

# EXHIBIT B

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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DEBORAH SALACH, )  
 )  
Plaintiff, )  
 )  
vs. ) No. C 03 3712 MJJ  
 )  
LEVEL (3) COMMUNICATIONS, INC., ) VOLUME II  
 )  
DAVID BELOVE, MIKE KOKINOS, DAVID )  
 )  
ROSENBERG, and DOES 1 through 100, )  
 )  
inclusive, )  
 )  
Defendants. )  
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Continued deposition of MARY DEBORAH SALACH,  
at 2029 Century Park East, Los Angeles,  
California, commencing at 10:13 A.M.,  
Thursday, January 8, 2004 before  
Cathryn L. Baker, CSR No. 7695.

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1 Q. So Julie Keller, Sheila Wood and you. You 03:55 PM  
2 believe that all three of you in some manner were  
3 sexually harassed when you worked at Level (3)?

4 A. Yes.

5 Q. Who do you believe engaged in conduct that you 03:55 PM  
6 think is harassing towards you when you worked at Level  
7 (3)?

8 A. Mike Kokinos. Andre Kriel.

9 Q. Could you spell that last name? 03:56 PM

10 A. K-r-i-e-l.

11 Q. Andre? 03:56 PM

12 A. Uh-huh, yes.

13 Q. Kriel? 03:56 PM

14 A. Kriel, K-r-i-e-l. It's in the -- one of the  
15 summaries.

16 Q. Who besides Mike and Andre do you believe 03:56 PM  
17 harassed you?

18 A. I think it's just those two.

19 Q. We'll just start with a list, then I'd like, 03:56 PM  
20 obviously, to get some details.

21 What was it that Mr. Kokinos said or did which  
22 you felt was of a sexual nature?

23 A. When we were in the office I went out on the  
24 patio, we often had lunch out on the patio. And he was  
25 coming in from the patio with his colleague, or I guess

1 Ted was his sales engineer, Ted Rozalis, his Greek  
2 buddy, he looked at me up and down and he said "very  
3 tempting." And that's what I call sexual harassment.  
4 You don't say that to a woman in the workplace. You say  
5 "you look very nice," you don't say "very tempting."

6 Q. Mr. Kokinos is the one who made the comment 03:57 PM  
7 "very tempting"?

8 A. Correct.

9 Q. And that was in front of Ted? 03:57 PM

10 A. Yes.

11 Q. Do you know how to spell Ted's last name? 03:57 PM

12 A. R-o-z-a-l-i-s.

13 Q. What else did Mr. Kokinos say or do to you 03:57 PM  
14 which you felt was of a sexual nature?

15 A. At a Christmas party in the year of 2000 he  
16 asked me to slow dance, and that was just unbelievable.  
17 He -- I told him I really didn't dance and he encouraged  
18 me to have a slow dance with him. And during the dance  
19 I could actually feel his sexual organ.

20 Q. When you say you could feel his sexual organ, 03:58 PM  
21 are you referring to his penis?

22 A. Yes.

23 Q. When you say you could feel it, was he erect 03:58 PM  
24 as far as you knew?

25 A. If felt like it because we weren't even

1           A.    We were both colleagues back then, so probably  
2    it would have been in 1999, I believe.  Probably the  
3    fall of 1999.

4           Q.    Other than the two incidents you've described           04:00 PM  
5    to me so far did Mr. Kokinos say or do anything else  
6    which you felt was of a sexual nature while the two of  
7    you worked at Level (3)?

8           A.    He would give hugs that were just crushing.

9           Q.    How many times did he hug you?                       04:00 PM

10          A.    Oh, a couple of times, I'm sure.  I remember  
11    at least two times.

12          Q.    When was the first time?                           04:00 PM

13          A.    I think it was when he was my manager.

14          Q.    When was that?                                       04:00 PM

15          A.    In 2001.  I'm trying to remember.  And then  
16    when I -- yeah, he gave me a hug when I came back from  
17    surgery.  When I came back to the office to get my  
18    things, or to get my letter of recommendation from him.  
19    He gave me a hug that was just crushing.

20          Q.    Was there another hug in addition to the           04:01 PM  
21    post-surgery hug?

22          A.    I think so.  I can't remember if that was a  
23    crushing hug or -- he put -- I think he just hugged  
24    Sheila and I at the same time or something like that.  
25    Like a little group hug.  I'm not a 100 percent sure.

1 Q. One arm around you type of thing? 04:01 PM  
2 A. Yeah, that one was pretty harmless.  
3 Q. Other than the hug with you and Sheila and the 04:01 PM  
4 post-surgery hug, were there any other hugs?  
5 A. I think so, but I'm not sure what the occasion  
6 was. I'm not a hundred percent.  
7 Q. Did he hug you fewer than five times? 04:01 PM  
8 A. Yes.  
9 Q. You said that he gave you this crushing hug 04:01 PM  
10 post-surgery. Describe that for me.  
11 A. It was crushing because I had stitches and  
12 bandages around my neck and I was concerned that I would  
13 get hurt. So it was -- you could definitely feel his  
14 body because it was -- he just crushed you against him.  
15 Q. Did he put both of his arms around you? 04:02 PM  
16 A. Yes.  
17 Q. Show me how he did it. 04:02 PM  
18 A. Just a great big huge bear hug.  
19 Q. Did you feel that there was anything sexual in 04:02 PM  
20 terms of that bear hug?  
21 A. It's unclear. It's unclear.  
22 Q. Have you ever had, in the course of your 04:02 PM  
23 career, men hug you where you felt comfortable with  
24 that?  
25 A. Not in a business world like that, no.

1 didn't happen.

2 Q. As far as you know, did you ever make any 04:04 PM  
3 notes about Mr. Kokinos' sexual conduct as you've  
4 described it?

5 A. I don't think so, no.

6 Q. Now, you also mentioned the other individual 04:04 PM  
7 whom you believe engaged in inappropriate conduct of a  
8 sexual nature was Andre Kriel?

9 A. Kriel.

10 Q. Kriel? 04:04 PM

11 A. Yes.

12 Q. Let's start with a list for Andre. What's the 04:04 PM  
13 first thing that comes to mind that Mr. Kriel did to you  
14 or said to you of a sexual nature?

15 A. He pinched me once or twice. The second time  
16 I -- and Gregg Victory was standing there. And I said,  
17 "That's off limits." And he like, you know, giggled  
18 about it. I said, "It's off limits and you're married."

19 Q. Now, when did he first pinch you? 04:04 PM

20 A. 2001, somewhere before the layoff. So  
21 probably around the spring.

22 Q. Where did this occur? 04:05 PM

23 A. In the lunchroom there in the office.

24 Q. Was anybody else there? 04:05 PM

25 A. I said Gregg Victory was there.

1 Q. I thought he was there for the second pinch? 04:05 PM  
2 A. Yeah, that was the pinch. That's the one I'm  
3 talking about. Maybe the other one was more subtle,  
4 where he came by and he touched your waist or something  
5 like that. I don't remember where that was. I think he  
6 touched me twice. The second time I was prepared and I  
7 said, "That's off limits." And I don't remember the  
8 first one. It's not clear.  
9 Q. So you do remember that the second pinch 04:05 PM  
10 occurred in 2001 before the layoff?  
11 A. Yes.  
12 Q. You were in the lunchroom; is that right? 04:05 PM  
13 A. Yes.  
14 Q. Kregg Victory was there? 04:05 PM  
15 A. Yes.  
16 Q. Show me what he did to you. 04:05 PM  
17 A. He came by and went like that.  
18 Q. He put his hand on your waist? 04:05 PM  
19 A. He pinched me, yeah.  
20 Q. Did he say anything when he put his hand on 04:05 PM  
21 your waist and pinched you like you just showed us?  
22 A. No.  
23 Q. But you said to him "that's off limits and 04:05 PM  
24 you're married"?  
25 A. Yes.



1 Q. When you made that comment to Andre did he say 04:06 PM  
2 anything to you?  
3 A. Yeah, he just like sloughed it off, or  
4 something. Giggled it off or something.  
5 Q. Did he say anything? 04:06 PM  
6 A. He did, and I don't remember what. He was a  
7 little surprised that I came back.  
8 Q. But as far as you remember, he said something 04:06 PM  
9 but you don't remember what he said?  
10 A. Correct.  
11 Q. Did Mr. Victory say anything? 04:06 PM  
12 A. No.  
13 Q. Do you know if Mr. Victory saw Andre pinch 04:06 PM  
14 you?  
15 A. Yes.  
16 Q. How do you know that? 04:06 PM  
17 A. He was standing right there when Andre came by  
18 and pinched me.  
19 Q. Did you see Mr. Victory looking at the two of 04:06 PM  
20 you?  
21 A. I was talking to Victory or something.  
22 Q. Do you recall anything about the first pinch? 04:06 PM  
23 A. No, I can't remember too much. I just know he  
24 touched me once before, whether it was a pinch or  
25 whether it was a -- you know, take you by the shoulder,

1 which isn't too much, but I could just see it was  
2 coming.

3 Q. Where did he touch you the first time? 04:06 PM

4 A. I don't remember for sure.

5 Q. Was it on your buttocks? 04:07 PM

6 A. No. No.

7 Q. Your breasts? 04:07 PM

8 A. It wasn't that intimate, no, but he did touch  
9 me.

10 Q. So it was either shoulder or waist? 04:07 PM

11 A. Shoulder or waist.

12 Q. Did you ever tell anyone that Andre had  
13 pinched you?

14 A. No.

15 Q. Did you ever talk to anyone at Level (3) about  
16 Mr. Kokinos' comment to you when you were both walking  
17 in and out of the patio where he said "very tempting"?

18 A. No.

19 Q. Is there a reason why not? 04:07 PM

20 A. Women get hit on all the time.

21 Q. Any other reason why you didn't tell anyone  
22 about the "very tempting" comment?

23 A. I wasn't going to make a federal case about  
24 it. We were colleagues, we were working well together.  
25 This is before he became my manager. I just ignored it.