In the Matter of:

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

Complainants,

vs.

SOUTHWEST AIRLINES CO.


Respondent.

DEPOSITION OF MICHAEL KOCHERSPERGER

Taken on Friday, August 18, 2017

At 8:30 a.m.

At 2300 West Sahara Boulevard
Suite 770
Las Vegas, Nevada

Reported by: Alexander J. Nagle, CCR 923
For Respondent:  FORD & HARRISON LLP
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Also Present:  Lauren Armstrong, Paralegal
Duane Mendez, Complainant
David Nazareth, Complainant
Examination Further Examination
By Mr. Seham 5
And Jack said, "No. That's not what I'm saying. That's not what I'm telling you to do."

Q. And how did Mr. Mendez respond to that?
A. I don't remember.

Q. Did you reach any conclusion as to why Mr. Mendez, under the existing circumstances, would be worried about his job?
A. I just assumed that -- the conclusion came from the discussion they had the night before.

Q. Did you ever tell him, "Jack James won't have you fired"?
A. No, I didn't say that.

Q. Did you ever tell him, "Mike Everly won't have you fired"?
A. No.

Q. So your reassurance was limited to telling him that you personally would not have him fired, correct?
A. That's correct.

Q. Did you tell him, during this conversation, that you considered his write-ups to be part of a job action?
A. No.

Q. Jack James, what is his position?
Q. And back to -- let me just follow up with one or two more questions about your direct conversation with Duane Mendez.

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

A. No.

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

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

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

MS. MEHRMAN: Objection. Form.

BY MR. SEHAM:

Q. Well, let me withdraw the question.

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

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

A. Yes.

Q. So there was some -- there was some quantum of worry that you perceived in Mr. Mendez?
Q. And so in order to alleviate what you perceived as a genuine level of concern on his part, you gave him your personal reassurance that you would take no action against him; is that correct?
A. I did tell him I would not fire him.
Q. That's not responsive to my question.
MR. SEHAM: I'm sorry to trouble you. Could you read the question back.
(Question read.)
BY MR. SEHAM:
Q. Do you understand the question?
A. Yes.
Q. The answer to the question is "yes"?
A. No. I understand the question, is yes.
Q. Okay. Would you please answer the question?
A. Yes, I gave him my personal reassurance that I would not fire him. I didn't say that I would take no action. I said I would not fire him.
Q. I'm not asking what you said. I'm asking why you said it.
MR. SEHAM: Could you read the question back again.
(Question read.)
Q. I'm going to ask you again to answer that question.

A. Yes.

MR. SEHAM: Off the record.

(Recess taken.)

BY MR. SEHAM:

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

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

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

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

MS. MEHRMAN: Asked and answered.

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

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

MR. SEHAM: I'm trying to elicit a different answer as to what Jack James is to impeach his credibility and show that he's inclined to lie about who Jack James is.
Q. And how about MV2's? Are they also performed most nights by AMTs under your supervision?
A. Most nights, yes.
Q. And the MV2, what does that consist of?
A. It's just a little bit higher check. Some of the tolerances for wear limits in tires and breaks, for example, are a little bit more stringent.
Q. Does that call for an inspection of the ground service doors?
A. Specifically, I don't know.
Q. Okay. And does it call for an inspection of the cargo doors?
A. I don't know.
Q. I need to go back to your conversation, briefly, with Mr. Mendez the day after the meeting with Jack James.

Isn't it true that you said to him that if he was worried about being written up by the feds, that he should continue to write up the cargo door damage?
A. Not exactly, but similar.
Q. Okay. Do you remember any better -- can you give us --
A. I believe I said, "If you're worried about
your license," I said, "write them up. Write it up. I don't have a problem with it."

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

A. Yes.

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

A. Just a little over four years.

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

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

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

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

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