

EXHIBIT Y11

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

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5
6 EQUAL EMPLOYMENT Case No. 8:07-CV-02612
OPPORTUNITY COMMISSION,

7
Plaintiff(s),

8
9 v.

10 BLOCKBUSTER INC.,

11 Defendant(s).

12
13 DEPOSITION OF LITA ZUBIATE

14 Bethesda, Maryland

15 August 22, 2008

16 9:30 a.m.

17
18
19 Job No. 1-135452

20 Pages 1-52

21 Reported by: Linda S. Kinkade, CSR, RMR, CRR

22 Spanish Language Interpreter: David Sperling

1 Q Let's move on. Where did you work before
2 Target?

3 A At a cleaning company that's called Able.

4 Q How long did you work there?

5 A Approximately nine or ten months.

6 Q And what was your hourly wage?

7 A Six fifty.

8 Q When did you begin working for Express
9 Personnel?

10 A In January of 2005.

11 Q And how did you hear about the position at
12 Express Personnel?

13 A My niece, Lolita, let me know about it.

14 Q Did you fill out an application?

15 A I don't recall.

16 Q Did you have an interview?

17 A No.

18 Q Do you know who made the decision to hire
19 you?

20 A Ms. Cindy Brown.

21 Q Do you mean Cynthia Brown, Cinnie?

22 A Mrs. Brown.

1 schedule.

2 Q Do you know why your work schedule changed?

3 A Yes.

4 Q Why?

5 A Because there were people who wanted to
6 come in earlier and they wanted to work for longer so
7 that they could make overtime.

8 Q And when did your assignment at Blockbuster
9 end?

10 A I worked approximately -- I thought I
11 worked for two months, but I spoke with Marisol and
12 she said that it's on record that I worked at Express
13 for one month.

14 MR. PHILLIPS: And, again, I'll instruct the
15 witness to not disclose the content of communications
16 with EEOC counsel.

17 BY MS. KEILLER:

18 Q Try not to tell me about your conversations
19 with Marisol or Mr. Phillips. Okay?

20 A That's fine.

21 Q Thank you. And why did your assignment
22 end?

1 A How do you want me to answer?

2 Q Were you terminated or did you quit?

3 A I quit.

4 Q Why did you quit?

5 A Because I felt stressed out for the way
6 that we were treated.

7 Q How were you treated?

8 A Generally speaking?

9 Q Yes.

10 A The supervisor, he would -- he would walk
11 around with something either like rolled-up newspaper
12 or cardboard and he would smack it down on his hands
13 and he would shout out like sort of haranguing us.
14 And he would be walking around like a military
15 officer. And when they would translate what he was
16 saying, they would say he was just saying get to work,
17 but it was a lot more than that because he used to
18 speak a lot more than that. And I could tell by his
19 gestures that they were angry gestures and he would be
20 smacking that thing on his hands. And then I would
21 feel very stressed out. And my shoulders and my neck
22 would -- would hurt because of it.

1 Q What's the name of the supervisor you're
2 speaking of?

3 A We knew him as Taj. I don't know exactly
4 what his name was.

5 MS. KEILLER: For the record, the spelling
6 is T-A-J.

7 BY MS. KEILLER:

8 Q And who would translate his comments for
9 you?

10 A Lolita, Elizabeth.

11 Q And did you ask them to translate for you
12 or did they just do it on their own?

13 A No, I asked them to translate, but they
14 would just say he's saying for us to get to work.

15 (Exhibit No. 2 marked for identification and
16 attached hereto.)

17 BY MS. KEILLER:

18 Q I'm handing you the complaint in this
19 lawsuit. Have you seen this document before?

20 A No, I haven't seen this document before.
21 The only document I've ever seen having to do with
22 this trial is this document right here.

1 Q Did anyone make sexual comments towards
2 you?

3 A No.

4 Q Did anyone make personal inquiries of you,
5 for example, referring to your sexual habits or
6 your -- scratch that.

7 Did anyone make sexual inquiries of you at all?

8 A No. No, they did not.

9 Q Did anyone stand too close to you and make
10 you uncomfortable?

11 A No.

12 Q Did anyone make threats towards you?

13 A Of what type?

14 Q Any type.

15 A It's just that I didn't understand.

16 Q Then how did you know they were threats?

17 A He never made any threat to me. When he
18 would talk and they would speak and they would
19 translate for me, they would just say that he said to
20 get to work. But he would say a lot of things. And
21 judging by his actions he meant other things.

22 Q What types of actions?

1 A The fact that he would smack a piece of
2 cardboard or a rolled-up newspaper against his hand
3 meant a threat. It means a threat. The way he walked
4 around also has meaning.

5 Q Did he do anything else?

6 A Are you talking about anything else with
7 regard to what I considered to be a threat?

8 Q Yes, ma'am.

9 A No, he didn't do anything else.

10 Q Did anyone insult you?

11 A I wouldn't understand.

12 Q Did Lolita or Elizabeth or anyone else ever
13 tell you that someone was insulting you?

14 A They, those girls, they didn't want to
15 translate or they wouldn't translate it all. They
16 would just say that we are to get to work.

17 THE INTERPRETER: I just want to ask her one
18 thing. Just a clarification of subject for the
19 record.

20 THE WITNESS (through the interpreter):
21 They -- now an insult, I don't know. I considered it
22 an insult, but I don't know if they considered it an

1 A One of our co-workers told Lolita or
2 Elizabeth about it.

3 Q Do you remember who that co-worker was?

4 A No.

5 Q So you heard about this from Lolita or
6 Elizabeth.

7 A Yes.

8 Q Are there any other insults that you were
9 told about?

10 A No. As of this point, there are no other
11 ones.

12 Q Did anyone subject you to unwarranted
13 criticism of your work?

14 THE INTERPRETER: Did anyone subject you to
15 unwarranted criticism of your work?

16 THE WITNESS (through the interpreter):
17 Unwarranted criticism of my work?

18 BY MS. KEILLER:

19 Q Criticism that you didn't deserve.

20 A No.

21 Q Were you assigned additional duties?

22 MR. PHILLIPS: Objection, vague.

1 when she was responding to Taj, he said to give him
2 her telephone number. And she said I'd rather die.
3 And there was a murmuring throughout the place.

4 Q Did you understand Taj when he asked for
5 Elizabeth's phone number?

6 A No.

7 Q How did you know he said that?

8 A Because I said to him -- she responded.
9 Because he said something to her and she turned red
10 and responded rudely from what I could see. And I
11 said to her, you should not answer someone like that.
12 And then she responded to me, you don't know what he
13 just said to me. He asked for my telephone number.

14 Q Did she ever tell you that anyone made
15 racial comments towards her?

16 A I can't recall.

17 Q Is Milagros Ledesma also your niece?

18 A Yes.

19 Q Did you ever see anyone touch her?

20 A No.

21 Q How often do you talk to Milagros?

22 A Infrequently.

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CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

I, LINDA S. KINKADE, Registered Professional and Registered Merit Reporter, Certified Shorthand Reporter and Certified Realtime 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; and that I am neither counsel for or 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 28th day of August, 2008.

My commission expires:

NOTARY PUBLIC IN AND FOR
THE STATE OF MARYLAND