

Topic	Fact	Citation
Talitha Marquez's Review of Investigation Notes and Recollection of Events	Marquez did not have access to the investigation notes during the deposition.	<a href="#">21:10-15</a>
	Marquez reviewed investigation notes but could not recall specific dates related to the events discussed in the deposition.	<a href="#">21:16-22:7</a>
Talitha Marquez's Professional Relationship and Role with Roberta Cervantes	Marquez described her relationship with Roberta Cervantes as a professional one, where she oversaw scheduling and ensured coverage, maintaining a good working relationship.	<a href="#">22:10-23:22</a>
	As an interim manager, Marquez was responsible for overseeing scheduling and ensuring coverage, as well as checking in with employees to see if they had any needs.	<a href="#">23:24-24:16</a>
	Marquez first met Roberta Cervantes when she started at Kaiser in September 2015 and had professional contact with her during her time at Kaiser from 2015 through January 2018.	<a href="#">24:17-25:19</a>
	Marquez had not engaged in any social activities with Roberta Cervantes prior to the incident leading to her termination.	<a href="#">25:23-27:8</a>
Talitha Marquez's Knowledge of Roberta Cervantes's Work Performance and Lapsed License	Marquez considered Cervantes to be a good and hard worker and had no concerns about her work or issues with her honesty or credibility prior to the incident leading to her termination.	<a href="#">27:12-25</a>
	Marquez had no specific situations to relate to any issues with Cervantes's honesty or credibility and considered her to be a hard worker.	<a href="#">28:2-18</a>
	Marquez first learned that Roberta Cervantes's nursing license was not renewed in November 2017 on February 6th, 2018, through a phone call from the assistant clinical manager, Miguel.	<a href="#">28:19-30:5</a>

	Marquez was made aware on February 6th, 2018, that Cervantes's nursing license had not been renewed since November 2017, and she learned this through a phone call from the assistant clinical manager, Miguel.	<a href="#">30:6-31:11</a>
	Marquez was unsure whether the phone call from Miguel was on her Kaiser phone or personal cell phone.	<a href="#">31:14-25</a>
Talitha Marquez's Response to Discovery of Lapsed License and Inquiry into Notification Delay	During the phone call, Miguel informed Marquez that Cervantes's license had been expired since November 2017 and that he had verified the inactive/suspended status on the BRN website. Miguel also mentioned that he had spoken with Cervantes, who claimed her license was valid and electronic.	<a href="#">32:1-18</a>
	Following the phone call with Miguel, Marquez stated she would also reach out to Cervantes to verify the situation.	<a href="#">32:19-34:23</a>
	Marquez questioned why she was only hearing about the lapsed license in February when it had been expired since November, and she was surprised because two months had passed without her knowledge of the situation.	<a href="#">34:24-35:7</a>
	Marquez did not know why she did not learn about the lapsed license in January 2018, attributing it to the fact that notifications are courtesies and not always received.	<a href="#">35:8-23</a>
Investigation into License Renewal and Kaiser's Policies for Valid Licenses	Marquez was aware of an incident at another Kaiser facility, specifically in Orange County, where an employee worked on a suspended license, which she learned about from her HR consultant, Kathy Hudson, after February 7th.	<a href="#">35:24-36:18</a>
	The investigation clarified why Cervantes did not renew her license, revealing that she	<a href="#">36:20-37:15</a>

	mistakenly believed it was electronic and did not receive a notification. It was emphasized that it was Cervantes's professional responsibility to maintain her license.	
	Marquez did not know if Cervantes received a courtesy notice regarding her license renewal prior to November 2017, as she was not involved with that unit during the preceding months.	<a href="#">37:16-39:1</a>
	Marquez did not have any information to dispute the claim if Cervantes testified that no courtesy notice was posted prior to her license renewal in November 2017.	<a href="#">39:7-16</a>
	Marquez stated that during the investigation, it was clear that Cervantes did not follow up on her professional responsibility to maintain her license, as she believed it was electronic but did not verify it.	<a href="#">39:17-40:4</a>
	Marquez confirmed that Kaiser's policy requiring employees to have a valid license to work legally was the same at the time of the deposition as it was during the period in question.	<a href="#">40:7-24</a>
	Kaiser had policies in place to ensure that nurses have valid licenses, which included courtesy notifications sent via email and posted in break rooms. However, it was the professional responsibility of the nurses to maintain their licenses, not Kaiser's.	<a href="#">40:25-41:13</a>
Concerns about Reporting to Outside Agencies and Kaiser's Self-Reporting Obligations	Marquez did not consider the possibility that Cervantes would report herself or Kaiser to outside agencies for allowing her to work without a valid license.	<a href="#">41:14-42:9</a>
	Marquez was not aware of any instances where Kaiser self-reported violations and did not consider it her area of knowledge.	<a href="#">42:10-44:16</a>

	Marquez was concerned about potential violations and risks to Kaiser, such as malpractice, administering medications without a license, and violations of regulatory bodies, which could result in fees and fines.	<a href="#">44:17-45:21</a>
Manager Email Notifications and License Tracking System	Kaiser has always had the ability to track employees' license status, but at some point, they began a procedure of sending this information via email to managers.	<a href="#">45:24-47:16</a>
	Managers do not receive emails regarding employee license status on a consistent basis; it is not something that is done consistently but rather as a courtesy, with varying notification times such as 30-day or 60-day notices.	<a href="#">47:17-48:3</a>
Kaiser's Self-Reporting Obligations and Compliance Department	Marquez has never learned of any information that someone from Kaiser actually self-reported violations.	<a href="#">48:4-12</a>
	Talitha Marquez is not aware of any instances where Kaiser self-reported violations.	<a href="#">48:13-49:4</a>
	Marquez does not know if Kaiser is required to self-report violations as it is not within her area of expertise.	<a href="#">49:7-23</a>
	The Compliance department is a separate entity from Marquez's department, and Lynn San Miguel heads up the compliance department.	<a href="#">49:24-50:22</a>
Marquez's Role Transition and Familiarity with License Status Communications	Marquez did not learn about Kaiser's tracking system for employees' licenses until she became a manager, and she does not know when the HR track system was first implemented.	<a href="#">50:23-51:10</a>
	Marquez first saw emails regarding nurses' licensing status when she became an unofficial manager approximately two years ago in June 2018.	<a href="#">51:11-19</a>
	Marquez was familiar with emails regarding nurses' license status because, even as	<a href="#">51:20-25</a>

	an assistant clinical manager, she would be forwarded those emails and would post them in the break rooms.	
Distribution List for License Status Emails and Managerial Training	Marquez's training for the interim manager position was conducted by Gail Gillen, but she does not recall how long the training lasted.	<a href="#">52:3-53:1</a>
	Marquez was not on the distribution list for the emails as a manager and did not expect to be added immediately due to the time it takes for status changes to be processed.	<a href="#">53:2-15</a>
	Marquez's role changed from assistant clinical manager to house supervisor and then to interim FSC manager, which affected her inclusion in the distribution list for the emails.	<a href="#">53:18-54:5</a>
HR Track System and Notification Process	The HR track system sends emails from the region to local Kaisers, and the education department helps manage it, although they do not technically oversee it.	<a href="#">54:6-10</a>
	The HR track emails include notifications of 30-day and 60-day expirations, as well as expired licenses, as a courtesy, but it is not a consistent practice.	<a href="#">54:11-16</a>
Kaiser's Policy on Employee License Maintenance and Manager's Responsibilities	Kaiser does not have a policy for notifying employees other than posting notifications in the break room, and it is up to the individual to maintain their licenses and certificates.	<a href="#">54:17-23</a>
	Marquez does not believe she has a duty to notify an employee with an expired license, although she does it as a courtesy. She understands that a manager can face discipline when an employee has their license expired, but she is not sure if it is stated in the policy.	<a href="#">54:24-56:9</a>
Managerial Discretion in Disciplinary Actions and Termination Decisions	Marquez had discretion to determine the punishment for Roberta but collaborated with Gail and the HR consultant,	<a href="#">56:10-57:1</a>

	Kathy Hudson, to make the final decision. She does not believe she had discretion to give Roberta a less severe discipline due to the severity of the situation.	
	The decision-makers involved in the termination of Roberta were Marquez, Gail, and the HR consultant, Kathy Hudson.	<a href="#">57:2-15</a>
Roberta's Awareness of License Status and Marquez's Concerns	Marquez was concerned about the potential discipline for allowing Roberta Cervantes to work on an expired license and took actions such as contacting compliance, the director, and the chief nurse to address her concerns.	<a href="#">57:20-58:12</a>
	Marquez believes that Roberta knowingly worked without a valid license because she did not follow up or check her emails to confirm her license status. Roberta admitted during the fact-finding that she never followed up and did not know whether her license was valid.	<a href="#">58:13-25</a>
Review and Distribution of License Expiration Memos	Talitha Marquez reviewed copies of the November and December expiration memos regarding license expiration.	<a href="#">59:1-6</a>
	Roberta's name was not on the December expiration memo, and Marquez did not know why.	<a href="#">59:7-10</a>
	Marquez was not on the distribution list for the December memo and only saw a copy of it.	<a href="#">59:11-14</a>
Awareness and Specificity of License Expiration Communications	Marquez was aware of only one November and one December memo or email discussing license expiration.	<a href="#">59:15-23</a>
	Marquez confirmed that there was no set timing for the courtesy notifications about license expirations.	<a href="#">59:24-60:5</a>
	The local educational department would distribute emails regarding license status to assistant clinical managers, but not consistently to specific clinical managers.	<a href="#">60:6-17</a>

	<p>Emails regarding license status were not sent from the region to the assistant clinical managers directly but were distributed by the local educational department.</p>	<p><a href="#">60:17-61:2</a></p>
<p>Changes in License Expiration Tracking System and Marquez's Role</p>	<p>The system for tracking license expiration changed around June 2018, with a list no longer being distributed, and Marquez was not part of the decision to stop the list.</p>	<p><a href="#">61:3-13</a></p>
	<p>Marquez was not aware of the policy developed as a result of Roberta's situation and did not take part in the decision to stop the list.</p>	<p><a href="#">61:14-17</a></p>
	<p>Marquez did not know if the decision to stop distributing the list was related to Roberta's situation.</p>	<p><a href="#">61:18-21</a></p>
<p>Marquez's Access to License Status Reports and Personal Monitoring Practices</p>	<p>After the list was discontinued, Marquez had direct access to a report to learn about employees' license status.</p>	<p><a href="#">61:22-62:9</a></p>
	<p>Marquez now has a link directly to a report to learn about the license status of employees.</p>	<p><a href="#">62:10-13</a></p>
	<p>Marquez used the HR track to monitor license status and had a personal practice of checking it at the end of each month for upcoming expirations.</p>	<p><a href="#">62:14-20</a></p>
	<p>Marquez's personal practice includes pulling up a list of employees whose licenses will expire in the next two months at the end of each month.</p>	<p><a href="#">62:21-63:7</a></p>
	<p>Marquez makes staff aware of upcoming license expirations during daily huddles without specifying names.</p>	<p><a href="#">63:8-14</a></p>
<p>Inquiries into Management's Knowledge of Roberta's Expired License</p>	<p>Miguel was very shocked during the conversation with Marquez, leading her to believe he was not previously aware of Roberta's expired license.</p>	<p><a href="#">63:19-64:3</a></p>
	<p>Marquez discussed with Miguel when he first learned about Roberta's expired license, which was on</p>	<p><a href="#">64:4-7</a></p>

	February 6th when Roger Christianson informed him.	
	Marquez asked Gail if she knew about Roberta's expired license, and Gail was not aware.	<a href="#">64:8-12</a>
	Gail indicated that she let her assistant handle emails regarding license expirations.	<a href="#">64:13-15</a>
	Miguel asserted that he did not have any information stating Roberta's license was expired.	<a href="#">64:16-19</a>
Marquez's Roles and Email Receipt as Assistant Clinical Manager	Marquez's roles at Kaiser included being a house supervisor, an assistant clinical manager, and an interim manager.	<a href="#">64:24-65:21</a>
	As an assistant clinical manager, Marquez did not directly receive emails about license status but could be forwarded such emails by other managers.	<a href="#">65:22-66:4</a>
	Marquez received emails about license status from Gail and Roger while she was an assistant clinical manager.	<a href="#">66:5-11</a>
	Marquez was not aware of any specific actions or actual harm caused by Roberta's license violation to Kaiser.	<a href="#">66:12-15</a>
Discussions about Kaiser's Potential Liability and Consequences for License Violations	Marquez was not aware of any actual harm or liability caused by Roberta Cervantes's license violation to Kaiser.	<a href="#">66:16-25</a>
	Marquez did not believe that terminating Roberta Cervantes eliminated any liability on the part of Kaiser.	<a href="#">67:1-13</a>
	Marquez stated that part of the reason for Roberta's termination was the lack of sense in Roberta's explanation and her admission of not checking her emails.	<a href="#">67:14-68:11</a>
	Marquez believed that Roberta was fired due to the investigation and Roberta's own statements during fact-finding, not solely because of the risk she posed to Kaiser.	<a href="#">68:12-24</a>
	Marquez was not part of any discussions about reporting the license violation to the	<a href="#">68:25-69:6</a>



	BRN and believed the termination was due to Roberta's own actions and statements.	
	Marquez knew that the Joint Commission ensures hospitals meet standards and that regulatory practices are in place, but she was not familiar with the specific consequences of violations.	<a href="#">69:7-19</a>
Understanding of Accreditation Requirements and Consequences for Violations	Marquez was not involved in discussions regarding potential consequences for Kaiser from accreditation bureaus like the Joint Commission.	<a href="#">69:20-24</a>
	Marquez knew that the Joint Commission required nurses to be licensed and that there could be fines for violations, but was not specific about the consequences.	<a href="#">69:25-70:8</a>
	Marquez stated that the discipline for working with an expired license would be the same regardless of whether it was for one day or a longer period.	<a href="#">70:9-15</a>
Discipline Consistency for Working with an Expired License and Investigation Details	Marquez acknowledged that working with an expired license could result in the same discipline regardless of the duration of the violation.	<a href="#">70:16-20</a>
	Marquez was aware of the new fingerprinting requirement that was communicated to nurses, including through union flyers.	<a href="#">70:21-24</a>
	Marquez understood that there was a new fingerprinting requirement in 2017, but it was not for everyone and was specific to when the last fingerprints were done.	<a href="#">70:25-71:5</a>
Marquez's Knowledge of Fingerprinting Requirement and Responsibility for Licensure	Marquez knew about the new fingerprinting requirement and emphasized that it was the nurse's responsibility to stay current with licensure, not the employer's.	<a href="#">71:6-17</a>
	Marquez logged into the BRN in 2018 and saw the big yellow banner about the	<a href="#">71:18-22</a>

	fingerprinting requirement, but did not recall doing so in 2017.	
	Talitha Marquez was not aware if the union representative specifically spoke with Roberta about the need for additional fingerprints.	<a href="#">71:23-72:11</a>
Union Representative Communication and Knowledge of Roberta's Situation	Marquez acknowledged that while it was a generalized statement that all nurses at FCC should have known about the union postings regarding additional fingerprints, she did not have specific knowledge about Roberta seeing those postings.	<a href="#">72:12-74:8</a>
	Marquez confirmed that the union posted information about the need for additional fingerprints in the break room and on boards at the hospital entrance, and that the union treasurer, who worked in FCC, had more knowledge than others.	<a href="#">74:9-17</a>
	Marquez confirmed that she did not know whether Roberta ever saw the union's postings.	<a href="#">74:18-20</a>
	Marquez did not know if the link to check license status for employees was available to managers before June 2018, as she was not a manager at that time.	<a href="#">74:21-75:3</a>
	Marquez stated that she did not make any judgment call as to whether Roberta was telling the truth when she said she thought her license was valid and that she had properly renewed her license.	<a href="#">75:4-19</a>
	Marquez, Gail, and Miguel were not aware of the expiration of Roberta's license prior to February 6th, 2018, but believed they should have known.	<a href="#">75:20-76:10</a>
	She did not make a judgment call on whether Roberta was telling the truth about thinking her license was valid and believed Roberta did not know	<a href="#">76:11-17</a>

	her license had expired but should have known.	
	Marquez believed that Gail, herself, or Miguel should have known about the expiration of Roberta's license prior to February 6th, 2018, but also stated that it was not their responsibility.	<a href="#">76:18-23</a>
	Marquez confirmed she has never been convicted of a felony and acknowledged the awkwardness of being asked such questions in depositions.	<a href="#">76:24-77:5</a>
Talitha Marquez's Participation in Previous Depositions and Awareness of Other Lawsuits	Marquez is an expert witness in two lawsuits but is not named specifically for something she has done.	<a href="#">77:6-12</a>
	She was not aware of any other ongoing claims for wrongful terminations at Kaiser.	<a href="#">77:13-15</a>
	Marquez did not have an understanding of why Roberta's license expired and stated that the reason for the expiration was not a factor in her termination decision.	<a href="#">77:16-22</a>
	Marquez did not know the specific reason why Roberta's license expired and stated that it was up to the employee to disclose why their license expired.	<a href="#">77:23-78:14</a>
	Marquez assumed that Roberta had a valid license, just as Roberta assumed she had a valid license.	<a href="#">78:15-19</a>
	She felt that Roberta was irresponsible for not checking her emails and validating her license status.	<a href="#">78:20-79:2</a>
	Marquez stated that there is no such thing as an electronic card, contradicting Roberta's claim of having one.	<a href="#">79:3-8</a>
	Marquez mentioned that the process of receiving a physical card for license renewal had changed to electronic several years ago and that she had not received a physical card for many years.	<a href="#">79:12-80:24</a>

	Marquez became aware of another employee, Mel, whose license expired in June 2020 and disciplined him with a suspension without pay.	<a href="#">80:25-81:7</a>
Disciplinary Actions and Management Responsibilities	Marquez learned about her employee Mel's license expiration on the last day of June 2020, and he was disciplined with a suspension without pay for approximately 11 days until he provided a valid license.	<a href="#">81:8-83:11</a>
	She had the discretion to discipline Roberta with a suspension without pay, which was initially decided upon but later changed to paid suspension after consulting with HR for a full investigation.	<a href="#">83:12-23</a>
	Marquez stated that it is not a daily function of a manager to validate an employee's license every day.	<a href="#">83:24-84:8</a>
	The decision to change Roberta's suspension from without pay to with pay was made in collaboration with the HR consultant to complete a full and fair investigation.	<a href="#">84:9-85:15</a>
	The initial decision to suspend Roberta without pay was made by Marquez after consulting with either Gail or the HR consultant, Kathy Hudson.	<a href="#">85:16-20</a>
	Marquez indicated that the decision to suspend Roberta with pay was made to ensure a fair investigation could be completed.	<a href="#">85:21-86:14</a>
	Marquez could have told Roberta that she might be terminated if she did not renew her license within 14 days, as per policy.	<a href="#">86:15-25</a>
	Marquez did not recall specifically how she first notified Roberta of her suspension without pay but stated it had to be on the phone since it was in the evening.	<a href="#">87:1-21</a>