

DaVita Exhibit 12

1 A. Yes, I did.

2 Q. And were you alerted to the fact that Mr.  
3 Mason was African American?

4 A. When the complaint was provided, yes.

5 Q. Were you alerted to the fact that he was  
6 alleging that he was being discriminated against  
7 based on his race?

8 A. Yes. I mean, that's -- it's dated here in  
9 this document, so when I read that, that flagged me  
10 that that's what he was alleging.

11 Q. Did you discuss with anyone at Davita the  
12 fact that you were going to conduct a telephone  
13 interview with Mr. Mason?

14 A. I believe I let both Kim and Gayle Gardner  
15 know that I would be doing a phone interview.

16 Q. And who is Gayle Gardner?

17 A. She is the people services representative  
18 that had contacted me to let me know about this  
19 complaint.

20 Q. And why did you speak to Kim?

21 A. Well, I talked to her first to make sure I  
22 understood why she hadn't chosen the candidate and to

1 talk to her about the communication back to the  
2 candidate about when he was no longer a part of the  
3 process.

4 Q. Okay. What was discussed with Kim Easlon?

5 A. Why she thought he was too -- those two  
6 facts I just told you, why he was not chosen and how  
7 she communicated back to him.

8 Q. What reason did she give you for why he  
9 was not chosen?

10 A. She said that he was -- my recollection of  
11 the conversation was that Chris Jones was her top  
12 candidate from that area, he was farther along in the  
13 process and once he had come out to meet with us in  
14 Northern California and there was a unanimous  
15 decision to make him a job offer, there were no  
16 longer positions that we were trying to fill in D.C.

17 Q. Did she tell you any other reason why Mr.  
18 Mason was not selected?

19 A. Why she did not select him?

20 Q. Yes.

21 A. In that conversation, I don't believe she  
22 gave me -- hang on. I believe that she emphasized

1 Q. No. I'm talking about the telephone call  
2 you had with Kim Easlon.

3 A. Yes.

4 Q. Okay. Do you recall more specifically  
5 what you asked her?

6 A. I don't remember the specific questions I  
7 asked her. I remember asking her about the process  
8 in general. I remember her sharing with me that she  
9 had been able to meet with Mr. Jones and had  
10 interviewed him and had liked him enough to send him  
11 back our way for an in-person interview, that she had  
12 not been able to meet with Mr. Mason.

13 Q. Did she tell you why she was not able to  
14 meet with Mr. Mason?

15 A. I can't recall.

16 MS. VU: If you could allow the witness to  
17 finish, and Mr. Golomb, you need to let the  
18 questioner finish his question.

19 THE WITNESS: Sure.

20 BY MR. BRANCH:

21 Q. Were you done with your answer?

22 A. I lost my train of thought.

1 Q. Did you ask her why she didn't do an  
2 in-person interview?

3 A. I know from a conversation she  
4 communicated to me that she had let him know, along  
5 with Chris, available dates that she would be in that  
6 area and that he had declined to attend those dates.

7 Q. Is that what she told you, that he  
8 declined to attend on those dates?

9 A. I can't remember what her wording was.  
10 That's what I took away from the conversation.

11 Q. Were you informed that Mr. Mason's  
12 position was Patient Care Technician and he had to  
13 work on the day that she wanted to interview him?

14 A. I knew that he had not been able to adjust  
15 his work schedule to meet with her, yes.

16 Q. Did you ask her why she didn't arrange  
17 some other time to interview him in person?

18 A. What she had communicated to me was that  
19 she had originally planned to; that she was under  
20 very tight time frames; that from her conversation  
21 with Mr. Jones who was farther along in the process,  
22 she thought he was an excellent candidate. And when