

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

BLOCKBUSTER, INC.,

Defendant.

Civil Action No.

8:07-CV-02612

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

<p style="text-align: right;">Page 33</p> <p>1 Q They did it when?</p> <p>2 A Some weeks it would be and some it wasn't.</p> <p>3 When I said 35, it was some weeks were 35, and others</p> <p>4 it would be 20, and they would never tell you. They</p> <p>5 would never let you know that they were reducing the</p> <p>6 hours.</p> <p>7 Q What did you do in terms of employment</p> <p>8 between February or March 2006 when you left Panera</p> <p>9 Bread and September of 2006 when you started at Volt?</p> <p>10 A I continued to look for work.</p> <p>11 Q So you were unemployed between February or</p> <p>12 March 2006 and September 2006?</p> <p>13 A Yeah.</p> <p>14 Q And what kind of work did you look for?</p> <p>15 A Warehouse, but after then I started applying</p> <p>16 in different places for anything.</p> <p>17 Q Do you recall any of the places that you</p> <p>18 applied to during that period?</p> <p>19 A No.</p> <p>20 Q Do you recall approximately how many</p> <p>21 applications you submitted during that period?</p> <p>22 A It must have been more than a hundred.</p>	<p style="text-align: right;">Page 35</p> <p>1 July of '05, you've had a few periods of unemployment</p> <p>2 where you did not have a job. How did you support</p> <p>3 yourself during those periods of unemployment?</p> <p>4 A From July to September I received</p> <p>5 unemployment, and from February or March 2006, for the</p> <p>6 first few months I supported myself with money from</p> <p>7 taxes. It was a refund that was given to me. And</p> <p>8 then I don't remember exactly, but August or July, I'm</p> <p>9 not exactly sure, I requested TCA. I requested</p> <p>10 assistance from the government, and I received TCA and</p> <p>11 I received food stamps.</p> <p>12 Q During your employment -- let's start with</p> <p>13 Zara. Have you had any complaints about your work</p> <p>14 performance?</p> <p>15 A No.</p> <p>16 Q What about your employment at Mimi's; did</p> <p>17 you have any complaints from your supervisors at</p> <p>18 Mimi's concerning your work performance?</p> <p>19 A No.</p> <p>20 Q What about at Volt; any complaints about</p> <p>21 your performance at Volt or Netflix?</p> <p>22 A No.</p>
<p style="text-align: right;">Page 34</p> <p>1 Q And where did you work prior to working at</p> <p>2 Panera Bread, starting to work at Panera Bread in</p> <p>3 September 2005?</p> <p>4 A Express.</p> <p>5 Q Did you have any assignments through Express</p> <p>6 after you left Blockbuster in July of 2005?</p> <p>7 A No.</p> <p>8 Q So your employment with Express ended in</p> <p>9 July of 2005?</p> <p>10 MR. PHILLIPS: Object to the</p> <p>11 characterization.</p> <p>12 You can answer.</p> <p>13 THE WITNESS: Yes.</p> <p>14 MS. SPEIGHTS: We've been going about an</p> <p>15 hour and a half. I could probably use a short</p> <p>16 break.</p> <p>17 MR. PHILLIPS: Sounds good to me.</p> <p>18 (Whereupon, a short recess was taken.)</p> <p>19 BY MS. SPEIGHTS:</p> <p>20 Q Ms. Gonzales, you've testified I guess since</p> <p>21 July of '05 when you -- strike that. Ms. Gonzales,</p> <p>22 based on your testimony about your employment since</p>	<p style="text-align: right;">Page 36</p> <p>1 Q What about Panera Bread; any complaints</p> <p>2 about your work performance while at Panera Bread?</p> <p>3 A No.</p> <p>4 Q When did you start working for Express?</p> <p>5 A November or April -- I mean November 20</p> <p>6 something of 2004.</p> <p>7 Q And did you fill out an application for</p> <p>8 employment with Express?</p> <p>9 A Yes. I assume I did.</p> <p>10 Q Do you recall if you did? I don't want you</p> <p>11 to assume.</p> <p>12 A Would you allow me a minute to try to</p> <p>13 remember.</p> <p>14 Q Sure.</p> <p>15 A I don't recall. I'm not sure.</p> <p>16 Q Did you go through an interview at Express</p> <p>17 prior to being hired?</p> <p>18 A Just over the phone.</p> <p>19 Q Do you know who you interviewed with over</p> <p>20 the phone?</p> <p>21 A Cinnie Brown.</p> <p>22 Q What was your understanding of Ms. Brown's</p>

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1 position with Express?
2 A That I was going to work for -- she was the
3 hiring officer.
4 Q Did you know at the time that you
5 interviewed with Ms. Brown that if you were hired, you
6 would be assigned to Blockbuster?
7 A Yes.
8 Q How did you know that?
9 A She told me so.
10 Q How is it that you came to look for a
11 position at Express Personnel?
12 A Because at that time I was working at Panera
13 Bread and I wanted a job where I was better paid.
14 Q And how did you hear about Express
15 Personnel?
16 A If I'm not mistaken, if I recall correctly,
17 I found it over the Internet.
18 MR. PHILLIPS: I don't mean to interrupt,
19 but here's the letter that I believe the witness
20 referenced earlier in her testimony. Obviously,
21 Grace can question the witness about it.
22

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1 BY MS. SPEIGHTS:
2 Q When you looked at the information about
3 Express Personnel that was on the Internet, did that
4 information refer in any way to Blockbuster?
5 A No, no.
6 Q When was the first time -- when did you
7 first learn that your assignment would be with
8 Blockbuster?
9 A When I spoke with her on the phone.
10 Q And what did Ms. Brown say about the
11 position at Blockbuster?
12 A That I was going to be putting DVDs in
13 envelopes and that I was going to be processing them.
14 Q When were you assigned to Blockbuster?
15 A November 20 something of 2004, in November.
16 Q During your employment with Express, were
17 you ever assigned to any other company besides
18 Blockbuster?
19 MR. PHILLIPS: Object to the
20 characterization.
21 Answer the question.
22 THE WITNESS: No.

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1 MS. SPEIGHTS: That Blockbuster is a
2 company?
3 MR. PHILLIPS: Characterization of the word
4 "employment."
5 BY MS. SPEIGHTS:
6 Q When you got to Blockbuster, what were your
7 job duties?
8 A Pack DVDs. Open the envelopes and check to
9 see if the sleeve matched with the title of the movie.
10 Then put them in. Take out the orders and put in
11 the -- put them in envelopes to send them to the
12 customers.
13 Q And how much did you make when you started
14 at Blockbuster?
15 A Ten dollars an hour.
16 Q Did that amount ever change while you were
17 assigned to Blockbuster?
18 A No.
19 Q What were your work hours when you began
20 your assignment at Blockbuster?
21 A It was to come in at 7:00 a.m. and to leave
22 whenever I was done with the work.

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1 Q Approximately how many hours per day did you
2 work at Blockbuster when you first started?
3 A Around ten hours.
4 Q Did that ever change during your assignment
5 at Blockbuster?
6 A Yes. This was a period of time where I
7 worked 12 to 13 hours a day.
8 Q And what period of time was that when you
9 were working 12 to 13 hours a day?
10 A I couldn't say.
11 Q Do you know how often you would have to work
12 12 or 13 hours a day?
13 A It was almost every day.
14 Q All right. You mentioned that, when you
15 first started, it was approximately ten hours a day.
16 Now you're saying that almost every day it was 12 to
17 13 hours a day. When did it become 12 to 13 hours a
18 day?
19 A As I said before, I don't recall.
20 Q Did you receive any benefits as an employee
21 of Express Personnel other than your wages?
22 MR. PHILLIPS: Objection. Object to the

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1 terminated, that it was because of discrimination.
2 Q When did you prepare Exhibit 2?
3 A Perhaps in August or September of 2005.
4 Q Had you had any contact with anyone at the
5 EEOC prior to preparing this document?
6 A Not that I can recall.
7 Q Did you send exhibit 2 to the EEOC?
8 A Yes.
9 Q When did you send Exhibit 2 to the EEOC?
10 A I assume on the date that is stated up at
11 the top of the page.
12 Q Is that September 21st, 2005?
13 A Yes.
14 Q How did you obtain the fax number for the
15 EEOC?
16 A I don't remember.
17 Q Now, you testified that you prepared this
18 because you thought your termination was the result of
19 discrimination; is that correct?
20 A Yes.
21 Q Why did you think your termination was the
22 result of discrimination?

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1 A Because a lot of things happened. A lot of
2 things were done to me that weren't done to other
3 people.
4 Q And did you list or put those things in
5 Exhibit 2?
6 A Yes.
7 Q Ms. Gonzales, I'm going to ask you to turn
8 to the page that's numbered EEOC 00269 and ask you to
9 take a look at the second paragraph of that document.
10 A Okay.
11 Q Looking at the first sentence, I want to
12 give you my understanding of that sentence and then
13 ask you if that is correct.
14 My understanding is that what you're saying
15 there basically is that "three employees did the same
16 work as me" -- and I'm reading it -- "and I was the
17 only person that they took the production time from,
18 and they told me constantly that I delayed too much."
19 Is that pretty accurate as to what you're
20 saying there?
21 (Discussion was held off the record.)
22

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1 BY MS. SPEIGHTS:
2 Q And I said, "And they told me constantly
3 that I delayed too much," and my question is whether
4 or not what I just read or stated was pretty accurate
5 or close to what you were saying in that paragraph in
6 that first sentence.
7 A That I delayed too much?
8 (Discussion was held off the record.)
9 BY MS. SPEIGHTS:
10 Q Could you read the first sentence of
11 Paragraph 2.
12 A "Three employees, we did the same job, and I
13 was the only one that they took the production time
14 from, and they told me that constantly I delayed too
15 much."
16 Q Ms. Gonzales, who are the three employees
17 that you were referring to in that sentence?
18 A Takara, Monique and me.
19 Q And could you read the second sentence of
20 that same paragraph.
21 A "Nevertheless, the other black people's
22 time, production time, was not monitored, and they

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1 delayed the same amount of time -- they delayed more,
2 doing the same job."
3 Q How do you know that the other three
4 employees that you referenced here were not -- that
5 their production time was not monitored?
6 A I want to correct you. When it says "three
7 employees," it was three including me. It was another
8 two employees, plus me.
9 Q All right. Just so I'm clear, your
10 document, however, says three employees plus you,
11 correct?
12 THE INTERPRETER: Would you allow the
13 interpreter -- in the translation, perhaps, from
14 English to Spanish, the verb is inflected for
15 third person, and it is extremely basic and
16 understandable and clear in Spanish that it
17 refers to her plus the other two. In English we
18 don't inflect our verbs in the same way, and so
19 it isn't as clear in English unless you were
20 explicit and say we three employees did the same
21 job, and perhaps that should have been the
22 correct translation, "we three employees did the

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1 same job at," and so the interpreter corrects the
2 original translation of when the witness read
3 into the record, and I think that clarifies.
4 MS. SPEIGHTS: Thank you.
5 THE INTERPRETER: You're welcome.
6 BY MS. SPEIGHTS:
7 Q Then I will correct my question. How do you
8 know that the other two employees were not monitored?
9 A Because I saw that they weren't behind them,
10 watching what they did and timing them.
11 Q And when you say that you saw that "they"
12 weren't behind them, who is the "they"?
13 A Mr. Thomas.
14 Q And how were employees timed?
15 A With a clock.
16 Q Did Mr. Thomas, as you refer to him, have a
17 clock in his hand?
18 A No, with a clock up on the wall, and he
19 would write down. As soon as they started to do
20 something, he would write down.
21 Q And it's your testimony that Mr. Thomas did
22 not do that with respect to Takara and Monique?

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1 A No.
2 Q And you also say here that they delayed more
3 than you did in doing the same job. How do you know
4 that Takara and Monique delayed more than you did
5 doing the same job?
6 A Because I would be done before they were.
7 Q And would the three of you start out with
8 the same amount of work to do?
9 A Yes, and at times I even had more.
10 Q And how do you know that?
11 A Because you could see the packages that they
12 would pick up and mine.
13 Q But you didn't know the exact numbers, did
14 you, the number of packages that each one of them had?
15 A No, I didn't.
16 Q If you'll look at the next paragraph,
17 specifically the second sentence in that paragraph,
18 can you read that sentence for us.
19 A Which one are you referring to?
20 Q The third paragraph, the last sentence.
21 MR. PHILLIPS: That's unclear there. The
22 sentence that ends in the word "casa"?

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1 MS. SPEIGHTS: Yes.
2 MR. PHILLIPS: It appears that's all one
3 sentence. Go ahead and read it.
4 MS. SPEIGHTS: It starts with "pero" and
5 ends with "casa."
6 MR. PHILLIPS: Okay.
7 THE WITNESS: But it wasn't the case. For
8 example, the black employee named Takara
9 committed more than 40 mistakes and was never
10 sent home.
11 BY MS. SPEIGHTS:
12 Q How do you know that Takara committed more
13 than 40 errors?
14 A One day that we were working -- they assign
15 you, not everyone, a section of DVDs to put back, and
16 that day we were looking for some DVDs that were
17 missing, and she left early because she said she
18 couldn't stay late, and the rest of us stayed there
19 looking for those DVDs until 8:00 at night. And when
20 we found them, we found the package of 40 DVDs out of
21 place. They were just scattered around anywhere.
22 Q How do you know that there was no action

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1 taken against Takara for doing that?
2 A Because the next day she came in to work,
3 and nobody told her to go home or anything.
4 Q But you don't know if any other action was
5 taken against her, right?
6 A No, but he said that he would -- in the
7 letter they said that they would send anybody home
8 that commits an error.
9 Q What letter are you referring to?
10 A The one that I wrote, and that's what he
11 told me, the manager.
12 Q And who is the manager that you're referring
13 to?
14 A That was the managers. I'm sorry. Lincoln
15 Barrett and Thomas.
16 Q Just so I'm clear, did you ever receive a
17 letter from Blockbuster saying they would send people
18 home if they made errors?
19 A No, no.
20 Q When you said it was in the letter, you're
21 saying that you put that in your letter, that that's
22 what the managers told you?

1 Q The next paragraph in the second sentence,
2 what other employees are you referring to? And that's
3 the paragraph that begins "Pero otros."

4 A "Once Fernando came, and he was vomiting or
5 rather he was feeling bad and he smelled like alcohol,
6 and the manager, Lincoln, looked at him and said, 'If
7 you don't feel good, go home,' and told him he could
8 go home."

9 Q And were there occasions where you did not
10 feel well and asked to go home and were denied the
11 opportunity to go home?

12 A Yes, that time that I said that I had a
13 fever.

14 Q And who did you talk to about that?

15 A With Lincoln, Mr. Lincoln.

16 Q And what did you say to Lincoln?

17 A That I had a fever, that I didn't feel well
18 and whether I could go home.

19 Q And what did he say?

20 A That I couldn't, because I had to finish my
21 work.

22 Q Did you ever complain to anybody at

1 Blockbuster about this treatment that you thought was
2 discriminatory?

3 MR. PHILLIPS: Objection; vague.

4 Please answer the question.

5 THE WITNESS: Do you mean one of the
6 managers or people at the warehouse or somebody
7 who has a higher position somewhere else?

8 BY MS. SPEIGHTS:

9 Q Anyone at Blockbuster.

10 MR. PHILLIPS: Same objection.

11 THE WITNESS: I told Lincoln how Thomas
12 treated me, and he said that he was going to work
13 the problem out, and then the next day a
14 representative of Blockbuster arrived to see
15 Cinnie Brown, but I don't remember their name.

16 One day. One day.

17 BY MS. SPEIGHTS:

18 Q Okay. When did you first complain to
19 Lincoln about Mr. Thomas?

20 A If I'm not mistaken, it was at the beginning
21 of 2005.

22 Q The beginning of 2005 or the beginning of

1 your employment?

2 A No, at the beginning of 2005.

3 Q All right, and what did you say to
4 Mr. Lincoln?

5 THE INTERPRETER: I'm asking the witness to
6 repeat so I get the subjects and objects right.

7 THE WITNESS: When Mr. Thomas said that I
8 was racist, then I went to tell Mr. Lincoln, and
9 then when he shouted at me, I told him,
10 Mr. Lincoln, that Mr. Thomas would send me to do
11 something or I was doing something, and he would
12 send me to do something else and then something
13 else, and he had me like a toy, going back and
14 forth.

15 BY MS. SPEIGHTS:

16 Q That was a separate complaint to Lincoln?

17 A Yes. There were different occasions when I
18 complained to him.

19 Q Okay. Did you complain to Lincoln about
20 Mr. Thomas concerning anything else? Right now I have
21 when he said you were racist, when he shouted at you,
22 and when he was sending you back and forth to do

1 different things. Did you complain about anything
2 else to Mr. Lincoln?

3 A Yes.

4 Q What else did you complain about?

5 A That he would ask me out a lot.

6 Q Anything else?

7 A That's what I remember. That's all I
8 remember for now.

9 Q Did you complain to Lincoln about anyone
10 else besides Mr. Thomas?

11 A Yes. Kofi.

12 Q Okay. What did you complain to Lincoln
13 about concerning Kofi?

14 A I don't, I don't remember whether I
15 complained to him about Kofi.

16 Q Do you recall complaining to Lincoln about
17 anyone else besides Mr. Thomas?

18 A About Takara.

19 Q And what did you complain about concerning
20 Takara?

21 A Because one day she threw the DVDs at me and
22 said that I was a loafer and that I should do my job.

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1 Q Any other complaints to Mr. Lincoln about
2 employees other than Thomas and Takara?
3 A I don't remember for now.
4 Q Okay, Ms. Gonzales, I want to go back to the
5 incident with Thomas where you said he called you a
6 racist. When did that occur?
7 A I don't remember the exact date.
8 Q What did he say to you?
9 A Okay. I was putting the DVDs back in place
10 in my section, and to put the DVDs back, we used this
11 cardboard. Not cardboard. This sort of black plastic
12 thing with the sticker on top which has the location
13 on it. And he asked me, when I was putting them in,
14 whether I liked men "of that color," as he's touching
15 the plastic, and I told him that for that I preferred
16 Latinos but that I liked any race, that I liked any
17 type of people of any race, and then he says, "You're
18 a racist," and then he went and told several people at
19 the warehouse that I was a racist.
20 Q Did you have any other discussions with
21 Thomas about that comment?
22 A He would say, referring to the blacks, he

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1 would refer to blacks asking whether -- asking, "Do
2 you like us? Do you not like us?" He was -- he would
3 affirm --
4 THE INTERPRETER: Interpreter's correction.
5 THE WITNESS: He would say, "You don't like
6 us," referring to blacks.
7 BY MS. SPEIGHTS:
8 Q And he said that -- that was a different
9 comment from his comment to you that you were a
10 racist?
11 A Yes.
12 Q And when did he make that comment to you?
13 A After the business about the black plastic
14 happened.
15 Q Was that the same day?
16 A No.
17 Q How soon after that incident did he say that
18 to you?
19 A It could have been the next day or two days
20 later. I'm not exactly sure.
21 Q When you complained to Lincoln about the
22 comment by Thomas that you were a racist, did you also

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1 tell him about the additional comment?
2 MR. PHILLIPS: Objection; vague.
3 Answer the question.
4 THE WITNESS: Yes.
5 BY MS. SPEIGHTS:
6 Q And to your knowledge, did Mr. Lincoln do
7 anything about the complaint that you made to him
8 about Mr. Thomas' comments?
9 A No.
10 Q Do you know if he did anything?
11 A No.
12 Q You mentioned that you complained to Lincoln
13 that Mr. Thomas shouted at you. When did that occur?
14 A When did that happen? Do you mean when I
15 complained at Lincoln or when did the shouting happen?
16 Which?
17 Q The first question is: When did the
18 shouting happen?
19 A He would shout at me the whole time, all the
20 time.
21 Q To your knowledge, did he shout at other
22 employees at the warehouse?

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1 A Yes.
2 Q Who else would he shout at?
3 A Milagros and Elizabeth and Sergio.
4 Q And when did you complain to Lincoln about
5 Thomas' shouting?
6 A I'm not sure.
7 Q To your knowledge, did Lincoln do anything
8 as a result of your complaint about Thomas shouting?
9 A No, because he kept on shouting.
10 Q But do you know if Lincoln did anything in
11 response to that complaint?
12 A No.
13 Q You also mentioned that you complained to
14 Lincoln about Thomas asking you to do things or
15 sending you back and forth to do different things.
16 When did Thomas have you doing the back-and-forth
17 things that you've described?
18 A When Takara and other blacks started to work
19 there.
20 Q Do you recall approximately when that was?
21 A No.
22 Q When did you complain to Lincoln about that?

<p style="text-align: right;">Page 73</p> <p>1 A I don't remember.</p> <p>2 Q Do you know if Lincoln did anything about</p> <p>3 that complaint?</p> <p>4 A No, I don't know.</p> <p>5 Q All right. You also said that you</p> <p>6 complained to Lincoln that Thomas would ask you out a</p> <p>7 lot. When did Thomas start asking you to go out?</p> <p>8 A Like at the beginning of January or the end</p> <p>9 of December.</p> <p>10 Q And what did he say in the beginning of</p> <p>11 January or the end of December in connection with</p> <p>12 asking you to go out?</p> <p>13 A Who; Thomas?</p> <p>14 Q Yes.</p> <p>15 A He would ask me on Thursday to go out, to go</p> <p>16 out dancing or to eat.</p> <p>17 Q Okay. When is the next time that he asked</p> <p>18 you to go out?</p> <p>19 A It could be just about every day he would</p> <p>20 ask me to go out.</p> <p>21 Q You said it "could be." I don't want "could</p> <p>22 be." Can you recall when is the next time he asked</p>	<p style="text-align: right;">Page 75</p> <p>1 Thomas was asking you to go out?</p> <p>2 A It must have been in January.</p> <p>3 Q And what did you tell Lincoln?</p> <p>4 A That Mr. Thomas would ask me out.</p> <p>5 Q And what did Lincoln say?</p> <p>6 A He'd laugh.</p> <p>7 Q Did he do anything else besides laugh?</p> <p>8 A He would smile as if I was joking with him.</p> <p>9 Q Did he say anything?</p> <p>10 A That he would speak to him.</p> <p>11 Q Do you know if Lincoln did anything about</p> <p>12 your complaint that Thomas was asking you out on</p> <p>13 dates?</p> <p>14 A No.</p> <p>15 Q You testified that you don't remember if you</p> <p>16 complained to Lincoln about Kofi. What, if anything,</p> <p>17 did Kofi do to you while you were at Blockbuster?</p> <p>18 A He would ask me about my period and he would</p> <p>19 ask me whether I shave my legs.</p> <p>20 Q And did he ask you those questions on more</p> <p>21 than one occasion?</p> <p>22 A No, just once.</p>
<p style="text-align: right;">Page 74</p> <p>1 you to go out?</p> <p>2 A I can't tell you exactly, but that's why I'm</p> <p>3 telling you that most every day, almost every day he</p> <p>4 would.</p> <p>5 Q And when you say "most every day" he would</p> <p>6 ask you to go out, during what time period are we</p> <p>7 talking about?</p> <p>8 A I couldn't say, because I wasn't watching</p> <p>9 the clock.</p> <p>10 Q I don't mean in terms of hours or minutes; I</p> <p>11 mean in terms of days, dates, calendar dates.</p> <p>12 A That's what I mean. I couldn't tell you.</p> <p>13 Q Approximately how many times did he ask you</p> <p>14 to go out?</p> <p>15 A A lot, very lot of times.</p> <p>16 Q More than ten?</p> <p>17 A Yes.</p> <p>18 Q More than 50?</p> <p>19 A Yes.</p> <p>20 Q More than a hundred?</p> <p>21 A Yeah, something like that.</p> <p>22 Q When did you first complain to Lincoln that</p>	<p style="text-align: right;">Page 76</p> <p>1 Q And when did he ask you those questions?</p> <p>2 A No, I don't remember.</p> <p>3 Q You mentioned that you -- or you testified</p> <p>4 that you complained to Lincoln about Takara throwing</p> <p>5 DVDs at you and saying that you were a loafer and</p> <p>6 didn't do your job. When did Takara throw DVDs at</p> <p>7 you?</p> <p>8 A If I'm not mistaken, it was a week before I</p> <p>9 was terminated.</p> <p>10 Q Tell me what happened.</p> <p>11 A With her? With Takara?</p> <p>12 Q Yes.</p> <p>13 A I was doing, I was doing the relabels for</p> <p>14 the DVDs, because when the DVD labels were dirty or</p> <p>15 you couldn't read the writing on them well, you had to</p> <p>16 make another label for them.</p> <p>17 So I was doing that, and I set aside some</p> <p>18 DVDs that weren't that dirty and that you could read</p> <p>19 the labels, and I gave them to her so she could scan</p> <p>20 them, because she would scan them into the system.</p> <p>21 Since she was doing that job, I put them for her</p> <p>22 there, and so when I got close to the -- I came up to</p>

1 the table where we put the DVDs in the envelopes, she
2 came up to me and grabbed the DVDs that I had put
3 there and said to me -- and threw them at me and said
4 to do my job, that I was a loafer. And I said she was
5 the loafer, because she didn't do anything.

6 Q And was that the end of the discussion
7 between you and Takara on that subject?

8 A Yes.

9 Q When did you complain to Lincoln about that
10 incident?

11 A The same day that it happened.

12 Q And to your knowledge, what did Lincoln do
13 in response to your complaint?

14 A Nothing.

15 Q Is it your belief that he did nothing or you
16 know that he did nothing?

17 A I know that he didn't do anything.

18 Q How do you know?

19 A Because when I went in to complain, he said
20 that he didn't believe anything of what I said to him
21 and that I was a problem and that nobody liked me at
22 the warehouse. And all that that he said made me feel

1 bad, and I started crying.

2 Q Now, you mentioned that you also I guess
3 made complaints to Cinnie Brown about Thomas; is that
4 right?

5 A Yes.

6 Q When did you first complain to Cinnie Brown
7 about Thomas?

8 A When Milagros was terminated.

9 Q And when was Milagros terminated?

10 A I don't recall.

11 Q Did you complain to Cinnie Brown before
12 complaining to Lincoln?

13 A No.

14 Q Did you complain to Cinnie Brown about
15 Thomas calling you a racist?

16 A I don't remember.

17 Q Did you complain to Cinnie Brown about
18 Thomas shouting at you?

19 A Yes.

20 Q When did you complain to her about that?

21 A Verbally, earlier, prior to writing the
22 letter.

1 Q And when you say "prior to writing the
2 letter," which letter are you referring to?

3 A The one that I wrote to Cinnie Brown.

4 Q Did you keep a copy of the letter that you
5 wrote to Cinnie Brown?

6 A Yes.

7 Q Did you provide a copy of that letter to the
8 EEOC?

9 A No, I didn't keep -- excuse me. I did not
10 keep a copy of that letter. I only just sent the
11 letter to Cinnie Brown.

12 Q When did you write the letter to Cinnie
13 Brown?

14 A I believe in March or April.

15 Q I think you testified that you met with
16 Cinnie Brown and someone from Blockbuster at some
17 point; is that right?

18 A Yes.

19 Q And when was that meeting?

20 A I'm not sure.

21 Q And who was the person that you met with
22 from Blockbuster in that meeting?

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.

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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

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1 workers?
2 A No.
3 Q Ms. Gonzales, if you would look back at
4 Exhibit 2, at Page EEOC 00270, and if you'll go down
5 to the paragraph -- it looks like it's the fourth
6 paragraph, the sentence that begins, "Desde que
7 llegue." Do you see that? Could you read that first
8 sentence for me?
9 A "Ever since I came to this country, I've
10 never been at a work center where rights of employees
11 are constantly violated to the extreme that nobody can
12 speak."
13 Q Prior to being assigned to Blockbuster, what
14 other work centers had you worked in?
15 A As I said a while ago, Panera Bread, Mimi
16 Maternity. No, excuse me. Panera Bread, Target,
17 Macy's.
18 Q Did you work at Panera Bread before coming
19 to Blockbuster?
20 A Yes.
21 Q And you worked at Target before coming to
22 Blockbuster?

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1 A Yes.
2 Q And you worked at Macy's, right, before you
3 went to Blockbuster?
4 A Yes.
5 Q And what types of jobs did you do at Target
6 and Macy's?
7 A In Target I worked in the stock room. In
8 Macy's I would put clothes back.
9 Q If you would go down to the next paragraph,
10 can you read that first sentence there for me that
11 begins, "Finalmente."
12 A "Lastly, I want to denounce the sexual
13 harassment that I was a victim of on several different
14 occasions by Mr. Thomas Smith when he would say to me
15 that the only way I could keep my job would be by
16 doing favors for him when he talked to me about sex
17 and obscene things and about the size of his penis."
18 Q When did Mr. Thomas first speak to you about
19 sex?
20 A I don't exactly know. I'm not sure exactly
21 when the first time first.
22 (Discussion was held off the record.)

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1 BY MS. SPEIGHTS:
2 Q When you referred to Mr. Smith, who were you
3 referring to?
4 A To Thomas.
5 Q And this is the same Thomas -- when you were
6 referring to "Smith," you're actually referring to the
7 same Thomas that we've been talking about throughout
8 this deposition, correct?
9 A Yes, I am.
10 Q Was Thomas' last name, to your knowledge,
11 Johnson?
12 A No. I knew that it was Thomas Smith.
13 Q You knew him as Thomas Smith?
14 A By Taj, Taja Smith, something like that.
15 Taj Smith.
16 MR. PHILLIPS: T-A-J.
17 BY MS. SPEIGHTS:
18 Q And Taj or Thomas Smith was your supervisor
19 while you were at Blockbuster?
20 A Yes.
21 Q And he was known as the group leader?
22 A Yes, mm-hmm.

<p style="text-align: right;">Page 85</p> <p>1 Q I'm going to refer to him as "Thomas" if 2 that is okay. 3 What did Thomas say to you when he spoke to 4 you about sex? 5 A He talked about the women he had been with, 6 and then one time, the first time he saw me, he 7 said -- the first time he said -- one time he said 8 that the first time he saw me, he wanted to have sex 9 with me. 10 Q Can you give me any idea as to what month he 11 said those things to you? 12 A It could be -- I'm not sure. The truth is, 13 I'm not sure. 14 Q How often did Thomas talk to you about sex? 15 A Frequently. 16 Q I think you also mentioned that he talked 17 about the size of his penis; is that correct? 18 A Yes. 19 Q When did he mention that to you? 20 A I don't know when. I couldn't tell you an 21 exact date. 22 Q When you complained to Lincoln, did you</p>	<p style="text-align: right;">Page 87</p> <p>1 A She works there at the EEOC. 2 Q And when did you first talk to Ms. Navarro? 3 A I don't remember very well. 4 Q Can you give me an approximation of how soon 5 after sending Exhibit 2 to the EEOC you talked with 6 her? 7 A It could have been two weeks or perhaps a 8 month later. 9 MR. PHILLIPS: Grace, can we go off the 10 record for a second. 11 (Discussion was held off the record.) 12 (Whereupon, a short recess was taken.) 13 BY MS. SPEIGHTS: 14 Q Ms. Gonzales, did you take any notes during 15 the meeting that you had with Ms. Brown and the 16 Blockbuster employee? 17 A No. 18 MS. SPEIGHTS: I'm going to ask the court 19 reporter to mark this document as Exhibit 3. 20 (Exhibit 3 was marked for identification and 21 attached to the deposition transcript.) 22</p>
<p style="text-align: right;">Page 86</p> <p>1 complain to him about Thomas' comments about sex or 2 the size of his penis? 3 A I don't remember. 4 Q Did you complain to Cinnie Brown about 5 Thomas' comments about sex or the size of his penis? 6 A I don't remember. 7 Q In the meeting that you had with Cinnie 8 Brown and somebody from Blockbuster, did you tell them 9 that Thomas spoke to you about sex and the size of his 10 penis? 11 A I don't remember. 12 Q After faxing in Exhibit 2 to the EEOC, did 13 you talk with anyone at the EEOC -- other than 14 counsel, obviously -- about Exhibit 2? 15 A Yes. 16 Q Okay. Who was the first person that you 17 talked with at the EEOC about Exhibit 2 after sending 18 it in to them? 19 A With Julie Navarro. 20 Q And who is Julie Navarro? 21 A Judy, Judy Navarro. 22 Q And who was Judy Navarro?</p>	<p style="text-align: right;">Page 88</p> <p>1 BY MS. SPEIGHTS: 2 Q Ms. Gonzales, I'm showing you what has been 3 marked as Exhibit 3, is this the Charge of 4 Discrimination that you filed with the Maryland 5 Commission on Human Rights? 6 A Yes. 7 Q And did you also file this charge with the 8 EEOC? 9 A I don't think so. 10 Q You just filed it with the Maryland 11 Commission On Human Rights? 12 MR. PHILLIPS: I'll object, as the document 13 is speaking for itself. 14 MS. SPEIGHTS: I don't think the document 15 does speak for itself. The document says it's 16 Maryland Commission On Human Rights. It has her 17 signature. The document doesn't say if it was 18 filed or not. 19 THE WITNESS: Up here it has an "X" checked 20 at EEOC. 21 BY MS. SPEIGHTS: 22 Q All right, and my question is: Did you</p>

<p style="text-align: right;">Page 89</p> <p>1 submit or file this with the EEOC? 2 A No, I don't believe so. 3 Q Did you ever file a charge with the EEOC? 4 MR. PHILLIPS: Same objection. No 5 foundation. 6 Please answer. 7 THE WITNESS: Yes. 8 BY MS. SPEIGHTS: 9 Q Do you recognize Exhibit 3? 10 A Yes, I do. 11 Q What is Exhibit 3? 12 A I don't know. 13 Q You've seen this before, but you don't know 14 what it is; is that your testimony? 15 A Yes, but I thought that this was, belonged 16 to the -- it was the EEOC's. 17 Q Did you prepare this document? 18 A No. 19 Q Did you sign this document? 20 A Yes. 21 Q Do you know who prepared this document? 22 A No.</p>	<p style="text-align: right;">Page 91</p> <p>1 BY MS. SPEIGHTS: 2 Q All right, and did you review this document 3 before signing it? 4 A Yes. 5 Q All right, and when did you send in the 6 letter? 7 A I don't remember. 8 Q And have you provided -- do you still have a 9 copy of the letter? 10 A No, because -- no, I don't. 11 Q And was this prepared from a letter that you 12 sent to an agency in Maryland? 13 A Yes. 14 Q And that's an agency that's different from 15 the EEOC? 16 A I don't know, because it's checked here 17 "EEOC." I just looked in the Yellow Pages to find a 18 place where I could file a discrimination complaint. 19 Q And what happened to the letter that you 20 prepared to send in? 21 A I sent it in. I just sent it in. 22 Q Did you keep a copy of it?</p>
<p style="text-align: right;">Page 90</p> <p>1 Q How is it that you came to sign this 2 document? 3 A I don't remember. It was two years ago. I 4 don't remember. 5 Q So it's your testimony that this document 6 has your signature, but you don't remember how you 7 signed it? 8 A I don't remember. 9 Q Well, read over this document for me, to 10 yourself. 11 A If I'm not mistaken, this is something I 12 filed to an agency in Maryland. 13 THE INTERPRETER: Can I ask for a 14 clarification? 15 THE WITNESS: That's it, and then afterwards 16 I went to the EEOC. 17 BY MS. SPEIGHTS: 18 Q Did you prepare this document? 19 MR. PHILLIPS: Objection; asked and 20 answered. 21 THE WITNESS: I think in a letter, and I 22 believe the people at the agency made this.</p>	<p style="text-align: right;">Page 92</p> <p>1 A No, because I didn't do anything else, 2 anything else with that agency. Then after that I 3 went to the EEOC. 4 Q The letter that you sent in to that agency, 5 was it handwritten or typed? 6 A I don't remember. 7 Q Did you provide a copy of the letter that 8 you sent to the agency to the EEOC? 9 A No. 10 Q Does this document that's Exhibit 3 11 accurately reflect what was in the letter that you 12 sent to the agency? 13 A Yes. 14 Q Did you read this document before you signed 15 it? 16 A As I said before, yes. 17 Q Did you understand it when you signed this 18 document? 19 A Yes. 20 Q Okay. I want you to take a look at the 21 fifth line under the section that says, "The 22 particulars are," the line that says, "I always told</p>

1 Mr. Smith I was not interested." And then it goes on
2 to say, "Mr. Smith insinuated that if I had relations
3 with him, he would help my father get more work
4 hours." You see that sentence?

5 A Yes.

6 Q What's your understanding of the word
7 "insinuated"?

8 A That he insinuated, like he was giving to
9 understand.

10 Q And what does that mean?

11 A I don't understand.

12 THE INTERPRETER: The interpreter has a
13 request. I thought that "giving to understand"
14 was in English, at least in my vocabulary. Is it
15 not?

16 MR. PHILLIPS: Yes.

17 THE INTERPRETER: I just wanted to check to
18 see if I wasn't mistranslating. I'm sorry.

19 MS. SPEIGHTS: But I'm still asking her what
20 does she mean by "giving to understand."

21 THE WITNESS: It's clear that somebody does
22 things that makes you think of those things.

1 BY MS. SPEIGHTS:

2 Q And what did Mr. Smith do to make you think
3 that if you had relations with him, he would help your
4 father get more work hours?

5 A Okay. One day I was at the computer, doing
6 the work that I always do, and he had -- he was
7 sitting, he had sat right opposite me, and he sort of
8 signaled to my father and said, "I don't believe he's
9 going to continue here." And I didn't say anything to
10 him, but he said that, "If you want him to stay,
11 you're going to have to do favors for me."

12 Q It's your testimony that Mr. Smith said that
13 to you?

14 A Yes.

15 Q Would you agree with me that that's more
16 than insinuating?

17 A Yes.

18 MR. PHILLIPS: Objection; argumentative,
19 misleading.

20 MS. SPEIGHTS: It's not argumentative or
21 misleading.

22

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.

<p style="text-align: right;">Page 97</p> <p>1 Q Which managers?</p> <p>2 A Lincoln and -- what did you say his name</p> <p>3 was? Thomas or Smith? I don't know how you decided</p> <p>4 to call him.</p> <p>5 Q I think we said we'd call him Thomas.</p> <p>6 A Oh, okay.</p> <p>7 Q What did Lincoln or Thomas say about the</p> <p>8 DVDs?</p> <p>9 A One day they had a meeting and they called</p> <p>10 in two white people. There were two white people that</p> <p>11 worked there. They called them into the office. I</p> <p>12 don't know what for. Then they called in the</p> <p>13 African-American ones who came in, too. Oh, I'm</p> <p>14 sorry.</p> <p>15 THE INTERPRETER: The interpreter</p> <p>16 misinterpreted. The prior one was "they called</p> <p>17 in the Africans, too," and then the witness went</p> <p>18 on to say "then they called the African-Americans</p> <p>19 in."</p> <p>20 THE WITNESS: And they never called in the</p> <p>21 Latinos. And then an African lady who works</p> <p>22 there whose name is Blythe called me and said</p>	<p style="text-align: right;">Page 99</p> <p>1 Q And did you fill this questionnaire out?</p> <p>2 A Yes.</p> <p>3 Q At the bottom of Page 1, letter J, it asks</p> <p>4 for the name of a person who can always be contacted,</p> <p>5 and it lists "Victor Hugo Zubiato." Do you see that?</p> <p>6 A Yes.</p> <p>7 Q Is that the uncle that we talked about</p> <p>8 earlier today?</p> <p>9 A Yes.</p> <p>10 Q If you could look at Page 00246, number 3,</p> <p>11 can you read for us what you wrote in in response to</p> <p>12 number 3.</p> <p>13 A "Hostility on the job, threat of</p> <p>14 termination, monitoring and coming in to work,</p> <p>15 monitoring with a clock at my work, speaking about my</p> <p>16 honesty and, when DVDs disappear, humiliation from</p> <p>17 mistreatment, sexual harassment, cancellation of</p> <p>18 promotion by Blockbuster, and at a meeting it was</p> <p>19 stated that I would not be temporary personnel."</p> <p>20 Q What are you referring to in that last</p> <p>21 statement, "at a meeting it was stated that I would</p> <p>22 not be temporary personnel"?</p>
<p style="text-align: right;">Page 98</p> <p>1 that she wanted to talk to me, that she didn't</p> <p>2 have any problem with me, but that the managers</p> <p>3 had asked them whether we were stealing DVDs and</p> <p>4 that they should be checking us out.</p> <p>5 BY MS. SPEIGHTS:</p> <p>6 Q And did anything happen to any Latinos as a</p> <p>7 result of this accusation that you were stealing DVDs?</p> <p>8 A I don't recall.</p> <p>9 Q Was anyone punished -- were any Latinos</p> <p>10 punished for stealing DVDs afterwards?</p> <p>11 A Not that I'm aware of.</p> <p>12 MS. SPEIGHTS: I'd ask the court reporter to</p> <p>13 mark the next document as Lolita Gonzales</p> <p>14 Exhibit 4.</p> <p>15 (Exhibit 4 was marked for identification and</p> <p>16 attached to the deposition transcript.)</p> <p>17 BY MS. SPEIGHTS:</p> <p>18 Q Ms. Gonzales, I've shown you what's been</p> <p>19 marked as Exhibit 4. Do you recognize this document?</p> <p>20 A Yes.</p> <p>21 Q What is this document?</p> <p>22 A An EEOC questionnaire.</p>	<p style="text-align: right;">Page 100</p> <p>1 A One day I was called into the office, and</p> <p>2 Mr. Lincoln called me to the office and said to me --</p> <p>3 and said that I was going to be the first one to be</p> <p>4 hired by Blockbuster.</p> <p>5 Q When was that conversation with Lincoln?</p> <p>6 A I believe in January or February.</p> <p>7 Q Did you have any other discussions with</p> <p>8 anyone at the warehouse about becoming an employee of</p> <p>9 Blockbuster?</p> <p>10 A I told my mother everything.</p> <p>11 Q Did you talk with anyone who worked with</p> <p>12 Blockbuster about becoming an employee of Blockbuster?</p> <p>13 A No.</p> <p>14 Q Is your father still employed at</p> <p>15 Blockbuster?</p> <p>16 A No.</p> <p>17 Q Was he ever employed at Blockbuster?</p> <p>18 A No. He was at Express.</p> <p>19 Q He never became a Blockbuster employee after</p> <p>20 the Express contract ended?</p> <p>21 A No.</p> <p>22 Q If you'll turn the page to number -- look at</p>

1 question 7 on the next page, and that refers to a
2 separate sheet. Ask you to turn to Page 00248.
3 Ms. Gonzales, these are the names of individuals who
4 were working in the warehouse who you believe were
5 treated better than you were; is that correct?

6 A Yes.

7 Q I believe we've talked about Takara, so I
8 want to focus on Monique for a little while. How was
9 Monique treated better than you?

10 A Monique is one of the ones that did the job
11 that I was describing before, the job that three
12 people would do.

13 Q How was she treated better than you?

14 A As I said before, they didn't monitor her
15 time.

16 Q And Fernando, how was he treated better than
17 you?

18 A They would let him sit down. He would come
19 in smelling like alcohol or drunk or like marijuana,
20 and they didn't say anything to him.

21 Q And what about -- is it Asamanu? How was
22 Asamanu treated better than you?

1 A I don't remember about her.

2 Q What about Emetem?

3 A She's Blythe.

4 Q And how was Blythe treated better than you?

5 A Because she was also someone who they let
6 sit down, and she received quite a bit of preferential
7 treatment with regard to breaks.

8 Q And how was Shon treated better than you?

9 A He would come in late, and they wouldn't say
10 anything. And he would work real slowly, and they
11 didn't say anything to him either.

12 Q And how was Jazmin treated better than you?

13 A Jazmin and Afisiata, the two of them, and
14 Athem, they didn't shout at them, they'd let them sit
15 down and they could be talking the whole time, and
16 they'd never say anything to them.

17 Q What about Basheem? How was Basheem treated
18 better than you?

19 A He was the one who would be singing all the
20 time, sitting down. They said that you couldn't bring
21 your bag into the workplace, but he did, and he would
22 be talking, engaging in conversation all the time.

1 And he would take quite a long time to do his work,
2 but they wouldn't say anything at all to him about the
3 delay.

4 Q And how was AJ treated better than you?

5 A He would take a long time to put back the
6 movies, or he wouldn't pick them up, and he wasn't
7 told anything. Nobody said anything to him about it.

8 Q And how was Kevin treated better than you?

9 A Kevin, Colin and Chad, the same thing. They
10 didn't take a long time, but they didn't shout at
11 them. They wouldn't say anything to them. It was
12 almost as if they weren't there. They didn't -- they
13 didn't get involved with them.

14 Q What about Colin? How was Collin treated
15 better than you?

16 A That's what I just said, that they -- that's
17 what I just said. The three of them, they didn't say
18 anything to them. It was almost as if they weren't
19 there. They wouldn't confront them about anything.

20 Q Well, what would Kevin, Colin and Chad do
21 that you believe they should have been confronted
22 about?

1 MR. PHILLIPS: Objection; assumes facts.

2 THE WITNESS: I'm not saying that they
3 should have confronted them. I'm just saying
4 they didn't yell at them. They just never said
5 anything to them.

6 BY MS. SPEIGHTS:

7 Q And Say Win; how was Say Win treated better
8 than you?

9 A She was always sitting, and then, when her
10 husband would come into the warehouse, they wouldn't
11 say anything. And then she would take a long time to
12 put back the DVDs, and they wouldn't say anything to
13 her, nor would they shout at her.

14 Q Did you get along with Say Win?

15 A Just normal, like coworkers.

16 Q Did you consider her to be a friend?

17 A No. They're just workers. I never told
18 them my problems.

19 Q If you'll turn to the next page -- well, so
20 the record is clear, let's turn to Page 00247. In
21 question 9, there -- in response to question 9, there
22 is a reference to Mike Smith. Who was Mike Smith?

<p style="text-align: right;">Page 105</p> <p>1 A A white manager.</p> <p>2 Q Is he a white manager at the warehouse?</p> <p>3 A Yes.</p> <p>4 Q And how did Mr. Smith discriminate against</p> <p>5 you? Mike Smith, that is.</p> <p>6 A I never said that he did.</p> <p>7 Q Well, could you read question number 9 for</p> <p>8 me?</p> <p>9 A "Name of staff and their work title, race,</p> <p>10 color, sex, and approximate age of the representatives</p> <p>11 of the employer, such as foreman and supervisors or</p> <p>12 managers, who recommended and approved the decision</p> <p>13 that had a discriminatory effect against you."</p> <p>14 Q What decision did Mike Smith approve or</p> <p>15 recommend that had a discriminatory effect against</p> <p>16 you?</p> <p>17 MR. PHILLIPS: Objection.</p> <p>18 You can answer.</p> <p>19 THE WITNESS: He never said anything.</p> <p>20 BY MS. SPEIGHTS:</p> <p>21 Q Why did you list Mr. Mike Smith in response</p> <p>22 to question 9?</p>	<p style="text-align: right;">Page 107</p> <p>1 (Interpreter reinterprets the question.)</p> <p>2 THE WITNESS: No.</p> <p>3 (Exhibit 5 was marked for identification and</p> <p>4 attached to the deposition transcript.)</p> <p>5 BY MS. SPEIGHTS:</p> <p>6 Q Ms. Gonzales, have you ever seen Exhibit 5</p> <p>7 before?</p> <p>8 A Yes.</p> <p>9 Q And what is your understanding of what</p> <p>10 Exhibit 5 is?</p> <p>11 A The Complaint.</p> <p>12 Q Ms. Gonzales, I just want to refer you to --</p> <p>13 ask you to look at Page 3, Paragraph 9.</p> <p>14 A Okay.</p> <p>15 Q And the first sentence in Paragraph 9 says,</p> <p>16 "The sexual, retaliatory and race/national origin</p> <p>17 harassment and other discriminatory terms and</p> <p>18 conditions of employment that Defendant perpetrated</p> <p>19 against Lolita Gonzales include, but are not limited</p> <p>20 to, the following."</p> <p>21 Do you see that sentence?</p> <p>22 A Yes.</p>
<p style="text-align: right;">Page 106</p> <p>1 A When I said he didn't say anything, I meant</p> <p>2 that he, he allowed the abuse to go on by not saying</p> <p>3 anything.</p> <p>4 Q And what abuse did Mr. Smith see and allow</p> <p>5 to go on?</p> <p>6 MR. PHILLIPS: Objection; foundation.</p> <p>7 Answer, please.</p> <p>8 THE WITNESS: The shouting, not letting us</p> <p>9 sit down, all the different things that I had</p> <p>10 mentioned earlier.</p> <p>11 BY MS. SPEIGHTS:</p> <p>12 Q Did you ever have any conversations with</p> <p>13 Mike Smith about all the things that you mentioned</p> <p>14 earlier?</p> <p>15 A No.</p> <p>16 Q Did you ever complain to Mike Smith about</p> <p>17 any of the things that you mentioned earlier?</p> <p>18 A No.</p> <p>19 THE INTERPRETER: I'm sorry. Did you say</p> <p>20 about "any" of the things that you mentioned</p> <p>21 before or all of --</p> <p>22 MS. SPEIGHTS: Any.</p>	<p style="text-align: right;">Page 108</p> <p>1 Q Okay. I want to ask you about the phrase</p> <p>2 "searching her personal property." Do you see that?</p> <p>3 A Yes.</p> <p>4 Q Who searched your personal property?</p> <p>5 A Mr. Thomas.</p> <p>6 Q When did he search your personal property?</p> <p>7 A After -- before going home. In other words,</p> <p>8 before I left the warehouse.</p> <p>9 Q And how often would he search your personal</p> <p>10 property?</p> <p>11 A After the charges of the DVD, he would do it</p> <p>12 maybe every other day.</p> <p>13 Q And what personal property would he search?</p> <p>14 A The bag that I would have my food in, that I</p> <p>15 carried my food in.</p> <p>16 Q Did Thomas search the personal property of</p> <p>17 other employees at the warehouse?</p> <p>18 A No. Just the Latinos.</p> <p>19 Q There's also a reference to, the next line</p> <p>20 down, "inappropriately standing in close proximity to</p> <p>21 her," which is a reference back to Lolita Gonzales.</p> <p>22 Who would inappropriately stand in close proximity to</p>

<p style="text-align: right;">Page 109</p> <p>1 you?</p> <p>2 A Mr. Thomas.</p> <p>3 Q And when did he do that?</p> <p>4 A When I would be working, he would put his</p> <p>5 face right up next to my face, right here.</p> <p>6 Q Did you ever tell Mr. Thomas that he was</p> <p>7 standing too close to you?</p> <p>8 A Yes. I would also move away from him.</p> <p>9 Q And when you told him that he was standing</p> <p>10 too close to you, did he say anything in response?</p> <p>11 A No.</p> <p>12 Q Did you ever complain to anyone at Express</p> <p>13 or Blockbuster about him inappropriately standing too</p> <p>14 close to you?</p> <p>15 A I don't recall.</p> <p>16 Q There's a reference to "touching other</p> <p>17 women" -- it's the next line -- "in intimate body</p> <p>18 areas while in her presence." Who touched women in</p> <p>19 intimate body areas while you were present?</p> <p>20 A Mr. Thomas.</p> <p>21 Q And which women did he touch</p> <p>22 inappropriately?</p>	<p style="text-align: right;">Page 111</p> <p>1 MS. SPEIGHTS: Yes.</p> <p>2 MR. PHILLIPS: Okay.</p> <p>3 MS. SPEIGHTS: Is she on that list?</p> <p>4 THE INTERPRETER: She's saying "Asamanu."</p> <p>5 BY MS. SPEIGHTS:</p> <p>6 Q That's Sara?</p> <p>7 A Yes.</p> <p>8 Q Ms. Gonzales, you mentioned, I guess, the</p> <p>9 meeting that you had with Cinnie Brown and someone</p> <p>10 from Blockbuster. Do you remember if that person's</p> <p>11 name from Blockbuster was Barry Francis?</p> <p>12 A I believe that it is. He is a black person</p> <p>13 who doesn't have a lot of hair and wears glasses.</p> <p>14 Q And did you meet with that person from</p> <p>15 Blockbuster more than once?</p> <p>16 A No.</p> <p>17 Q So just one time?</p> <p>18 A Yes.</p> <p>19 Q Can you tell me what generally was talked</p> <p>20 about during that interview?</p> <p>21 A He wanted to know how things were going in</p> <p>22 the warehouse and what complaints we had about the</p>
<p style="text-align: right;">Page 110</p> <p>1 A Sara and Takara.</p> <p>2 Q And which parts of their body would he</p> <p>3 touch?</p> <p>4 A He would put his hands between Sara's legs,</p> <p>5 and he would stand right behind Takara and start to</p> <p>6 touch her breasts, but also he would brush up against</p> <p>7 her behind with his penis.</p> <p>8 Q Did you ever complain to anyone at</p> <p>9 Blockbuster or Express about Mr. Thomas' touching Sara</p> <p>10 or Takara?</p> <p>11 A I believe I told the gentleman from</p> <p>12 Blockbuster when I met with Cinnie Brown.</p> <p>13 Q Do you recall when Mr. Thomas would touch</p> <p>14 Sara and Takara?</p> <p>15 A It must have been in April or May.</p> <p>16 (Discussion was held off the record.)</p> <p>17 BY MS. SPEIGHTS:</p> <p>18 Q So her name is Sara, and that's the same</p> <p>19 person we talked about a few minutes ago on Exhibit 4?</p> <p>20 I just want to make sure we're talking about the</p> <p>21 same . . .</p> <p>22 MR. PHILLIPS: Page 248?</p>	<p style="text-align: right;">Page 112</p> <p>1 managers.</p> <p>2 Q Did you talk about what you liked about your</p> <p>3 job at the warehouse during that meeting?</p> <p>4 A Perhaps I did. I don't recall.</p> <p>5 Q Was there anything that you liked about</p> <p>6 working at the warehouse?</p> <p>7 A At first there was.</p> <p>8 Q Well, what did you like about working at the</p> <p>9 warehouse?</p> <p>10 A The schedule and the manager, because at</p> <p>11 that time Lincoln Barrett was the only manager there,</p> <p>12 and he had a different way of dealing with us. He was</p> <p>13 much better, and then later Thomas came in. And I</p> <p>14 also liked the work, the work itself.</p> <p>15 Q When you first started working at the</p> <p>16 warehouse, did you like working with Lincoln?</p> <p>17 A Yes.</p> <p>18 Q Why did you like working with Lincoln?</p> <p>19 A Because he, he didn't -- he wouldn't be</p> <p>20 monitoring us, and he had consideration, regard for us</p> <p>21 at first, until Thomas arrived.</p> <p>22 MR. PHILLIPS: I don't want to interrupt</p>

<p style="text-align: right;">Page 113</p> <p>1 this line of questioning, but we've been going a 2 little over an hour, so whenever you're ready for 3 a break. 4 MS. SPEIGHTS: We can break right now. 5 MR. PHILLIPS: Okay, fair enough. 6 (Whereupon, a short recess was taken.) 7 BY MS. SPEIGHTS: 8 Q During the meeting with Ms. Brown and the 9 Blockbuster employee, did they ask you what things you 10 did not like about your managers? 11 A I believe they did. 12 Q And what did you tell them? 13 A I believe I told them they yelled at us and 14 they didn't let us sit down, and then I don't remember 15 what else. I believe I told them that I would be 16 asked out by Mr. Thomas. 17 Q Did they ask you about any inappropriate 18 sexual behavior or anything by the managers? 19 A Yes. 20 Q And what did you tell them? 21 A I don't remember whether I told them the 22 stuff about Sara, that she was touched.</p>	<p style="text-align: right;">Page 115</p> <p>1 Q Okay. Did you tell them about Taj putting 2 his -- I think you said his face close to yours? 3 A As I said before, I don't remember much 4 about the meeting. 5 Q Did you tell them that you felt that Latinos 6 were being discriminated against because of their race 7 or their national origin? 8 A I don't remember. 9 Q Did they ask you if you believed that 10 everyone at the warehouse was being treated equally? 11 A I don't remember very well. 12 Q Did you have any discussions with them about 13 training to use the computer? 14 A For me? 15 Q For any employees at the warehouse. 16 A I don't remember. 17 Q Did you tell them that people who had been 18 there a long time were not trained to use the 19 computers but that new employees were being trained to 20 use computers? 21 A I did say that, but I don't remember if I 22 said it to them or to Lincoln.</p>
<p style="text-align: right;">Page 114</p> <p>1 Q Do you remember what you did tell them? 2 A No. 3 Q Did you tell them that Taj or Thomas had 4 requested dates from you? 5 A I believe I did. 6 Q Did you tell them that he had requested 7 dates from you a lot? 8 A I believe I did. I don't remember. 9 Q Did you tell them that Taj told you that he 10 wanted to make love to you? 11 A I don't remember. 12 Q Did you tell them about Taj's remarks about 13 his penis? 14 A No, I don't remember. 15 Q Did you tell them that Taj told you that if 16 you did favors for him, your father might get more 17 hours? 18 A I don't remember. I don't remember the 19 meeting much. 20 Q Did you tell them about Taj's comments about 21 sex that he had with other women? 22 A No, I don't remember much about the meeting.</p>	<p style="text-align: right;">Page 116</p> <p>1 Q Did you tell them that people were being 2 sent home because there was no work at the warehouse? 3 A I don't remember. 4 Q Did you tell them about Kofi Tutu's 5 questions, asking you about your period or shaving 6 your legs? 7 A I don't remember. 8 Q Did you tell them that Taj or Kofi monitored 9 your work more closely than others? 10 A I did complain, but I don't remember whether 11 it was to them or to Lincoln. 12 Q Did you tell them that Taj treated blacks 13 more favorably than Hispanic employees? 14 A I don't remember, but I did tell Lincoln. 15 Q Ms. Gonzales, when you worked at the 16 Blockbuster warehouse, did you know about an ethics 17 hotline? 18 A No. 19 Q I know you mentioned that you sent a letter 20 to Cinnie Brown about your complaints. Did you ever 21 send anything in writing to anyone at Blockbuster 22 about your complaints?</p>

<p style="text-align: right;">Page 117</p> <p>1 A No. 2 (Discussion was held off the record.) 3 BY MS. SPEIGHTS: 4 Q Ms. Gonzales, sitting here today, are there 5 any other things that happened to you while you were 6 at the warehouse at Blockbuster, other than what we've 7 talked about, that you felt, you know, were 8 discriminatory in any way? 9 MR. PHILLIPS: Objection; vague, compound. 10 You can answer. 11 THE WITNESS: Yes. 12 BY MS. SPEIGHTS: 13 Q And what are those? 14 A Okay. Once I was working on a Saturday, and 15 I asked Lincoln whether my daughter could wait inside 16 the warehouse for an hour and wait for me, and he said 17 no, and he said he wouldn't let her, and he said -- on 18 Monday he told everybody that nobody can wait, that it 19 wasn't permitted for anybody, any family members, 20 anybody from outside the personnel to wait at the 21 warehouse. And that was a lie, because Mr. Thomas had 22 family members who would walk around for three hours</p>	<p style="text-align: right;">Page 119</p> <p>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</p>
<p style="text-align: right;">Page 118</p> <p>1 waiting, and also Say's husband would wait inside and 2 nobody would say anything about it. 3 Another thing. One day that I was not 4 working, I had my day off, I came into the warehouse 5 to talk to my mother. And Mr. Lincoln came out and 6 told me to leave, because I couldn't be there, and 7 that was outside of the warehouse, but other people in 8 the parking lot, other people, like friends of the 9 other workers, were allowed to be outside smoking 10 cigarettes, having conversations, and they wouldn't 11 ever tell them to leave. 12 Q Anything else? 13 A Yes, but let me remember. 14 And then when my aunt worked there, I was 15 told by her that Mr. Thomas would -- I saw that at 16 times when my aunt worked there, Mr. Thomas would sit 17 right across from her and stare intently at her to 18 watch how she was working, how she would be working 19 saw him staring intensely at her. 20 On another occasion he came out and said, 21 "I'm tired of this shit," and he called Milagros into 22 the office. And after Milagros came out, she said</p>	<p style="text-align: right;">Page 120</p> <p>1 broken. And I asked him, "What do you mean? You're 2 saying that I'm sabotaging other people's work?" And 3 he said, "I just can't believe that there's so many 4 errors in one day from all the workers," and I asked 5 him, "What are you saying? Are you blaming me?" And 6 he started to shout at me, saying "get out" and who 7 did I think I was, that he was going to tell 8 Mr. Lincoln what was going on. 9 Then Mr. Thomas and me went into the office, 10 and that's when Mr. Lincoln told him to calm down, to 11 stop shouting at me, and he told me to just stay and 12 to keep on working. And he was mad and went outside, 13 still screaming. 14 Q Anything else? 15 A For now that's all I remember. 16 Q Just a few questions about that. When you 17 testified about working on Saturday and asking if your 18 daughter could wait inside, you mentioned or testified 19 that Thomas had had family members wait inside before; 20 is that right? 21 A I don't remember if it was before or after, 22 but family members of his did come into the warehouse,</p>

1 and they remained there for quite a long time.

2 Q And these are Mr. Thomas' family members?

3 A Yeah, he said it was his ex-wife and his two
4 children, I believe.

5 Q All right, and you also mentioned an
6 incident where you had a day off and you were talking
7 to your mother in the parking lot, and Mr. Thomas said
8 you couldn't talk to her in the parking lot?

9 A No, that's not what happened. I came to the
10 parking lot to speak with my mother, and Mr. Lincoln
11 came out and he told me that I couldn't be there, that
12 I should go home, that I couldn't be loitering or
13 something like that.

14 Q And you mentioned that there were other
15 employees or other people whose friends were allowed
16 to come in?

17 A Yes.

18 Q What other people?

19 A Shon's friends, Monique's, Fernando's.
20 That's what I can remember at this point.

21 Q And did their friends visit before or after
22 the incident with Mr. Lincoln where you wanted to come

1 see your mother?

2 A Before and after.

3 Q All right. The incident with Mr. Thomas
4 staring intensely at your aunt; when did that happen?

5 A My aunt?

6 Q Yes.

7 A It wasn't just one day. It happened
8 repeatedly, every day that she worked there.

9 Q How long did she work there?

10 A I believe for a month.

11 Q Why did she stop working there?

12 A She said it was too much stress and that she
13 couldn't bear it.

14 Q Okay, and what's your aunt's name?

15 A Lita Zubiate, like the last name of my
16 uncle.

17 Q So she's the wife of the uncle that we
18 talked about?

19 A No. She's the sister.

20 Q Okay. You also mentioned an incident where
21 you said Mr. Thomas came out and said "I'm tired of
22 this shit" and called Milagros into his office. When

1 did that happen?

2 A It was the day that they terminated
3 Milagros, but I don't remember exactly what day it
4 was.

5 Q Did you ever talk to Milagros about that
6 day?

7 A Just that time, just the day that she was
8 terminated, because I asked her what had happened then
9 and there. That was the last time. And she said she
10 didn't know why, that she was just told to go home.

11 I just remembered, before I forget, that
12 another thing that Mr. Thomas would do is he would
13 bang his hand on the table and say, "Hurry up, hurry
14 up."

15 Q All right. You also testified that
16 Mr. Thomas would say Jesus is black and he would wear
17 T-shirts that had a Black Power symbol, correct?

18 A Yes.

19 Q When did he make the comment that Jesus is
20 black?

21 A I don't have an exact date, but we would be
22 working, and then all of a sudden -- and he would be

1 saying things, and all of a sudden he came up with
2 Jesus is black.

3 Q Did he say it on more than one occasion?

4 A I recall one time.

5 Q And when did he wear the T-shirt with the
6 Black Power symbol?

7 A On several different times he would wear it.

8 Q Do you remember how many times he wore it?

9 A Might have been about once a week.

10 Q Did you ever complain to Ms. Brown or anyone
11 at Blockbuster about the T-shirt?

12 A No.

13 Q You also testified that he said "I'm going
14 to get rid of these damn people" and that he started
15 saying that after the new black employees were hired,
16 correct?

17 A Yes.

18 Q And you believe that when he referred to
19 "these damn people" that he was referring to Latinos;
20 is that right?

21 A Yes, because the majority or most of the
22 people that were working there at the time were

1 Latinos, and we were the ones that he would be
 2 watching over the most.
 3 Q But he didn't specifically say "I'm going to
 4 get rid of the Latinos"?"
 5 A I'm not real sure.
 6 Q Okay. Who is Dolores Gonzales?
 7 A My mom.
 8 Q And did she work at the warehouse?
 9 A Yes.
 10 Q And when did she work at the warehouse?
 11 A I believe she started in December.
 12 Q And when did she stop working at the
 13 warehouse?
 14 A The same day as I did, July 1st of 2005.
 15 Q Did Mr. Thomas ever touch your mother, to
 16 your knowledge?
 17 A Not that I'm aware.
 18 Q Did he or anyone else at the -- any managers
 19 at the warehouse make any sexual comments to her?
 20 A He, Taj Thomas, he would talk about his
 21 sexual prowess, like the women he had been with, and
 22 since my mother didn't understand English, I would

1 translate for her, and he would do so in front of her.
 2 Q Why would you translate those comments for
 3 your mother?
 4 A Because she would ask me, "What is he
 5 saying?"
 6 Q Did Mr. Thomas or any of the other
 7 supervisors at the warehouse make any racial comments
 8 to her?
 9 A Everything they would do, the close
 10 monitoring of our work, they would do to her, too.
 11 Q I'm not asking about the close monitoring of
 12 the work; I'm asking about comments made to her.
 13 A I don't know. I don't recall.
 14 Q Do you know Naema Fields?
 15 A Yes, I do.
 16 Q Who is Naema?
 17 A A girl who worked there when I started.
 18 Q How would you describe your relationship
 19 with her?
 20 A As coworkers.
 21 Q Was she working at the facility when you
 22 were terminated?

1 A No.
 2 Q When did she leave?
 3 A She began two days before I did or the same
 4 day I did, and she left at the end of December. I
 5 believe she left two weeks after Mr. Thomas came in.
 6 Q Do you know why she left?
 7 A Mr. Thomas fired her. He terminated her.
 8 Q And do you know why Mr. Thomas fired her?
 9 A I don't know. One day she arrived and he
 10 took her outside, put her outside and then locked the
 11 door on her, and she said she wanted to talk with
 12 Lincoln, with Mr. Lincoln, and he told her no.
 13 Q Mr. Thomas told her no?
 14 A Yes.
 15 Q Have you talked with Ms. Fields since she
 16 left Blockbuster in December of 2004?
 17 A No.
 18 Q While she was working in the warehouse, did
 19 you ever see anyone touch her?
 20 A Mr. Thomas was always standing behind trying
 21 to touch her. I saw once that he touched her legs or
 22 her behind.

1 Q Did you ever hear any of the managers make
 2 any sexual comments to her?
 3 A He, Mr. Thomas, always asked her out, too.
 4 Q Do you know if she ever went out with him?
 5 A No. She always said no to him.
 6 Q Did you ever hear any of the managers make
 7 any racial comments to her?
 8 A I don't think so.
 9 Q Do you know Fiana Charlton?
 10 A No.
 11 Q Do you know LaQuanta Brinson?
 12 A Yes.
 13 Q Who is LaQuanta Brinson?
 14 A She worked there at the warehouse.
 15 Q When did she start?
 16 A I don't know, because she first worked at
 17 the warehouse security.
 18 Q Was she there when -- was she working at
 19 warehouse security when you got to Blockbuster?
 20 A Yes.
 21 Q Was she still working at Blockbuster when
 22 you left Blockbuster?

1 A No.

2 Q Do you remember when she left?

3 A No.

4 Q Do you know why she left?

5 A One day she was working putting DVDs in
6 envelopes, and she sat down for a little bit, and
7 Mr. Thomas told her to stand up, and she told him no.
8 And then he said, "Stand up," and sort of shouted at
9 her, and then she pushed the seat away to one side,
10 and so then he said, "Okay, then go home," and she no
11 longer came back.

12 Q Is Ms. Brinson black?

13 A I don't know. I don't know. She didn't
14 look completely black. She was a little darker than I
15 am. I don't know if she was a mixture or what.

16 Q Was she Latina?

17 A I don't know.

18 Q Did she speak Spanish?

19 A No.

20 Q Have you talked with Ms. Brinson since she
21 left Blockbuster?

22 A No.

1 Q Did you ever see anyone touch her while she
2 was at Blockbuster?

3 A No.

4 Q Did you ever hear any managers make sexual
5 comments to her while she was at Blockbuster?

6 A No.

7 Q Did you ever hear any managers make any type
8 of racial comments to her?

9 A No.

10 (Discussion was held off the record.)

11 BY MS. SPEIGHTS:

12 Q Do you know Michelle Despertt?

13 A I knew a Michelle, but I don't know her last
14 name.

15 Q And who is the Michelle that you know?

16 A A thin black girl.

17 Q And did she work at the warehouse with you?

18 A Yes.

19 Q And do you remember when she started working
20 at Blockbuster?

21 A About the time when my mother started.

22 Q And was Michelle still working there when

1 you left Blockbuster?

2 A No.

3 Q When did she leave?

4 A I don't know.

5 Q Do you know why she left?

6 A No.

7 Q Have you talked with her since she left?

8 A No.

9 Q Did you ever see any managers touch her
10 while she was at Blockbuster?

11 A No.

12 Q Did you ever hear anyone make any sexual
13 comments to her while she was at Blockbuster?

14 A Kofi would say that she was his mistress.

15 Q And would he say that to her or to other
16 employees?

17 A Employees.

18 Q To your knowledge, did Kofi and Michelle
19 have any type of relationship?

20 A He claimed. I don't know.

21 Q Did you ever hear any managers make any
22 racial comments to her?

1 A No.

2 Q Do you know Emetem?

3 A She is Blythe.

4 Q This is the Blythe that we talked about?

5 A Yes.

6 Q Now, when did Blythe work at Blockbuster?

7 A She also started about the same time that my
8 mom started to work there.

9 Q And was she still there when you left
10 Blockbuster?

11 A Yes.

12 Q Do you know if she's still there?

13 A I don't believe she is.

14 Q Do you know where she is?

15 A No.

16 Q Have you kept in touch with Blythe since you
17 left Blockbuster?

18 A No.

19 Q Did you ever see any managers touch Blythe?

20 A Yes.

21 Q Who?

22 A Mr. Thomas would stand up right behind her.

<p style="text-align: right;">Page 133</p> <p>1 Q Did you ever hear any manager make any 2 sexual comments to her?</p> <p>3 A He, Mr. Thomas, since she, Emetem, had a 4 heavy accent, he would make fun of her and would say 5 that whenever he'd make love to her, she was going to 6 scream out his name, Taj, with that African accent.</p> <p>7 Q Did you ever hear any managers make any 8 racial comments to her?</p> <p>9 A No, I don't believe so.</p> <p>10 Q Do you know Elizabeth Ledesma?</p> <p>11 A Yes.</p> <p>12 Q Who is Elizabeth?</p> <p>13 A My cousin.</p> <p>14 (Whereupon, a short recess was taken.)</p> <p>15 BY MS. SPEIGHTS:</p> <p>16 Q I think we were talking about Elizabeth 17 Ledesma, and you testified she's your cousin?</p> <p>18 A Yes.</p> <p>19 Q Does she work at the warehouse?</p> <p>20 A She no longer does.</p> <p>21 Q When did she work at the warehouse?</p> <p>22 A She came in a little after my mom.</p>	<p style="text-align: right;">Page 135</p> <p>1 A No. She speaks English.</p> <p>2 Q Did you ever hear anyone make any type of 3 racial comments to her?</p> <p>4 A Yes.</p> <p>5 Q Who made racial comments to her?</p> <p>6 A Mr. Thomas.</p> <p>7 Q And what did he say to her?</p> <p>8 A The same stuff when he would refer to the 9 Latinos, like when he would refer to -- and she said 10 "darn Latinos," meaning "damn Latinos," and things 11 like that.</p> <p>12 THE INTERPRETER: For the record, she was 13 using the euphemistic form, to not say it here, 14 but she meant that he used the strong, the vulgar 15 form.</p> <p>16 BY MS. SPEIGHTS:</p> <p>17 Q Where is Elizabeth? Is Elizabeth still in 18 this area?</p> <p>19 A Yes.</p> <p>20 Q Do you know where she lives?</p> <p>21 A I do, but I don't know her address.</p> <p>22 Q How often do you talk with her?</p>
<p style="text-align: right;">Page 134</p> <p>1 Q And when did she leave?</p> <p>2 A She quit when me and my mom were terminated, 3 but then she came back later, though.</p> <p>4 Q When did she come back?</p> <p>5 A When Lincoln or Thomas were no longer there.</p> <p>6 Q Did she come back as a Blockbuster employee?</p> <p>7 A No. With Express.</p> <p>8 Q And do you know when she left?</p> <p>9 A No.</p> <p>10 Q During the time that you were at 11 Blockbuster, did you ever see anyone touch her?</p> <p>12 A No.</p> <p>13 Q Did you ever hear anyone make sexual 14 comments to her?</p> <p>15 A No. He would say the same things that he 16 would say in front of my mother, that his penis was so 17 long that if he would take it out and lay it on the 18 table, it would hang over the other side.</p> <p>19 Q And did you have to translate for her or did 20 she understand that?</p> <p>21 A For Elizabeth?</p> <p>22 Q Yes.</p>	<p style="text-align: right;">Page 136</p> <p>1 A Every day.</p> <p>2 Q Did you talk with her about this deposition?</p> <p>3 A No.</p> <p>4 Q Have you talked with her about this lawsuit 5 out of the presence of your counsel?</p> <p>6 A Yes, when she found out that there was going 7 to be a lawsuit.</p> <p>8 Q And what did you talk about?</p> <p>9 A Whether sufficient evidence had come in, 10 because she had received the same letter.</p> <p>11 Q When you say she had received the same 12 letter, what letter are you referring to?</p> <p>13 MR. PHILLIPS: Objection to the extent it 14 calls for privileged information. If the letter 15 was from me, I'll instruct the witness to not 16 answer the question.</p> <p>17 If the letter is from someone other than the 18 EEOC lawyer, please answer the question.</p> <p>19 THE WITNESS: I shall not answer then.</p> <p>20 MS. SPEIGHTS: Well, just so we're clear, 21 she can answer whether her cousin received a 22 letter from you or the EEOC, correct?</p>

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1 Q And when did he start working at the
2 warehouse?
3 A In February or March of 2005.
4 Q And was he still working at the warehouse
5 when you left in July?
6 A Yes.
7 Q Do you know if he still works there?
8 A Yes.
9 Q Have you talked to Victor since you left the
10 warehouse?
11 A No.
12 Q Did Mr. Ruiz talk about sex while you were
13 working at the warehouse?
14 A No.
15 Q Did you ever hear any managers make any
16 racial comments or sexual comments to him while he was
17 at the warehouse?
18 A Mr. Thomas would make fun of him.
19 Q And when you say Mr. Thomas "would make fun
20 of him," what would Mr. Thomas do?
21 A Because he couldn't pronounce English well,
22 and also the way he walked.

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1 Q Mr. Thomas would make fun of the way he
2 walked, you said?
3 A Yes.
4 Q How would you describe how Mr. Ruiz walked?
5 A He'd walk very quickly. It was very strange
6 the way he walked.
7 Q When you said Mr. Thomas would make fun of
8 the way he talked, what would Mr. Thomas say?
9 A He would imitate him.
10 Q Imitate the way he talked?
11 A Yes.
12 Q During the time that you were assigned to
13 work at Blockbuster, were you ever late for work?
14 A Yes.
15 Q About how often were you late for work?
16 A I'm not very sure.
17 Q Did any of the managers at the warehouse
18 ever talk to you about your being late coming to work?
19 A No, just once.
20 Q And who talked to you?
21 A It was once I arrived three minutes late.
22 It was Mr. Lincoln who talked to me. It was because

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1 my daughter had, the night before, had swallowed a
2 ring that got stuck in her throat, and I had to take
3 her in to the emergency room.
4 Q And what did Lincoln say to you?
5 A I told him that that was the reason I was
6 late, because I had stayed at the emergency room until
7 late, and he said that he would give me a warning.
8 Q Is that the only time that any of the
9 managers talked to you about your being late to work?
10 A Yes.
11 Q Did you have any attendance problems while
12 you were working at Blockbuster?
13 A No, almost none.
14 Q Do you recall how many times you were absent
15 from work during the time you worked for Blockbuster?
16 A Perhaps around eight times, but they were
17 always justified and I would always call in.
18 Q Did Cinnie Brown ever talk to you about
19 being late to work or being absent from work?
20 A No.
21 MS. SPEIGHTS: I'll have the court reporter
22 mark this as Exhibit 6.

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1 (Exhibit 6 was marked for identification and
2 attached to the deposition transcript.)
3 (Discussion was held off the record.)
4 BY MS. SPEIGHTS:
5 Q Ms. Gonzales, showing you what's been marked
6 as Exhibit 6, is that your handwriting on this
7 document?
8 A No.
9 Q You don't recognize the handwriting?
10 A No.
11 Q Do you remember meeting with or filling out
12 a form for a Blockbuster employee by the name of Scott
13 Collin?
14 A No.
15 Q Do you ever remember talking to Scott Collin
16 in or about June of 2005?
17 A I don't remember, but this is not my
18 handwriting.
19 Q Ms. Gonzales, what are you seeking out of
20 this lawsuit?
21 A I want the Blockbuster company to change the
22 way they treat employees. I want them to be fair,

<p style="text-align: right;">Page 153</p> <p>1 A No.</p> <p>2 Q And what was the name of the therapist that</p> <p>3 you saw the one time?</p> <p>4 A I believe Annette.</p> <p>5 MS. SPEIGHTS: Okay, just two more things</p> <p>6 and then I'm done.</p> <p>7 (Exhibit 7 and Exhibit 8 were marked for</p> <p>8 identification and attached to the deposition</p> <p>9 transcript.)</p> <p>10 BY MS. SPEIGHTS:</p> <p>11 Q Ms. Gonzales, do you recognize Exhibits 8</p> <p>12 and 9?</p> <p>13 A Yes.</p> <p>14 Q I mean 7 and 8.</p> <p>15 A Yes.</p> <p>16 Q And what are they?</p> <p>17 A It's the "Handbook," it's called, from</p> <p>18 Express.</p> <p>19 Q And Exhibit 8; is that your signature on</p> <p>20 Exhibit 8?</p> <p>21 A Yes.</p> <p>22 Q And did you receive copies of this when you</p>	<p style="text-align: right;">Page 155</p> <p>1 of anguish, because he was the general manager and he</p> <p>2 didn't seem to believe anything I would say. It just</p> <p>3 made me feel a lot of anguish and anxiety.</p> <p>4 Q To your knowledge, did Thomas ever -- strike</p> <p>5 that. Sitting here right now, do you recall any other</p> <p>6 incidents of things that Thomas did that offended you</p> <p>7 other than what you've already said?</p> <p>8 A I believe there are, but right now I don't</p> <p>9 remember real well.</p> <p>10 Q To your knowledge, did Thomas ever stare at</p> <p>11 your buttocks?</p> <p>12 A My mother told me that he did one time.</p> <p>13 Q Did you believe her when she told you that?</p> <p>14 A Yes, because sometimes he would look at me</p> <p>15 with a look of desire.</p> <p>16 Q Did Thomas ever say he wanted to marry you?</p> <p>17 A Yes. He also said so to my mother.</p> <p>18 Q And did you ever hear Thomas make a</p> <p>19 reference to "you and your people can go on break"?</p> <p>20 A Yes, yes, he did say that.</p> <p>21 Q And what did you think he meant by "your</p> <p>22 people"?</p>
<p style="text-align: right;">Page 154</p> <p>1 started your employment with Express?</p> <p>2 A I believe I did.</p> <p>3 MS. SPEIGHTS: I have no further questions.</p> <p>4 EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>5 BY MR. PHILLIPS:</p> <p>6 Q Just a few questions to clarify.</p> <p>7 Ms. Gonzales, you testified earlier about</p> <p>8 various ways that you felt discriminated against or</p> <p>9 mistreated by Thomas, Mr. Thomas, correct?</p> <p>10 A Yes.</p> <p>11 Q At the time that those things were</p> <p>12 happening, how did they make you feel?</p> <p>13 A They made me feel as if I was a piece of</p> <p>14 trash, as if I wasn't useful for anything, as if all</p> <p>15 the other people were much better than I was. And</p> <p>16 even though I would do good work, nobody appreciated</p> <p>17 the good work that I did.</p> <p>18 Q And you testified earlier about ways that</p> <p>19 you felt discriminated against by Lincoln. Can you</p> <p>20 tell me how that made you feel.</p> <p>21 A It made me feel -- they made me feel as if I</p> <p>22 were less, as if I was being stepped on. I felt a lot</p>	<p style="text-align: right;">Page 156</p> <p>1 A He would say it in a discriminatory,</p> <p>2 pejorative way.</p> <p>3 Q Who did you think he was referencing when he</p> <p>4 said "your people"?</p> <p>5 A The Latinos.</p> <p>6 Q And finally, Ms. Gonzales, have you ever</p> <p>7 heard the Spanish word "insinuar"?</p> <p>8 A Yes.</p> <p>9 Q What does that word mean to you?</p> <p>10 A It's when like -- how can I say it? It's</p> <p>11 when somebody wants to do something for you and they</p> <p>12 sort of go for it or launch forward. I don't know how</p> <p>13 to explain it, but they insinuate it. They give you</p> <p>14 to understand that they want to have some -- they want</p> <p>15 to do something with you.</p> <p>16 MR. PHILLIPS: Pass the witness.</p> <p>17 REDIRECT EXAMINATION BY COUNSEL FOR DEFENDANT</p> <p>18 BY MS. SPEIGHTS:</p> <p>19 Q When you met with Ms. Brown and the</p> <p>20 Blockbuster employee, you didn't tell them that</p> <p>21 Mr. Thomas had stared at your buttocks, correct?</p> <p>22 A No, I don't believe so.</p>