

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 Dolores Gonzales

Bethesday, Maryland

Wednesday, May 7th, 2008

9:00 a.m.

Job No. 1-126045

Pages 1 - 139

Reported by: Laurie Bangart-Smith, RPR, CRR

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1 A Because Lolita translated it for me.  
2 Q Did Ms. Brown tell you that?  
3 A No. Mr. Lincoln.  
4 Q All right. You mentioned that Lincoln  
5 Barrett explained the process to you. When did he  
6 explain the process to you?  
7 A The first day I came in to work.  
8 Q And Lolita translated that conversation for  
9 you?  
10 A Yes.  
11 Q And what did Mr. Barrett say during that  
12 conversation the first day?  
13 A Step by step he explained to me from the  
14 point that DVDs are returned by the customers, and  
15 then he told me that if I perform my job well, that I  
16 could be hired as an employee at Blockbuster.  
17 Q Did he say anything else?  
18 A With regard to the work, he spoke to me  
19 about the schedule, that the schedule was to come in  
20 at 7:00 a.m., that there were days that you could work  
21 12 hours because there was more work, and also that  
22 there was work on Saturdays and that they would be

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1 paying overtime [sic]. Everything related to the  
2 work, the work policies.  
3 THE INTERPRETER: The interpreter would like  
4 to correct from the prior response that they  
5 would like to pay "us" overtime, which I  
6 understood as "no."  
7 BY MS. SPEIGHTS:  
8 Q And you said policies and procedures?  
9 A Yes, procedures, what was the procedure that  
10 had to be followed to do your job.  
11 Q Did he talk to you about the policies  
12 regarding being late or absent from work?  
13 A Yes, he did, too.  
14 Q And what did he say about those policies?  
15 A That we had to fulfill -- with regard to me,  
16 that we had to keep to the schedule, that we had to be  
17 in at 7:00 a.m., and that there were two 15-minute  
18 breaks and 30 minutes for lunch. He was the general  
19 manager at that time, and if you wanted any leave, he  
20 was the person that would give you leave.  
21 Q When you started your assignment at  
22 Blockbuster, was Taj -- or I guess we've also referred

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1 to him as "Thomas" -- at the facility yet?  
2 A No.  
3 Q What about Kofi?  
4 A No, he wasn't.  
5 Q Was Mike Smith at the facility yet?  
6 A No, he wasn't.  
7 Q Were there any other managers at the  
8 facility besides Lincoln Barrett when you started your  
9 assignment there?  
10 A No. He was the only one.  
11 Q During your first conversation with Lincoln  
12 Barrett, did he say anything about training  
13 opportunities?  
14 A No. He referred only to the training for  
15 the job that we performed there.  
16 Q And I take it he also referred to training  
17 for computer, correct?  
18 A Yes.  
19 Q When did Taj start working at the facility?  
20 A I can't remember the exact date that he did,  
21 but the three managers came on. Taj, Kofi, and I  
22 don't remember the other; they came on as supervisor.

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1 That's what Lincoln said they were, supervisors.  
2 Q Did Lincoln introduce the managers or  
3 supervisors to you and others at the facility when  
4 they arrived?  
5 A Yes.  
6 Q And what did he say about them?  
7 A That three supervisors had been hired to  
8 improve performance, to improve work performance, and  
9 that they were increasing the customership and that  
10 the company wanted to do a good job.  
11 Q Who was your supervisor, of those three  
12 managers?  
13 A All three were supervisors. It wasn't that  
14 there was a specific staff under a particular  
15 supervisor.  
16 Q When did your assignment at Blockbuster end?  
17 A July 1st of 2005.  
18 Q And what is your understanding of why it  
19 ended?  
20 A That day Taj came up to me and said that I  
21 had to leave at 12:30 because there wasn't any more  
22 work, both me and Lolita.

<p style="text-align: right;">Page 37</p> <p>1 Q Did he say anything else?</p> <p>2 A No.</p> <p>3 Q After that conversation with Taj, did you</p> <p>4 leave work?</p> <p>5 A When I was finishing up, there was still</p> <p>6 pending work, and then Lincoln came up to me and said</p> <p>7 that there was no longer any work, to leave, and then</p> <p>8 he told -- he went up to Lolita and told her that the</p> <p>9 staff had complained about her, that they didn't get</p> <p>10 along well with her, that she had problems with</p> <p>11 everybody and that Lolita didn't do her job well.</p> <p>12 Q Did Lolita interpret for you the direction</p> <p>13 from Taj that you had to leave because there was no</p> <p>14 work?</p> <p>15 A I understood that.</p> <p>16 Q Did you ever talk with Cinnie Brown about</p> <p>17 the end of your assignment at Blockbuster?</p> <p>18 A On July 1st when I got home, Cinnie Brown</p> <p>19 called us to let us know that we had been terminated.</p> <p>20 Q Did you talk to Cinnie Brown?</p> <p>21 A No. Elizabeth and Lolita did.</p> <p>22 Q And did Elizabeth and Lolita tell you what</p>	<p style="text-align: right;">Page 39</p> <p>1 few days before" she had had an incident with Takara,</p> <p>2 a few days before when?</p> <p>3 A Before the day of the dismissal,</p> <p>4 termination.</p> <p>5 Q Did you see the incident between Lolita and</p> <p>6 Takara?</p> <p>7 A Yes.</p> <p>8 Q And what happened?</p> <p>9 A Takara was working at the computer, and</p> <p>10 Lolita was located at another table. I was across</p> <p>11 from Lolita. Takara called, shouted at Lolita and she</p> <p>12 said to her that she was a loafer, that she didn't do</p> <p>13 her job, and threw some DVDs at her, threw some DVDs</p> <p>14 on the table.</p> <p>15 Q Were you able to understand Takara when she</p> <p>16 called Lolita a loafer and told her that she did not</p> <p>17 do her job?</p> <p>18 A No, I didn't understand what she said, but I</p> <p>19 saw her gestures, and since she was raising her voice</p> <p>20 and she was shouting very loud, I knew something was</p> <p>21 going on that wasn't right. And then afterwards</p> <p>22 Lolita and Elizabeth translated for me what she had</p>
<p style="text-align: right;">Page 38</p> <p>1 Cinnie Brown said during that phone conversation?</p> <p>2 A Yes.</p> <p>3 Q And what did she say that Cinnie Brown said?</p> <p>4 A What Lincoln had said is that I was</p> <p>5 terminated because I would miss work too much, and</p> <p>6 Lolita was because she had problems with all of the</p> <p>7 coworkers and did not do her job well.</p> <p>8 Q Now, I believe you testified earlier that</p> <p>9 Lincoln told Lolita that staff had complained about</p> <p>10 her and that there were employees who had problems</p> <p>11 with her; is that right?</p> <p>12 A Yes.</p> <p>13 Q When did Lincoln tell Lolita that?</p> <p>14 A A few days before, there was -- Lolita had</p> <p>15 an incident with Takara, and Takara complained about</p> <p>16 Lolita. So when Lolita went to tell Lincoln what had</p> <p>17 happened, Lincoln treated her poorly and said she was</p> <p>18 the one who caused problems, that personnel had</p> <p>19 complained that they didn't get along well with</p> <p>20 Lolita, and then later, on the 1st of July, he</p> <p>21 repeated the same thing to her.</p> <p>22 Q When you said that -- when you said that "a</p>	<p style="text-align: right;">Page 40</p> <p>1 said.</p> <p>2 Q Had you ever observed any other incidents</p> <p>3 between Takara and Lolita?</p> <p>4 A Not of that type I hadn't.</p> <p>5 Q Well, had you observed other types of</p> <p>6 incidents between the two of them?</p> <p>7 A The thing is that Takara was new. Takara</p> <p>8 had certain privileges. Some duties that had been</p> <p>9 given to Lolita were given to Takara later, and that,</p> <p>10 of course, produces displeasure.</p> <p>11 Q When did Takara start working at the</p> <p>12 facility?</p> <p>13 A I don't recall.</p> <p>14 Q When you said that Takara had "certain</p> <p>15 privileges," what do you mean she had "certain</p> <p>16 privileges"?</p> <p>17 A One thing was that -- one of them was that</p> <p>18 she had a set schedule that she worked. I don't</p> <p>19 remember whether it was at 4:00 or 5:00 p.m., but that</p> <p>20 she couldn't work any longer than then, because she</p> <p>21 had to pick up her little girl.</p> <p>22 Q Any other privileges?</p>

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1 Q All right. So for our purposes, I'm going  
2 to -- because I think it's easier to read -- look at  
3 the attachments to Exhibit 3, so let's just put  
4 Exhibit 2 to the side.  
5 Ms. Gonzales, who prepared the attachment to  
6 Exhibit 3? And just to be clear, I'll refer to the  
7 numbers at the bottom that the EEOC put on it. That's  
8 EEOC 00397, 398 and 399.  
9 Who prepared those pages?  
10 A Lolita and I were called in to the EEOC  
11 office by Judy Navarro, who took our statement. Who  
12 prepared it? Do you mean who manually did it or who  
13 drafted it?  
14 Q Yes.  
15 A Who drafted it?  
16 Q Yes.  
17 A I did.  
18 Q And who typed it?  
19 A Lolita.  
20 Q And is it your testimony that this was  
21 prepared at the request of the EEOC?  
22 A I don't -- I can't remember. It's so long

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1 ago and there are so many things.  
2 Q When did you first contact the EEOC after  
3 you were terminated from Express?  
4 A Approximately -- before a month went by, I  
5 called the 1-800 number and I asked for information.  
6 I briefly explained our case at work, and they told me  
7 that they were going to send us some forms, a  
8 questionnaire to fill out.  
9 Q And at the time that you contacted the EEOC,  
10 had you prepared Pages 397 through 399?  
11 A No.  
12 Q How soon after contacting the EEOC did you  
13 prepare this document?  
14 A Approximately, because I'm not exactly sure  
15 of the time, but two or three weeks afterwards.  
16 Q And why did you prepare this document at  
17 that time?  
18 A Because I was told that I had to write up  
19 the events that had taken place.  
20 Q And who told you that?  
21 A When I called the 1-800 number.  
22 Q And when did you first speak with -- I

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1 believe you said her name was Julie or Judy at the  
2 EEOC?  
3 A Judy.  
4 Q Judy.  
5 A I can't remember. The first conversation I  
6 had with that 1-800 operator, she's the one that gave  
7 me the guidance and told me that I had to draft a  
8 letter, that I had to indicate what I believe was the  
9 reason for the discrimination, and then that at a  
10 later date we would be given an appointment to take  
11 our statement in person about what had happened.  
12 Q All right. If you look at Page 00397, can  
13 you read for us the third sentence on that page that  
14 starts with the word "Semanas."  
15 A "Weeks later, Supervisor Thomas Smith asked  
16 my daughter Lolita out, and since she didn't accept,  
17 then, as retaliation, he changed his behavior towards  
18 us."  
19 Q How do you know that Thomas Smith invited  
20 your daughter Lolita out?  
21 A Because Lolita told me.  
22 Q All right, and how did he change his

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1 behavior toward -- it says "us." When you say "us,"  
2 who are you referring to? Let me start with that  
3 question.  
4 A Lolita, Andrea, Milagros and me.  
5 Q And how did he change his behavior?  
6 A Towards them, he would shout at them, he'd  
7 raise his voice, and with me he wasn't as nice as he  
8 was at the beginning. He started to cut off the hours  
9 or reduce the hours in my schedule. We knew that  
10 there was work, but he would send us home, and his  
11 friends or neighbors from his neighborhood would  
12 continue -- would stay there working until 7:00 or  
13 8:00 p.m.  
14 Q How do you know that he had friends or  
15 neighbors from his neighborhood working at the  
16 facility?  
17 A Because after Taj came in, I don't remember  
18 how many there were, but there were a lot of them, a  
19 lot of people came in to work. They were neighbors.  
20 They themselves said they were from his neighborhood  
21 and that they were friends of Taj and that he had  
22 known them for years.

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1 Q And when you say "they," who are you  
2 referring to?  
3 A His friends.  
4 Q Who? Identify them. What are their names?  
5 A Michelle, Fernando, Monique, AJ. I can't  
6 remember the others, but there were several other  
7 ones. And when they all came in, he said something  
8 that was very nasty about the Latinos, that he was  
9 going to dismiss or fire "these damn people."  
10 Q How do you know that Taj said he was going  
11 to dismiss or fire "these damn people"?  
12 A Because he said it out loud.  
13 Q And you were able to understand him when he  
14 said it?  
15 A No, but the people who were there who heard  
16 him translated it for me.  
17 Q When did Thomas change his behavior towards  
18 you and the others?  
19 A Not very long after he came to work.  
20 Q Approximately what month?  
21 A What month?  
22 Q Yes.

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1 A The thing is I can't remember what month he  
2 started working there either.  
3 Q And you testified that he started changing  
4 hours?  
5 A Yes. We would be coming in at 7:00, and  
6 then all of a sudden he would change it to 9:00 or  
7 10:00 in the morning, and then he would send us home  
8 early. Then he'd monitor us and stand in front of us  
9 and check to see how much time it would take us to  
10 complete each stage of the procedure. He turned very  
11 strict with us, but with his black friends he wasn't  
12 like that.  
13 Q And this all happened shortly after he  
14 started working there?  
15 A Yes.  
16 Q Wasn't Lincoln Barrett responsible for  
17 making the schedules and tell you what hours you were  
18 supposed to come in?  
19 MR. PHILLIPS: Objection; foundation.  
20 Answer the question.  
21 THE WITNESS: What Lincoln was was the  
22 general manager, but Taj made all the decisions,

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1 and even if they were wrong, Lincoln would  
2 approve them.  
3 BY MS. SPEIGHTS:  
4 Q How do you know that?  
5 A Because when we would go to Lincoln to  
6 complain, for example, about the schedule, he would  
7 say, "I can't go against what Taj said," that he could  
8 not take authority away from him.  
9 Q And how do you know he said that?  
10 A Because I always needed a translator, and my  
11 daughter or my niece were there for me.  
12 MR. PHILLIPS: I don't mean to break up your  
13 translation, but we've been going an hour and 20  
14 minutes.  
15 (Whereupon, the lunch recess was taken.)  
16 BY MS. SPEIGHTS:  
17 Q Okay, Ms. Gonzales, I'm going to go back to  
18 looking at EEOC Pages 3993 to 3995.  
19 MR. PHILLIPS: I'm sorry. 397 to 99, do you  
20 mean?  
21 MS. SPEIGHTS: I'm sorry. Yes.  
22 MR. PHILLIPS: Okay.

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1 BY MS. SPEIGHTS:  
2 Q I'm sorry. I'm looking at the wrong  
3 document. 397 to 399.  
4 Ask you to read the first two sentences of  
5 the second paragraph.  
6 A "Any person who was hired to work at the  
7 warehouse had the privilege to receive training.  
8 Nonetheless, I never received that training, despite  
9 the fact that I was one of the most senior persons."  
10 Q Ms. Gonzales, did you ever request any  
11 training while you were assigned to Blockbuster?  
12 A Yes, I did ask, requested of Mr. Lincoln  
13 that I wanted to learn how to work on the computers.  
14 Q And when did you ask Mr. Lincoln -- when did  
15 you tell Mr. Lincoln that you wanted to learn to work  
16 on the computers?  
17 A The process to prepare the labels to send  
18 out to the customers, and then there was another  
19 process that you had to -- when you sent out new DVDs,  
20 they had to be entered into the system, and you'd have  
21 to look to see what DVDs were in stock, but he said  
22 that later on I would be provided that training.

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1 Q And what was the deferential treatment  
2 between blacks and Latinos?  
3 A A person had come in who claimed that he was  
4 Taj's cousin, a male. Taj had said that if we brought  
5 in a knapsack or a bag, that we had to put it in the  
6 locker, but that guy who claimed that he was Taj's  
7 cousin who would take DVDs out of boxes would have his  
8 knapsack -- he would keep his knapsack on the work  
9 table, on the work bench.  
10 Q What was this person's name?  
11 A I don't -- I can't remember.  
12 Q Was he still working at the facility when  
13 you were terminated?  
14 A I don't -- I can't remember.  
15 Q Was there any other deferential treatment  
16 between the blacks and Latinos?  
17 A There were weekly meetings where they would  
18 threaten us and say that we would be terminated if we  
19 didn't keep to the schedule. Lincoln, Taj and other  
20 managers would hold meetings. First they would call  
21 in the American group, then they would call the  
22 African group in, but the Latino group, we were never

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1 called in for any meeting.  
2 And then our production time was strictly or  
3 closely monitored. I'm referring to the Latinos'  
4 production time. And when it was time to check their  
5 production time against the clock, there was almost  
6 always some sort of excuse that there was some other  
7 job to do, and they would never end up monitoring or  
8 measuring their time.  
9 Q Anything else?  
10 A Yes. One time when they called a meeting of  
11 the Americans and the Africans, they mentioned then  
12 that DVDs were getting lost or were missing, and they  
13 suspected that it was the Latino group that was  
14 stealing them, and it was recommended to them that we  
15 Latinos be monitored by or surveilled by them.  
16 Q Anything else?  
17 A With regard to length of break time, with  
18 regard to the black people who were his friends, they  
19 could take several different breaks throughout the  
20 day. They would go out. A lot of times they would  
21 take a long time. They would go out and have a  
22 cigarette with Taj, but we Latinos had to keep to the

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1 schedule strictly.  
2 Q Anything else?  
3 A With regard to the start time, they were  
4 also strict with the Latino group, and Taj's friends  
5 would arrive five, ten or even 20 minutes late, and  
6 they would mark down their start time as if they had  
7 arrived at 7:00 a.m., and they were never admonished  
8 for it.  
9 Q Anything else?  
10 A One time my granddaughter had an accident,  
11 and she swallowed this ring and it got caught in her  
12 throat and she was choking. So we called for the  
13 paramedics to come take care of her, and we took her  
14 to the emergency room, and my daughter -- we were  
15 there until 2:30 in the morning. We didn't get home  
16 until 3:00 a.m., and we had to get up at 6:00 to get  
17 ready to go to work at 7:00. And we only arrived  
18 three minutes late, but Lincoln took us aside and he  
19 said that we would just be warned, it would just be a  
20 warning, but that the next time that we arrived late,  
21 that we were going to be terminated.  
22 Q Was there any other deferential treatment

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1 between the blacks and Latinos?  
2 A The Latino group, the Latinos, there were  
3 three older ones of us, we could be sitting down when  
4 we worked, but the younger ones were not allowed to  
5 sit down. That was Lolita, Milagros and Andrea.  
6 However, Taj's friends were allowed to sit, and  
7 whenever he would see that Lolita, Milagros and Andrea  
8 were sitting down, he would scream out, "I told you  
9 you're not allowed to sit down," and they would turn  
10 away, because they were very embarrassed. The Latinas  
11 were embarrassed or ashamed at how horrible they were  
12 being treated by him.  
13 Q Any other deferential treatment between the  
14 Latinos and the blacks?  
15 A We ladies were told -- we were told to go  
16 home early because there wasn't any work, but his own  
17 friends, they would stay and work, slowly. Even  
18 though they worked slow, they would continue working.  
19 Q Anything else?  
20 A On one occasion, Fernando, who is one of  
21 Taj's friends, arrived quite intoxicated, and he was  
22 in the bathroom vomiting. And Lincoln saw that he was

1 in bad shape and saw him come out of the bathroom, and  
2 he asked Lincoln for permission to go home, to leave,  
3 and he got it, but however, when we would ask for  
4 leave, we were told that we had to do our work.

5 Q Any other deferential treatment?

6 A On another occasion a friend of Taj's named  
7 Michelle was sitting down, and so Milagros took a seat  
8 and sat down, too, and Taj saw her and yelled  
9 "Michelle!" He was furious, he was enraged and yelled  
10 at her, brought her outside through this door to the  
11 garage and screamed at her, "Don't you ever answer me  
12 back. The next time you answer back, you're going to  
13 be terminated." And he was shouting horribly at  
14 Milagros, and she is somebody who is very quiet, and  
15 she didn't answer back.

16 Q Anything else that you consider to be  
17 deferential treatment between Latinos and blacks?

18 A When they would rush us to work, you see, we  
19 were at one table and the blacks were all at another  
20 table, and they would rush us and urge us to work  
21 faster to get out. The other group wouldn't finish,  
22 but we were always urged or being rushed to finish to

1 help the other group, and they would never complain  
2 about them being slow, but they were much more  
3 demanding with the Latinos, but not with the blacks.

4 Q Anything else?

5 A Once a black person, a worker who he was  
6 black, got sick and was not feeling well at work, and  
7 they just said for that person to just go home. That  
8 person missed work for two days and was not dismissed.  
9 However, I got sick. I called in and I missed work  
10 two days, and that became a reason for me to be  
11 terminated.

12 Q Anything else?

13 A He had a friend, Taj had a friend, Shon. He  
14 didn't keep to the schedule that was set for us for  
15 the different jobs, and since he was his friend, they  
16 would just have him sweep. He would sweep or he would  
17 just arrange things, put things in order, just sort of  
18 kill time, and they never would warn him, they never  
19 dismissed him, they never threatened him.

20 Q Anything else?

21 A Shon also missed work for a long time. He  
22 came back and then he missed again, and nevertheless

1 they gave him a chance. It wasn't just two days; it  
2 was longer. He claimed that his grandmother had  
3 passed away. He could miss days and would be able to  
4 come back. He was not dismissed.

5 Q Anything else?

6 A Takara also missed work for a whole week  
7 because her car had been stolen, and she came back in  
8 to work.

9 Q Anything else?

10 A That's all I can remember for now.

11 Q How many days did you miss at work during  
12 your assignment at Blockbuster?

13 MR. PHILLIPS: Total throughout her --

14 BY MS. SPEIGHTS:

15 Q Yes.

16 A In total? Just two days, because when I  
17 needed to ask for a day off, I would change my  
18 assigned day off.

19 Q During the time that you were assigned to  
20 Blockbuster, were you ever late for work?

21 A Yes, I have arrived a few minutes late.

22 Q What was the total number of days during

1 your assignment at Blockbuster that you arrived late?

2 A That I can't remember.

3 Q No approximation?

4 A No.

5 Q Was it your understanding that all of the  
6 blacks who worked at the warehouse were friends of  
7 Taj?

8 A The group that came to the warehouse after  
9 Taj became supervisor at the warehouse.

10 Q And what are the names of the individuals  
11 who were in that group?

12 A I'm going to tell you the ones that I can  
13 remember, because so much time has gone by that some  
14 of the names I can't remember. Shon, Fernando, AJ,  
15 Monique. Basheem, spelled B-A-S-H-E-E-M, something  
16 like that, I don't know. Takara. Michelle. Those  
17 are some of the ones that I can remember.

18 Q Were there other blacks who worked at the  
19 warehouse besides the seven people you've just  
20 identified?

21 A Yes.

22 Q Do you know if the seven people that you

1 identified were assigned to Blockbuster by Express

2 Services?

3 A I don't know.

4 Q Now, when you testified about the  
5 deferential treatment between the Latinos and the  
6 blacks -- strike that -- and Taj's friends -- let's  
7 start with Taj's friends -- were you referring to the  
8 seven people that you just identified for me?

9 MR. PHILLIPS: Objection. Confusing.

10 Answer if you can.

11 THE WITNESS: I didn't say that there are  
12 just seven friends. There are more. I just  
13 can't remember the names of the others.

14 BY MS. SPEIGHTS:

15 Q I understand that.

16 A So then I did not understand your question.

17 Q All right. Let me go back to some of the  
18 specifics that you talked about, and then we can talk  
19 about it in that context.

20 One of the ways that you -- one of the  
21 things that you testified about concerning deferential  
22 treatment between Latinos and blacks was that Latinos

1 were told to go home early sometimes because there was  
2 no work, but Taj's friends were allowed to stay. What  
3 friends were you referring to when you used the term  
4 "friends"?

5 A Michelle, Takara, Shon, Fernando, Monique.  
6 It's just I don't remember any more. I only remember  
7 those.

8 Q You also testified that the managers were  
9 very strict with the start time of the Latino group,  
10 but Taj's friends were allowed to arrive five, ten, 20  
11 minutes late. Which of his friends were allowed to  
12 arrive five, ten or 20 minutes late?

13 A Shon, Fernando, Basheem, and a few more  
14 whose names I don't remember.

15 Q You also testified that Taj's friends who  
16 arrived five, ten, 20 minutes late would mark their  
17 start time as 7:00 a.m. and they would not be  
18 admonished. How do you know they would mark their  
19 start time at 7:00 a.m.?

20 A It was a record sheet. It was on a table,  
21 and anybody who would come in would have to sign it,  
22 so you could go up and see what was put by other

1 people.

2 Q And would you actually go up and look at the  
3 timesheet and see what time they had marked in?

4 A When it was time to get off, we had to go up  
5 and sign, and that's where you could see and that's  
6 where we observed that they had put that they had  
7 arrived early, that all of them had arrived early.

8 Q How do you know that they weren't admonished  
9 for arriving late or for marking their start time as  
10 7:00 a.m.?

11 A Because things continued the same with them.  
12 They continued to arrive late, there was no  
13 punishment, they weren't sent home.

14 Q Now, I believe you testified about weekly  
15 meetings where the Latinos were threatened to be  
16 terminated if they did not keep up their schedule; is  
17 that right?

18 A No. The weekly meetings were for all of the  
19 personnel, and they would speak generally to everyone,  
20 but when they would do the monitoring, using a clock  
21 that they would put in front of us, they would say if  
22 we didn't keep to the schedule that had been

1 established, that we were going to be dismissed.

2 Q And they would -- when you say "they,"  
3 you're talking about the managers would say this?

4 A Yes, the managers.

5 Q And they would say this in a meeting with  
6 all of the staff?

7 A With all of the staff, but it was obvious  
8 that the only group who was strictly monitored with  
9 the clock was the Latino group. They kept records  
10 only of us, of how long we would take to complete  
11 tasks, not other groups. We were the only ones who  
12 were monitored.

13 Q How do you know that the Latinos were the  
14 only group that was monitored?

15 A Because we all worked together in the same  
16 room.

17 Q How do you know that they only kept records  
18 of the Latinos?

19 A Because we were the ones who they monitored.

20 Q I believe you mentioned some type of  
21 notebook that was kept.

22 A Kofi had like a notebook like this. Taj



1 A When I -- the thing is, I've been going to  
2 that clinic over the course of many years. That's why  
3 I can't say exactly accurately what dates and how  
4 many.

5 Q Did the doctor prescribe any medication for  
6 the gastritis problem?

7 A Yes.

8 Q What medicine did the doctor prescribe?

9 A Prilosec.

10 Q And did you take the Prilosec?

11 A Yes. Yes. I have to take it for the rest  
12 of my life.

13 Q And has the Prilosec helped the gastritis  
14 condition?

15 A Yes, along with the diet that I keep to.

16 (Whereupon, a short recess was taken.)

17 BY MS. SPEIGHTS:

18 Q Ms. Gonzales, did you ever complain to  
19 anyone at Blockbuster about the deferential treatment  
20 between the blacks and the Hispanics at the facility?

21 A Just to Lincoln.

22 Q And when did you complain to Lincoln?

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

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

5 A Orally.

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

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

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

12 A It was three times.

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

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

1 Q And what did Lincoln say in response to your  
2 complaints?

3 A That there wasn't any difference in  
4 treatment.

5 Q Is that all that he said?

6 A His attitude was real diplomatic.

7 Q What do you mean by that?

8 A To smile as if everything was okay,  
9 everything is fine, there are no differences. That's  
10 what he said.

11 Q Did he ever say that he would look into your  
12 complaints or investigate your complaints?

13 A He didn't believe what I was telling him.

14 Q How do you know that he didn't believe what  
15 you were telling him?

16 A Because he didn't do anything to improve the  
17 atmosphere that was at the facility.

18 Q Did he ever tell you that he would talk to  
19 Taj about your complaints?

20 A No.

21 Q Did you ever make any complaints about the  
22 deferential treatment to Cinnie Brown?

1 A Yes.

2 Q When did you complain to Cinnie Brown?

3 A After I complained to Lincoln, since he  
4 didn't resolve the situation, by means of Lolita,  
5 Elizabeth or Milagros, I spoke with Cinnie Brown, but  
6 she also said that she was going to talk with Lincoln.  
7 Q And did you speak with Cinnie Brown about  
8 your complaints after the first time you complained to  
9 Lincoln?

10 A Yes.

11 Q So would that have been sometime in March or  
12 April?

13 A Yes, and the third time I spoke with  
14 Lincoln. I don't remember what date it was.

15 Q Did you speak with Cinnie Brown after the  
16 second time you talked with Lincoln?

17 A Yes, I also did.

18 Q And did you speak with her after the third  
19 time that you talked to Lincoln?

20 A No.

21 Q Why didn't you speak with her after the  
22 third time?

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1 A I don't know why.  
2 Q What did Ms. Brown say in the first  
3 conversation that you had with her?  
4 A She also said she was going to talk with  
5 Lincoln. There was very little I could say to her  
6 because of the English, because someone was  
7 translating for me, so she responded that she was  
8 going to try to solve it and she was going to talk  
9 with Lincoln.  
10 Q And do you know if she talked with Lincoln  
11 after your first conversation with her?  
12 A I don't know, because things continued the  
13 same up until the time that we were dismissed.  
14 Q And when you spoke with her second time,  
15 what did she say?  
16 A The same thing, that she was going to speak  
17 with Lincoln.  
18 Q Did you ask her in the second conversation  
19 whether she had spoken with Lincoln after your first  
20 conversation with her?  
21 A No, I did not ask her.  
22 Q Do you know if she spoke with Lincoln after

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1 your second conversation with her?  
2 A No, I don't know.  
3 Q Did you have any other discussions with  
4 Ms. Brown about the deferential treatment?  
5 A No.  
6 Q Were you familiar with a Blockbuster  
7 hotline?  
8 A No.  
9 Q Did you ever submit anything in writing to  
10 Ms. Brown concerning the deferential treatment?  
11 A Lolita and Elizabeth, they wrote a letter  
12 with several different points. When it was being  
13 drafted, we would discuss the points that we would put  
14 in. I did take part in that also, but I didn't write  
15 it, and that letter was given to Cinnie Brown.  
16 Q And sitting here today, can you remember  
17 what points you offered to be put into the letter?  
18 A No, I can't remember.  
19 Q If you could turn to Page 00399 of Exhibit  
20 3, would you read the sentence that begins with  
21 "Muchas veces."  
22 A "Many times Mr. Smith said that my daughter,

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1 Lolita, was his girlfriend and that he wanted to get  
2 married to her, and he would use obscenities without  
3 respect when he would refer to the size of his penis,  
4 which he could place on the table to prove how big it  
5 is."  
6 Q How do you know that Mr. Smith said that  
7 your daughter was his girlfriend and that he wanted to  
8 get married to her?  
9 A Because Lolita translated it for me.  
10 Q And how do you know that he would use  
11 obscenities?  
12 A Because I could see Lolita, Elizabeth and  
13 Milagros, the expression on their faces, and I would  
14 ask them, "What did he say?" And the girls would tell  
15 me what he said, what his comments were.  
16 Q Did you ever see Mr. Thomas touch any of the  
17 workers at the facility?  
18 A Yes.  
19 Q Who did he touch?  
20 A Sara.  
21 Q And where did he touch her?  
22 A Her breasts, her intimate parts.

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1 Q Did you ever see him touch anyone else?  
2 A No.  
3 Q Did you ever tell Lincoln or anyone at  
4 Blockbuster that you saw Thomas touch Sara's breasts  
5 and intimate parts?  
6 A Are you referring to the supervisors and  
7 managers?  
8 Q Yes.  
9 A No.  
10 Q Did you tell Cinnie Brown that Mr. Thomas  
11 had touched Sara's breasts and intimate parts?  
12 A No.  
13 (Exhibit 4 was marked for identification and  
14 attached to the deposition transcript.)  
15 BY MS. SPEIGHTS:  
16 Q Ms. Gonzales, I'm showing you what the court  
17 reporter has marked as Exhibit 4. Have you seen that  
18 document before?  
19 A No, I don't recall.  
20 Q Is that your signature at the bottom of  
21 Exhibit 4?  
22 A Yes.

<p style="text-align: right;">Page 93</p> <p>1 Q Taj was also a supervisor, right?</p> <p>2 A Yes.</p> <p>3 Q And Mike Smith was also a supervisor?</p> <p>4 A Yes, but the person who was under Lincoln in</p> <p>5 the hierarchy was Taj.</p> <p>6 THE INTERPRETER: Interpreter's correction.</p> <p>7 The person who was next in the hierarchy under</p> <p>8 Lincoln was Taj.</p> <p>9 BY MS. SPEIGHTS:</p> <p>10 Q And how do you know that?</p> <p>11 A Because -- as I said it before, because he's</p> <p>12 the one who gave orders, and he received Lincoln's</p> <p>13 support.</p> <p>14 Q And who was the next supervisor in the</p> <p>15 hierarchy after Thomas Smith?</p> <p>16 A I'm not sure if it would be Kofi Tutu or</p> <p>17 Mike.</p> <p>18 Q And did you have any interaction with Kofi</p> <p>19 Tutu while you were at Blockbuster?</p> <p>20 A Could you clarify the question?</p> <p>21 Q Let me ask the question another way. What</p> <p>22 do you believe that Kofi Tutu did to you that was</p>	<p style="text-align: right;">Page 95</p> <p>1 translation.</p> <p>2 Q When you complained to Lincoln about Thomas,</p> <p>3 did you tell him about the questions or comments made</p> <p>4 by Kofi?</p> <p>5 A No.</p> <p>6 Q When you complained to Cinnie Brown, did you</p> <p>7 tell her about the comments or questions from</p> <p>8 Mr. Tutu?</p> <p>9 A No.</p> <p>10 Q When you met with Judy Navarro at the EEOC,</p> <p>11 did you tell her about Mr. Tutu's comments and</p> <p>12 questions?</p> <p>13 A I can't remember.</p> <p>14 Q If you could turn to Page 00412 in Exhibit</p> <p>15 5. Could you read the first sentence on that page</p> <p>16 right after the number seven.</p> <p>17 A The name? The names?</p> <p>18 Q The sentence.</p> <p>19 A "Names of the persons in your unit who have</p> <p>20 been treated better than you."</p> <p>21 Q All right, and there's a list of individuals</p> <p>22 there that you believe were treated better than you;</p>
<p style="text-align: right;">Page 94</p> <p>1 discriminatory?</p> <p>2 A He was in charge of monitoring the work</p> <p>3 schedule, work production time, production time at</p> <p>4 work.</p> <p>5 Q Anything else for Mr. Tutu?</p> <p>6 A He was committing, engaging in</p> <p>7 discrimination, because he would only monitor the</p> <p>8 Hispanic personnel, not the black personnel.</p> <p>9 Q Did Mr. Tutu, to your knowledge, make any --</p> <p>10 strike that. Did Mr. Tutu, to your knowledge, use any</p> <p>11 obscenities in the warehouse facility?</p> <p>12 A Yes.</p> <p>13 Q What did he say?</p> <p>14 A Yes, he would ask Lolita, Elizabeth and</p> <p>15 Milagros about their period and how it was, how they</p> <p>16 were doing and whether it was painful to them and</p> <p>17 whether they shaved their legs. Whether they had sex,</p> <p>18 he would also ask them, when was the last time they</p> <p>19 had sex.</p> <p>20 Q And how do you know that he made these</p> <p>21 comments or asked these questions?</p> <p>22 A Because I was always helped out with the</p>	<p style="text-align: right;">Page 96</p> <p>1 is that right?</p> <p>2 A Yes.</p> <p>3 Q How was Takara treated better than you?</p> <p>4 A She'd come in late and was not admonished.</p> <p>5 She would write down that she had come in on the same</p> <p>6 schedule as we did. She had a set working schedule.</p> <p>7 She could go beyond the time, she could go overtime</p> <p>8 for breaks and lunchtime. She missed work for a week,</p> <p>9 and she was not dismissed.</p> <p>10 Q How was Monique treated better than you?</p> <p>11 A Even though she was a new person, she</p> <p>12 received training, computer training. When it was a</p> <p>13 simple job she was supposed to do, like putting away</p> <p>14 CDs, she said she didn't want to do it and she said</p> <p>15 she would prefer to work at the computer, and that's</p> <p>16 what she did.</p> <p>17 Q How was Asamanu treated better than you?</p> <p>18 A I can't recall which one is Asamanu.</p> <p>19 Q Is Asamanu also known as "Sara"?</p> <p>20 A No, I can't remember.</p> <p>21 Q All right. How was Emetem treated better</p> <p>22 than you?</p>

1 A I can't remember her either.  
 2 Q How was Fernando treated better than you?  
 3 A Fernando would also come in late. I  
 4 mentioned before that he came in inebriated, and the  
 5 manager gave him leave to go home. He wasn't strictly  
 6 monitored like we, the Latinos, were monitored; that  
 7 is, his production time wasn't monitored. He was very  
 8 slow at doing his work, he would make a lot of errors,  
 9 and he wasn't threatened with dismissal.  
 10 Q How was Shon treated better than you?  
 11 A He worked real slowly. He would make a lot  
 12 of mistakes. He would also miss work quite a bit as  
 13 well. He would leave on break. Several breaks he  
 14 would take.  
 15 Q How was Jazmin treated better than you?  
 16 A Jazmin worked part-time. She was part-time.  
 17 She would work in the afternoon, and very few hours I  
 18 was able to see her.  
 19 Q And why do you think she was treated better  
 20 than you?  
 21 A Because they wouldn't warn her, shouting at  
 22 her.

1 Q Because they would not shout at her? I'm  
 2 sorry.  
 3 A They didn't shout at her.  
 4 Q Any other reason why you believe she was  
 5 treated better than you?  
 6 A You see, many times she would come into work  
 7 when I was going off.  
 8 Q So you didn't have much interaction with  
 9 her?  
 10 A No.  
 11 Q You weren't able to observe her as much as  
 12 the others?  
 13 A No, I wasn't able.  
 14 Q How was Afisiata treated better than you?  
 15 A Afisiata? I can't remember her.  
 16 Q How was Anthem treated better than you?  
 17 A He was one of the persons who was trained  
 18 very shortly after he started to work there.  
 19 Q And that's trained on the computer?  
 20 A Yes.  
 21 Q And how was Basheem treated better than you?  
 22 A He was the guy who claimed to be Taj's

1 cousin. While we were working at taking DVDs out of  
 2 the boxes, he would put his bag or his knapsack up on  
 3 the table, despite the standing order that bags and  
 4 knapsacks had to be kept in the lockers. He also  
 5 would take several breaks a day. Sometimes he would  
 6 get in late, and he would mark that he had arrived on  
 7 time.  
 8 Q How was AJ treated better than you?  
 9 A He would take several different breaks per  
 10 day. His production was not monitored. Taj's  
 11 friends' group would have music blaring in the work  
 12 area. They would work slowly, because they would be  
 13 talking. They would be singing and dancing to the  
 14 music that they would play.  
 15 Q And how was Kevin treated better than you?  
 16 A I think Taj was very careful with those  
 17 people who were white, because he wouldn't, he  
 18 wouldn't be disrespectful with them. He wouldn't yell  
 19 at them. He wouldn't humiliate them.  
 20 Q Why do you say Taj was being careful with  
 21 regard to people who were white?  
 22 A Because since they're American citizens,

1 they're familiar with their rights.  
 2 Q And when you refer to meetings of the, I  
 3 believe you said Americans or Americanos, were you  
 4 referring to the white workers?  
 5 A Black and white.  
 6 Q What about Colin; how was Colin treated  
 7 better than you?  
 8 A The same as with Kevin.  
 9 Q And what about Chad?  
 10 A He worked there for a very short time. He  
 11 didn't work close to me, so I was unable to observe  
 12 him very well.  
 13 Q And how do you believe Say Wing was treated  
 14 better than you?  
 15 A She would come in late almost every day, but  
 16 she would always mark down that she had come in  
 17 earlier.  
 18 Q And how did you know that?  
 19 A Because from the time that they began to be  
 20 strict with me, from the time that they started to  
 21 monitor me, I started noticing when people would come  
 22 in five, ten, 20 minutes late, and I was bothered by

<p style="text-align: right;">Page 101</p> <p>1 the fact that they would come in late and nobody would  2 call them on it, nobody would warn them on it, and so  3 I started to watch closely.  4 MS. SPEIGHTS: Why don't we mark the next  5 exhibit.  6 (Exhibit 6 was marked for identification and  7 attached to the deposition transcript.)  8 BY MS. SPEIGHTS:  9 Q Ms. Gonzales, have you seen Exhibit 6  10 before?  11 A Yes.  12 Q And what is your understanding of what  13 Exhibit 6 is?  14 A Lolita told me that this was the Complaint  15 that the EEOC office had filed with the court.  16 Q If you would turn to Page 4 of that exhibit,  17 Paragraph 14, I'm looking at the first sentence that  18 says, "The sexual and race/national orgin harassment  19 and other discriminatory terms and conditions of  20 employment that Defendant perpetrated against Dolores  21 Gonzales included, but are not limited, to the  22 following." Do you see that?</p>	<p style="text-align: right;">Page 103</p> <p>1 Q Okay. Further down the next line it says,  2 "Searching her personal property." Who searched your  3 personal property?  4 A On one occasion I found my locker open.  5 Q And when did you find your locker open?  6 A I can't remember the date exactly.  7 Q Do you know who opened your locker?  8 A No.  9 Q Was anything missing from your locker?  10 A Nothing was missing, but my things had been  11 moved around.  12 Q Any other personal property searched?  13 A My purse was in the locker, but I don't know  14 whether they searched it.  15 MS. SPEIGHTS: Okay. I'm going to have to  16 leave.  17 MR. PHILLIPS: Yeah, I was watching.  18 MS. SPEIGHTS: Yeah, I'm going to have to  19 go, so Lexer will take over. Thank you for your  20 patience. I have a flight to catch, because I  21 made my flight arrangements based on what  22 Mr. Phillips told me about you.</p>
<p style="text-align: right;">Page 102</p> <p>1 A Mm-hmm.  2 Q And the first thing that's listed there is  3 "making threats." Who made threats against you,  4 Ms. Gonzales?  5 A Taj.  6 Q And what threats did he make?  7 A If I didn't meet -- if I didn't do my work,  8 then I would be fired.  9 Lincoln.  10 Q What threats did Lincoln make?  11 A When my granddaughter was in the emergency  12 room and I arrived three minutes late, he said the  13 next time that it happened, I was going to be  14 dismissed.  15 Q Any other threats that were made against  16 you?  17 A That if my production time was longer than  18 other people, then I would be terminated.  19 Q And who made that threat?  20 A Taj.  21 Q Any other threats?  22 A That's all I can recall at this time.</p>	<p style="text-align: right;">Page 104</p> <p>1 (Discussion was held off the record.)  2 BY MS. QUAMIE:  3 Q Ms. Gonzales, as my colleague, Ms. Speights,  4 said, my name is Lexer Quamie, and I'll continue to  5 ask you questions this afternoon.  6 We were discussing the allegation in  7 Paragraph 14 of the Complaint, about searching of your  8 personal property. Did you tell anyone about the  9 search or searches?  10 A Yes. I mentioned it to my daughter, Lolita,  11 and to my nieces, Elizabeth and Milagros.  12 Q Did you tell anyone else?  13 A No.  14 Q Why didn't you complain to anyone?  15 A I don't know.  16 Q You also state in that paragraph that THE  17 defendant made false accusations. "Making false  18 accusations."  19 A That I was stealing DVDs. They were  20 referring to the Latino group, but since I'm being  21 asked, it was with regard to just me.  22 Q Who made false accusations?</p>

<p style="text-align: right;">Page 105</p> <p>1 A At the meeting that was called of those who  2 were African and blacks, that's where they said that  3 the Latinos, we were stealing DVDs.  4 Q And how do you know this, Ms. Gonzales?  5 A Because Blay told Lolita.  6 Q And Lolita translated for you?  7 A Yes.  8 Q Were there any other false accusations?  9 A That's all I can recall for now.  10 Q Who did you tell about these false  11 accusations?  12 MR. PHILLIPS: Objection; assumes facts.  13 Go ahead and answer.  14 THE WITNESS: Lolita, Elizabeth, Milagros,  15 Lita, who also was working there at that time.  16 BY MS. QUAMIE:  17 Q Did you tell anyone else?  18 A Gilda.  19 Q Did you tell any supervisors?  20 A No.  21 Q Why didn't you tell any supervisors?  22 A I don't know.</p>	<p style="text-align: right;">Page 107</p> <p>1 A Taj.  2 Q And did you tell anyone?  3 A We just mentioned it between the same  4 people, Lolita, Elizabeth and Milagros, Lita and  5 Gilda.  6 Q I'm going to turn to the next page, and it's  7 Paragraph Number 17. That paragraph says, "On or  8 about July 1, 2005, Defendant discharged Charging  9 Party, Dolores Gonzales, in retaliation for her and  10 her daughter Lolita Gonzales's conduct protected under  11 Section 704(a), in violation of Title VII."  12 What is "retaliation," Ms. Gonzales?  13 MR. PHILLIPS: Objection; foundation, calls  14 for a legal conclusion.  15 Answer the question, please.  16 THE WITNESS: "Retaliation" is pretty much  17 vengeance.  18 BY MS. QUAMIE:  19 Q How were you retaliated against?  20 A Against me?  21 Q Yes.  22 A Since my daughter didn't accept the time she</p>
<p style="text-align: right;">Page 106</p> <p>1 Q Did you tell Cinnie Brown?  2 A No. The thing is, so much was happening,  3 and despite our complaints, nothing was ever done.  4 Q And that paragraph goes on to say, "Making  5 sexual and other unwanted sexual inquiries." Did  6 anyone make any sexual inquiries to you?  7 A No.  8 Q Who did you hear make sexual inquiries?  9 A Kofi, but he didn't ask me. He did it to  10 Lolita, Elizabeth and Milagros.  11 Q And they told you?  12 A Yes.  13 Q Did you complain to anyone?  14 A No.  15 Q The next line of that paragraph refers to  16 "racial comments." Did anyone make any racial  17 comments to you?  18 A I can't remember. It could be that when the  19 group of his friends came in and he said, about the  20 Latino group, that he was going to fire "the whole  21 bunch of damn Latinos."  22 Q Who said this?</p>	<p style="text-align: right;">Page 108</p> <p>1 was asked out by him, he terminated me without any  2 justification, without any reason at all, and he  3 terminated her as well without reason, without cause,  4 because she was a good worker and she did her job  5 well.  6 Q Ms. Gonzales, at any time did you speak  7 with -- did you complain to Lincoln Barrett or  8 Mr. Barrett about what you were experiencing in the  9 warehouse?  10 MR. PHILLIPS: Objection; asked and  11 answered.  12 Answer the question, please.  13 THE WITNESS: I complained three times.  14 BY MS. QUAMIE:  15 Q And besides the three times you spoke with  16 Mr. Barrett, did you complain to anyone else?  17 MR. PHILLIPS: Objection; asked and  18 answered.  19 Answer the question, please.  20 THE WITNESS: Twice to Cinnie Brown.  21 BY MS. QUAMIE:  22 Q Naema Fields; do you know who she is?</p>

<p style="text-align: right;">Page 113</p> <p>1 Q Earlier you testified about a Michelle being 2 yelled at. Did Taj shout at this Michelle? 3 A No, I haven't testified that. Against 4 Michelle? At Michelle? 5 Q Did Taj ever shout at shout at Michelle? 6 A What I mentioned is one day that Michelle 7 was sitting down and Milagros also sat down, and then 8 Taj shouted at Milagros to stand up. "You know that 9 you can't sit down." And Milagros responded, 10 "Michelle is sitting down." And so Taj got mad and 11 told Milagros to get out or to go outside, that is, 12 and when she was outside he shouted at her. 13 Q He shouted at who? 14 A At Milagros, because she had mentioned that 15 Michelle was sitting down. 16 Q Did you ever see anyone touch Michelle? 17 A No. 18 Q Did you ever hear anyone make sexual 19 comments toward Michelle? 20 A No. 21 Q Any racial comments? 22 A No.</p>	<p style="text-align: right;">Page 115</p> <p>1 ill, who left like at noontime and missed work 2 two days afterwards. The next two days she 3 didn't come in to work and then came back in to 4 work. 5 BY MS. QUAMIE: 6 Q Are there any other examples of her being 7 treated more favorable? 8 A I can't remember any at this time. 9 Q Did you ever see anyone touch her? 10 A Not touch her, but Taj would press up 11 against her often. 12 Q Would you say anything to anyone when you 13 saw that? 14 A The people that I always talked with 15 realized it, Lolita, Andrea, Milagros -- excuse me. 16 It's Elizabeth, but her first name is Andrea, and I 17 called her Andrea, but I mean Elizabeth. Lita, Gilda, 18 we would always discuss these things together. 19 Q Did you ever discuss this with Emetem? 20 A No. 21 Q Did you hear anyone make any sexual comments 22 to Emetem?</p>
<p style="text-align: right;">Page 114</p> <p>1 Q Do you know Blythe or Blay Emetem? 2 A Yes. 3 Q What's your relationship with her? 4 A She would talk with Lolita, Milagros and 5 Elizabeth. A lot of times we would drop her off at a 6 bus stop so she could get home quicker. 7 Q Do you know when she began -- do you 8 remember when she began working at the facility with 9 you? 10 A After I came there. 11 Q And do you know if she was -- do you think 12 she received more favorable treatment than you? 13 MR. PHILLIPS: Objection; asked and 14 answered. 15 Please answer the question. 16 THE WITNESS: What was the question? 17 BY MS. QUAMIE: 18 Q Did she receive more favorable treatment 19 than you? 20 MR. PHILLIPS: Same objection. 21 Answer the question. 22 THE WITNESS: She was a person who became</p>	<p style="text-align: right;">Page 116</p> <p>1 A No. 2 Q Any racial comments? 3 A No. 4 Q You said Elizabeth is Andrea? 5 A Her name is Elizabeth Andrea. 6 Q Is her last name Ledesma? 7 A Yes. 8 Q And what is her relationship to you? 9 A My niece. 10 Q And how often do you speak with Elizabeth? 11 A Three times a week over the phone. 12 Q Does she still work at the facility? 13 A No. 14 Q When did she stop? 15 A In 2005, but I can't recall the month. 16 Q Was it before or after you? 17 A She resigned the same day that Lolita and I 18 were terminated, but later she spoke with Cinnie Brown 19 and she worked for a time a little longer there. 20 Q Do you know why she resigned the same day as 21 you and Lolita? 22 A Because she was together with us when Cinnie</p>

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1 Brown called, and she thought it was very -- she was  
2 bothered by it, because she felt it was very unfair,  
3 that it was unfair what had been done.  
4 Q You said "what had been done." What are you  
5 referring to?  
6 A The untimely and unjustified termination.  
7 Q While you were working at the facility, did  
8 you ever see anyone sexually touch Elizabeth?  
9 A No.  
10 Q Did you ever hear anyone make any sexual  
11 comments to her?  
12 A What I mentioned before about his penis,  
13 that was done in front of her, and then I found out  
14 later that he also asked Andrea -- excuse me -- I mean  
15 Elizabeth and Milagros.  
16 Q How did you find that out?  
17 A Because they told me.  
18 Q Did you complain to anyone about that?  
19 A I didn't, but they did.  
20 Q And did you ever hear anyone make any racial  
21 comments towards Elizabeth?  
22 A No.

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1 Q What is your relationship to Milagros?  
2 A She is Elizabeth's sister. She is my niece  
3 also.  
4 Q And how often do you speak with Milagros?  
5 A Also once or twice a week, because the two  
6 sisters live together.  
7 Q And is she still working at the warehouse?  
8 A No.  
9 Q When did she leave?  
10 A She was terminated a while before we were,  
11 but I can't remember what date. What I do remember is  
12 the day that Cinnie Brown called her to terminate her.  
13 Taj came out of Lincoln's office, and he was very  
14 bothered and very loudly he said, "I'm tired of this  
15 shit." And he screamed out, "Milagros, go home," he  
16 said, and that night he called Cinnie Brown to say  
17 that she was dismissed.  
18 Q How do you know he called Cinnie Brown?  
19 A Because at that time she lived with me and  
20 she told me.  
21 Q Milagros told you that Taj called Cinnie?  
22 A No. Cinnie called Milagros to tell her she

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1 was terminated.  
2 Q Okay. Did you ever hear anyone -- did you  
3 ever see anyone touch Milagros?  
4 A No.  
5 Q Make any sexual comments to her?  
6 A Yes. Kofi Tutu.  
7 Q Anyone else?  
8 A No.  
9 Q Did you ever hear anyone make any racial  
10 comments towards her?  
11 A No.  
12 Q Do you know Grisel Nuñez?  
13 A Yes.  
14 Q What is your relationship to her?  
15 A I met her at work.  
16 Q Do you know if she's still there?  
17 A I don't know.  
18 Q So are you still in touch with her?  
19 A No. I never was in contact with her. Only  
20 from work.  
21 Q Okay, thank you. And while you were working  
22 together, did you ever see anyone touch Ms. Nuñez?

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1 A No.  
2 Q Did you ever hear anyone make any sexual  
3 comments towards her?  
4 A No.  
5 Q Any racial comments towards her?  
6 A No.  
7 Q You mentioned Lita earlier, Lita Zubiate.  
8 What's your relationship with Lita?  
9 A My sister.  
10 Q And how often do you speak with her?  
11 A Every other day, every two days.  
12 Q And do you know if she is still working at  
13 the warehouse?  
14 A No. She worked there for a short time.  
15 Q Do you know when she started working there?  
16 A No, I can't remember.  
17 Q Was it before you or after you?  
18 A She started after I did, and she resigned  
19 before I did.  
20 Q Do you know why?  
21 A Yes, because she lived with too much  
22 tension. She was very stressed out because of the



<p style="text-align: right;">Page 125</p> <p>1 Q Did you work with someone named Jazmin?</p> <p>2 A Jazmin is the name we said to her. I don't</p> <p>3 know whether that would also be Jazmina or one and the</p> <p>4 same.</p> <p>5 Q Do you know her ethnicity?</p> <p>6 A African.</p> <p>7 Q Okay. Do you know Victor Ruiz?</p> <p>8 A Yes.</p> <p>9 Q What is your relationship with him?</p> <p>10 A I met him at work.</p> <p>11 Q Are you still in touch with him?</p> <p>12 A No.</p> <p>13 Q So do you know if he still works at the</p> <p>14 facility?</p> <p>15 A I don't know.</p> <p>16 Q Did you talk with Mr. Ruiz when you worked</p> <p>17 there?</p> <p>18 A Yes.</p> <p>19 Q Did he ever talk about sex?</p> <p>20 A No.</p> <p>21 Q Did you ever hear anyone make any sexual</p> <p>22 comments toward him?</p>	<p style="text-align: right;">Page 127</p> <p>1 insurance, and that was all done away with because we</p> <p>2 were terminated.</p> <p>3 Q And who told you you were entitled to these</p> <p>4 things?</p> <p>5 A Cinnie Brown.</p> <p>6 MS. QUAMIE: I'm going to introduce to the</p> <p>7 record Exhibit 7 and Exhibit 8.</p> <p>8 (Exhibit 7 and Exhibit 8 were marked for</p> <p>9 identification and attached to the deposition</p> <p>10 transcript.)</p> <p>11 BY MS. QUAMIE:</p> <p>12 Q Ms. Gonzales, you've just been handed two</p> <p>13 exhibits. Turning to the one on your left, Exhibit 7,</p> <p>14 do you recognize this?</p> <p>15 A No. Just a few parts of it that I see here.</p> <p>16 Q What do you recognize?</p> <p>17 A This.</p> <p>18 MR. PHILLIPS: Witness indicated Bates EEOC</p> <p>19 182.</p> <p>20 THE WITNESS: This also.</p> <p>21 MR. PHILLIPS: Bates 181.</p> <p>22 THE WITNESS: This.</p>
<p style="text-align: right;">Page 126</p> <p>1 A No.</p> <p>2 Q Did you ever hear anyone make any racial</p> <p>3 comments toward him?</p> <p>4 A No.</p> <p>5 Q Ms. Gonzales, what are you seeking from this</p> <p>6 lawsuit?</p> <p>7 A The time that I've lost work, the time I've</p> <p>8 gone without receiving any wages, because at no time</p> <p>9 did they ever say it was going to be temporary work,</p> <p>10 and I took on obligations, and if all of a sudden I</p> <p>11 end up without a job, that caused me serious problems.</p> <p>12 Q Is there anything else that you are seeking?</p> <p>13 A I don't know.</p> <p>14 Q You said at no time did they say it was</p> <p>15 going to be temporary work. Who?</p> <p>16 A When Cinnie Brown hired us, she said that if</p> <p>17 we would be working for that company and that if we</p> <p>18 did our job well, that Blockbuster would hire us.</p> <p>19 Lincoln also said the same thing. They also said we</p> <p>20 were entitled to vacation, that after going beyond a</p> <p>21 certain amount of hours, that we were entitled to</p> <p>22 vacation, that we were also entitled to health</p>	<p style="text-align: right;">Page 128</p> <p>1 MR. PHILLIPS: Bates 180.</p> <p>2 THE WITNESS: This.</p> <p>3 MR. PHILLIPS: Witness is indicating Bates</p> <p>4 179.</p> <p>5 THE WITNESS: This.</p> <p>6 MR. PHILLIPS: Witness is indicating Bates</p> <p>7 184.</p> <p>8 THE WITNESS: That's all. I can't remember</p> <p>9 anything else of it.</p> <p>10 BY MS. QUAMIE:</p> <p>11 Q Do you recall if anyone went over the pages</p> <p>12 that you indicated that you recognized? Did anyone go</p> <p>13 over those pages with you?</p> <p>14 A It was like a little booklet. It was four</p> <p>15 or five pages folded like this. It wasn't like this.</p> <p>16 It was sort of like an airline ticket, out of</p> <p>17 cardboard.</p> <p>18 Q Do you recognize EEOC 00177? I think it's</p> <p>19 also Page 11.</p> <p>20 A Yes.</p> <p>21 Q What is that?</p> <p>22 A This was provided to me the day that I</p>

<p style="text-align: right;">Page 129</p> <p>1 filled out the application.</p> <p>2 Q And just to draw your attention to Exhibit 8</p> <p>3 on your right, is that the same document?</p> <p>4 MR. PHILLIPS: And I'll note for the record</p> <p>5 that the witness does not read English, the</p> <p>6 facility, so there may be an issue there for the</p> <p>7 witness to answer the question.</p> <p>8 THE WITNESS: What I'm doing is I'm looking</p> <p>9 back and forth to see if they look the same,</p> <p>10 because I don't understand any of what it says.</p> <p>11 BY MS. QUAMIE:</p> <p>12 Q Understood.</p> <p>13 MR. PHILLIPS: I'll object on that basis.</p> <p>14 BY MS. QUAMIE:</p> <p>15 Q I'll represent to you that the top of the</p> <p>16 page reads "Handbook Receipt." Do you recognize -- is</p> <p>17 that your signature at the bottom of Exhibit 8?</p> <p>18 A Yes, yes. As you said, it's a handbook;</p> <p>19 it's not a whole booklet.</p> <p>20 MS. QUAMIE: Okay, thank you. I don't have</p> <p>21 any other questions.</p> <p>22 MR. PHILLIPS: Okay, just a few clarifying</p>	<p style="text-align: right;">Page 131</p> <p>1 A Yes. When she would bend down to pick up a</p> <p>2 box, he would bend down also and look, stare at her.</p> <p>3 Q There was a reference earlier to a gentleman</p> <p>4 named Victor Ruiz, and you testified that you knew him</p> <p>5 while you were working together?</p> <p>6 A Yes.</p> <p>7 Q How did Taj treat Victor Ruiz?</p> <p>8 A He would have him sweep and pick up the</p> <p>9 trash. He wanted to do the same jobs we did, but he</p> <p>10 felt sort of alienated or marginalized, and at the</p> <p>11 time when the boxes of DVDs would come in, he was in</p> <p>12 charge of picking up all the trash that everybody</p> <p>13 would throw on the floor, to take the boxes apart, the</p> <p>14 plastic covering of the DVDs. He was sort of a helper</p> <p>15 that when we would finish getting the DVDs ready to be</p> <p>16 sent out, to mail out, they would call him in to pick</p> <p>17 them up and say, "Victor, come and get them."</p> <p>18 Q Was there an employee named Sergio?</p> <p>19 A Yes.</p> <p>20 Q How did Taj treat Sergio?</p> <p>21 A Very poorly.</p> <p>22 Q In what way?</p>
<p style="text-align: right;">Page 130</p> <p>1 questions.</p> <p>2 EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>3 BY MR. PHILLIPS:</p> <p>4 Q You were asked earlier about work you</p> <p>5 performed after Blockbuster, preparing food for your</p> <p>6 countrymen and women. Do you recall giving testimony</p> <p>7 about that?</p> <p>8 A Yes.</p> <p>9 Q And I believe you testified during periods</p> <p>10 that you were doing that work, you were earning about</p> <p>11 a hundred dollars a week; is that correct?</p> <p>12 A Yes.</p> <p>13 Q Was that a hundred dollars a week profit, or</p> <p>14 was that a hundred dollars a week including the costs</p> <p>15 for preparing the food?</p> <p>16 A It was profit.</p> <p>17 Q Okay, very good. Just wanted to make sure</p> <p>18 the record was clear.</p> <p>19 At some point during your work at</p> <p>20 Blockbuster, you observed Taj or Thomas, as we've</p> <p>21 referred to him, staring at Lolita's buttocks; is that</p> <p>22 correct?</p>	<p style="text-align: right;">Page 132</p> <p>1 A He was always shouting at him. He would</p> <p>2 humiliate him. The way he looked at it, any work that</p> <p>3 Sergio did wasn't right. He would embarrass him in</p> <p>4 front of the other staff by shouting at him.</p> <p>5 Q Is Sergio Latino?</p> <p>6 A Yes.</p> <p>7 Q And Victor Ruiz is also Latino?</p> <p>8 A Yes, he is, too.</p> <p>9 Q And you mentioned -- there was some</p> <p>10 discussion earlier in your testimony about threats of</p> <p>11 being discharged. Do you recall that testimony?</p> <p>12 A Yes.</p> <p>13 Q And how frequent would you say those threats</p> <p>14 were?</p> <p>15 A Every day.</p> <p>16 Q And Taj made those threats; is that correct?</p> <p>17 A Yes.</p> <p>18 Q Were those threats made toward Latinos?</p> <p>19 A Yes.</p> <p>20 Q Did you ever see Taj threaten a black</p> <p>21 employee with firing?</p> <p>22 A No. He would realize the errors that the</p>

<p style="text-align: right;">Page 133</p> <p>1 black employees would make, but he would sort of  2 gently come up to them and tell them, or he would act  3 like he didn't see it or didn't realize it.  4 MR. PHILLIPS: Pass the witness.  5 REDIRECT EXAMINATION BY COUNSEL FOR DEFENDANT  6 BY MS. QUAMIE:  7 Q Ms. Gonzales, when you saw Taj staring at  8 Lolita's buttocks, what did you do?  9 A Me? Without knowing the language, I just  10 stared back at him. And he felt my stare, and he  11 stopped staring at her and turned around.  12 Q And so to clarify, Victor Ruiz, do you know  13 if he applied to work, or do you know how he came to  14 work at the facility?  15 A Yes. He was a friend of Lolita.  16 Q And do you know what he applied to do or  17 what type of work he wanted to do?  18 A The same one that all of us were doing.  19 Q How do you know that?  20 A Because we all applied for the same job.  21 There wasn't a janitorial position to apply for, for  22 somebody to be sweeping and picking up the trash.</p>	<p style="text-align: right;">Page 135</p> <p>1 it's being . . .  2 BY MS. QUAMIE:  3 Q Did you always ask for Taj's comments to be  4 translated into Spanish?  5 A Whenever I would see Milagros and Lolita's  6 facial expressions be of astonishment or  7 embarrassment, turning red, then I would ask for the  8 comments to be translated.  9 MS. QUAMIE: Okay. Thank you, Ms. Gonzales.  10 I don't have any other questions.  11 MR. PHILLIPS: We will read and sign,  12 please.  13 (Signature having not been waived, the  14 deposition of DOLORES GONZALES was concluded at  15 5:00 p.m.)  16  17  18  19  20  21  22</p>
<p style="text-align: right;">Page 134</p> <p>1 Q Two more questions. I think you mentioned  2 that some employees were being threatened, they were  3 being threatened with discharge, and you would know  4 this because you would ask someone to translate. Did  5 you always ask someone to translate?  6 A Yes.  7 Q Did a supervisor ever say anything to  8 employees that you did not ask to be translated?  9 A That I didn't ask to? I don't understand  10 the question.  11 Q Did Taj ever say anything to employees that  12 you did not ask to be translated?  13 A That I didn't ask to be translated?  14 Q Correct.  15 A I don't understand the question.  16 Q Did you ever see Taj speak to someone in  17 English that you did not understand and did not ask  18 someone to translate into Spanish?  19 A If Taj was talking to someone, that he would  20 tell that person that I didn't need a translator?  21 MR. PHILLIPS: Good. I think we're having  22 trouble with the double negative, the way that</p>	<p style="text-align: right;">Page 136</p> <p>1  2  3 ACKNOWLEDGEMENT OF WITNESS  4 I, DOLORES GONZALES, do hereby acknowledge  5 that I have read and examined the foregoing  6 testimony, and the same is a true, correct and  7 complete transcription of the testimony given by  8 me, and any corrections appear on the attached  9 Errata sheet signed by me.  10  11  12  13 _____  14 (DATE) (SIGNATURE)  15  16  17  18  19  20  21  22</p>