

1. Q: Good morning, sir. Please come forward, stand right here, and state your name for the record.
2. A: My name is Michael Lindberg, pleased to meet you.
3. Q: Mr. Lindberg, were you ever an employee of the defendant? When did you terminate your employment with Ocean View Landscaping?
4. A: I'm sorry, I don't understand the question.
5. Q: **Let's back up a bit. Do you recognize the man in the grey shirt sitting at the defense table?**
6. A: Yes, that used to be my boss the one I used to work for before.
7. Q: **When you say former, is it because you quit, or...?**
8. A: Yes, I walked out on him when made me work overtime for the third time without paying me. He would make many promises but never delivered.
9. Q: Let the record reflect that the plaintiff is referring to the defendant. Ok, so when did you quit?
- 10.A: Uhm... I would say about three months ago.
- 11.Q: So, were you ever denied overtime pay? If so, how many times?
- 12.A: Well, I think the first time was the job we did over at Palo Alto, then the Cypress Landings subdivision, after that it was the incident that happened at the soccer field.

13.Q: Let me interrupt you for a second. Are you aware of the motion in limine that was filed in regards to your testimony in the matter of the people of California V. Ocean View Landscaping, a separate case?

14.A:... I'm not really sure what that means.

15.Q: Okay, so... you met with your counsel, Mrs. Weeks before today, right?

16.A: Yes, we met on Friday and she told me today was going to be an important day for me, and that I had to make sure I understood everything clearly so I could give accurate testimony.

17.Q: All right. Please tell the Court and the jury what was discussed during that meeting. Was there anything you were instructed not to talk about?

18.A: Oh! Yes, now I remember. A lady attorney told me that I could not say anything about the field because that was a different kettle of fish.

19.Q: Okay, good. So **let's continue. You're alleging that on at least two separate occasions you worked more than forty hours in a week and didn't receive overtime pay?**

20.A: No, the guy **didn't pay us anything** whatsoever for those jobs. He kept on telling us that the check was in the mail, but the darn check never arrived.

21.Q: Really? And were there any other serious violations of labor statutes that you experienced?

22.A: **Well, I don't know.** I know nothing about the law. But what I do know is that he would make us put gas in the company truck, which was actually his, but we were the ones that ended up paying for it.

23.Q: **Now, let's talk about the incident** at Cypress Landings. Is that when you decided to walk out?

24.A: Of course, I remember it as if it was yesterday. He apologized to us for what had happened before, and he swore up and down that he was going to pay us

In cash as soon as we got done; **which he didn't.**

25.Q: What excuse did he give you for not paying you? What caused you to abandon the worksite⁴⁶?

26.A: As soon as we got done with the gig he came up with the same stupid story⁴⁸ about having already sent a check. Right then and there I decided that I was not going to put up with his crap anymore.

27.Q: So then what did you do? What, if anything, did you say to him?

28.A: Well, since he had not paid us at all for the job at Palo Alto or for the other matter, uh-

29.Q: Let me remind you that the motion filed by the defense precludes you from saying anything about another case here today.

30.A: I know. But that had already happened before. He would not pay when the jobs were done. Therefore when I came to demand payment for those jobs three months ago and he started giving me the same song and dance and the same excuses, I realized that nothing was going to change.

31.Q: And what did you tell him at that time?

32.A: Well, I was pretty pissed off. **I tried to keep my cool, because I didn't want** to make matters worse. But, what I did tell him was the he and his job could go straight to hell.

33.Q: What else happened at the time? Was there any physical altercation between yourself and the defendant?

34.A: No, not at all. I said I was angry, I did get up in his face and I yelled at him, but, I never got close to touching him; never.

35.Q: **So you just told him off and left, that's it?**

36.A: Exactly. And, on top of that, I had to walk like thirteen blocks and call my son in law **to pick me up since I didn't have a ride.**

37.Q: Did you, or any of you relatives have any other contact with the defendant after that day?

38.A: Not really. He called me the next day, I am assuming to talk me into going back to work but I was not interested anymore.

39.Q: What, specifically, did he say during that phone call?

40.A: Nothing. **I didn't even** answer the call. I wanted nothing to do with him, period.

41.Q: **Okay, let's go back to your meeting** with Mrs. Weeks. When was this?

42.A: I think it was Tuesday no, **I'm** sorry, it was on Wednesday of the week before last.

43.Q: At that time, did you get a chance to review the file brief that has been submitted on your behalf? Do you agree with what is outlined there?

44.A: Uhm, I read a bunch of papers there, **but I honestly don't remember** everything. **All** I'm asking for is to be paid what is fair for my work, right? and to be reimbursed the expenses I had to incur.

45.Q: **I understand. Is there anything else you'd like to add?**

46.A: **Let's see... I don't know if this is relevant**, but he not only refused to pay us, he would also constantly put us down, especially me and my cousin. He treated us as if we were dumb **and we didn't like that at all.**

47.Q: Thank you. No further questions at this time, Your Honor.