hereto as exhibit A are true and correct copies of excerpts from
10 the deposition transcript of Cecilia Camenga taken on December 2, 2016.

11 3. Attached hereto as exhibit B are true and correct copies of excerpts from
12 the deposition transcript plaintiff Robert Doe taken on June 2, 2017.

13 4. Attached as exhibit C are true and correct copies of exhibits 3-5 to the
14 Camenga deposition referenced in the statement of undisputed material facts.

15 I declare under penalty of perjury under the laws of the state of California that the
16 foregoing is true and correct.

17 Executed this 7th day of July 2017, at Oakland, California.
18

19
20 

21 _____
22 Don Willenburg
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EXHIBIT A

31417506v.1

A

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

---:---

ROBERT DOE,) CASE NO. 16-CIV-01627
)
Plaintiff,)
)
vs.)
)
STANFORD HEALTH CARE; ROBERT)
LASTINGER; and DOES 1 THROUGH)
25, INCLUSIVE,)
)
Defendants.)
)

VIDEOTAPED DEPOSITION OF CECILIA CAMENGA, R.N.

Taken on behalf of the Plaintiff Robert Doe, at the office of
Certified Legal Video Services, 1111 Bishop Street, Suite
500, Honolulu, Hawaii, commencing at 8:46 a.m., on Friday,
December 2, 2016, pursuant to Notice.

BEFORE:

Amy Muroshige, CSR 166
State of Hawaii

1 A I don't understand the question.

2 Q Sure. You indicated that at or around the time you
3 were hired, you received an employee handbook, correct?

4 A Yes.

5 Q Did you ever receive, subsequent to that occasion, any
6 revised handbook or amended handbook or --

7 A No amended handbook. They did reiterate after the
8 arrest of Lastinger the fact that -- they brought the whole
9 department in for meeting about, you know, the importance of
10 if you see something, you need to report it.

11 Q Let's talk --

12 A And they let us know what numbers and stuff to report
13 to, which I didn't know.

14 Q Okay. You may have kind of partially answered my next
15 question, your clairvoyance is coming out, but before
16 Lastinger's arrest, do you recall receiving specific
17 training or instruction regarding the necessity to report if
18 you see somebody engage -- a coworker engaging in
19 inappropriate behavior like Lastinger did?

20 A Yes, it was in -- yearly we had the computer things
21 and our Healthstream and it was in our Healthstream.

22 Q So in the yearly instruction, you received a
23 self-study on the Healthstream --

24 A Self-study, yes.

25 Q There was information regarding the necessity of

1 reporting if you see something inappropriate, is that true?

2 A Yes.

3 Q At any point in time prior to Lastinger's arrest, did
4 you receive any training or instruction from Stanford
5 regarding your duties as a mandatory reporter?

6 A Yes.

7 Q Do you know what the term mandatory reporter means?

8 A Yes.

9 Q What does it mean to you?

10 A It means that I'm required by law to report any --
11 anything that I see.

12 Q And do you know -- obviously nurses were mandatory
13 reporters, correct?

14 A Yes.

15 Q Were anesthesia techs mandatory reporters --

16 A Yes.

17 Q -- if you know?

18 And when you say that you had a duty to report
19 anything that you saw, do you mean any type of
20 inappropriate --

21 A Yes.

22 Q -- activity?

23 A Correct.

24 Q What training or instruction did you receive prior to
25 Lastinger's arrest regarding whether or not to report

1 something if you were unsure whether the conduct was
2 inappropriate?

3 A I believe that was in our Healthstream also yearly.

4 Q And what did that -- what type of training did you
5 receive via Healthstream -- the Healthstream training yearly
6 that dealt with that particular issue?

7 A I believe it tells you that you are -- if you are
8 unsure, to report to your immediate supervisor.

9 Q And that training was provided in the yearly
10 Healthstream modules?

11 A Correct.

12 Q Is that what it's called, a module?

13 A Yes.

14 Q At the time that you were hired, did you receive any
15 type of document indicating or advising you that you were a
16 mandatory reporter that you had to sign?

17 A I don't remember.

18 Q Do you recall receiving any such document at any time
19 while you worked at Stanford?

20 A I don't remember.

21 Q Prior to Lastinger's arrest, do you recall receiving
22 any type of training or instruction from Stanford regarding
23 to whom you should report if you believed that a coworker
24 was engaging in inappropriate conduct?

25 A We were supposed to report to our supervisor.

1 MR. MATIASIC: Yeah, it sounds good. We'll go for a
2 couple of minutes and then we'll --

3 Q Other than the intranet, did you receive any type of
4 training prior to Lastinger engaging in inappropriate
5 touching of a patient relative to your duties as a mandatory
6 reporter from any other source?

7 MS. CABRERA: Vague and ambiguous as to time. Even
8 predating Stanford?

9 Q (By Mr. Matiasic) You can go ahead and answer the
10 question.

11 A I don't -- so predating Stanford, too?

12 Q No, well, and --

13 A Just joining Stanford?

14 Q Yeah, just -- my question -- in terms of how this
15 process works, people may interject from time to time.
16 Unless your attorney instructs you not to answer a question,
17 then you go ahead and answer the question that I posed,
18 okay?

19 So I'll rephrase -- or restate it for you. My
20 question is other than the intranet Healthstream modules
21 that you may have gone over with Stanford, did you receive
22 any type of training or instruction regarding your duties as
23 a mandatory reporter from any other source prior to
24 witnessing Lastinger engaging in inappropriate touching of a
25 patient?

1 MS. CABRERA: It's vague and ambiguous as to time.

2 THE WITNESS: I don't remember.

3 Q (By Mr. Matiasic) And do you have -- prior to
4 Lastinger engaging in that inappropriate touching, did you
5 have an understanding of the timing associated with your
6 duties as a mandatory reporter? For example, how soon after
7 witnessing something you had to report it?

8 A Yes.

9 Q And what was your understanding in that respect?

10 A As soon as you can, meaning immediately.

11 Q And prior to witnessing Lastinger engaging in that
12 inappropriate touching, did you have an understanding as to
13 whom you should report in conjunction with the duties as a
14 mandatory reporter?

15 A Yes.

16 Q And what was your understanding?

17 A My understanding was you were to speak to your
18 supervisor.

19 Q Exclusively?

20 A You're supposed to follow the chain of command.

21 MR. MATIASIC: Okay, why don't we take a break.

22 (Recess from 10:04 a.m. to 10:15 a.m.)

23 Q (By Mr. Matiasic) Okay, Miss Camenga, you understand
24 you're still under oath?

25 A Yes.

1 A The exact date?

2 Q If you remember it.

3 A I don't remember the exact date.

4 Q Okay. If I gave you --

5 A It was in 2015 in March and I don't remember if it was
6 a Monday or a Tuesday. I was doing an ACL with Dr. McAdams
7 and, to be honest, I don't remember if it was a Monday or
8 Tuesday, but it was a Monday or Tuesday.

9 Q Okay. And you spoke with the police in this matter,
10 correct?

11 A Correct.

12 Q If I represent to you that you communicated to the
13 police that it was about -- on or about Tuesday,
14 March 31st --

15 A Yes, okay.

16 Q -- 2015, does that refresh your recollection?

17 A Yes.

18 Q Initially you may have told the police Monday,
19 March 30th, and then at a certain point, you indicated that
20 you were mistaken and that you believed it was Tuesday,
21 March 31st. Does that ring a bell?

22 A Sounds good, yeah.

23 Q Okay. So using this date of March 31st, 2015, that's
24 the occasion that you saw Lastinger engage in the
25 inappropriate touching, correct?

1 A Correct.

2 Q And that's when you had an opportunity -- or had
3 occasion to discharge your duties as a mandatory reporter?

4 A Yes.

5 Q And so this conversation that you had with Cindy Yee
6 occurred approximately one week before March 31st?

7 A Yes.

8 Q And how did the topic come up?

9 ME. DYAS: Vague as to what topic and when and with
10 who.

11 Q (By Mr. Matiasic) Sure, let me try to rephrase it.
12 You had this conversation with Cindy Yee regarding the fact
13 that she was uncomfortable going to the supervisor about what
14 she saw Lastinger do. How did that conversation start?

15 A I was scrubbed in and I was setting up for a
16 procedure. Cindy was helping opening up stuff for the case.
17 She was -- became emotional, she looked distraught and I
18 asked her what was wrong and she said that she had witnessed
19 something and she didn't know what to do and I probed her in
20 regards to -- I asked, you know, well, what -- who and what
21 did you see and she had told me that she had witnessed Rob
22 touching a patient inappropriately and, of course, it was
23 very shocking for me and it was obviously very disconcerting
24 for her.

25 She was very emotional, she said she wanted to -- she

1 one leg, I was holding the other leg, Ricardo was on the
2 left side, Rob was on the right side and then the
3 anesthesiologist was at the head for moving the patient over
4 to the other bed.

5 Q Do you recall the name of the anesthesiologist?

6 A I don't recall. This was an anesthesiologist who
7 rarely came to our facility. It was a woman, but I don't
8 remember her name.

9 Q Do you recall that the ortho on this particular
10 surgery was Dr. McAdams?

11 A Yes.

12 Q Is that Timothy McAdams?

13 A Yes.

14 Q And then there was a Dr. Packer?

15 A Ah, yeah.

16 Q Is that the anesthesiologist?

17 A No.

18 Q Okay. Who was Dr. Packer?

19 A Dr. Packer was the fellow.

20 Q And were --

21 A I can't remember.

22 Q Okay. So, go ahead, you were describing when Rob
23 came.

24 A What I saw, so what happened was -- this was a large
25 patient so that's why Ishy was with one leg and I was with

1 another, just kind of holding both legs for this person, so
2 what happened is normally the anesthesiologist -- you know,
3 we wait for the anesthesiologist to tell us when it's ready
4 or when the patient is ready to be moved over 'cause this is
5 a critical time 'cause you don't want to go into like
6 laryngeal spasm or bronchospasm or anything, so they're
7 concentrating on the patient's airway and making sure
8 they're starting to breathe before moving over.

9 So while waiting, we kind of just stand there and
10 usually we're looking at -- for the anesthesiologist to give
11 us the okay, but because I'm more focused on Rob now, I do
12 notice his hands and what he does is -- we have draw sheets
13 to help move patients over. So what he did was fold the
14 sheet over on top of the patient and laid his hand over
15 where the genitals would be and sort of did like a -- like a
16 motion to kind of, you know, touch it or kind of grind it,
17 it was slight, but inappropriate, and I was like, holy shit,
18 this is what he's been doing? And I was shocked and I was
19 like, oh, my god, that's it, I can't believe he did it in
20 front of me and in front of everybody, how fricking blatant
21 and what an asshole, and I was in complete shock, but then
22 what happened is we turned the patient, the board goes under
23 and then as we moved the patient, you know, he pushes,
24 Ricardo will pull and the patient goes over, but what I
25 noticed was his hand very quickly and very slyly went under

1 the blankets and -- at the genital region and kind of did a
2 swish and then back up and that I -- excuse me.

3 When people had described like what they had saw, they
4 had more described the other things so I wasn't expecting
5 that other part and that like blew my mind and I was like
6 enraged and I was like in disbelief that this had happened
7 in front of me and like I knew like I had to -- I had -- no
8 if's, and's or but's, this fucker is going down because
9 that's not right and so --

10 And I looked at Ishy and we kind of made eye contact
11 and I -- like I knew that she saw it, too, and I was like,
12 holy crap, but then like things still have to go on, right,
13 so like the patient is still -- you know, I made sure the
14 patient is covered, I still have to like, you know, finish
15 my charting and we got to clean up for the next case, but
16 like, holy fuck, what just happened, and so we're cleaning
17 up and I'm like, holy crap, I can't believe this.

18 So Ricardo happened to be there, Ricardo is somebody
19 that I trust and I told Ricardo, I said you -- watch him.
20 You know, I told him what I just saw and I said just please
21 keep an eye on, I'm going to report this, but, you know,
22 keep an eye because it's fricking not cool, and so as soon
23 as I could, I saw John in the break room when, you know,
24 when I was able to get out and I said I need -- I need to
25 talk to George, you need to -- you know, call him right now

1 and tell him that I need to talk to him because I saw and
2 Ishy was right there, she witnessed it, too, and I --
3 something needs to be done.

4 Q Okay. Let me ask you a couple followup questions, and
5 I appreciate the difficulty of talking about this so thanks
6 for bearing with us here. So if I understand your testimony
7 correctly, there basically were two acts, if you will, that
8 you saw Lastinger engage in that were inappropriate with
9 this patient?

10 A Correct.

11 Q And one was what happened when you were -- when the
12 draw sheet was being moved and he put his hand underneath --

13 A He didn't put his hand underneath with the draw sheet.
14 Laying it on top, he was on top of it.

15 Q I apologize, so the first instance was when he was
16 moving his hand in a circular fashion on the patient's
17 genitalia on top of the draw sheet?

18 A Yeah.

19 Q Okay. And I believe you may have described this
20 before as kind of like moving around a stick shift?

21 A Yeah, (demonstrating) it was kind of -- yeah.

22 Q Is that what you remember telling the police?

23 A Uh-huh.

24 Q Is that a yes?

25 A Yes.

1 Q Okay.

2 A Sorry.

3 Q And then the second instance you saw is when the
4 patient was being moved and he put his hands --

5 A Yes.

6 Q -- underneath the sheet?

7 A Underneath, yeah.

8 Q And touching the genitals?

9 A Yes.

10 Q And I believe you told the police that you were
11 certain that his hand was making contact with the genitalia,
12 is that correct?

13 A Yes.

14 Q And can you tell me all the different people who were
15 in the room when Rob engaged in those two acts of
16 inappropriate touching of the patient?

17 A Well, there was the anesthesiologist, there was Rob,
18 Ricardo, Ishy, me. Dr. McAdams had left and was going to
19 the next room to start his next case. The other doctor was
20 on the phone like, you know, recording the case. People
21 come in to clean the room, but I don't remember who 'cause I
22 was kind of blown, but I know there was other people that
23 came in to help clean up 'cause it's, you know, it's kind
24 like a pick crew once the patient is done, we all come in
25 and (making sounds) clean and get ready for the next one

1 so --

2 Q Sure.

3 A -- there's more people, but I can't recall who.

4 Q Okay.

5 A But they were in the outskirts cleaning and stuff.

6 Q And was Dr. Packer present at the time he engaged --

7 A Yeah, he was on the phone..

8 Q Okay. Your clairvoyance keeps coming out because my
9 next question is do you know whether anyone else observed
10 what you saw in terms of Rob engaging in these two acts of
11 inappropriate touching of the patient?

12 MS. CABRERA: It calls for speculation.

13 THE WITNESS: I don't believe so, because there -- I
14 mean their minds would have been blown, they would have -- I
15 don't believe so, besides Ishy and I.

16 Q (By Mr. Matiasic) Okay. Is it fair to say that you
17 don't know one way or another --

18 A Correct.

19 Q -- whether anybody else actually observed it?

20 A Correct.

21 Q You're just testifying that way because you believe if
22 somebody else would have observed it, they would have had a
23 similar reaction to you did?

24 A Yeah.

25 Q Okay. But you and Irish Reyes made eye contact so

1 ME. DYAS: Thank you.

2 MS. CABRERA: It calls for speculation.

3 THE WITNESS: Yeah, I don't know.

4 Q (By Mr. Matiasic) Okay. Do you recall ever asking
5 Irish Reyes to follow Rob when he went to the next OR to
6 insure he didn't touch another patient?

7 A Yes.

8 Q And when did you give that instruction to Irish?

9 A After this case, after my case that I witnessed.

10 Q So what I'm wondering is did you give this instruction
11 to Ricardo and Irish at the same time or separately or --

12 A I don't recall. Maybe -- probably separately.

13 Q And do you remember specifically what you told each of
14 them?

15 A No.

16 Q Can you just describe the general gist of what you
17 told them? I know you already described it --

18 A Without expletives?

19 Q Whatever you recall saying is fine.

20 A Just to keep an eye on him, try and, you know, protect
21 them.

22 Q And did Irish agree to do that?

23 A Yes.

24 Q And did Ricardo agree to do that?

25 A He didn't -- I don't think he knew exactly what I was

1 talking about because I don't think he had the reference of,
2 you know, what? 'Cause even -- in thinking back to what
3 Cindy had told me, it -- it didn't really make sense so I
4 don't think that he understood so, you know, I told him to
5 just keep an eye on, so I don't think he would, you know,
6 know how to protect anybody 'cause he didn't know.

7 Q At some point in time, did you learn that Rob had
8 inappropriately touched another patient that same day?

9 A Yes.

10 Q And when did you learn that?

11 A After the case was done next door.

12 Q Okay, so after you were done with the --

13 A With my -- my case was done and then the -- there was
14 an ACL done next door and after that case was done.

15 Q Okay. And so after you were done with the patient
16 whom you saw Rob inappropriately touch, you then
17 subsequently learned that he went next door to the next OR
18 and inappropriately touched another patient?

19 A Yes.

20 Q And you learned about that inappropriate touching
21 following the completion of your duties with the first
22 patient, correct?

23 A Yes.

24 Q And are you aware of the identity of the second victim
25 that day?

1 A Yes.

2 Q And was that patient a minor?

3 A Yes.

4 Q Was he sixteen at the time?

5 A Yes.

6 Q Do you know the name of that patient?

7 MS. CABRERA: It's the same objection as before.

8 THE WITNESS: It's all in there. Here (indicating).

9 Q (By Mr. Matiasic) Well, I'm just asking you from --

10 A Yes, I know his name.

11 Q Okay. Does his -- and how do you know his name?

12 A He was supposed to be in my room, but they switched

13 orders because the case next door went earlier or something

14 or finished earlier so they decided to pull him from my room

15 and he went into the next room instead, so they flip-flopped

16 cases, so I knew his 'cause I sort of got everything ready

17 for his case.

18 Q Did you have occasion to interview him for his --

19 A No, I did not.

20 Q This minor, the second victim on March 31st, 2016,

21 does the first letter of his first name begin with the

22 letter E?

23 A No. Of maybe not.

24 Q What's your basis for believing that? Is that because

25 you're looking down --

1 A Yeah.

2 Q -- at the pleading?

3 A Maybe I forgot.

4 Q So, just for the record, we've pre-marked as Exhibit 1
5 to your deposition Plaintiff Robert Doe's notice of taking
6 deposition with request for production of documents. Is
7 that what you're referring to --

8 A Yes.

9 Q -- when you -- okay. So --

10 A Maybe I don't know his name.

11 Q Yeah. Robert Doe is a fictitious name --

12 A Copy that.

13 Q -- all the way around.

14 A Okay.

15 Q So I used two fictitious names, not just for the first
16 and last.

17 A Okay.

18 Q Outside of any pleading in this case, do you have a
19 recollection of the person's first name?

20 A Then, no.

21 Q Okay. At any point in time, did you learn the nature
22 of the inappropriate touching that Rob engaged in with the
23 second patient on March 31st, 2016?

24 A I didn't ask specifically details so, no.

25 Q And how did you learn that a second patient had been

1 touched on that day?

2 A Ishy told me.

3 Q What did she tell you?

4 A That he did the same thing.

5 Q Did she provide any additional details regarding what
6 that meant?

7 A No.

8 Q What did you say in response?

9 A That motherfucker.

10 Q Did -- at that point in time, had you already spoken
11 with John?

12 A I believe so.

13 Q And do you know whether Irish had communicated what
14 she had observed Rob do to the second patient to anyone else
15 prior to discussing it with you?

16 MS. CABRERA: It calls for speculation.

17 THE WITNESS: I don't know.

18 Q (By Mr. Matiasic) You indicated that you didn't tell
19 anybody else about what had occurred on March 31st other than
20 John Crumm until Thursday, a couple days later, correct?

21 A Yes.

22 Q And that would have been around April 2nd?

23 A Sure.

24 Q And that's perfectly okay, if the date doesn't ring
25 any bell, that's all right, too.

1 A It does not.

2 Q But you remember that you observed the conduct on a
3 Tuesday and then this conversation that you had with Todd
4 where you next disclosed was --

5 A Was on Thursday.

6 Q -- was on Thursday. Were you off work on Wednesday?
7 If you know?

8 A No, I was working.

9 Q You were working. So on Wednesday you didn't have a
10 conversation with anybody about what you had observed the
11 day before, correct?

12 A Correct.

13 Q And as of March 31st and April 1st, who was your
14 immediate supervisor?

15 A Wait, excuse me, what date was that?

16 Q The day that you saw Rob engage in inappropriate
17 touching and the following day, who was your immediate
18 supervisor?

19 A I don't remember who the charge nurse was at the time.
20 Jill would have been my supervisor then, but she was on
21 vacation, so I didn't have like an assistant manager.
22 Manager, our manager had just got moved to a different
23 facility so there was like an acting sort of manager, which
24 was Theresa, who was our -- who'd only been there like a
25 week who was like supposed to be our education coordinator,

1 and the assistant manager for pre-pac was somebody who'd
2 only been there for not very long either, so people that
3 weren't there for very long so I don't know them.

4 Q Okay. So you said Theresa Renico, that's R-e --

5 A That's her, yeah, that's her last name.

6 Q R-e-n-i-c-o?

7 A I don't know.

8 Q Okay. That was the acting manager during that week?

9 A Correct.

10 Q Was Jill Luckhurst gone that entire week, if you know?

11 A Yes, she was on vacation.

12 Q And this relatively new assistant manager in the
13 pre-pac unit, do you know the name of that person?

14 A Christie.

15 Q Do you know her last name?

16 A No.

17 Q Do you know whether anybody at any time reported Rob's
18 inappropriate behavior to Christie?

19 ME. DYAS: Calls for speculation.

20 THE WITNESS: Yeah, I don't know.

21 Q (By Mr. Matiasic) Do you know whether anybody at any
22 time reported Rob's inappropriate behavior to Theresa Renico?

23 A I don't know.

24 ME. DYAS: Same objection.

25 Q (By Mr. Matiasic) Any particular reason why you didn't

1 report what you had seen the day before the next day when you
2 came to work on Wednesday, April 1st?

3 A 'Cause I decided I was going to tell George, who was
4 like a director who could get shit done.

5 Q And you had an understanding that George wasn't going
6 to be in the facility until --

7 A Friday.

8 Q -- Friday, okay.

9 But then on Thursday, you were at the control desk
10 with Cindy, is that correct?

11 A Uh-huh.

12 Q Is that yes?

13 A Yes.

14 Q And what is the control desk?

15 The control desk is where the charge nurse is, it's
16 kind of like our control hub for everything. Our charge
17 nurse is usually there, we have our monitors with cameras in
18 all the rooms so they can, you know, oversee everything, we
19 have our big screens up that have all the cases up so they
20 can keep track of everything and if any, you know -- the
21 hub.

22 Q Okay. And Todd Valentine was the charge nurse that
23 day?

24 A Correct.

25 Q And he was at the control desk?

1 A Correct.

2 Q Do you recall the charge nurse on duty at the time you
3 saw Rob engage in inappropriate touching?

4 A I don't remember.

5 Q What about the next day on Wednesday?

6 A I don't remember.

7 Q And do you recall how the conversation with Todd
8 started?

9 A I don't remember.

10 Q And you believe that Cindy was the first one to tell
11 Todd about what she saw, correct?

12 A I believe so.

13 Q And do you recall whether she gave him the specifics
14 of what she had --

15 MS. CABRERA: It calls for speculation.

16 THE WITNESS: I don't remember.

17 Q (By Mr. Matiasic) And at some point, did you give the
18 specifics of what you had witnessed to Todd?

19 A To Todd? No.

20 Q What do you recall --

21 A I don't remember.

22 Q What do you recall telling Todd in that conversation?

23 A That I saw him touching somebody.

24 Q And did you provide any additional details at that
25 time?

1 (Recess from 11:24 a.m. to 11:29 a.m.)

2 Q (By Mr. Matiasic) Okay, Miss Camenga, thanks for your
3 patience with us. I may or may not, during the course of a
4 couple questions, have said March of 2016. All this conduct
5 that we're talking about related to Lastinger which you
6 observed, that all occurred in March of 2015, is that true?

7 A Correct.

8 Q In March of 2016 you were in Hawaii?

9 A Yeah.

10 Q Okay. After communicating what you did to Todd
11 Valentine, what is the next time that you spoke with anybody
12 about what you observed Rob doing with respect to
13 inappropriately touching patients?

14 A I was escorted to a Building C and I reported to
15 George, Kim and there might have been other people, but I
16 don't remember. Kim Ko.

17 Q And she worked -- she was an employee, a labor
18 relations specialist at Stanford?

19 A To my knowledge, yes.

20 Q And George, you're speaking of George Baez?

21 A Correct.

22 Q And were you escorted there pursuant to being called
23 down to the control desk 'cause you referenced earlier?

24 A Yeah, I went to the control desk and I think I was
25 escorted, I don't know, I was confused, to Building C, and I

1 don't remember what floor, to a conference room.

2 Q And anyone else present other than George Baez and Kim
3 Ko?

4 A I believe so, but I don't remember. I only remember
5 Kim Ko and George.

6 Q And what, if anything, did you communicate to George
7 and Kim at that time?

8 A I told them what I witnessed.

9 Q And was there anything different than what you already
10 told us here today?

11 A No, but then I also told him that there were other
12 witnesses that I believe would be willing to come forward.

13 Q And what other witnesses did you identify to George
14 and Kim?

15 A Cindy, Irish, Ricardo, Dan and Roj. Rojmar.

16 Q And that's Rojmar Fernandez?

17 A Correct.

18 Q R-o-j-m-a-r?

19 A Correct.

20 Q Do you know whether your conversation with George and
21 Kim was recorded in any way?

22 A I don't remember.

23 Q Did they ask you whether you had seen any type of
24 inappropriate conduct on Lastinger's part prior to what you
25 witnessed a couple days before?

1 A I don't remember if they asked that.

2 Q Okay. Prior to witnessing what you did with Rob on
3 March 31st, the two instances of inappropriate touching with
4 that patient, do you recall any other conduct that you
5 witnessed prior to that day that, in hindsight, now seems
6 inappropriate?

7 ME. DYAS: Asked and answered.

8 THE WITNESS: As far as he was a bully and very
9 aggressive, he argued, very quick to argue with nurses, even
10 with doctors, but not perverted-wise, just asshole-wise.

11 Q (By Mr. Matiasic) Okay. And describe for me, prior to
12 you witnessing -- prior to the occasion where you witnessed
13 Rob engage in inappropriate touching of a patient, the type
14 of instances where you believed you saw Rob engage in
15 bullying type of activity.

16 A Wait, say that again?

17 Q Sure, it was a very long-winded question. Basically
18 prior to observing him inappropriately touch that patient on
19 March 31st, describe for me the instances that come to mind
20 when you're thinking of the fact that Rob was a bully prior
21 to that day.

22 A I can only speak for myself. There is like a hip
23 positioner that's supposed to be positioned a certain way
24 and they set it up wrong and I told them that he set it up
25 wrong and he would argue and I was like just set it up this

1 you a document. It's been marked Exhibit 2. At the top of
2 the document, it says New Employee and Transfer Checklist --

3 A Uh-huh.

4 Q -- Stanford Hospital/Clinic and LPCH. Does your
5 signature appear on the bottom of this document?

6 A Yes.

7 Q Do you recall this document?

8 A No.

9 Q I think you testified previously that you attended an
10 orientation at Stanford?

11 A Yes.

12 Q And do you recall if you -- go ahead and take a look
13 at this. These were the various topics and issues that were
14 covered with you at the time of your orientation?

15 A Yes.

16 Q And do you recall if you placed the check marks on
17 this form?

18 A I don't recall, but I don't argue it.

19 Q And I believe you testified that you were hired in
20 2010. Were you actually hired in 2011?

21 A Oh, there you go. Yes.

22 Q Did you attend the orientation before you actually
23 started performing duties as a staff nurse at Stanford?

24 A Wait, can you say that again?

25 Q Sure. Did your orientation occur before you actually

1 started performing duties?

2 A Yes.

3 Q Okay.

4 (Exhibit No. 3 was marked for identification.)

5 Q (By Ms. Cabrera) The court reporter has just handed
6 you a documented that's been marked Exhibit 3. It's titled
7 Abuse Reporting Requirements for Health Practitioners Under
8 California Law, it's an acknowledgement form. Does your
9 signature appear on this document?

10 A Yes.

11 Q And is that your handwriting and --

12 A Yes.

13 Q -- your date?

14 And if you see the second paragraph, it says "I will
15 consult the relevant Stanford Hospital and Clinics and/or
16 LPCH policies as they apply to each code section and will
17 follow the procedures indicated therein for all instances
18 where I am required to report abuse." Did you actually look
19 up those policies or in any way inform yourself of what
20 those policies stated?

21 A No.

22 Q Do you recall if those policies were provided to you?

23 A I don't remember if they were actually provided for
24 me, but I would be able to look it up because they had told
25 us where to look it up.

1 Q Okay.

2 A Where all of them are.

3 Q Okay. Including the policies that would fall under
4 this acknowledgement form?

5 A Exactly.

6 (Exhibit No. 4 was marked for identification.)

7 Q (By Ms. Cabrera) The court reporter has just handed
8 you a document, it's been marked Exhibit 4. It states at the
9 top Student and Group Transcript Report. You can see on the
10 right-hand side, it says Healthstream.

11 A Uh-huh.

12 Q Have you ever seen this document before?

13 A No.

14 Q Okay. I believe you testified before that you took
15 some training through Healthstream?

16 A Correct, every year.

17 Q Okay. 'Cause I understand that one of the training
18 modules you took every year was about abuse. Does sound
19 right to you?

20 A Yes.

21 (Exhibit No. 5 was marked for identification.)

22 Q (By Ms. Cabrera) The court reporter has just handed
23 you a document that's been marked Exhibit 5. It states Abuse
24 Module. If you could just take a look through the document
25 and let me know if you recall this module as the one that you

1 Q When the meeting happened that was after
2 Mr. Lastinger's arrest where you say that Stanford
3 reiterated to the whole department the importance of
4 reporting, who actually gave that presentation?

5 A It was somebody from HR, but I don't recall who.

6 Q And when you say the whole department, does that
7 include management?

8 A Yes, management was there.

9 Q When you went to nursing school, were you informed of
10 what your duties were as a mandatory reporter?

11 A Yes.

12 Q And, in fact, understanding those duties is a
13 requirement of obtaining your license as a nurse in
14 California, correct?

15 A Yes.

16 Q And at your prior jobs, were you informed of your
17 duties in relation to mandatory reporting?

18 A Yes.

19 Q I believe that you testified that during -- actually
20 let me start with an open question. At the time that Cindy
21 Yee told you what she had witnessed in relation to
22 Mr. Lastinger's conduct, was Jill Luckhurst out of the
23 office?

24 MR. MATIASIC: May call for speculation.

25 THE WITNESS: I don't recall. I know around that time

