

EXHIBIT U

Scott
Collen/Finance/Corporate/Blo
ckbuster

08/25/2005 06:19 AM

To Barry Francis/NortheastArea/FieldOp/Blockbuster@BBEGF

cc

bcc

Subject Re: Gaithersburg DC Update

Nice write up. Did you sleep any last night?

Ill get jennifer this am and we will call with any questions

Thanks again with your efforts

Thx,
Scott

Barry Francis

From: Barry Francis
Sent: 08/25/2005 06:03 AM
To: Scott Collen
Cc: Jennifer Fitzgerald
Subject: Gaithersburg DC Update

Good morning:

Here's a recap of my 8/24 afternoon interviews. Upon my arrival I spoke and toured the facility w/ T Johnson aka TAJ. I asked him questions as to the environment and staff. All nonspecific. He advised things had gotten better since my earlier visit. Some of the troublesome staff had left, processes and procedures had been put in place, and staff were now being held accountable. He did say leadership was a bit stretched due to Mike being out, but they had some temp GL coverage coming in from Philiy. Linc was not there yet, and he advised Linc had been ill and seeking medical attention @ Johns Hopkins. He had called Linc upon seeing me drive up, and Linc was returning his call to advise that he would be there in 1/2 hour. At that point, he also informed me last week some of the staff were pretty upset w/ him regarding him letting some go early due to Linc's request at curbing O/T. I asked him did he have a process in place so it did not seem personal in the selection process. He advised yes and shared that with me. I was okay with his process. He also indicated any staff issues usually surrounded the loss of O/T and being sent home.

We parted, so I could return phone call messages and wait for Linc. Linc arrived and I re-entered the building and went to his office. I asked him about his health? He is having multiple health related issues (enzyme, thyroid, fluid retention, etc) and has been seeking medical attention. I asked him about the staff's "wellness" and he indicated okay to his knowledge, but last week specifically (Wed/Thurs) was difficult. He had TAJ send staff home early and his phone rang with several staff upset and some crying as they did not know what was going on and why them? In light of TAJ's overall blemished image in the unit, probably not the wisest decision to have TAJ be the bearer of "bad news". It is my impression this in-part has lead to the flurry of issues we are now dealing with. If you will note the "anonymous" hotline complaint was made on Thursday @ 4pm. Telephone calls to Cinnie and her resultant Friday visit and more complaints/interviews by the staff that were let go early. This would cause one to look at timing. *I indicated to Cinnie when we spoke, earlier that morning, before my visit, I had not received any reports or concerns of a hostile work environment. In-fact the last discussion I had with her told me things had gotten better. She was working well with Linc and, while there were training and/or staffing issues, things in all were progressing okay*. At that point I informed Linc as to why I was there. The hotline call, and interview topics the staff had discussed with Cinnie. He appeared unknowing, but not surprised. He discounted the concerns and referred to the Wed/Thurs. cutbacks. I told him these recurring discussion regarding his GL had to go away., and that might mean TAJ's removal. He seemed settled to that idea as he advised he knew it would be an uphill battle for TAJ. He also indicated that he thought TAJ was doing better. He was minimizing conversations w/ staff as to not be misunderstood, and referring matters to Linc when the staff were unhappy with his direction. I concluded the conversation by telling him this is confidential and is not

to be discussed, no decisions had been made, and I was just doing some information gathering. He agreed and I asked him to let me speak to the BBI EEs and select others. IE Grisel. He gave me a room and advised the EEs.

Interviews:

Collen Carmelo 11/04

He has heard rumors of some staff not being happy w/ TAJ auditing their assignment start times and end times. That he only picks on certain people. He feels TAJ is okay when he speaks to staff, as he doesn't single people out. He speaks in general terms. He feels the language barrier is a BIG problem in the unit, and is getting worse. It is difficult to communicate tasks, assignments and training. TAJ is sometimes "pouty" and needs to take things less personal. He's heard rumors of TAJ and sexual stuff. But has never witnessed anything. The staff are always talking. He likes the fact that there is little to no talking aloud while work is being done. It lessens the drama. As far as Linc, he's a good boss. He takes a little to long sometimes to do things asked of him, but Collen understands Linc is very busy.

Kevin Malloy 12/04

Staff doesn't respect management at all. He feels mgmt should be more strict. TAJ plays to much with them. TAJ is moody and has highs and lows. But he doesn't yell or scream. It's his tone or presence that gets the staff. The staff have not motivation. Staff selection is a big problem. The work is not hard, they make it hard, cause they don't understand. I haven't heard any rumors, I just do my work. I was here on Saturday, but did not attend the meeting. I had work to do.

Alphonso Sutton

People have attitudes (staff). Other staff don't understand and can't take criticism. They feel they do everything right. He was at Saturday's meeting. The topic of the meeting was "visiting inventory". They keep getting it wrong, and it's been explained and trained over and over again. Linc talked about standards not getting met. He said he needs to get tougher on himself and us to get to standard. Standards will save your job not Ms Brown. Because they have attitudes, they took what he was saying wrong. He wasn't threatening anybody. Alphonso hasn't heard any rumors and doesn't see favoritism. Linc is a cool guy and so is TAJ.

Grisel Nunez 3 months

Did not witness a sexual affair w/ Takara and TAJ, but felt something had been going on. She advised approx 3 weeks ago she saw Takara enter the office where TAJ was, the door was closed but partially open and she could see them embracing and kissing. She reportedly was sitting at the station outside of the office. Also the way TAJ talks to her. He doesn't say please, thank you, or anything. Just do this or do that. He's rude. His eyes undress her when he looks at her. Not like wearing nice clothes, but like at her body. She overheard a comment he made to another staff member about taking her out in exchange for a dance club pass to get in. He knows she's married and her husband works there (Victor Ruiz). I did not cooperate the incident with TAJ, Victor or witness Fernando. He let her go home early on Thurs and the schedule said 50 hours for the week. Why? She was worried about loosing her job. I reassured her that would not happen and we had put a process in place to make sure fairness for all. She felt better.

Sarah? 6 months

She was very shy and did not speak much. TAJ talks to them like animals. Who? Africans was the response. *He don't talk nice.* IE *Come here!* She spoke w/ Linc and he said he would talk with him. Nothing changed. She likes her job and wants to keep it.

Emetern Nkwetta

Very outspoken. She and I have spoken before and it was good to see her again. We laughed and had light hearted conversation. Africans Blacks are treated and spoken to differently than African Americans. She went to Linc with specifics and he in turn went to TAJ, who in turn faced off with Emeter. This annoyed her greatly as he could not understand why he told TAJ. When TAJ approached her he was very angry and in her face with red eyes. Saying look at my skin I m black to, etc, etc, etc. Again, not a wise decision for Linc to make. Also based on the nature of the allegation (discrimination) the issue should have been escalated to supervisor for counsel or to HR. This added to an already hostile work environment. The African Blacks now avoid conversation w/ TAJ due to his overall demeanor and the perceived favoritism of one group of people over another. This is the second such incident of discrimination brought against TAJ. The first was his treatment of Hispanics vs African Americans. She again spoke of his womanizing and the alleged relationship with Takara, long breaks, her flexible coming and going, staff assigned to assist her with getting her work done, when it's not their job. (perceived favoritism in the workplace). Old topic. Before it was Linc. She said very strongly, that Linc listens to everything TAJ says, with no question. He doesn't come out and ask or see for himself. TAJ always looking at women's butts. She mentioned to I believe TAJ that she wanted the hotline number, and he said you don't need to use it with some reason I could not understand. AS Emeter left the building with her friends, she said he thinks we are stupid. I am under the impression she is the one who called. She was asked to leave early on Wed/Thursday and was very emotionally upset. She had also had the verbal altercation with TAJ, I believe, on Thurs. On Saturday, she called out ill to Linc advising she had a headache, she informed me that she did not want to work. He asked her was she not coming to work cause she was mad? She advised no.

Say Wing

Very concerned about being let go. Has (4) kids and likes her job. Feels Linc is a good boss. Looks after his people. TAJ likes women bodies. Had sexual relations with Takara. Before she left, sex early on Sundays. Say Wing would come to work @ 8:30 on Sunday for 9:00 opening. Takara's car would be there, but not her. She would bang on the door but no answer. At 9:00 TAJ would come to the door to open and they would be inside. She thinks they are having sex in the office? He talks and treats people badly. Use to be going with her friend, she is worried about her friend. Cinnie's report alleges an affair between TAJ and Yasmina. Assoumanou. I had Cinnie confirm the affair by speaking to Yasmina. She advised there was no relationship/affair at all.

All in all, it sounds as if there is a mixture of things contributing to the poor working environment. The one that clearly must be worked on first is the leadership or lack thereof. While some of the data collected and previously investigated is probably retaliatory and inconclusiveness the severity and frequency of the issues lead me to recommend the immediate separation of TAJ. While none of the allegations suggest any direct involvement by Linc, it is clear that his leadership competencies are compromised, inappropriate and unacceptable in there present form. His leadership has not been able to positively influence the behavior or performance of his direct reports. At this juncture, his entire leadership team has been turned over. The unit and staff need new leadership direction. Regretfully, I support his separation as well.

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"Turn your face to the sun and the shadows fall behind you."