

EXHIBIT Y7

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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EQUAL EMPLOYMENT		
OPPORTUNITY COMMISSION,		
Plaintiff,		Civil Action No.
vs.		8:07-CV-02612
BLOCKBUSTER, INC.,		
Defendant.		
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Deposition of Dolores Gonzales
Bethesday, Maryland
Wednesday, May 7th, 2008
9:00 a.m.

Job No. 1-126045
Pages 1 - 139
Reported by: Laurie Bangart-Smith, RPR, CRR

1 break, about ten minutes.

2 (Whereupon, a short recess was taken.)

3 BY MS. SPEIGHTS:

4 Q Ms. Gonzales, are you able to understand the
5 English language?

6 A A little bit.

7 Q Are you able to speak the English language?

8 A A little.

9 Q Are you able to understand, without the
10 assistance of the interpreter, questions that I am
11 asking today?

12 A No.

13 (Exhibit 1 was marked for identification and
14 attached to the deposition transcript.)

15 BY MS. SPEIGHTS:

16 Q Ms. Gonzales, I'm showing you what the court
17 reporter has marked as D. Gonzales Exhibit 1. Have
18 you seen that document before?

19 A No.

20 Q What did you do to prepare for today's
21 deposition?

22 MR. PHILLIPS: Again I'll object to the

1 MR. PHILLIPS: And they were produced.

2 MS. SPEIGHTS: I didn't say they weren't.

3 MR. PHILLIPS: Just verifying you had
4 everything.

5 BY MS. SPEIGHTS:

6 Q While you were assigned to Blockbuster, did
7 you keep any notes or diary or a journal related to
8 your assignment there?

9 A No.

10 Q When did you begin working for Express
11 Personnel?

12 A In December of 2004.

13 Q Did you fill out an application for Express
14 Personnel, a job application?

15 A Yes.

16 Q How did you know about Express Personnel?

17 A Because Lolita had started to work a few
18 weeks before there, and she said that they needed
19 staff, because there was a warehouse that had started
20 up not many weeks before.

21 Q Did you interview with anyone at Express
22 Personnel?

1 A Yes, with Ms. Cinnie Brown.

2 Q And did Ms. Brown tell you anything about
3 the position at the warehouse?

4 A Yes, when I was interviewed.

5 Q What did she say?

6 A Lolita was the person who translated for me
7 to fill out the application. She made copies of my
8 documents, she spoke about some benefits that the
9 company gave, and, depending on performance, how well
10 we performed at the job, we could be hired to become
11 an employee of the company.

12 Q And did she tell you the name of the
13 company?

14 A Yes, because the interview was held at the
15 facilities of the warehouse.

16 Q Did Lolita fill out your application for
17 you?

18 A No.

19 Q You filled out the application?

20 A Yes, because it was just to put my name. It
21 was a simple application.

22 Q So what were you assigned to do at

1 A Because Lolita translated it for me.

2 Q Did Ms. Brown tell you that?

3 A No. Mr. Lincoln.

4 Q All right. You mentioned that Lincoln
5 Barrett explained the process to you. When did he
6 explain the process to you?

7 A The first day I came in to work.

8 Q And Lolita translated that conversation for
9 you?

10 A Yes.

11 Q And what did Mr. Barrett say during that
12 conversation the first day?

13 A Step by step he explained to me from the
14 point that DVDs are returned by the customers, and
15 then he told me that if I perform my job well, that I
16 could be hired as an employee at Blockbuster.

17 Q Did he say anything else?

18 A With regard to the work, he spoke to me
19 about the schedule, that the schedule was to come in
20 at 7:00 a.m., that there were days that you could work
21 12 hours because there was more work, and also that
22 there was work on Saturdays and that they would be

1 few days before" she had had an incident with Takara,
2 a few days before when?

3 A Before the day of the dismissal,
4 termination.

5 Q Did you see the incident between Lolita and
6 Takara?

7 A Yes.

8 Q And what happened?

9 A Takara was working at the computer, and
10 Lolita was located at another table. I was across
11 from Lolita. Takara called, shouted at Lolita and she
12 said to her that she was a loafer, that she didn't do
13 her job, and threw some DVDs at her, threw some DVDs
14 on the table.

15 Q Were you able to understand Takara when she
16 called Lolita a loafer and told her that she did not
17 do her job?

18 A No, I didn't understand what she said, but I
19 saw her gestures, and since she was raising her voice
20 and she was shouting very loud, I knew something was
21 going on that wasn't right. And then afterwards
22 Lolita and Elizabeth translated for me what she had

1 said.

2 Q Had you ever observed any other incidents
3 between Takara and Lolita?

4 A Not of that type I hadn't.

5 Q Well, had you observed other types of
6 incidents between the two of them?

7 A The thing is that Takara was new. Takara
8 had certain privileges. Some duties that had been
9 given to Lolita were given to Takara later, and that,
10 of course, produces displeasure.

11 Q When did Takara start working at the
12 facility?

13 A I don't recall.

14 Q When you said that Takara had "certain
15 privileges," what do you mean she had "certain
16 privileges"?

17 A One thing was that -- one of them was that
18 she had a set schedule that she worked. I don't
19 remember whether it was at 4:00 or 5:00 p.m., but that
20 she couldn't work any longer than then, because she
21 had to pick up her little girl.

22 Q Any other privileges?

1 A She was allowed to sit down, but the others,
2 the Latinos, were not allowed to sit down to perform
3 their job.

4 Q Any other privileges?

5 A She was supposed to put DVDs back in the
6 stock room, but if she wanted to work at the computer,
7 she could stop doing that and hand that job over to
8 another person.

9 Q Any other privileges?

10 A From the very beginning they taught her the
11 work on the computer.

12 Q Anything else? Any other privileges?

13 A She could leave at any time during the work
14 day, and she could leave for an hour, two hours, and
15 come back later.

16 Q Any other privileges?

17 A That's all I can remember for the time
18 being.

19 Q All right. You also testified that some
20 duties that Lolita had were given to Takara. What
21 duties were those?

22 A It was Lolita's job to work in one section,

1 believe you said her name was Julie or Judy at the
2 EEOC?

3 A Judy.

4 Q Judy.

5 A I can't remember. The first conversation I
6 had with that 1-800 operator, she's the one that gave
7 me the guidance and told me that I had to draft a
8 letter, that I had to indicate what I believe was the
9 reason for the discrimination, and then that at a
10 later date we would be given an appointment to take
11 our statement in person about what had happened.

12 Q All right. If you look at Page 00397, can
13 you read for us the third sentence on that page that
14 starts with the word "Semanas."

15 A "Weeks later, Supervisor Thomas Smith asked
16 my daughter Lolita out, and since she didn't accept,
17 then, as retaliation, he changed his behavior towards
18 us."

19 Q How do you know that Thomas Smith invited
20 your daughter Lolita out?

21 A Because Lolita told me.

22 Q All right, and how did he change his

1 Q And when you say "they," who are you
2 referring to?

3 A His friends.

4 Q Who? Identify them. What are their names?

5 A Michelle, Fernando, Monique, AJ. I can't
6 remember the others, but there were several other
7 ones. And when they all came in, he said something
8 that was very nasty about the Latinos, that he was
9 going to dismiss or fire "these damn people."

10 Q How do you know that Taj said he was going
11 to dismiss or fire "these damn people"?

12 A Because he said it out loud.

13 Q And you were able to understand him when he
14 said it?

15 A No, but the people who were there who heard
16 him translated it for me.

17 Q When did Thomas change his behavior towards
18 you and the others?

19 A Not very long after he came to work.

20 Q Approximately what month?

21 A What month?

22 Q Yes.

1 and even if they were wrong, Lincoln would
2 approve them.

3 BY MS. SPEIGHTS:

4 Q How do you know that?

5 A Because when we would go to Lincoln to
6 complain, for example, about the schedule, he would
7 say, "I can't go against what Taj said," that he could
8 not take authority away from him.

9 Q And how do you know he said that?

10 A Because I always needed a translator, and my
11 daughter or my niece were there for me.

12 MR. PHILLIPS: I don't mean to break up your
13 translation, but we've been going an hour and 20
14 minutes.

15 (Whereupon, the lunch recess was taken.)

16 BY MS. SPEIGHTS:

17 Q Okay, Ms. Gonzales, I'm going to go back to
18 looking at EEOC Pages 3993 to 3995.

19 MR. PHILLIPS: I'm sorry. 397 to 99, do you
20 mean?

21 MS. SPEIGHTS: I'm sorry. Yes.

22 MR. PHILLIPS: Okay.

1 called in for any meeting.

2 And then our production time was strictly or
3 closely monitored. I'm referring to the Latinos'
4 production time. And when it was time to check their
5 production time against the clock, there was almost
6 always some sort of excuse that there was some other
7 job to do, and they would never end up monitoring or
8 measuring their time.

9 Q Anything else?

10 A Yes. One time when they called a meeting of
11 the Americans and the Africans, they mentioned then
12 that DVDs were getting lost or were missing, and they
13 suspected that it was the Latino group that was
14 stealing them, and it was recommended to them that we
15 Latinos be monitored by or surveilled by them.

16 Q Anything else?

17 A With regard to length of break time, with
18 regard to the black people who were his friends, they
19 could take several different breaks throughout the
20 day. They would go out. A lot of times they would
21 take a long time. They would go out and have a
22 cigarette with Taj, but we Latinos had to keep to the

1 schedule strictly.

2 Q Anything else?

3 A With regard to the start time, they were
4 also strict with the Latino group, and Taj's friends
5 would arrive five, ten or even 20 minutes late, and
6 they would mark down their start time as if they had
7 arrived at 7:00 a.m., and they were never admonished
8 for it.

9 Q Anything else?

10 A One time my granddaughter had an accident,
11 and she swallowed this ring and it got caught in her
12 throat and she was choking. So we called for the
13 paramedics to come take care of her, and we took her
14 to the emergency room, and my daughter -- we were
15 there until 2:30 in the morning. We didn't get home
16 until 3:00 a.m., and we had to get up at 6:00 to get
17 ready to go to work at 7:00. And we only arrived
18 three minutes late, but Lincoln took us aside and he
19 said that we would just be warned, it would just be a
20 warning, but that the next time that we arrived late,
21 that we were going to be terminated.

22 Q Was there any other deferential treatment

1 between the blacks and Latinos?

2 A The Latino group, the Latinos, there were
3 three older ones of us, we could be sitting down when
4 we worked, but the younger ones were not allowed to
5 sit down. That was Lolita, Milagros and Andrea.
6 However, Taj's friends were allowed to sit, and
7 whenever he would see that Lolita, Milagros and Andrea
8 were sitting down, he would scream out, "I told you
9 you're not allowed to sit down," and they would turn
10 away, because they were very embarrassed. The Latinas
11 were embarrassed or ashamed at how horrible they were
12 being treated by him.

13 Q Any other deferential treatment between the
14 Latinos and the blacks?

15 A We ladies were told -- we were told to go
16 home early because there wasn't any work, but his own
17 friends, they would stay and work, slowly. Even
18 though they worked slow, they would continue working.

19 Q Anything else?

20 A On one occasion, Fernando, who is one of
21 Taj's friends, arrived quite intoxicated, and he was
22 in the bathroom vomiting. And Lincoln saw that he was

1 A Yes.

2 Q Was it Blay?

3 A It's pronounced "Blay," but that really
4 isn't her name, because she would tell us that her
5 African name was different, but we called her Blay.

6 And after she told us that, we realized that
7 they were keeping an eye out on us. They were
8 surveilling us when we had the DVDs in our possession.

9 Q I believe that you also testified that older
10 Latino workers were allowed to sit down but the
11 younger Latino workers were not; is that correct?

12 A Yes.

13 Q Which Latino workers were allowed to sit
14 down while they worked?

15 MR. PHILLIPS: Objection; asked and
16 answered.

17 BY MS. SPEIGHTS:

18 Q The names of the Latino workers.

19 A Gilda Arevalo, Lita Zubiato, and me.

20 Q You also testified that the Latinos sat at
21 one table and the blacks sat at another table.

22 A Yes. Each table had name tags at places,

1 A I don't remember. I can't remember the
2 dates, but about -- it was in March, in April . . .

3 Q And were those complaints in writing or were
4 they done orally?

5 A Orally.

6 Q And did your daughter Lolita translate those
7 discussions for you?

8 A Or Elizabeth did, or Milagros. I can't
9 remember.

10 Q How many times did you complain verbally to
11 Lincoln?

12 A It was three times.

13 Q Okay. The first time that you complained to
14 Lincoln, what did you complain about?

15 A The three times were about the same thing,
16 about the deferential treatment that the Latino
17 personnel were receiving vis-a-vis Taj's black
18 friends, and the points that I set forth earlier:
19 That they could sit, the Latinos couldn't; the
20 production time monitoring; several different points
21 that are pretty much the same thing that I said
22 earlier.

1 A I don't know why.

2 Q What did Ms. Brown say in the first
3 conversation that you had with her?

4 A She also said she was going to talk with
5 Lincoln. There was very little I could say to her
6 because of the English, because someone was
7 translating for me, so she responded that she was
8 going to try to solve it and she was going to talk
9 with Lincoln.

10 Q And do you know if she talked with Lincoln
11 after your first conversation with her?

12 A I don't know, because things continued the
13 same up until the time that we were dismissed.

14 Q And when you spoke with her second time,
15 what did she say?

16 A The same thing, that she was going to speak
17 with Lincoln.

18 Q Did you ask her in the second conversation
19 whether she had spoken with Lincoln after your first
20 conversation with her?

21 A No, I did not ask her.

22 Q Do you know if she spoke with Lincoln after

1 discriminatory?

2 A He was in charge of monitoring the work
3 schedule, work production time, production time at
4 work.

5 Q Anything else for Mr. Tutu?

6 A He was committing, engaging in
7 discrimination, because he would only monitor the
8 Hispanic personnel, not the black personnel.

9 Q Did Mr. Tutu, to your knowledge, make any --
10 strike that. Did Mr. Tutu, to your knowledge, use any
11 obscenities in the warehouse facility?

12 A Yes.

13 Q What did he say?

14 A Yes, he would ask Lolita, Elizabeth and
15 Milagros about their period and how it was, how they
16 were doing and whether it was painful to them and
17 whether they shaved their legs. Whether they had sex,
18 he would also ask them, when was the last time they
19 had sex.

20 Q And how do you know that he made these
21 comments or asked these questions?

22 A Because I was always helped out with the

1 translation.

2 Q When you complained to Lincoln about Thomas,
3 did you tell him about the questions or comments made
4 by Kofi?

5 A No.

6 Q When you complained to Cinnie Brown, did you
7 tell her about the comments or questions from
8 Mr. Tutu?

9 A No.

10 Q When you met with Judy Navarro at the EEOC,
11 did you tell her about Mr. Tutu's comments and
12 questions?

13 A I can't remember.

14 Q If you could turn to Page 00412 in Exhibit
15 5. Could you read the first sentence on that page
16 right after the number seven.

17 A The name? The names?

18 Q The sentence.

19 A "Names of the persons in your unit who have
20 been treated better than you."

21 Q All right, and there's a list of individuals
22 there that you believe were treated better than you;

1 A At the meeting that was called of those who
2 were African and blacks, that's where they said that
3 the Latinos, we were stealing DVDs.

4 Q And how do you know this, Ms. Gonzales?

5 A Because Blay told Lolita.

6 Q And Lolita translated for you?

7 A Yes.

8 Q Were there any other false accusations?

9 A That's all I can recall for now.

10 Q Who did you tell about these false
11 accusations?

12 MR. PHILLIPS: Objection; assumes facts.

13 Go ahead and answer.

14 THE WITNESS: Lolita, Elizabeth, Milagros,

15 Lita, who also was working there at that time.

16 BY MS. QUAMIE:

17 Q Did you tell anyone else?

18 A Gilda.

19 Q Did you tell any supervisors?

20 A No.

21 Q Why didn't you tell any supervisors?

22 A I don't know.

1 Q Did you tell Cinnie Brown?

2 A No. The thing is, so much was happening,
3 and despite our complaints, nothing was ever done.

4 Q And that paragraph goes on to say, "Making
5 sexual and other unwanted sexual inquiries." Did
6 anyone make any sexual inquiries to you?

7 A No.

8 Q Who did you hear make sexual inquiries?

9 A Kofi, but he didn't ask me. He did it to
10 Lolita, Elizabeth and Milagros.

11 Q And they told you?

12 A Yes.

13 Q Did you complain to anyone?

14 A No.

15 Q The next line of that paragraph refers to
16 "racial comments." Did anyone make any racial
17 comments to you?

18 A I can't remember. It could be that when the
19 group of his friends came in and he said, about the
20 Latino group, that he was going to fire "the whole
21 bunch of damn Latinos."

22 Q Who said this?

1 black employees would make, but he would sort of
2 gently come up to them and tell them, or he would act
3 like he didn't see it or didn't realize it.

4 MR. PHILLIPS: Pass the witness.

5 REDIRECT EXAMINATION BY COUNSEL FOR DEFENDANT

6 BY MS. QUAMIE:

7 Q Ms. Gonzales, when you saw Taj staring at
8 Lolita's buttocks, what did you do?

9 A Me? Without knowing the language, I just
10 stared back at him. And he felt my stare, and he
11 stopped staring at her and turned around.

12 Q And so to clarify, Victor Ruiz, do you know
13 if he applied to work, or do you know how he came to
14 work at the facility?

15 A Yes. He was a friend of Lolita.

16 Q And do you know what he applied to do or
17 what type of work he wanted to do?

18 A The same one that all of us were doing.

19 Q How do you know that?

20 A Because we all applied for the same job.
21 There wasn't a janitorial position to apply for, for
22 somebody to be sweeping and picking up the trash.

1 Q Two more questions. I think you mentioned
2 that some employees were being threatened, they were
3 being threatened with discharge, and you would know
4 this because you would ask someone to translate. Did
5 you always ask someone to translate?

6 A Yes.

7 Q Did a supervisor ever say anything to
8 employees that you did not ask to be translated?

9 A That I didn't ask to? I don't understand
10 the question.

11 Q Did Taj ever say anything to employees that
12 you did not ask to be translated?

13 A That I didn't ask to be translated?

14 Q Correct.

15 A I don't understand the question.

16 Q Did you ever see Taj speak to someone in
17 English that you did not understand and did not ask
18 someone to translate into Spanish?

19 A If Taj was talking to someone, that he would
20 tell that person that I didn't need a translator?

21 MR. PHILLIPS: Good. I think we're having
22 trouble with the double negative, the way that

1 it's being . . .

2 BY MS. QUAMIE:

3 Q Did you always ask for Taj's comments to be
4 translated into Spanish?

5 A Whenever I would see Milagros and Lolita's
6 facial expressions be of astonishment or
7 embarrassment, turning red, then I would ask for the
8 comments to be translated.

9 MS. QUAMIE: Okay. Thank you, Ms. Gonzales.
10 I don't have any other questions.

11 MR. PHILLIPS: We will read and sign,
12 please.

13 (Signature having not been waived, the
14 deposition of DOLORES GONZALES was concluded at
15 5:00 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER -- NOTARY PUBLIC

I, Laurie Bangart-Smith, Registered Professional Reporter, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was 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 17th day of May, 2008.

My commission expires: February 3rd, 2010

LAURIE BANGART-SMITH
NOTARY PUBLIC IN AND FOR
THE STATE OF MARYLAND