

EXHIBIT Y6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT MARYLAND

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:
EQUAL EMPLOYMENT :
OPPORTUNITY COMMISSION, :
:
Plaintiff, :
: Civil Action No.
v. : 8:07-CV-02612
:
BLOCKBUSTER, INC., :
:
Defendant. :
:

- - - - - x

Deposition of
MICHELLE R. DESPERTT
Bethesda, Maryland
Thursday, August 28, 2008
11:15 a.m.

CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER
THIS TRANSCRIPT CONTAINS CONFIDENTIAL INFORMATION

Job No.: 1-135451

Pages 1 through 128

Reported by: Rebecca L. Stonerock, RPR

1 Q And where were you before Westat?

2 A Oh, Goodman & Company.

3 Q What kind of company is that?

4 A CPA.

5 Q And what were you --

6 A I was a receptionist.

7 Q How long were you there?

8 A Three years.

9 Q Why did you leave Goodman & Company?

10 A Actually I left there to accept a position
11 at another CPA firm which didn't work out.

12 Q And how much time was it between Goodman &
13 Company and Westat? After you left Goodman & Company
14 how long did you --

15 A I'm not sure.

16 Q Do you remember where you were before
17 Goodman & Company?

18 A Sorry, I'm trying to think. I can't --
19 can't think -- can't recall that right now.

20 Q If you remember. Just if --

21 A No, I don't remember actually.

22 Q Do you remember when you began working with

1 Express Personnel?

2 A I would think it was around February. I
3 believe it was around February.

4 Q Of what year?

5 A 2006, 2005.

6 Q Do you remember when you left?

7 A March.

8 Q Are you still not sure of whether it was
9 2005 or 2006? Do you have a better idea of what year
10 it is?

11 A Not really. I'm sorry.

12 Q You said you heard about Express Personnel
13 through Monique Spears. Was she working with Express
14 Personnel?

15 A Yes.

16 Q And, now, who did you interview with when
17 you first contacted Express?

18 MR. PHILLIPS: Objection, assumes facts.

19 You can answer.

20 A Can you repeat the question?

21 Q Did you interview with anyone?

22 A No.

1 Q And were you sitting across from him at
2 this time?

3 A I was sitting, like, at the table. It
4 was -- they were long tables. The tables were really
5 long and the floor was open. Everything was open, and
6 he was sitting, like, over there.

7 Q Could you explain -- you said that some of
8 you were allowed to sit and some were allowed to
9 stand?

10 A Uh-huh.

11 Q Do you know why some were allowed to sit
12 and some were allowed to stand?

13 A Anyone who had any types of problems with
14 their back and couldn't stand or any physical that
15 they weren't able to stand for a long time, we were
16 allowed to sit. And like I said, since I had muscle
17 damage to my lower back, I was allowed to sit.

18 Q Did you have to ask someone beforehand or
19 would you just sit down because you had the muscle
20 damage?

21 A No, they knew who we were.

22 Q How did they know? Who is "they"?

1 A Because there were three of us. I mean,
2 TAJ and Kofi knew it was three of us that were allowed
3 to sit.

4 Q Who were the other individuals allowed to
5 sit?

6 A Ms. Gonzales and Say -- Say Wing.

7 Q Do you remember Ms. Gonzales' first name?

8 A No.

9 Q Do you know if she had a daughter that also
10 worked at the facility?

11 A There was a mother and daughter, yes.

12 Q Do you know if the Ms. Gonzales that you're
13 referring to is the mother or the daughter?

14 A The mother.

15 Q And so when Mr. Johnson made this comment
16 about the best seat in the house, do you know if
17 anyone else heard this comment besides you?

18 A I can't say if they did.

19 Q Did anyone say anything to you about this
20 comment --

21 A No.

22 Q -- that they heard it? Did you say

1 response?

2 A He told me he would look into it.

3 Q Do you know what happened after that?

4 A No, I do not.

5 Q Did you ask about it ever again?

6 A No, because no one said anything to me,

7 so --

8 Q And did you complain to anyone else about
9 this incident?

10 A No.

11 Q Did you have any other concerns about
12 Thomas Johnson, or TAJ, that were not expressed in the
13 e-mail?

14 A I mentioned about him when I was in a room
15 and he groped me from behind. There was a time, too,
16 where he walked up behind me and he put his -- he
17 palmed both of my breasts with his hands.

18 Q Do you remember when that was?

19 A Maybe about two weeks before I ended up
20 leaving. And I can't recall the dates, but often he
21 would come up behind me and, you know, put his hands
22 on my shoulders.

1 Q Is there anything else?

2 A Not that I can recall at this time.

3 Q Let's talk about the incident where he put
4 the palm of his hands on both of your breasts. You
5 said that was about two weeks before you left?

6 A Uh-huh.

7 Q Where did that take place? You said it was
8 in a room --

9 A No. There's two different incidents. I
10 was sitting on a floor and I was scanning DVDs in.

11 Q And was this -- was this also in the
12 warehouse?

13 A Yeah.

14 Q Was there anyone else around at the time?

15 A Well, there was always people around,
16 but -- I mean, the way he did it, it was kind of fast,
17 so -- and I told him, you know, "Don't" -- "Don't do
18 that again." And he -- he just laughed and walked
19 away.

20 MR. PHILLIPS: Are you okay?

21 THE WITNESS: Yeah, just kind of thinking
22 about -- you know.

1 A You know, I can't -- I don't remember who
2 it was, but one of the -- she was Spanish. I can't
3 remember her name. It wasn't Dolores. And she made a
4 comment to Say Wing that she didn't like him touching
5 her. She said, "Why is he always putting his hands on
6 me? I don't like his hands on me." That's what she
7 said.

8 Q You said you don't know who that was?

9 A I don't remember her name, but I would know
10 her face if I saw her.

11 Q Did you ever hear anyone make any racist
12 comments or racial comments towards Ms. Dolores
13 Gonzales or Lolita Gonzales?

14 A Not that I remember.

15 Q Do you recognize the name Niema Fields?
16 Niema or Niema Fields?

17 A No. Let me just tell you that there were a
18 lot of females there, but we were all so busy it never
19 was much time for chitchat. Linc was very strict,
20 and, I mean, in general Blockbuster was very strict on
21 the time limits to do certain things. And we weren't
22 allowed to talk or cohabitate or whatever it is except

1 during lunch.

2 And during lunch myself and Monique would
3 have lunch together. The -- Ms. -- Dolores and all
4 them would sit at a table by themselves. TAJ and Kofi
5 and them rarely ever had lunch with us. So there
6 wasn't much time to, like, on the floor talk. We
7 didn't do that. We weren't allowed to do that. But I
8 did notice that when we would go to the back when we
9 were putting away the stuff where the racks were, they
10 would get together and talk back there unless they
11 heard or saw somebody coming.

12 Q Who's "they"?

13 A Dolores and her daughter or -- they would
14 try to work together on the same row, because we all
15 got different rows. So they would try to get -- so
16 they would be together. But there wasn't much talk
17 about -- I didn't hear anything about them complaining
18 about him. And like I said before, if they did
19 converse, it was in their language which I don't
20 understand.

21 Q Do you know who Elizabeth Ledesma is?

22 A That name does ring a bell.

1 A I don't remember.

2 Q Did you anyone make any racist comments
3 towards Blythe?

4 A Not that I recall.

5 Q And can you recall her ethnicity or
6 national origin?

7 A I don't know where she was from.

8 Q Do you remember LaQuanta Brinson?

9 A That name sounds familiar. That sounds
10 familiar.

11 Q Would you recognize her if she walked in
12 this room today?

13 A I can't say.

14 Q So do you remember seeing her at the
15 facility?

16 A I remember the name. I definitely remember
17 the name. There were a lot of us, though, all the
18 females and, like, three guys.

19 Q While you were working at the facility did
20 any other supervisors ever raise their voice or yell
21 at you?

22 A Yes.

1 Q Did that happen on one occasion or more
2 than one occasion?

3 A Several occasions.

4 Q Do you remember why?

5 A Like I said, Linc was -- he was really
6 adamant about, you know, times and -- you know, time
7 frames and getting stuff done. And, you know,
8 basically we would have these meetings in the middle
9 of the floor and he was like, "Well, if you didn't do
10 this, then you're not going to be here. If I don't
11 get this, you're not going to be here." But the stuff
12 that he was referring to was sometimes out of your
13 control.

14 And I felt that often him and Thomas both,
15 when they spoke, they spoke down to you. It wasn't
16 like -- it wasn't professional at all. It was always,
17 you know, yelling and -- basically, "If I don't get
18 what I want, you're not going to be here." I mean,
19 that's basically the way it was. And like I said,
20 sometimes there were things that were out of our
21 control when a machine would stop or if one person --
22 if one person didn't do their part, then it messes up

1 the whole line. But you would physically have to be
2 there to know what I'm talking about.

3 And if things went wrong, they would
4 literally scream. Like, in two seconds they would
5 call a meeting, "Everybody in the middle of the floor.
6 I said everybody. Where is this person? Where is
7 that person?" They would be yelling. So always nasty
8 and it just wasn't professional.

9 Q You say "they" I just want to be clear on
10 who are you referring to "they" would call everyone in
11 the middle of the floor?

12 A TAJ and Linc.

13 Q Would there be anyone else who would yell
14 and --

15 A No, they would do the talking. We
16 listened.

17 Q Did you ever complain about the way they
18 would talk to you or the other workers?

19 A Yeah, to Kofi. I mean, just to Kofi
20 because Kofi wasn't like that. I mean, I do know he
21 was from Ghana and his temperament for women was
22 respectful, I mean, if you know what I'm saying.

1 His -- he was never disrespectful. He would never
2 raise his voice. You know, if you had a problem, he
3 would listen to you. Or if you had a concern, he
4 would listen.

5 That's what I mean by how I befriended him,
6 because of the different culture that he was from. He
7 just was not a nasty person at all. And even if you
8 did do something wrong, when he addressed you he
9 addressed you in a professional manner, you know,
10 "Look, hey, Michelle, you know, your stacks need to be
11 up to a certain amount. I'm willing to practice with
12 you and get your stacks up. We'll show you little
13 shortcuts," which ended up in my advantage. Because
14 if you did things successfully, you got to move on to
15 other things. And like I said, I did the scanning, I
16 did the inventory, I picked up the DVDs. So all
17 different types of stuff in a -- it was like a
18 production line.

19 And if you didn't do a good job in one
20 area, that's where you stayed. I mean, I guess you
21 did a good enough job to keep a job, but what I'm
22 saying is if you did well in certain areas, they would

1 move you to other things, which entailed you to keep
2 from having us doing the same thing every day.

3 Q Okay. Were you ever assigned to monitor
4 the work of other employees?

5 A I wouldn't say monitor. I would go by to
6 pick up their -- their stacks, but I wouldn't say
7 monitor. I'm not sure what you mean by "monitor."
8 You mean like a supervisor?

9 Q Supervise or review, to check the work of
10 other employees.

11 A Yeah. Yeah. We would -- we would go
12 behind them and check to make sure -- like, the new
13 employees that we would go through and make sure that
14 they was doing the counts right.

15 Q Who's "we"?

16 A Monique and myself.

17 Q How did you have the opportunity to review
18 the work of the new employees? How did you --

19 A I would work and I would take them and they
20 would walk with me and you would show them exactly
21 what to do. And you would have to stay with them.
22 That's what you mean by "monitor." You would have to

1 stay with them. For each thing that they would do,
2 you would stay with them to make sure that they were
3 doing it correctly.

4 Q Who told you to do that? Who told you to
5 monitor the new employees?

6 A Sometimes it would come from Linc,
7 sometimes it would come from TAJ.

8 Q And do you know why they asked you and
9 Monique to monitor the new employees?

10 A No.

11 Q Did anyone else -- did you ever see anyone
12 else besides Monique and obviously yourself monitor
13 the new employees?

14 A Yeah, Shon did, Fernando did. It wasn't
15 just -- you know, just us all the time.

16 Q And what is Monique's ethnicity or race?

17 A African-American.

18 Q And Shon?

19 A African-American.

20 Q And Fernando?

21 A African-American.

22 Q Are you aware of any accidents of employees

1 Q So were you ever asked to help someone else
2 finish their work --

3 A Yes.

4 Q -- or was someone else ever asked to finish
5 your work?

6 A Yes. If they weren't finished putting them
7 away, then yeah.

8 Q You would help someone else?

9 A Uh-huh.

10 Q I think you talked a little bit about
11 lunchtime. How long was the lunch break?

12 A Thirty minutes.

13 Q About 30 minutes. How did you know when it
14 was time to take lunch?

15 A They would tell us.

16 Q Who's "they"?

17 A TAJ or -- it was -- it was mostly TAJ.
18 Mostly TAJ would tell us when to go to lunch.

19 Q And where did you take lunch? Where did
20 you have lunch?

21 A I would bring my lunch.

22 Q Could individuals leave the warehouse and

1 get their lunch and return?

2 A Yes. Yes.

3 Q And how did you know it was time to return
4 from lunch?

5 A We only had 30 minutes, so we'd be back in
6 30 minutes.

7 Q What happened if you took 35 minutes?

8 MR. PHILLIPS: Objection, foundation,
9 speculation.

10 You can answer if you can.

11 A It was rare that anybody came back late.

12 Q Did you ever come back late from your
13 30-minute lunch?

14 A Not that I remember.

15 Q Do you know what happened if someone came
16 back late from a 30-minute lunch?

17 A Not that I remember.

18 Q Were some employees allowed to stay at
19 lunch longer than others?

20 A Yes.

21 Q Do you know which employees were allowed to
22 stay at lunch longer than others?

1 A Uh-huh.

2 Q To your knowledge, did you observe TAJ, or
3 Mr. Johnson, monitoring the Hispanics' work more
4 closely?

5 A No.

6 Q Did you ever see Mr. Johnson and Kofi Tutu
7 time the Hispanic employees while they were sorting
8 DVDs and make them compete against each other?

9 A They timed us, yes.

10 Q Was everyone timed or were other employees
11 timed besides Hispanic employees?

12 A It was -- it was kind of like a different
13 person each day, but we were all timed.

14 Q You were timed?

15 A Uh-huh.

16 Q You were timed?

17 A Uh-huh.

18 Q Could you respond audibly?

19 A Yes. Yes. I'm sorry.

20 Q Going to the next sentence, it states at
21 the end that, "Hispanic workers were made to help the
22 black workers finish their work." Did you say that --

CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

I, Rebecca L. Stonerock, Registered Professional Reporter, the officer before whom the foregoing proceedings were taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 6th day of September 2008.

My commission expires:
July 20, 2011

NOTARY PUBLIC IN AND FOR
THE STATE OF MARYLAND