

EXHIBIT Y2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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2
3 EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION)
4)
Plaintiff,)
5)
v.) Case No. 8:07-CV-02612
6)
BLOCKBUSTER, INC.,)
7)
Defendant.)

DEPOSITION OF
JENNIFER MARIE FITZGERALD
SEPTEMBER 17, 2008

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18 On the 17th day of September, 2008, at 9:03 a.m.,
19 the oral deposition of the above-named witness was taken
20 at the instance of the Plaintiff before Lezley Cull,
21 Certified Shorthand Reporter in and for the State of
22 Texas, at the offices of Morgan, Lewis & Bockius, LLP,
23 1717 Main Street, Suite 3200, in the City of Dallas,
24 County of Dallas, State of Texas, pursuant to Notice and
25 the agreement hereinafter set forth.

1 A. Yes.

2 Q. And do you recall when that distribution
3 center began its operations actually distributing DVDs
4 and things?

5 A. I believe it was late in 2004, like
6 November/December 2004, I think.

7 Q. And was that distribution center in
8 Gaithersburg then within your responsibility from the
9 time that it started operations through the summer of
10 2005?

11 A. Yes.

12 Q. Now, I want -- we talked generally about your
13 duties and responsibilities as an HR consultant. But I
14 want to focus now specifically on what your duties and
15 responsibilities were as they related specifically to
16 the distribution center in Gaithersburg, Maryland during
17 this time period of late 2004 through the summer of
18 2005. Okay?

19 A. Okay.

20 Q. Can you tell me as it relates to the
21 Gaithersburg center, what were your duties and
22 responsibilities as an HR consultant?

23 A. I was their kind of point of contact for
24 anything HR related. So they would call me if they had
25 questions on, you know, company policy or if they had

1 complaints or allegations of sexual harassment at the
2 Gaithersburg distribution center?

3 A. He did not.

4 Q. Did Mr. Barrett ever inform you of any
5 complaints or allegations of national origin or race
6 discrimination at the Gaithersburg center?

7 A. He did not.

8 Q. Now, it is my understanding that during this
9 time period of late 2004 to the summer of 2005, there
10 were both temporary and permanent Blockbuster employees
11 working at the Gaithersburg center.

12 Is that your understanding?

13 A. Yes.

14 Q. And do you recall who the temporary agency was
15 who supplied workers for the Gaithersburg distribution
16 center during this time period?

17 A. The agency we used was Venturi Staffing.

18 Q. Where are they located?

19 A. I don't know where they're headquartered, but
20 the contact we used was here in Dallas.

21 Q. And do you know whether Venturi subcontracted
22 anyone?

23 A. Yes.

24 Q. Do you recall who that was?

25 A. I don't remember the name.

1 Q. Did you have any communications with the
2 subcontractor?

3 A. I don't recall.

4 Q. If I said the name Express Personnel, does
5 that ring a bell --

6 A. Yes.

7 Q. -- as the subcontractor?

8 So you recall now that Express Personnel was
9 the subcontractor for Venturi at the Gaithersburg
10 center?

11 A. Yes.

12 Q. Do you recognize the name Cynthia or
13 Cinnie Brown?

14 A. Yes.

15 Q. Did you ever have any communications with
16 Cinnie or Cynthia Brown?

17 A. I don't recall.

18 Q. Do you recognize the name Drew Lenear?

19 A. No.

20 Q. If I told you that he was the owner of Express
21 Personnel, does that refresh your memory as to whether
22 you ever knew him?

23 A. No.

24 Q. Do you recognize the name June Davis?

25 A. Yes.

1 A. I don't know. That was part of the policy,
2 was for the new hires to watch it. But since I wasn't
3 there in person to do it, I don't know.

4 Q. Whose responsibility was it to show the video?

5 A. The facility manager there, the distribution
6 center manager. That would be Lincoln Barrett.

7 Q. And you referenced that employees get a copy
8 of the policy.

9 A. Yes.

10 Q. What policy are you referring to?

11 A. Well, all of Blockbuster's policies that
12 relate to employees. But the EEO policy is included
13 there, as well as the zero tolerance for harassment
14 policy. The employees sign it and they have to send it
15 back with their new hire paperwork.

16 Q. Do you know whether the video is shown to --
17 well, strike that.

18 Do you know whether the video that you
19 referenced in your testimony was shown to any of the
20 temporary workers at the Gaithersburg distribution
21 center?

22 A. I don't know.

23 Q. Do you know if Blockbuster has a practice of
24 showing or not showing the video to temporary workers at
25 its distribution centers?

1 Q. Posters where?

2 MS. SPEIGHTS: Objection.

3 Q. (BY MR. PHILLIPS) I'm sorry.

4 Were posters at corporate headquarters here in
5 Dallas?

6 A. Yes. But they were also -- all of the
7 distribution centers had them -- supposedly had them
8 hanging in their distribution centers, as well. I did
9 not see that personally. But that was part of the setup
10 when the distribution center opened, that they would
11 hang all the labor posters, including the 800 hotline.

12 Q. Do you know how long that had been
13 Blockbuster's practice when you were there?

14 A. It was already that practice before I started
15 working there.

16 Q. The next page, 1155, have you ever seen that
17 before?

18 A. This does not look familiar.

19 Q. Just a few more questions and then I think
20 we'll be done.

21 A. Okay.

22 Q. During the time that you were working for
23 Blockbuster, did you know whether Express Personnel had
24 a policy concerning harassment or discrimination?

25 A. Yes. I believe they had their new hires go

9/17/2008 Fitzgerald, Jennifer Marie

1 THE STATE OF _____

2 COUNTY OF _____

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4 Subscribed and sworn to before me by the said
5 witness, JENNIFER MARIE FITZGERALD, on this the
6 _____ day of _____, 2008.

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Notary Public in and for the

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State of _____

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County of _____

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My commission expires: _____

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