

EXHIBIT Y8

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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4	EQUAL EMPLOYMENT	
	OPPORTUNITY COMMISSION,	
5		
	Plaintiff,	Civil Action No.
6		
	vs.	8:07-CV-02612
7		
	BLOCKBUSTER, INC.,	
8		
	Defendant.	
9		
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Deposition of Lolita D. Gonzales
Bethesday, Maryland
Tuesday, May 6th, 2008
9:00 a.m.

Job No. 1-126044
Pages 1 - 161
Reported by: Laurie Bangart-Smith, RPR, CRR

1 A Because it's very far from my house.

2 Q Was it Netflix that was far from your house?

3 A Yes, Netflix.

4 Q And where is Netflix located?

5 A Gaithersburg.

6 Q And where was Panera Bread located?

7 A In Rockville.

8 Q And how much were you making at Panera
9 Bread?

10 A \$9.50 an hour.

11 Q And how many hours per week did you work at
12 Panera Bread?

13 A Approximately 35 hours.

14 Q Who was your supervisor?

15 A Steve Capella.

16 Q Why did you leave Panera Bread?

17 A Because I stopped going and they got rid of
18 me.

19 Q Why did you stop going to work at Panera
20 Bread?

21 A The thing is, I asked for leave for a week.
22 They gave it to me, and I didn't go back, and that was

1 Q And where did you work prior to working at
2 Panera Bread, starting to work at Panera Bread in
3 September 2005?

4 A Express.

5 Q Did you have any assignments through Express
6 after you left Blockbuster in July of 2005?

7 A No.

8 Q So your employment with Express ended in
9 July of 2005?

10 MR. PHILLIPS: Object to the
11 characterization.

12 You can answer.

13 THE WITNESS: Yes.

14 MS. SPEIGHTS: We've been going about an
15 hour and a half. I could probably use a short
16 break.

17 MR. PHILLIPS: Sounds good to me.

18 (Whereupon, a short recess was taken.)

19 BY MS. SPEIGHTS:

20 Q Ms. Gonzales, you've testified I guess since
21 July of '05 when you -- strike that. Ms. Gonzales,
22 based on your testimony about your employment since

1 Q What about Panera Bread; any complaints
2 about your work performance while at Panera Bread?

3 A No.

4 Q When did you start working for Express?

5 A November or April -- I mean November 20
6 something of 2004.

7 Q And did you fill out an application for
8 employment with Express?

9 A Yes. I assume I did.

10 Q Do you recall if you did? I don't want you
11 to assume.

12 A Would you allow me a minute to try to
13 remember.

14 Q Sure.

15 A I don't recall. I'm not sure.

16 Q Did you go through an interview at Express
17 prior to being hired?

18 A Just over the phone.

19 Q Do you know who you interviewed with over
20 the phone?

21 A Cinnie Brown.

22 Q What was your understanding of Ms. Brown's

1 termination from Express?

2 A Cinnie Brown.

3 MR. PHILLIPS: And again object to the
4 characterization.

5 BY MS. SPEIGHTS:

6 Q And what reason did Ms. Brown give you for
7 your termination from Express?

8 MR. PHILLIPS: Same objection.

9 Go ahead and answer.

10 THE WITNESS: I'm trying to recall. If I'm
11 not mistaken, it was because nobody could put up
12 with me at work, and people had complained about
13 me.

14 BY MS. SPEIGHTS:

15 Q Ms. Gonzales, when you say "no one could put
16 up with" you at work, what do you mean?

17 MR. PHILLIPS: I'm sorry. Just to clarify,
18 are you asking the witness her understanding of
19 what that phrase means; in other words, whether
20 she knows what Ms. Brown meant versus, you know,
21 what she means by that statement?

22 Objection; ambiguous.

1 MS. SPEIGHTS: If she can answer it --

2 MR. PHILLIPS: Answer the question.

3 THE WITNESS: The same thing that my
4 attorney said. I don't understand what counsel
5 means by asking me what I mean by "nobody could
6 put up with me at work."

7 MS. SPEIGHTS: I'll note for the record that
8 that's why we don't have speaking objections,
9 because it might be misleading for the witness,
10 but I'll rephrase the question.

11 BY MS. SPEIGHTS:

12 Q When Ms. Brown told you about your
13 termination, did she say that you are being terminated
14 because no one could put up with you?

15 A I don't know if it was exactly that, but she
16 did tell me that nobody could put up with me at work.

17 Q All right. What was your understanding of
18 what Ms. Brown was telling you when she said you were
19 being terminated because no one could put up with you?

20 A That nobody liked me.

21 Q You also testified earlier that Ms. Brown
22 said that people at work complained about you; is that

1 correct?

2 A Yes.

3 Q Did she identify which people at work had
4 complained about you?

5 A No.

6 Q Did she tell you what they complained about?

7 A Yes.

8 Q What did she say?

9 A Because I talk too much.

10 Q Did Ms. Brown offer to find you another
11 assignment?

12 A No.

13 Q Did you ask her for another assignment
14 through Express Personnel?

15 A Yes.

16 Q And what did she say?

17 A That there was, there was no more work.

18 Q Did you attempt to contact anybody at
19 Blockbuster after your assignment with them was
20 terminated?

21 A No.

22 Q Did you try to get reassigned to Blockbuster

1 A I don't remember their name.

2 Q And what did you say during that meeting?

3 A What or how managers treated us.

4 Q And what did you say in terms of how
5 managers were treating you?

6 A If I'm not mistaken, I told them that they
7 would shout at us, they wouldn't let us sit down, and
8 I believe -- I don't remember. I don't remember very
9 well what else I said.

10 Q Did you tell the person from Blockbuster
11 that Thomas had been asking you to go out a lot?

12 A I believe -- I don't remember. I believe I
13 did.

14 Q Now, when you just testified about what you
15 told the person from Blockbuster, you said that I told
16 them that they would shout at us or not let us sit
17 down. When you used the word "us," who were you
18 referring to?

19 A The Latinas.

20 Q Did Thomas ever shout at any of the
21 African-American workers or black workers?

22 A No.

1 Q Did Thomas allow the black workers to sit
2 down when they worked?

3 A Yes.

4 Q With respect to the complaint that the
5 managers wouldn't let the Latinos sit down when they
6 worked, did you tell Cinnie Brown about that
7 complaint?

8 A I did tell Cinnie Brown.

9 Q Did you ever ask Thomas why he would let the
10 African-American workers sit down but not let the
11 Latino workers sit down?

12 A Yes.

13 Q And what did he respond?

14 A Because he wanted to.

15 Q That was his response, that he wanted to?

16 A Because -- yes, he wouldn't let us sit down,
17 because he didn't want us to.

18 Q And did he say why he didn't want you to sit
19 down?

20 A No.

21 Q Did you ever ask Thomas why he shouted at
22 the Latinos but did not shout at the African-American

1 BY MS. SPEIGHTS:

2 Q In this narrative it says that in
3 February 2005 you "complained to Cinnie Brown
4 regarding the sexual harassment." Is that around the
5 time period when you did, in fact, complain to
6 Ms. Brown, February of 2005?

7 A I think it is.

8 Q The line that begins, "In March 2005, I
9 submitted a complaint in writing regarding these
10 issues," is that the complaint in writing that you
11 submitted to Ms. Brown that you testified to I guess a
12 little while ago?

13 A Yes.

14 Q Further down in this narrative it says,
15 "Ms. Brown stated she would fix the problems, but
16 nothing ever happened." Then it goes on to say, "The
17 retaliatory treatment only got worse." Do you see
18 that?

19 A Yes.

20 Q How did the retaliatory treatment get worse?

21 A Because Latinos were accused of stealing
22 DVDs, and then also the same thing. If we wanted to

1 sit down, we couldn't. The black employees, they
2 could sing and dance and sit down. We couldn't. And
3 then they would come in late, and they wouldn't say
4 anything to them, but they would say stuff to us. And
5 then if they wanted to take breaks, they could, but we
6 couldn't take breaks, like short breaks, for example,
7 smoking a cigarette.

8 And then also at lunchtime there's a half
9 hour, we would have a half hour, just barely, and come
10 back exactly, but the black employees, they wouldn't
11 check them. They would come down and write down as if
12 they had come back in a half hour.

13 And one day Takara came in at 8:00 to work,
14 and then she left and didn't come back until 5:00, and
15 she punched in as if she had been there all day, and
16 they paid her for the entire day.

17 Q Which Latinos were accused of stealing DVDs?

18 A Me, Elizabeth, Sergio, and, if I'm not
19 mistaken, Milagros, but I'm not sure.

20 Q And who accused you, Elizabeth, Sergio and
21 maybe Milagros of stealing DVDs?

22 A The managers.

1 that she had been sent home. They didn't explain to
2 her why, that she had simply been sent home.

3 And then he would say that Jesus was black,
4 and then he would wear T-shirts that had that symbol,
5 that Black Power symbol, I think. And also he once
6 said he's going to get rid of -- when these new,
7 mostly black employees came in, he said, "I'm going to
8 get rid of these damn people," referring to the
9 Latinos, when the new black employees came in.

10 And he would accuse me of sabotaging other
11 people's work. One day he started to shout at me and
12 saying that I had found broken DVDs and put them in,
13 saying that I was sabotaging other people's work, and
14 he started to shout at me, telling me to go home, and
15 I told him I wouldn't, that I wasn't leaving. And
16 then Lincoln came in and interceded and told him to
17 calm down, because he was just screaming and screaming
18 at me like a crazy man.

19 And it all began because he said that he
20 couldn't believe that the workers could have made so
21 many mistakes, so many errors in a single day, and I
22 was the person who was checking the DVDs that were

1 of anguish, because he was the general manager and he
2 didn't seem to believe anything I would say. It just
3 made me feel a lot of anguish and anxiety.

4 Q To your knowledge, did Thomas ever -- strike
5 that. Sitting here right now, do you recall any other
6 incidents of things that Thomas did that offended you
7 other than what you've already said?

8 A I believe there are, but right now I don't
9 remember real well.

10 Q To your knowledge, did Thomas ever stare at
11 your buttocks?

12 A My mother told me that he did one time.

13 Q Did you believe her when she told you that?

14 A Yes, because sometimes he would look at me
15 with a look of desire.

16 Q Did Thomas ever say he wanted to marry you?

17 A Yes. He also said so to my mother.

18 Q And did you ever hear Thomas make a
19 reference to "you and your people can go on break"?

20 A Yes, yes, he did say that.

21 Q And what did you think he meant by "your
22 people"?

1 A He would say it in a discriminatory,
2 pejorative way.

3 Q Who did you think he was referencing when he
4 said "your people"?

5 A The Latinos.

6 Q And finally, Ms. Gonzales, have you ever
7 heard the Spanish word "insinuar"?

8 A Yes.

9 Q What does that word mean to you?

10 A It's when like -- how can I say it? It's
11 when somebody wants to do something for you and they
12 sort of go for it or launch forward. I don't know how
13 to explain it, but they insinuate it. They give you
14 to understand that they want to have some -- they want
15 to do something with you.

16 MR. PHILLIPS: Pass the witness.

17 REDIRECT EXAMINATION BY COUNSEL FOR DEFENDANT

18 BY MS. SPEIGHTS:

19 Q When you met with Ms. Brown and the
20 Blockbuster employee, you didn't tell them that
21 Mr. Thomas had stared at your buttocks, correct?

22 A No, I don't believe so.

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ACKNOWLEDGEMENT OF WITNESS

I, LOLITA D. GONZALES, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me, and any corrections appear on the attached Errata sheet signed by me.

(DATE) (SIGNATURE)