

1 MICHAEL KOCHERSPERGER August 18, 2017
MENDEZ vs SOUTHWEST AIRLINES DEPARTMENT OF LABOR

2 OFFICE OF ADMINISTRATIVE LAW JUDGES

3
4 In the Matter of:

5 DUANE MENDEZ, ANDREW BLAIZE,
6 DAVID NAZARETH, PERCY LABASAN,
and BOBBY JAMES,

7 Complainants,

8 vs.

9 SOUTHWEST AIRLINES CO.

10 Respondent.

CASE NOS.
2017-AIR-00021,
2017-AIR-00022,
2017-AIR-00023,
2017-AIR-00024, and
2017-AIR-00025

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15 DEPOSITION OF MICHAEL KOCHERSPERGER

16 Taken on Friday, August 18, 2017

17 At 8:30 a.m.

18 At 2300 West Sahara Boulevard
19 Suite 770
Las Vegas, Nevada

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23
24
25 Reported by: Alexander J. Nagle, CCR 923

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2 MENDEZ vs SOUTHWEST AIRLINES

August 18, 2017

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4 For Respondent: FORD & HARRISON LLP
5 271 17th Street, NW
6 Suite 1900
7 Atlanta, Georgia 30363
8 BY: LEANNE C. MEHRMAN, ESQ.
9 Ph. (404)888-3800; Fax (404)888-3863
10 lmehrman@fordharrison.com

11 For Complainants: SEHAM SEHAM MELTZ & PETERSEN, LLP
12 199 Main Street
13 Seventh Floor
14 White Plains, New York 10601
15 BY: LEE SEHAM, ESQ.
16 Ph. (914)997-1346
17 ssmpls@aol.com

18 Also Present: Lauren Armstrong, Paralegal
19
20 Duane Mendez, Complainant
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22 David Nazareth, Complainant
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MICHAEL KOCHERSPERGER
MENDEZ vs SOUTHWEST AIRLINES INDEX August 18, 2017

Examination Further Examination

By Mr. Seham 5



1 write-up on the response door handles?" August 18, 2017
2 And Jack said, "No. That's not what I'm
3 saying. That's not what I'm telling you to do."

4 Q. And how did Mr. Mendez respond to that?

5 A. I don't remember.

6 Q. Did you reach any conclusion as to why
7 Mr. Mendez, under the existing circumstances, would be
8 worried about his job?

9 A. I just assumed that -- the conclusion came
10 from the discussion they had the night before.

11 Q. Did you ever tell him, "Jack James won't
12 have you fired"?

13 A. No, I didn't say that.

14 Q. Did you ever tell him, "Mike Everly won't
15 have you fired"?

16 A. No.

17 Q. So your reassurance was limited to telling
18 him that you personally would not have him fired,
19 correct?

20 A. That's correct.

21 Q. Did you tell him, during this
22 conversation, that you considered his write-ups to be
23 part of a job action?

24 A. No.

25 Q. Jack James, what is his position?
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1 MICHAEL KOCHERSPERGER, regional manager, I believe
MENDEZ vs SOUTHWEST AIRLINES

2 Q. And back to -- let me just follow up with
3 one or two more questions about your direct
4 conversation with Duane Mendez.

5 Did you believe that he was expressing his
6 concern about his job security in good faith?

7 A. No.

8 Q. So you don't -- you concluded that he was
9 not worried, in fact?

10 A. I don't think he was as worried as he
11 would have liked me to believe. That's just my
12 opinion.

13 Q. So why did you give him the reassurance if
14 you didn't think he was worried?

15 MS. MEHRMAN: Objection. Form.

16 BY MR. SEHAM:

17 Q. Well, let me withdraw the question.

18 You felt he was -- because maybe it
19 mischaracterizes your testimony.

20 You felt he was worried, but not as
21 worried as he was trying to make you think; is that
22 your conclusion?

23 A. Yes.

24 Q. So there was some -- there was some
25 quantum of worry that you perceived in Mr. Mendez?

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1 MICHAEL KOCHERSPERGER August 18, 2017
2 MENDEZ vs SOUTHWEST AIRLINES

3 Q. And so in order to alleviate what you
4 perceived as a genuine level of concern on his part,
5 you gave him your personal reassurance that you would
6 take no action against him; is that correct?

7 A. I did tell him I would not fire him.

8 Q. That's not responsive to my question.

9 MR. SEHAM: I'm sorry to trouble you.
10 Could you read the question back.

11 (Question read.)

12 BY MR. SEHAM:

13 Q. Do you understand the question?

14 A. Yes.

15 Q. The answer to the question is "yes"?

16 A. No. I understand the question, is yes.

17 Q. Okay. Would you please answer the
18 question?

19 A. Yes, I gave him my personal reassurance
20 that I would not fire him. I didn't say that I would
21 take no action. I said I would not fire him.

22 Q. I'm not asking what you said. I'm asking
23 why you said it.

24 MR. SEHAM: Could you read the question
25 back again.

(Question read.)

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1 BY MR. SEHAM
MICHAEL KOCHERSPERGER
MENDEZ vs SOUTHWEST AIRLINES

August 18, 2017

2 Q. I'm going to ask you again to answer that
3 question.

4 A. Yes.

5 MR. SEHAM: Off the record.

6 (Recess taken.)

7 BY MR. SEHAM:

8 Q. This is going to be sort of out of order,
9 but we were talking before about the FAA and your
10 meeting with them.

11 Was there any discussion of Aircraft 371,
12 to your recollection?

13 A. I don't recall if we talked about it or
14 not.

15 Q. Now, just because I'm not sure it's on the
16 record, who is Jack James?

17 MS. MEHRMAN: Asked and answered.

18 MR. SEHAM: Maybe we could stipulate it
19 rather than interrupting my flow.

20 MS. MEHRMAN: I believe his testimony just
21 before the break was --

22 MR. SEHAM: I'm trying to elicit a
23 different answer as to what Jack James is to impeach
24 his credibility and show that he's inclined to lie
25 about who Jack James is.

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MENDEZ vs SOUTHWEST AIRLINES
1 your supervision?

2 A. Every night, yes.

3 Q. And how about MV2's? Are they also
4 performed most nights by AMTs under your supervision?

5 A. Most nights, yes.

6 Q. And the MV2, what does that consist of?

7 A. It's just a little bit higher check. Some
8 of the tolerances for wear limits in tires and breaks,
9 for example, are a little bit more stringent.

10 Q. Does that call for an inspection of the
11 ground service doors?

12 A. Specifically, I don't know.

13 Q. Okay. And does it call for an inspection
14 of the cargo doors?

15 A. I don't know.

16 Q. I need to go back to your conversation,
17 briefly, with Mr. Mendez the day after the meeting with
18 Jack James.

19 Isn't it true that you said to him that if
20 he was worried about being written up by the feds, that
21 he should continue to write up the cargo door damage?

22 A. Not exactly, but similar.

23 Q. Okay. Do you remember any better -- can
24 you give us --

25 A. I believe I said, "If you're worried about

MENDEZ vs SOUTHWEST AIRLINES

1 your license," I said, "write them up. Write it up. I
2 don't have a problem with it."

3 Q. Okay. And isn't it true that you said to
4 him, "If you're worried about your job, then I don't
5 know"?

6 A. Yes.

7 Q. Now, would you agree -- I'm sorry. How
8 long have you been with Southwest?

9 A. Just a little over four years.

10 Q. Do you know what the process for
11 remediating a scratch to the cargo door or cargo door
12 handle is where the scratch exceeds limits? How do you
13 fix that?

14 A. Well, you refer to the SRM and follow the
15 procedures in there.

16 Q. Do you have any recollection of what those
17 procedures are?

18 A. Generally, you would measure the depth of
19 a scratch. And sometimes it depends on what area of
20 the -- it can sometimes depend on what area the scratch
21 is in. And then the SRM would give you different
22 limitations for different areas, possibly, or give you
23 limitations of the depth of the scratch.

24 Q. Is it common -- is a common approach to
25 remediating this kind of damage to blend the metal to