

EXHIBIT Y9

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3

4 EQUAL EMPLOYMENT OPPORTUNITY : CIVIL ACTION NO.:
5 COMMISSION, : 8:07-CV-02612
6 Plaintiff, :
7 v. :
8 BLOCKBUSTER, INC., :
9 Defendant. :

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11 -----
12
13 Deposition of NI'EMA FIELDS
14 Washington, D.C.
15 Friday, October 24, 2008
16 11:00 a.m.
17
18
19

20 Job No: 1-140563

21 Pages 1 - 84

22 Reported by: Susan Ingram, RPR

1 Q Have you ever been self-employed?

2 A No.

3 Q When did you first apply to Express
4 Personnel?

5 A November.

6 Q What year?

7 A 2000 -- I believe it was '03 or '04. I'm not
8 sure but I know it was November. It was right before
9 Thanksgiving.

10 Q Okay. Did you fill out an application?

11 A After I got hired, yes.

12 Q How did you hear about the position?

13 A My brother worked there.

14 Q When you say your brother worked there, do
15 you mean he worked for Express?

16 A Yes, he worked for Express at Blockbuster.

17 Q What's your brother's name?

18 A Hanif Fields, H-a-n-i-f.

19 Q Did you have an interview?

20 A No.

21 Q Did you meet with anybody prior to becoming
22 hired?

1 A He said -- first, he started making it seem
2 like I wasn't doing my -- wiping the DVDs off correctly.
3 Then he brought up the fact that I went to Linc and told
4 Linc that he was sexually harassing me. And when I went
5 to speak up for myself, he just blew up.

6 Q What did he say?

7 A He was just like, You're out here, you're
8 gone. And I went into the office and he came in there
9 and called Express and told me that they didn't need me
10 anymore.

11 Q Who witnessed him yelling at you?

12 A Everybody, everybody in the warehouse. We
13 were all standing at the table wiping the DVD movies
14 off.

15 Q Do you remember any names?

16 A I remember some names but I can't say I
17 remember their first names and last names.

18 Q Could you give me the names you remember,
19 please?

20 A I remember -- let's see, Taj was there. It
21 was a manager. His name was Kevis (phonetic). Then it
22 was -- okay, let me see. I can't say no names but

1 Q What?

2 A Nothing, really.

3 Q Did you tell anyone about him standing too
4 close to you?

5 A Yes.

6 Q Who did you tell?

7 A Linc and Cinnie.

8 Q Anyone else?

9 A (Nods negatively.)

10 Q Did anyone ever make threats to you?

11 A Um, like, what type of threats?

12 Q Any type.

13 A Um, I mean, my job was threatened at one
14 point. That was about it.

15 Q Who made that threat?

16 A Taj.

17 Q And what did he say?

18 A He said that he would fire me.

19 Q Do you remember when that was?

20 A Maybe, maybe two weeks before I was fired.

21 Q Why did he say that to you?

22 MR. PHILLIPS: Objection. Foundation.

1 was a fast learner, and I was doing a good job.

2 Q Anyone else?

3 A No, not really.

4 Q Did anyone make negative criticisms of your
5 work?

6 A No.

7 Q Were you ever sent home during one of your
8 work shifts?

9 A No.

10 Q Did you ever lose any work hours while --

11 A No.

12 Q Are there any other sexual comments that were
13 made that you haven't told us about that you can
14 remember?

15 A No.

16 Q How often did you tell Linc about Taj's
17 statements?

18 A I told him twice.

19 Q Do you remember when?

20 A It was -- the first time I said something to
21 Linc about it was December. The last time I say
22 something to Linc about it was two days before I was

1 terminated.

2 Q Let's talk about the first time you talked to
3 him. Where did you talk to him?

4 A In the office.

5 Q Was it during your shift?

6 A Yes.

7 Q Was anyone else present?

8 A No, it was just me and Linc.

9 Q Did you close the door?

10 A Yes.

11 Q What did you say to Linc?

12 A I told Linc about the comments that were
13 being made to me, about the constant brushing up against
14 me and saying that it was an accident.

15 Q Anything else?

16 A No.

17 Q What did Linc say?

18 A Linc said that he would take care of it.

19 Q When you talked to him, was it at the
20 beginning of the shift or the end of the shift?

21 A It was maybe the middle of the day.

22 Q And after you talked to him, you went back to

1 work?

2 A Yes.

3 Q Did the comments or touching cease?

4 A No.

5 Q Did he tell you how he was going to take care
6 of it?

7 A No.

8 Q And you said the second time you talked to
9 him was two days before you got fired?

10 A Yes.

11 Q What did you tell him then?

12 A I told him the same thing, that the comments
13 was still going on, the brushing up against me. Then
14 when I go on break, how he kept coming -- purposely
15 coming by me and stuff. I just reiterated what I told
16 him before.

17 Q And what did Linc say?

18 A Linc said that he would talk to Taj.

19 Q And when he said he would talk to Taj, do you
20 know if he ever talked to him about it?

21 A I'm pretty sure he did.

22 Q Why are you pretty sure that he talked to

1 Taj?

2 A Because I was terminated two days later by
3 Taj.

4 Q Did Taj say that Linc talked to him when he
5 terminated you?

6 A Everything Taj said was like rage, and it was
7 in front of everybody, so he was making his intentions
8 noticeable. That's what I'd say.

9 Q Do you remember any of the words he used?

10 A I mean, he said -- he did refer to the
11 conversation that I had with Linc, but he didn't go into
12 details about the conversation. And the only
13 conversation I had with Linc was about the sexual
14 harassment.

15 Q How did he refer to the conversation?

16 A He said I was going in the office snitching
17 on him behind his back, telling Linc things that was
18 going on.

19 Q How often did you tell Cinnie Brown about --
20 before you were terminated -- about the comments and
21 actions by Taj?

22 A Maybe a couple of times. Um, I can't say it

1 was once a week or twice a week, but I know I spoke with
2 her a couple of times before my termination.

3 Q Where did you speak with her?

4 A Over the telephone.

5 Q Did you call her?

6 A Yes.

7 Q The first time you called her, what did you
8 say?

9 A I told her that I was being sexually harassed
10 at Blockbuster.

11 Q Did you tell her that you spoke with Linc?

12 A Yes, I did.

13 Q What did she say?

14 A She asked me what did I tell Linc or what did
15 Linc do about it.

16 Q And what did you say?

17 A I wasn't sure.

18 Q What did she say after that?

19 A I don't -- I think that's when she told me to
20 -- no, no, no, that's not when she told me that. I'm
21 not sure what she said after that.

22 Q Do you remember how the conversation ended?

1 A No.

2 Q The second time you talked to Cinnie, how did
3 you speak to her?

4 A Over the phone.

5 Q Did you call her again?

6 A Yes.

7 Q Do you remember when that was, approximately?

8 A No.

9 Q What did you say the second time?

10 A The same thing.

11 Q Do you remember what her response was?

12 A No.

13 Q Do you remember how that conversation ended?

14 A No.

15 Q Did anyone else ever talk to you about your
16 allegations other than your attorney?

17 A No.

18 Q Did you tell anyone else about your
19 allegations other than Cinnie and Linc?

20 A When it was going on?

21 Q Yes.

22 A Yes.

1 her money for sex.

2 A Yes.

3 Q Do you remember when he offered to pay you
4 for sex?

5 A The exact time, no.

6 Q Approximately?

7 A It was in December.

8 Q Other than these occasions, do you remember
9 any other occasions where he asked to pay you for sex?

10 A No.

11 Q (e) says he often moved his body
12 inappropriately close to you, invading your personal
13 space and causing you to feel highly uncomfortable?

14 A Yes.

15 Q Other than the incident you've already told
16 us about, are there any other times when he moved
17 inappropriately close to you and made you feel
18 uncomfortable?

19 A I mean, he did it on a regular basis, so no.

20 Q I want you to move down to the next line.
21 (g) after she complained about sexual harassment, he
22 screamed at her frequently and threatened her job.

1 A Yes.

2 Q How often did he scream at you?

3 A A lot, maybe a couple of times a day.

4 Q What did he scream?

5 A I mean, he did make it seem like I was
6 incompetent, not doing the job correctly, like I was
7 doing something wrong.

8 Q Did anyone else scream at you?

9 A No.

10 Q Did you see Taj screaming at other people?

11 A No.

12 Q Did you know Yasmina Assoumanou?

13 A Yes.

14 Q How do you know her?

15 A We worked together at Blockbuster.

16 Q How long did you work together?

17 A Not that long. Maybe a couple of weeks.

18 Q Were you friends?

19 A I wouldn't say friends; coworkers more like.

20 Q Have you spoken with Ms. Assoumanou since
21 your employment with Blockbuster ended?

22 A No.

1 Q Yes.

2 A No.

3 Q And do you remember Victor Ruiz?

4 A Uh-uh.

5 Q And you said that Taj used to yell at you?

6 A Yes.

7 Q Did anyone else ever yell at you?

8 A No.

9 Q Did you ever see anyone yell at other
10 employees?

11 A Um, I know Linc used to yell, like, when a
12 movie was missing or when something wasn't in order in
13 the back of the warehouse. But to yell at a single
14 person, no.

15 Q So when Linc yelled, was he yelling at
16 anyone?

17 A No, he would yell -- he was yelling in
18 general, because it would be time to go home and
19 something would be missing or something and he yelled.

20 Q Did anyone ever ask you to monitor the
21 Hispanic employees?

22 A No.

1 Q Did anyone ever call you into the office and
2 ask you questions about employees stealing DVDs?

3 A No. When I worked there then, the warehouse
4 was just opening, so like Linc has said something to us
5 as a group about DVD movies coming up missing.

6 Q Were all the employees in that group?

7 A Yes. It was like the whole warehouse.

8 Q Did anyone ever ask the Hispanic workers to
9 help you finish your work?

10 MR. PHILLIPS: Objection. Foundation.

11 You can answer. Speculative also. You can
12 answer.

13 A Help me finish my work?

14 Q Yes.

15 A No.

16 Q Did you have lunch breaks when you worked
17 there?

18 A Yes.

19 Q How long were your lunch breaks?

20 A 30 minutes.

21 Q Did you ever take longer lunch breaks?

22 A I doubt it.

1 CERTIFICATE OF COURT REPORTER/NOTARY PUBLIC

2 I, Susan Ingram, Certified Court Reporter and
3 Registered Professional Reporter, the officer before
4 whom the foregoing proceedings were taken, do hereby
5 certify that the foregoing transcript is a true and
6 correct record of the proceedings; that said proceedings
7 were taken by me stenographically and thereafter reduced
8 to typewriting under my supervision, and that I am
9 neither counsel for, related to, nor employed by any of
10 the parties to this case and have no interest, financial
11 or otherwise, in its outcome.

12 IN WITNESS WHEREOF, I hereunto set my hand
13 and affix my notarial seal this 5th day of November,
14 2008.

15
16 My Commission expires:

17 March 31, 2013

18
19 _____
20 NOTARY PUBLIC IN AND FOR
21 THE DISTRICT OF COLUMBIA
22