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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KIMBERLY FREEMAN,

Plaintiff,

No. C 06-04900 JSW

v.

MICHAEL J. ASTRUE,

Defendant.

**COURT’S INTENDED VOIR DIRE
FOR PANEL**

STATEMENT OF THE CASE

Plaintiff Kimberly Freeman was a Service Representative employed by the Social Security Administration through the Federal Careers Intern Program. She brings an action under Title VII of the Civil Rights Act, 42 U.S.C. §2000e-16, alleging that her race was a factor in her termination by the Social Security Administration. She was hired on September 15, 2003 through the Federal Careers Intern Program. Ms. Freeman was discharged from the Federal Careers Intern Program, effective July 26, 2004.

The Social Security Administration claims that Ms. Freeman was terminated for legitimate, non-discriminatory reasons, including excessive socializing, not following instructions from her supervisors, and her inability to remain focused and productive while at work. Ms. Freeman’s supervisors claim that they repeatedly warned her about these issues. Plaintiff Freeman complained that she was treated differently from comparable employees, based on her race.

QUESTIONS FOR THE PANEL

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1. Has any member of the panel heard or read anything about the case?
2. As I indicated, my name is Jeffrey S. White. Do any of you know me?
3. My courtroom deputy is Jennifer Ottolini and my Law Clerks are Daisy Salzman, Melissa Goldberg, and Kristin Ring. Do any of you know any of these people?
4. Plaintiff will be represented at trial by Mary Dryovage. Defendant will be represented at trial by Claire T. Cormier, Jennifer S. Wang, and Jaime Preciado. The parties may also call the following witnesses:

- Jim Buyck
- Janice Campbell
- Robert Castillo, M.D.
- David Corneliuz
- Vicky Currey
- Charlie Estudillo
- Kimberly Freeman
- Teresa Galan
- Brenda Higdon
- Frances Hopson
- Scott Incardona
- Quiona Jamison
- Helen Jew
- Ann Keag
- Steve Korn
- Sandra Knox
- Linda Moore
- Sylvia Norman
- Noel Riggins
- Karina Rocha

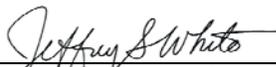
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- Paula Singer
 - Peter Spencer
 - Bobbie Summers
 - Regina Thompson
 - Isaac Williams
- a) Do any of you know any of these persons?
 - b) Have any of you had any business dealing with them or were represented by them?
 - c) Have any of you had any other similar relationship or business connection with any of them?
5. Have any of you ever served as a juror in a criminal or a civil case or as a member of a grand jury in either a federal or state court? If yes, please state the following:
- a) How many times?
 - b) When?
 - c) Were you a foreperson?
 - d) What type of case was it?
 - e) How did you feel about your jury service?
 - g) Without stating the result, did the jury reach a verdict?
6. Have any of you or an immediate family member ever been a party to a lawsuit, other than divorce proceedings?
7. Have you, or any member of your immediate family, ever worked for the Social Security Administration or any similar United States government agency?
8. Have you ever had any negative experiences with the Social Security Administration, or any other federal agency?
9. Do you think government workers and authority figures generally tell the truth?
10. Would you be more inclined to find for the plaintiff because she is an individual, instead of a governmental entity?
11. Would you have any difficulty believing the testimony of government employees?

- 1 12. Have you ever supervised people?
- 2 13. Have you ever had to reorganize an organization or company?
- 3 14. What has been your experience in reorganizing or supervising others?
- 4 15. Have you ever been subject to a reorganization in an organization or company?
- 5 16. Have you ever been fired from an organization or company?
- 6 17. Have you ever been disciplined at work? If so, did you think it was fair?
- 7 18. Have you ever fired or disciplined another employee?
- 8 19. Have you ever sued an employer over an employment dispute?
- 9 20. Have you ever brought a claim of discrimination against any one or any entity?
- 10 21. Have you, or a member of your immediate family, ever brought a claim of wrongful
- 11 discharge against an employer?
- 12 22. Have you ever quit a position because you believe that your work environment was
- 13 intolerable? Is there anything about that experience that would make it difficult for you
- 14 to sit as a juror in this case?
- 15 23. Do you think that most employers are fair with their workers?
- 16 24. Do you think that most employers fire employees without a good reason?
- 17 25. Do you feel that rules and laws protecting workers should be made stronger?
- 18 26. Do you believe that if someone brings a lawsuit that it must have some merit to it?
- 19 27. Do you believe that suing the government makes you pay more taxes?
- 20 28. Have you ever been in a position in which you have had to hire, fire, discipline, or
- 21 suspend an employee?
- 22 29. Have you had any special training in personnel matters or practices or in employee-
- 23 related matters? If yes, what was it? Is there anything about this training which may
- 24 cause you to lean toward one side or the other in this case?
- 25 30. Are you presently involved, or have you ever in the past been involved in, any type of a
- 26 dispute with an employer or a supervisor? If so, what was the nature of the dispute?
- 27 What was the outcome? Was there anything in this incident which might make you tend
- 28 to lean toward one side or the other in this case?

- 1 31. Have you ever filed any claims against an employer through a governmental agency,
2 such as the Labor Commission, the National Labor Relations Board, the Equal
3 Employment Opportunity Commission, the California Fair Employment and Housing
4 Commission, or any other state or federal agency? If so, what was the nature of the
5 dispute? What was its outcome? Was there anything in this incident which might cause
6 you to lean toward one side or the other in this case?
- 7 32. Have you ever filed a grievance or had a claim referred to arbitration under a collective
8 bargaining agreement or grievance procedure established by your employer? If so, what
9 was the nature of the dispute? What was its outcome? Was there anything in that
10 incident which might cause you to favor one side or the other in this case?
- 11 33. Are you able to treat employer and employee equally in making your decision,
12 especially if the employer is the government?
- 13 34. When someone files a complaint alleging discrimination, do you believe that that
14 individual has the burden to prove the allegations of the complaint or do you believe that
15 the defendant has to disprove the allegations?
- 16 35. Would you have any problem holding plaintiff to her burden of proof at trial?
- 17 36. Do you believe there are too many lawsuits?
- 18 37. Do you believe that jury awards are too high?
- 19 38. Do you believe that people are too ready to sue?
- 20 39. Is there anything else that you would like to bring to the Court's attention (e.g., health
21 problems, hearing problems, difficulty understanding English, personal bias, financial
22 problems, etc.) that might affect your ability to be an effective, fair and impartial juror?
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25 Dated: December 2, 2008


26 JEFFREY S. WHITE
27 UNITED STATES DISTRICT JUDGE
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