

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

NADIA NAFFE,

Plaintiff,

CASE NO:

8:04-cv-01916-JDW-TGW

vs.

REPUBLICAN PARTY OF FLORIDA,
et al.,

Defendant.

/

VOLUME 2 (pp. 161 - 311)

CONTINUED
VIDEOTAPED

DEPOSITION OF: NADIA NAFFE

TAKEN BY: Counsel for Defendant Republican
Party of Florida

DATE: September 14, 2005

TIME: 9:54 a.m.

PLACE: Ford & Harrison LLP
101 East Kennedy Boulevard
Suite 900
Tampa, Florida

REPORTED BY: Natalie W. Breaux, RPR, CRR
Notary Public
State of Florida at Large

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 Appeared for Plaintiff;

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- and -

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ALSO PRESENT:

Mel Byrd, Videographer
Michael Byrd, Videographer

I N D E X

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Examination by Mr. McKenna

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1 The continued videotaped deposition, upon
2 oral examination, of NADIA NAFFE, taken on the 14th
3 day of September, 2005, taken by Counsel for
4 Defendant Republican Party of Florida, at the
5 offices of Ford & Harrison LLP, 101 East Kennedy
6 Boulevard, Suite 900, Tampa, Florida, beginning at
7 9:54 a.m., reported by Natalie W. Breaux, Registered
8 Professional Reporter, Certified Realtime Reporter,
9 and Notary Public in and for the State of Florida at
10 Large.

11 * * * * *

12 THE VIDEOGRAPHER: We are on the record
13 at 9:54 a.m. September 14th of 2005. This is
14 the continuation of the deposition of
15 Ms. Naffe. Would you swear the witness,
16 please.

17 MR. MCKENNA: Do we have to if it's a
18 continuation?

19 THE REPORTER: I don't think so, unless
20 anyone wants her sworn in.

21 MR. MCKENNA: Oh, sure, swear her in
22 again.

23 NADIA NAFFE,
24 being again duly sworn to testify to the truth, the
25 whole truth and nothing but the truth, was examined

1 and testified as follows:

2 EXAMINATION

3 BY MR. MCKENNA:

4 Q Ms. Naffe, do you recall the discussion
5 we had at the beginning of your prior deposition
6 about the format of depositions?

7 A I vaguely remember it.

8 Q Do you recall that you have to do verbal
9 responses?

10 A Well, why don't you repeat everything
11 again.

12 Q Repeat everything again, sure. This
13 deposition is being taken pursuant to notice under
14 the Federal Rules of Civil Procedure. It will be
15 used for discovery, cross examination and other
16 purposes permitted by law. Do you understand that,
17 ma'am?

18 A Could you talk a little slower, please?

19 Q Do you understand that, ma'am?

20 A Well, I'd like you to repeat it just a
21 little bit slower. You're going too fast.

22 MR. MCKENNA: Would you read back the
23 question, please?

24 (The reporter read as requested.)

25 A Yes, I understand that.

1 MR. MCKENNA: Counsel, I'd request a
2 stipulation we reserve all objections except
3 to form of the question and responsiveness of
4 the answer until trial or later proceeding.

5 MR. THOMPSON: That's fine.

6 BY MR. MCKENNA:

7 Q Ma'am, do you understand the format of a
8 deposition?

9 A Yes, I guess.

10 Q I ask questions and you answer them. Do
11 you understand that?

12 A Yes.

13 Q You don't ask questions and I don't
14 answer questions. Do you understand that?

15 A Well, if I have a question about your
16 question you will have to answer a question.

17 Q No, I won't. But anyway, you ask -- I
18 ask and you answer is the way a deposition works.
19 Now, it's important for us only to talk at one
20 time. The court reporter can only take down what we
21 say if we speak one at a time. Do you understand
22 that, ma'am?

23 A I understand we're going to speak one at
24 a time.

25 Q Now, if you do not understand the

1 question, you may ask me to rephrase that question.
2 Otherwise I will assume you understood the question
3 and your answer is responsive. Do you understand
4 that?

5 A Yes.

6 Q And you understand it's important to have
7 verbal responses; that nodding, shrugging of
8 shoulders, uh-huh's and uh-uh's do not transfer well
9 to the written transcript?

10 A Yes.

11 Q And you understand the testimony is given
12 under oath?

13 A Yes.

14 Q And even though we're in an informal
15 setting sitting around a conference table, the same
16 penalties for perjury or lying apply here as in a
17 court of law. Do you understand that, ma'am?

18 A Yes.

19 Q You understand that your attorney has --
20 may make an objection at some point today for the
21 record but that that does not mean you do not have
22 to answer the question. The only time you may not
23 answer a question is if your attorney instructs you
24 specifically do not answer that question. Do you
25 understand that, ma'am?

1 A Can you repeat that again?
2 MR. MCKENNA: Would you read it back,
3 please?
4 (The reporter read as requested.)
5 A Yes.
6 Q And you have the right to explain your
7 answer, but I have the right to an answer to a
8 question that I ask. Therefore, if I ask you a
9 yes-or-no question, you should answer the question
10 yes or no and then make any further explanation that
11 you feel is necessary. Do you understand that,
12 ma'am?
13 A I will if I can.
14 Q Do you understand, ma'am, if I ask you a
15 question that has a yes-or-no answer, you are to
16 answer the question yes or no and then add any
17 explanation that you choose? Do you understand
18 that?
19 A Yes. And I will if I can.
20 Q Is there any reason why you cannot answer
21 the questions I'm going to ask you today truthfully,
22 accurately and completely?
23 A No reason.
24 Q Are you on any medication that would
25 affect your ability to testify?

1 A Maybe.
2 Q What medication is that?
3 A The same medications as last time.
4 Q Which are?
5 A Prozac and Ambien.
6 Q And why do you believe that Prozac would
7 affect your ability to testify?
8 A I can't make that determination. I'm not
9 a doctor.
10 Q Do you have any reason to believe that
11 the Prozac would affect your ability to testify here
12 today?
13 A I don't know.
14 Q Do you have any reason to believe that
15 the Ambien would have any effect upon your ability
16 to testify here today?
17 A I don't know.
18 Q What did you do to prepare for your
19 deposition today?
20 A Nothing, really.
21 Q Did you review any documents?
22 A I looked at the complaint.
23 Q Anything else?
24 A As far as what I looked at?
25 Q Yes, ma'am.

1 A I read my bible.

2 Q Anything else?

3 A No, Mr. McKenna.

4 Q Other than the claims that we're here on
5 today, have you ever made a claim of discrimination,
6 harassment or anything similar, against another
7 employer?

8 A No.

9 MR. MCKENNA: Let's go off the record
10 for a minute.

11 (Recess from 10:00 to 10:14 a.m.)

12 BY MR. MCKENNA:

13 Q Pursuant to the discussion that counsel
14 had off the record, I'm going to ask you again,
15 ma'am: Do you have any reason to believe that
16 Prozac will affect your ability to testify
17 completely, accurately and truthfully?

18 A Is that the same question that you asked
19 me last time? Well, I don't have the question in
20 front of me.

21 MR. THOMPSON: Just go ahead and answer.

22 Q That's the question, ma'am. Are you
23 going to answer it?

24 A Is that the question you asked me last
25 time?

1 Q Are you refusing to answer the question,
2 ma'am?

3 A No, I am not refusing to answer the
4 question.

5 MR. THOMPSON: Just --

6 A Could you repeat the question?

7 MR. MCKENNA: Please read back the
8 question.

9 (The reporter read as requested.)

10 A I don't think so, but I'm not a doctor.

11 MR. ISLER: I want to note -- can I
12 ask --

13 MR. MCKENNA: Sure.

14 MR. ISLER: I want to note, while we're
15 on the record, that this question was
16 essentially the same question that was asked
17 last time. In the first day of the
18 deposition --

19 THE WITNESS: It is not exactly the
20 question.

21 MR. ISLER: You will not interrupt me
22 again. In the first day of the deposition the
23 deponent was asked the question: "Are you
24 taking any medication that might affect your
25 testimony today?"

1 Answer: "I don't think my medicine
2 affects my testimony."
3 Are you testifying in a different manner
4 today?
5 THE WITNESS: No. I completely agree
6 with my former statement.
7 MR. ISLER: So you don't think that your
8 medicine affects your testimony. Is that
9 correct?
10 THE WITNESS: That's my opinion, yes.
11 MR. ISLER: Okay.
12 BY MR. MCKENNA:
13 Q What's your date of birth?
14 A It's October 10, 1978.
15 Q Place of birth?
16 A Pensacola, Florida.
17 Q Current address?
18 A It's 2610 Rustic Ridge Loop.
19 Q Where is that located?
20 A It's in Lutz, Florida.
21 Q And how long have you resided at the 2610
22 Rustic Ridge Loop address?
23 A For two months.
24 Q And do you own or rent?
25 A I rent.

1 Q Is there an apartment number?
2 A Yes. I'm sorry. It's 2 -- it's
3 Apartment 202.
4 Q Does anyone live with you at that
5 residence?
6 A Yes. I have three roommates.
7 Q What are their names?
8 A Brandy -- they go by nicknames --
9 Duchess and Treesha.
10 Q What's Brandy's last name?
11 A Jones.
12 Q What's Duchess' last name?
13 A I don't know her last name. And Dutchess
14 is a nickname. Sherry is her first name. She goes
15 by Duchess.
16 Q And what's Treesha's last name?
17 A I don't know.
18 Q Do you share expenses?
19 A No, we do not.
20 Q Who pays for the apartment?
21 A I do.
22 Q By yourself?
23 A Yes. Let me clarify that. Each one of
24 our suites is an individual lease, so I have my own
25 lease and they have their own lease. It's like a

1 college dorm type arrangement.

2 Q How much do you pay in rent?

3 A \$449 a month.

4 Q Does anyone assist you in paying that
5 rent?

6 A Yes.

7 Q Who?

8 A My mother.

9 Q How much does your mother pay?

10 A It's not really a set amount. Different
11 amounts.

12 Q Approximately?

13 A Last month she paid all of it. I never
14 really added it up.

15 Q What about this month?

16 A Well, last month's rent is this month.

17 Q What about the previous month's rent?

18 A Previous month's rent? I paid it.

19 Q You paid all of it?

20 A Yes.

21 Q Prior to the 2610 Rustic Ridge Loop
22 address, where did you live?

23 A I lived at 4405 West Dale Avenue.

24 Q Tampa?

25 A Yes, sir.

1 Q And did you own or rent?
2 A Neither.
3 Q Well, what did you do?
4 A I lived with a friend.
5 Q Who was that?
6 A Margie Kincaid.
7 Q Why did you move?
8 A For personal reasons.
9 Q Why did you move?
10 A Personal reasons.
11 Q What are the personal reasons?
12 A Well, there are several. One reason was
13 there were several people who had keys to the house,
14 and I felt uncomfortable with that. But there
15 wasn't anything I could do about it because it
16 wasn't my house. And I thought that Margie needed
17 to have a nurse or someone who was skilled at taking
18 care of an elderly person be with her and not me.
19 Q Any other --
20 A Because she --
21 Q I'm sorry, go ahead.
22 A She had some specific needs.
23 Q Any other reasons?
24 A The main reason was that there were
25 people who had keys to the house, and I didn't like

1 that. I didn't like the fact that, you know, there
2 were men who could just come into the house at any
3 given time. And that really bothered me.

4 Q Any other reasons why you left the 4405
5 West Dale Avenue address?

6 A No. That was the main reason.

7 MR. MCKENNA: Move to strike as
8 nonresponsive.

9 BY MR. MCKENNA:

10 Q Are there any other reasons besides the
11 fact that several people had keys to the house and
12 that you believe that Margie needed a nurse, as she
13 was an elderly person?

14 A None come to me right now.

15 Q Is there anything you could look at that
16 could help refresh your recollection as to why you
17 left the 4405 West Dale Avenue address?

18 A Not to my knowledge.

19 Q Who did you reside with at the West Dale
20 Avenue address?

21 A Margie.

22 Q Anyone else?

23 A Well, there was a dog. But other than
24 that, just the two of us and the dog. We were the
25 only ones who lived in the house.

1 Q And you paid no rent?

2 A No, I did not.

3 Q Did you perform any services for your
4 privilege of living there?

5 A Well, yes, I did.

6 Q What did you do?

7 A I made sure that the house was clean; I
8 walked her dog for her; I ran errands for her and
9 kept her company.

10 Q In addition to your ability to live
11 there, were you paid anything else for these
12 services?

13 A No, I wasn't paid anything for those
14 services. But shortly after I began living there I
15 started doing part-time work at her brickyard for a
16 period of time.

17 Q How long did you reside at the 4405 West
18 Dale Avenue address?

19 A Several months.

20 Q How many months?

21 A I would say from January or December
22 until July.

23 Q Of 2005?

24 A Yes, July of 2005.

25 Q January and December of 2005?

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1 A Not January and December of 2005. It
2 would have been either December '04 or January '05
3 that I moved in, and I moved out around July '05.

4 Q And where did you live prior to the 4405
5 West Dale Avenue address?

6 A I lived at 5830 Memorial Highway,
7 Apartment --

8 Q Tampa? I'm sorry, go ahead.

9 A Apartment 222, Tampa, Florida.

10 Q And did you rent?

11 A Yes.

12 Q Did anyone else reside with you at the
13 5830 Memorial address?

14 A No.

15 Q How long did you live there?

16 A I lived there two or more years. While I
17 was living there I lived at another apartment in
18 that complex.

19 Q Well, let's stick with the Apartment
20 222. How long did you live in that apartment?

21 A Over a year.

22 Q So from approximately December of '03 to
23 December of '04?

24 A That sounds right. But I'm not -- I
25 mean, within those time frames.

1 Q What apartment did you live in prior to
2 that?
3 A I think it was 611.
4 Q Did anyone reside with you at that
5 apartment?
6 A No.
7 Q And how long were you in that apartment?
8 A I was in that apartment for several
9 months before I moved to 222.
10 Q How many months?
11 A I don't know exactly how many months.
12 Q More than six?
13 A Yes, I think so.
14 Q More than 12?
15 A I don't know.
16 Q Less than 12?
17 A Maybe it was less than 12 and more than
18 six.
19 Q And what did you pay for rent in
20 Apartment 222?
21 A \$669 a month.
22 Q And how much did you pay in Apartment
23 611?
24 A \$599 a month.
25 Q And why did you leave Apartment 222?

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1 A I'm sorry. Repeat that one more time.

2 Q Why did you leave Apartment 222?

3 A My lease was up.

4 Q Any other reason? Are you going to
5 answer the question?

6 A You're interrupting me. You haven't
7 given me a chance to answer. Can you repeat the
8 question, please? You broke my chain of thought.

9 MR. MCKENNA: Please read back the
10 question.

11 (The reporter read as requested.)

12 A I'm sure there were other reasons, but
13 the main one was my lease was up.

14 Q Are you finished with your answer?

15 A Yes.

16 Q What were the other reasons that you
17 left?

18 A As I sit here I can't think of any,
19 Mr. McKenna.

20 Q Is there anything you can look at that
21 could help refresh your recollection?

22 A Maybe.

23 Q What?

24 A I don't know. I mean, I'll think about
25 it and get back with you. I can't think of anything

1 right now as I sit here to be more specific. But I
2 remember my lease was up.

3 Q Are you finished with your answer?

4 A Yes, sir.

5 Q Why did you leave Apartment 611?

6 A I had a Peeping Tom problem.

7 Q What sort of a Peeping Tom problem?

8 A I would get off from work late at night,
9 and there was someone who would come to my window
10 and perform obscene acts. I was in a ground-floor
11 apartment, and there didn't seem to be anything that
12 the apartment complex could do about this problem,
13 so they moved me to a second-floor apartment.

14 Q Did you make a police report?

15 A Yes.

16 Q Did you know the individual who was
17 making the obscene incidents?

18 A No, I didn't. The cops thought that he
19 was either someone who lived nearby me or lived in
20 the adjacent apartment community. They never could
21 catch him.

22 Q Any other reason why you left Apartment
23 611?

24 A That was the reason.

25 Q The only reason?

1 A Yes, Mr. McKenna.
2 Q Are you currently married?
3 A No.
4 Q Have you ever been married?
5 A Yes.
6 Q From when to when?
7 A I was married from 1996 until 2000.
8 Q And to whom were you married?
9 A Gerald Naffe.
10 Q Do you know where Mr. Naffe is today?
11 A No. I've been trying to find him.
12 Q Where were you married?
13 A In Pensacola.
14 Q Where did he last live that you know of?
15 A In the New Orleans/Gulfport, Mississippi
16 area.
17 Q When was the last time you had contact
18 with him?
19 A Last year.
20 Q When last year?
21 A I don't remember what month it was.
22 Q Beginning of the year or the end of the
23 year?
24 A I don't remember.
25 Q You have no idea when during the last

1 year you last spoke to Mr. Naffe?
2 A No. It was a very short conversation.
3 Q Where were you divorced?
4 A Here in Tampa.
5 Q Do either of you pay alimony?
6 A I'm sorry. Repeat that.
7 Q Do either of you pay alimony?
8 A Do we pay alimony?
9 Q Yes.
10 A No.
11 Q Were either of you ordered to pay
12 alimony?
13 A No.
14 Q Were either of you ordered to pay child
15 support?
16 A No.
17 Q What did Mr. Naffe do?
18 A At --
19 Q What was his job?
20 A At the time that we divorced he had
21 started back to school.
22 Q Had he been employed while you knew him?
23 A Yes.
24 Q What was his employment?
25 A He was a stockbroker. He sold

1 investments.

2 Q What company?

3 A I know he worked for the New England

4 Securities. He worked for, I want to say,

5 Travelers. And he had been in other types of sales.

6 Q Do you have any children?

7 A No, I do not.

8 Q Any other prior spouses?

9 A Define spouse.

10 Q Someone to whom you were married.

11 A No.

12 Q Any other individual with whom you

13 resided as husband and wife?

14 A Yes.

15 Q Who?

16 A Robert Stottlemeyer.

17 Q Anyone else?

18 A No.

19 Q And from when to when did you reside with

20 Mr. Stottlemeyer?

21 A I want to say 2002 till -- we moved in

22 together, it was either in 2001 or 2002.

23 Q Until?

24 A Until 2003.

25 Q Where did you --

1 A Wait. I don't know if that's right.
2 Yeah, it had to be 2003.
3 Q Where did you reside?
4 A 10707 Dalton Avenue.
5 Q Where is that located?
6 A That's off -- that's near Hillsborough
7 and Memorial.
8 Q Tampa?
9 A Yes, sir.
10 Q Is that a house or an apartment?
11 A It's a house.
12 Q Did you own or rent?
13 A Neither.
14 Q It was Mr. Stottlemeyer's house?
15 A Yes.
16 Q Was he owning or renting?
17 A He owned.
18 Q Anyone else that you resided with as
19 husband and wife?
20 A No.
21 Q Did you graduate from high school?
22 A Yes.
23 Q Where?
24 A PJC High School.
25 Q What does PJC stand for?

1 A Pensacola Junior College.
2 Q That's a high school?
3 A They have a high school, yes. It's
4 like --
5 Q Sorry. Go ahead.
6 A No, I'm done.
7 Q When did you graduate from Pensacola
8 Junior College with a high school degree?
9 A In 1996. Wait. Yes, I think that's when
10 it was, 1996.
11 Q Did you go straight through a four-year
12 program?
13 A Sort of -- no.
14 Q What did you do?
15 A Well, I went to high school for a couple
16 of years and then I got into an accelerated
17 graduation program at PJC because I wanted to
18 graduate early.
19 Q Did you attend another high school
20 besides Pensacola Junior College?
21 A Yes.
22 Q What school was that?
23 A I think I went to Woodham or Washington
24 High Schools.
25 Q You went to both?

1 A I -- no, I went to one of them. I just
2 can't remember which one.
3 Q Are they in Pensacola?
4 A Yes, sir.
5 Q Did your high school degree have any sort
6 of concentration?
7 A No. Just a regular high school diploma.
8 Q Do you have any post high school
9 education?
10 A Yes.
11 Q What is that?
12 A The University of Tampa, bachelor of
13 science in business.
14 Q And from when to when did you attend
15 University of Tampa?
16 A From late 1999 until 2002. Oh, I'm --
17 hold on. Let me back up for a minute. I attended
18 other schools. I attended the University of West
19 Florida and I attended PJC, Pensacola Junior
20 College.
21 Q When did you attend University of West
22 Florida?
23 A In 1998, 1999, I think; in that time
24 period.
25 Q And do you have any sort of degree or

1 certificate from University of West Florida?

2 A Not a certificate or a degree, no.

3 Q Do you have anything else?

4 A I have credits that transferred to the
5 University of Tampa from them.

6 Q How many credits?

7 A I don't remember.

8 Q Were you a freshmen, sophomore, junior?

9 A At which school?

10 Q University of West Florida.

11 A I was a freshmen or a sophomore, I
12 suppose. Probably a freshmen.

13 Q And you transferred from University of
14 West Florida to University of Tampa?

15 A Yes, sir, that's correct.

16 Q So you attended Pensacola Junior College
17 prior to attending University of West Florida?

18 A Yes, sir.

19 Q How long did you attend Pensacola Junior
20 College as a collegian?

21 A About a year.

22 Q What year was that?

23 A It was immediately after I graduated from
24 high school. I remember I was off two weeks and
25 then I started college there.

1 Q So you spent a year -- so you graduated
2 with your high school degree, you spent a year at
3 Pensacola Junior College and then you spent
4 approximately a year at University of West Florida.
5 Is that correct?

6 A I think it was a year at University of
7 West Florida. I'm not exactly sure about the dates.

8 Q And then you transferred to University of
9 Tampa?

10 A Yes.

11 Q Was that immediate, or was there any sort
12 of gap in there?

13 A There wasn't any gap.

14 Q Why did you transfer to University of
15 Tampa?

16 A Mostly because of my spouse.

17 Q Why?

18 A Can you be more specific in your
19 question?

20 Q Why did your spouse have you transfer to
21 University of Tampa?

22 A Because he was transferring there.

23 Q He was transferring for work?

24 A He was transferring for school.

25 Q Was your spouse attending any of the

1 other colleges with you?

2 A Yes. He attended all of the other
3 colleges with me.

4 Q And did he make the decision to go to
5 University of Tampa?

6 A Yes, he was primarily the reason why we
7 moved.

8 Q What was his major?

9 A Finance.

10 Q Any other post high school education?

11 A Post high school education? Oh, I did
12 take a semester course at HCC one summer. It was a
13 course that I couldn't get at UT --

14 Q Okay.

15 A -- during the summer, and I took it at
16 HCC.

17 Q Hillsborough Community College?

18 A Yes, sir.

19 Q Any other post secondary education?

20 A No, sir, not that I can think of.

21 Q Is there anything you could look at that
22 would refresh your recollection?

23 A Not that I can think of. I think that
24 pretty much sums it up.

25 Q Were you ever in the military?

1 A No, sir.
2 Q After high school what was your first
3 employment?
4 A Oh, gosh. I have no clue. I don't
5 know. I can't remember.
6 Q What's the first employment after high
7 school that you can remember?
8 A First employment after high school. Oh.
9 I had a job at a resort on Pensacola Beach.
10 Q What was the name of the resort
11 A Clarion Suites Resort.
12 Q In Pensacola?
13 A It's in Pensacola Beach.
14 Q What did you do there?
15 A Hotel sales and reservations.
16 Q How long did you do that job?
17 A About a year I guess.
18 Q Was that while you were in college?
19 A Yes.
20 Q Was it a part-time position?
21 A No. It was full time. I worked full
22 time and I went to school full time.
23 Q Who was your immediate supervisor?
24 A I don't remember her name.
25 Q Where was the Clarion Suites located? On

1 what street?

2 A It's on Twig -- Via de Luna, Pensacola
3 Beach.

4 Q Why did you leave that job?

5 A Hurricane.

6 Q How did the hurricane cause you to leave
7 the job?

8 A I guess it was the flooding. I guess
9 they couldn't -- they couldn't -- they had no need
10 for reservation staff because of damage to the
11 suites. The place doesn't even exist anymore.

12 Q So you were let go?

13 A No. Actually, I quit.

14 Q Why did you quit?

15 A To pursue looking for another job.

16 Q I'm sorry?

17 A I quit because there was this hurricane
18 and I needed to pursue looking for another job.

19 Q So they would have continued to employ
20 you?

21 A Possibly, but not in the manner that I
22 had been employed before. Not in a full-time
23 capacity. And I needed to work full time.

24 Q How long were you employed?

25 A About a year.

1 Q From when to when?
2 A Oh, I don't know. It was around -- it
3 was around the time I was going to school at PJC.
4 Q What was your initial rate of pay?
5 A I don't remember.
6 Q Did you have any disciplinary issues
7 while you were at Clarion Suites?
8 A No.
9 Q Any evaluations?
10 A I remember getting an evaluation because
11 I got a raise with the evaluation.
12 Q Any promotions?
13 A No.
14 Q Were you asked to resign?
15 A No.
16 Q What's the next employment you can recall
17 after the Clarion Suites?
18 A The next employment that I recall after
19 Clarion is working for the dean at UT.
20 Q When was that?
21 A It was February of 2000 until the
22 semester before I graduated. It was until 2002.
23 Q When in 2002?
24 A It was the semester before I graduated.
25 I graduated in the fall, so I guess in the summer.

1 Q And what dean?

2 A I did work for all the deans.
3 Dr. Corrine Young, Dr. Joe McCann, Dr. Bill Ray,
4 Dr. Mary Ann Watson. And I also worked with the
5 director of marketing, Carol Delia.

6 Q Anyone else?

7 A Not that I can think of. I think that
8 sums it up.

9 Q What did you do for these deans?

10 A I did administrative projects, I did
11 research. Whatever they -- we had a lot of
12 different programs, educational programs. I did
13 research, I helped at functions.

14 Q What sort of administrative projects did
15 you do?

16 A I designed marketing collateral for the
17 MBA programs, introduction. I --

18 Q Are you finished with your answer?

19 A No. Can you repeat the question again?

20 Q Sure.

21 MR. MCKENNA: Read the question back,
22 please.

23 (The reporter read as requested.)

24 A Surveys and research.

25 Q Are you finished with your answer?

1 A Yes, sir.

2 Q What are marketing -- what marketing --
3 what is marketing collateral?

4 A Marketing collateral is like that handout
5 that you have with half your face on it and it talks
6 about you're a state board mediator and all those
7 different legal qualifications. I did that type of
8 collateral for the college of business.

9 Q And what kind of introduction did you do?

10 A Introduction to what, sir?

11 Q I don't know, ma'am. You answered the
12 question. You said you did some sort of
13 introduction.

14 A Oh. We introduced a new MBA program when
15 the college opened, the John Sykes College of
16 Business. I was involved in assisting with the
17 marketing for that project.

18 Q What sort of surveys did you perform?

19 A The dean did a survey of automotive
20 dealers in the -- it was -- it was about -- it was a
21 sales customer service type survey. The dean was
22 doing research among automotive dealers in the Tampa
23 Bay area. And I compiled the research for him
24 and --

25 Q Which dean?

1 A Dean Ray.

2 Q What kind of research did you do?

3 A We did -- I did research for Dean Ray for
4 the automotive survey. I did research for Dean
5 McCann on baby boomers and their effect -- their
6 effects on the economy for his book. And I did some
7 other types of research that I can't remember by
8 name right now.

9 Q What were your -- what were you paid?

10 A The position was in conjunction with a
11 work study scholarship type arrangement.

12 Q Meaning it was unpaid?

13 A No, I got paid, but there was other
14 compensation that I can't add up for you. That's
15 what I'm getting at.

16 Q How much money were you paid?

17 A Somewhere between seven and nine dollars
18 an hour. I don't remember exactly which -- where.

19 Q Did you receive any discipline while you
20 were employed at UT?

21 A No, never.

22 Q Did you receive any evaluations while you
23 were employed at UT?

24 A Yes. Carol evaluated me.

25 Q Carol who?

1 A Carol Delia.
2 Q A formal written evaluation?
3 A No. She just sat me down and told me I
4 was doing a good job. And the next semester Dean
5 McCann gave me a raise.
6 Q Did you receive any promotions?
7 A It wasn't that type of job. I was just a
8 student assistant.
9 Q So the answer is no, you did not receive
10 any promotions?
11 A No, sir.
12 Q Did you leave voluntarily?
13 A Yes, sir. My internship was up. I was
14 graduating.
15 Q What's the next position that you can
16 recall?
17 A While I worked at -- while I worked for
18 the dean I also had a job at Tommy Bahama.
19 Q Where was that located?
20 A In Hyde Park.
21 Q Is that on Rome?
22 A It's near Rome. You know, I think you're
23 right. I think it is on Rome.
24 Q Who was your immediate supervisor?
25 A Sheila Carlisle.

1 Q How much did you make at Tommy Bahama?
2 A I don't remember exactly. I don't want
3 to guess.
4 Q Approximately how much did you make?
5 A I don't want to put inaccurate statements
6 on the record. I don't want to -- I don't know.
7 Q You have --
8 A I think I know, but I'm not sure if I'm
9 thinking of my job at the dean's office.
10 Q Tell us what you think you made.
11 A That's guessing.
12 Q Are you refusing to answer the question,
13 ma'am?
14 A No, sir. My answer is I don't know.
15 Q Well, you just said that you thought you
16 knew. Now I'm asking you to tell us what you think,
17 recognizing that it may not be completely accurate.
18 What do you think?
19 A I think it was nine or ten dollars an
20 hour.
21 Q How long were you employed there?
22 A Between a year and a half and two years.
23 Q And from what date to what date?
24 A I want to say the summer of 2000, I
25 think.

1 Q Until when?
2 A 2001 or 2002.
3 Q Do you know when in 2001 or 2002?
4 A No, sir.
5 Q Was it towards the January-December time
6 frame?
7 A I'm not certain, but I'm sure you could
8 ask Tommy Bahama, and they would know.
9 Q What were your duties?
10 A I was a sales associate.
11 Q Did you receive any promotions?
12 A No.
13 Q Did you have any disciplinary issues?
14 A No.
15 Q Did you receive any evaluations?
16 A I did receive an evaluation.
17 Q What kind of evaluation?
18 A What do you mean, "what kind of
19 evaluation"?
20 Q Verbal or written.
21 A Well, it was certainly verbal. Now,
22 whether or not it was written, I don't recall.
23 Q Why did you leave that job?
24 A I left the job because after 9/11 my
25 hours got cut and I needed to get more hours.

1 Q Were you asked to quit -- were you asked
2 to resign?

3 A No.

4 Q Did you leave voluntarily?

5 A I resign -- I resigned.

6 Q Did you leave voluntarily?

7 A Yes.

8 Q What's the next position that you recall
9 after Tommy Bahama?

10 A I know I worked somewhere else. I'm just
11 drawing a blank as to where it was.

12 Q What's the next position you remember
13 after Tommy Bahama?

14 A Steak & Shake.

15 Q When did you work there?

16 A It was 2002 to 2003.

17 Q When in 2002?

18 A I started working there in December.

19 Q When in 2003?

20 A December of 2003. That's what I meant.

21 December -- I started December 2003.

22 Q You started December 2003?

23 A No, no, no, no, no. I started December
24 2002.

25 Q And when did you leave?

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1 A Around August of 2003. And before you
2 ask your next question, I need to go to the lady's
3 room.

4 MR. MCKENNA: Let's go off the record.
5 (Recess from 11:03 to 11:11 a.m.)

6 BY MR. MCKENNA:

7 Q Where was the Steak & Shake that you
8 worked located?

9 A I worked at several Steak & Shakes.
10 Which do you want me to give you?

11 Q Give me all of them, please.

12 A Okay. My training store was in Spring
13 Hill off of U.S. 19, and the other training store
14 that I worked at was the Steak & Shake across from
15 Countryside Mall.

16 Q What street is that on?

17 A I have no idea. It's the one side --
18 it's near -- it's off U.S. 19, but it's right across
19 the street from the Countryside Mall. And behind
20 there is the training center that I had my classes
21 at. Excuse me.

22 Q Any other stores that you worked at?

23 A Yes. I worked at the one on North Dale
24 Mabry. I worked at the one on -- the one by Citrus
25 Park Mall.

1 Q Any others?
2 A No, not that I can think of.
3 Q Who was your immediate supervisor?
4 A Mark Tolle.
5 Q T-o-l-l?
6 A E. T-o-l-l-e, sir.
7 Q What was his title?
8 A He was my district manager.
9 Q What was your initial rate of pay?
10 A \$34,000.
11 Q Per year?
12 A Yes, sir.
13 Q Did you receive any promotions?
14 A Yes, sir, I received a promotion.
15 Q What was that?
16 A I was promoted out of the
17 manager-in-training program and into the restaurant
18 management division.
19 Q What was your position?
20 A Restaurant manager.
21 Q Did you have any disciplinary issues at
22 Steak & Shake?
23 A What do you call disciplinary issues?
24 Q Well, ma'am, I've asked you that about
25 four times now, and you haven't had any problem

1 answering questions.

2 A I just want you to describe it for me,
3 please.

4 Q Well, you've already answered that
5 question three times. Did you have any discipline
6 issues with you and your superiors or co-workers
7 while you were at Steak & Shake?

8 A No.

9 Q Did you have any evaluations while you
10 were at Steak & Shake?

11 A Yes.

12 Q How many?

13 A One.

14 Q Was it written or oral?

15 A It was written.

16 Q Why did you leave Steak & Shake?

17 A Several reasons.

18 Q And what are those several reasons?

19 A Career reasons; I wanted to pursue a
20 career in politics. Family reasons; I wanted a more
21 flexible schedule because of a health condition my
22 mother had.

23 Q Any other reason?

24 A Yes, there were other reasons.

25 Q What were the other reasons?

1 A I didn't particularly like working all
2 night. My mother was really concerned, after I had
3 the Peeping Tom, about me going to work at five and
4 getting off at three and four in the morning, and I
5 got tired of that type of schedule as well.

6 Q Any other reasons why you left Steak &
7 Shake?

8 A None that come to mind as I sit here.

9 Q Is there anything you can look at that
10 would refresh your recollection?

11 A No, not that I can think of as I sit
12 here.

13 Q Did you leave voluntarily?

14 A Yes.

15 Q Were you asked to resign?

16 A No.

17 Q What's the next employment that you
18 recall after Steak & Shake?

19 A The Republican Party of Florida.

20 Q After the Republican Party of Florida,
21 what was your next employment that you can recall?

22 A Nordstrom restaurant division.

23 Q And when did you work at Nordstrom?

24 A I worked at Nordstrom -- gosh, I don't
25 remember the exact dates.

1 Q Approximately?

2 A I don't remember approximately.

3 Q Well, how long was it after you left

4 Republican Party of Florida?

5 A I'm thinking.

6 Q Well, you let us know when you're done

7 thinking.

8 MR. THOMPSON: Mr. McKenna, just for the

9 record, she's trying to think when she started

10 the job. You have the documents that show

11 when she started the job. If you want to play

12 games with it you can, but don't blame my

13 client when she's unable to answer when you've

14 got a document that will help her answer in

15 the first place.

16 Q Are you going to answer the question?

17 A I thought I already did. I told you I

18 didn't know exactly what the dates were.

19 Q And I asked you how long after you left

20 Republican Party of Florida were you employed at

21 Nordstrom's.

22 A Months after I left. I don't know how

23 many months after I left. I don't remember off the

24 top of my head.

25 Q And how long approximately were you

1 employed at Nordstrom's?

2 A A few months.

3 Q And what did you do there?

4 A I was a management trainee.

5 Q Who was your immediate supervisor?

6 A I had a training manager and I had a
7 district manager.

8 Q Are you finished?

9 A Yes, sir.

10 Q What was the training manager's name?

11 A I don't remember her name. I remember
12 the district manager's name was Dawn.

13 Q Dawn what?

14 A I don't remember her last name.

15 Q What were your specific duties while you
16 were at Nordstrom's?

17 A I was in a management training program,
18 and my duties were consistent with that training
19 program.

20 Q And what did the training program consist
21 of?

22 A I don't have the manual before me. It
23 was basically learning their processes and how they
24 operate and how the -- what the paperwork was and
25 what their systems were and --

1 Q Are you finished?
2 A -- building sales and how to manage sales
3 expectations and things like that.
4 Q Where were you assigned?
5 A To the Tampa Nordstrom.
6 Q At International Mall?
7 A Yes, sir.
8 Q Were you in a particular department?
9 A The restaurant division.
10 Q And what did you do in the restaurant
11 division?
12 A Sir, I just told you when you asked me
13 what my job duties were.
14 Q Why don't you tell me again.
15 A I was in the management training program.
16 Q And whom did you manage?
17 A Well, actually I was a trainee so I
18 didn't specifically have to manage anybody. It was
19 my responsibility to learn the components of the
20 program so that I could manage people.
21 Q What position would you have managed had
22 you completed the training program?
23 A I would have managed all the positions
24 under me. I would -- you're laughing, but --
25 Q Because you're not answering the

1 question, ma'am. What were the names of the
2 positions? Were they waitresses, cooks? What kind
3 of positions? What did you -- what were you
4 training to do at Nordstrom's?

5 A The -- they were called baristas and --

6 Q What was called a barista?

7 A That's what they called the people that
8 worked there. That was what they called them. And
9 they didn't call them cooks.

10 Q Were they cooks?

11 A Well, yeah, but that's not what they were
12 called. They didn't cook food.

13 Q What did they cook?

14 A Coffee-related products.

15 Q So it was a coffee shop?

16 A Yes, that sold food.

17 Q Why did you leave that position?

18 A There's lots of reasons.

19 Q Of course.

20 A I don't understand why you're taking this
21 adversarial attitude with me.

22 Q What were the reasons why you left
23 Nordstrom's?

24 A There are several reasons. Mostly
25 because I was depressed.

1 Q What are the other reasons?
2 A Well, they're all related to depression.
3 Q Okay. Tell me what they are.
4 A Fatigue, lack of energy, stress, lack of
5 concentration.
6 Q Anything else?
7 A Depression, fatigue, lack of energy,
8 stress, things that were going on with my body.
9 Q What things that were going on with your
10 body?
11 A The lack of energy and the stress and the
12 fatigue.
13 Q Any other reasons why you left
14 Nordstrom's?
15 A Those are the reasons.
16 Q Any other reasons than those for why you
17 left Nordstrom's?
18 A Oh. It was -- I thought the hours were a
19 lot.
20 Q Any other reasons?
21 A No. Mostly the reasons were related to
22 depression.
23 Q Did you have any disciplinary issues
24 while you were at Nordstrom's?
25 A No.

1 Q Did you leave voluntarily?
2 A Yes.
3 Q Were you asked to resign?
4 A No.
5 Q How much were you making at Nordstrom's?
6 A 30,000 a year.
7 Q Did any healthcare provider tell you that
8 you should leave employment at Nordstrom's because
9 of your depression, fatigue, stress, lack of
10 concentration or the other things that were going on
11 with your body?
12 A Can you repeat the question, please?
13 MR. MCKENNA: Read it back, please.
14 (The reporter read as requested.)
15 A No.
16 Q What's the next position that you recall
17 after Nordstrom's?
18 A Oh. I worked for a car dealership.
19 Q What car dealership?
20 A Bill -- if you let me answer, Bill Heard
21 Chevrolet.
22 Q When did you work for Bill Heard
23 Chevrolet?
24 A I worked for Bill Heard Chevrolet --
25 I started September of '04.

1 Q When did you leave Bill Heard Chevrolet?
2 A In the beginning of 2005.
3 Q And what was your position?
4 A I was in sales.
5 Q How much did you -- were you paid?
6 A Commission.
7 Q How much of a commission?
8 A It was different for each car I sold.
9 Q What did you average on a weekly basis
10 while you were at Bill Heard Chevrolet?
11 A I can't tell you weekly, but I could
12 probably tell you monthly.
13 Q Okay. Tell me monthly.
14 A I would say 2500 to 3,000 dollars a
15 month.
16 Q Who was your immediate supervisor?
17 A Had several supervisors. I guess it
18 would be Lorenzo Pena.
19 Q What was Mr. Pena's title?
20 A General sales manager.
21 Q Did you have any disciplinary issues
22 while you were at Bill Heard Chevrolet?
23 A Yes.
24 Q What were those?
25 A I got written up for not wearing a Bill

1 Heard t-shirt to work.

2 Q Any --

3 A And I got written up for being late to a
4 sales meeting.

5 Q Anything else?

6 A That's all I can think of as I sit here.

7 Q Were you written up for telling a
8 customer that he had too much negative equity in a
9 car?

10 A I don't remember that.

11 MR. MCKENNA: Mark that, please.

12 (Exhibit 11 marked for identification.)

13 BY MR. MCKENNA:

14 Q I'm going to hand you what we've marked
15 for purposes of identification as Defendant's
16 Exhibit No. 11 and ask you to take a look at that
17 and see if that refreshes your recollection about
18 being written up for telling a customer he had too
19 much negative equity in a car.

20 A Mr. McKenna, I'd like to bring to your
21 attention where it says "Name," it says "Netta
22 Oliver." That's not me. That's someone else.

23 Q How many times were you written up for
24 being late to work?

25 A I don't remember.

1 Q It was repeatedly, wasn't it?

2 A It was more than once. I wouldn't call
3 that repeatedly.

4 Q Were you written up for not securing
5 customer documents?

6 A That sounds familiar.

7 Q Is that a yes?

8 A I said it sounds familiar. I remember us
9 having a conversation about that after I started. I
10 left a customer's driver's license or something in a
11 desk that wasn't locked or something like that. I
12 did something like that. And it wasn't proper and
13 they talked to me about that.

14 MR. MCKENNA: Mark that, please.

15 (Exhibit 12 marked for identification.)

16 BY MR. MCKENNA:

17 Q I'm going to hand you what we've marked
18 for purposes of identification as Defendant's
19 Exhibit 12 and ask you if that refreshes your
20 recollection about being written up for failing to
21 secure customer documents.

22 A Yes, it refreshes my recollection.

23 Q So you were in fact written up for
24 failing to secure customer documents at Bill Heard
25 Chevrolet. Correct?

1 A Yes, I was written up, as I told you
2 before, because I didn't lock my drawer, and it was
3 a mistake.

4 Q Were you written up for not filling out
5 an up card?

6 A Maybe.
7 (Exhibit 13 marked for identification.)

8 Q I'm going to hand you what's been marked
9 for purposes of identification as Defendant's
10 Exhibit 13 and ask you if that refreshes your
11 recollection about being written up for failing to
12 fill out up cards.

13 A Yes, I remember this.

14 Q So you were in fact written up for
15 failing to fill out up cards. Is that correct?

16 A Can you repeat the question again?
17 MR. MCKENNA: Please read the question
18 back.

19 (The reporter read as requested.)

20 A I was written up because after I finished
21 with one customer, I failed to jot down their name
22 and phone number on the log.

23 Q And you had repeated attendance issues
24 while you were working at Bill Heard Chevrolet.
25 Isn't that true?

1 A No, that's not true. I had --
2 Q Are you finished with your answer?
3 A No, I'm not finished.

4 THE WITNESS: Can you repeat the
5 question again?

6 (The reporter read as requested.)
7 A I had issues related to my depression
8 that caused attendance-related issues.

9 MR. MCKENNA: Would you mark that,
10 please.

11 (Exhibit 14 marked for identification.)

12 BY MR. MCKENNA:

13 Q I'm going to hand you what we marked for
14 purposes of identification as Defendant's Exhibit 14
15 and ask you if you recognize that as a write-up for
16 being late for a Friday sales meeting on October 29,
17 2004.

18 A I remember the write-up, and I see here
19 that I disagreed with it.

20 MR. MCKENNA: Move to strike as
21 nonresponsive to the question.

22 BY MR. MCKENNA:

23 Q Do you recognize that document as a
24 write-up for you for being late for a Friday sales
25 meeting on October 29, 2004?

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1 A I recognize this document as a write-up
2 that says, one, "Late for sales meeting" and an
3 explanation. But I was present at the sales
4 meeting, and I protest the write-up.

5 Q Is that your signature at the bottom?

6 A Yes. And that acknowledges that I read
7 this document before I signed it.

8 MR. MCKENNA: Would you mark that,
9 please.

10 (Exhibit 15 marked for identification.)

11 BY MR. MCKENNA:

12 Q I'm going to hand you what we've marked
13 for purposes of identification as Defendant's
14 Exhibit 15. Do you recognize that document as a
15 write-up for not wearing proper attire --

16 A Yes.

17 Q -- on 11/23/2004?

18 A Yes.

19 Q Is that your signature at the bottom?

20 A Yes, it is.

21 (Exhibit 16 marked for identification.)

22 Q I'm going to hand you what we've marked
23 for purposes of identification as Exhibit No. 16 and
24 ask you if you recognize that as a write-up for you
25 for failing to be on time for final work, which is

1 indicated as being a final warning.

2 A Yes.

3 Q And it indicates that you must call with
4 a legitimate excuse if you're going to be late. Do
5 you see that?

6 A I see that, but I don't remember that
7 being on here before. And it looks to me as though
8 the first two lines and the second two lines are in
9 different handwriting.

10 Q Was it the policy of Bill Heard Chevrolet
11 that you had to call with a legitimate excuse if you
12 were going to be late?

13 A I don't remember what the policy on that
14 was, but I think it was quite discretionary.

15 Q Was illness a legitimate excuse at Bill
16 Heard Chevrolet for being late?

17 A Illness? Can you repeat the question
18 again?

19 MR. MCKENNA: Please read back the
20 question.

21 (The reporter read as requested.)

22 A To my knowledge it was.

23 (Exhibit 17 marked for identification.)

24 BY MR. MCKENNA:

25 Q I'm going to hand you what's been marked

1 for purposes of identification as Defendant's
2 Exhibit 17. Do you recognize that, ma'am, as a
3 write-up for you for being late to work on November
4 1, 2004?

5 A Yes.

6 Q Why did you leave Bill Heard Chevrolet?

7 A There were a lot of reasons.

8 Q And what were the reasons?

9 A Well, the main reason was I would leave
10 the dealership to meet with Pastor Henry, and when
11 I'd come back I just didn't feel like selling cars.
12 I just was in a persistent sad mood, and I didn't
13 have any motivation to sell cars, and that was how I
14 made my living there.

15 Q Any other reason why you left?

16 A There were a lot of other reasons.

17 Q What were the other reasons?

18 A That was the main reason.

19 Q What were the other reasons?

20 A It was mostly because I was depressed.

21 In late November I quit working there and all my
22 managers begged me to come back. And they knew that
23 I was depressed. I talked to my manager Lorenzo
24 about the depression, and he gave me time off from
25 work during the day to go and meet with Pastor

1 Henry. And it was an ongoing thing with my
2 depression, and I just didn't feel like I could sell
3 cars in my situation. I just -- just -- I just
4 didn't feel like I could.

5 So when I quit the second time, he said
6 he understood because his wife had depression and
7 she had to go to counseling.

8 Q Are you finished with your answer?

9 A Yes, sir.

10 MR. MCKENNA: Move to strike as
11 nonresponsive. Let's take a break to change
12 tape.

13 (Recess from 11:46 to 11:55 a.m.)

14 BY MR. MCKENNA:

15 Q What were the other reasons why you left
16 Bill Heard Chevrolet?

17 A I told you my reasons were depression
18 related.

19 Q You told me that that was your primary
20 reason and that there were other reasons, did you
21 not?

22 MR. THOMPSON: I'm going to object to
23 form.

24 A There was my primary reason, and it all
25 really stems from that.

1 Q From what?

2 A The fact that I was depressed.

3 Q So the reason you left Bill Heard
4 Chevrolet was because you were depressed. Is that
5 correct?

6 A That was the main reason, yes.

7 Q Did any other -- did any healthcare
8 provider tell you that you should leave Bill Heard
9 Chevrolet?

10 A No.

11 Q Did Pastor Henry tell you you should
12 leave Bill Heard Chevrolet?

13 A Not in those exact words, no.

14 Q What words did he use?

15 A I need to talk to my attorney.

16 MR. MCKENNA: Let's go off the record.

17 (Recess from 11:57 to 11:59 a.m.)

18 BY MR. MCKENNA:

19 Q What did Pastor Henry tell you about
20 working at Bill Heard Chevrolet?

21 A Pastor Henry said that he didn't think it
22 was a very nurturing environment and that it could
23 compound stress, and he suggested other
24 alternatives.

25 Q Are you finished with your answer?

1 A Yes, sir.

2 Q What were the other alternatives he
3 suggested?

4 A Environments that would be more
5 nurturing.

6 Q For example?

7 A Different types of work.

8 Q What kind of work?

9 A We talked about -- we didn't get very
10 specific into the different fields as we did talk
11 about the similarities between the job at the
12 dealership and my job at RPOF. And that's why
13 Pastor Henry recommended I get a job that was in a
14 less cut-throat environment, as he put it.

15 Q So if I understand you correctly, Pastor
16 Henry did not suggest any specific areas or any
17 specific jobs to you. He was just suggesting
18 something less cut-throat. Is that correct?

19 A Yes and no.

20 Q Okay. How is it no?

21 A Well, it wasn't until, I think, after I
22 had already quit the job that Pastor Henry
23 recommended other fields. But when we were having
24 counseling about things, we talked about the types
25 of people that I was surrounded with at this job.

1 Q Did Pastor Henry suggest any specific
2 fields, any specific positions or any specific
3 companies that he thought you should go to work for?

4 A Yes.

5 Q What were those?

6 A We talked about marketing, we talked
7 about going back into the restaurant business, we
8 talked about going to law school, we talked about --
9 we talked a lot about going to law school and taking
10 the LSAT. We talked about -- I'm done.

11 Q Any specific companies that Pastor Henry
12 suggested?

13 A I don't remember specific companies off
14 the top of my head.

15 Q Is there anything you can look at that
16 would help refresh your recollection?

17 A No, I don't think so.

18 Q I believe you testified that they gave
19 you time off at Bill Heard to go see Pastor Henry?

20 A Yes.

21 Q And I believe you testified that you quit
22 on two occasions?

23 A Yes.

24 Q And they asked you to come back the first
25 time?

1 A Yes, sir.

2 Q And what was not nurturing about the
3 environment at Bill Heard?

4 A I'm sorry, I'm going to have to take a
5 break. I can't concentrate.

6 (Recess from 12:05 to 12:12 p.m.)

7 MR. MCKENNA: Read back the pending
8 question, please.

9 (The reporter read as requested.)

10 A Pastor Henry just thought it wouldn't be
11 a good idea for me to work in a high-stress
12 environment like that at this point in my life.

13 Q Ma'am, the question was, is what did you
14 think was not nurturing about the environment at
15 Bill Heard.

16 A I thought it was a very aggressive
17 environment. It was extremely driven by making
18 money and, you know, pushing customers sometimes
19 into buying a car that they might not even want.
20 And the people around that were very stressed
21 because that's how everyone made their -- their
22 living. And it was just a very -- I'm not saying
23 it's a stressful environment for everyone because
24 everyone hasn't been through what I've been through,
25 but it was stressful for me. And Pastor Henry

1 didn't think it was a very nurturing environment.

2 Q Anything else?

3 A What do you mean, "anything else"?

4 Q Any other reasons why you believe that
5 Bill Heard was not a nurturing environment?

6 A I'm certain there is other reasons that
7 will pop into my head when I leave this deposition.
8 But as I sit here right now, I can't think of any
9 others.

10 Q Is there anything you can look at that
11 would help refresh your recollection?

12 A Maybe.

13 Q What?

14 A I don't have anything that would refresh
15 my recollection.

16 Q Are you finished with your answer?

17 A Yes, I think so.

18 Q Any other position -- did you seek any
19 other positions at Bill Heard Chevrolet?

20 A Did I seek any other positions at Bill
21 Heard Chevrolet?

22 Q Yes.

23 A No. When I quit the first time in
24 November, when I came back it was the same position.

25 MR. MCKENNA: Move to strike as

1 nonresponsive.

2 BY MR. MCKENNA:

3 Q The question is: Did you seek any other
4 non-sales positions at Bill Heard Chevrolet?

5 A No.

6 Q Were you subjected to any discrimination
7 while you were at Bill Heard Chevrolet?

8 A No.

9 Q Did you resign because you were told that
10 one more tardy or absence and you would be fired?

11 A No.

12 MR. MCKENNA: Do you want to take a
13 lunch?

14 MR. THOMPSON: It sounds good to me.

15 (Recess from 12:17 to 1:12 p.m.)

16 BY MR. MCKENNA:

17 Q You understand you're still under oath?

18 A Yes, sir.

19 Q Where did you work after Bill Heard
20 Chevrolet?

21 A I worked at Kincaid Brick Company.

22 Q When did you begin there?

23 A In early 2005.

24 Q Early as in February, March?

25 A I don't remember the exact month.

1 Q What was your position at Kincaid Brick
2 Company?
3 A I was the office manager.
4 Q I'm sorry, I need to back up for a
5 minute. At Bill Heard Chevrolet did you have
6 benefits?
7 A No, I didn't have benefits while I worked
8 there.
9 Q Why not?
10 A Because I hadn't been there long enough.
11 Q How long did you have to be there to
12 qualify for benefits?
13 A I don't remember.
14 Q What benefits would you have qualified
15 for had you stayed?
16 A Health benefits, I'm sure of. I'm not
17 certain what the other benefits that they had were.
18 Q Did you have benefits while you were at
19 Nordstrom's?
20 A No, I did not.
21 Q Why not?
22 A I hadn't accumulated enough hours.
23 Q What kind of benefits would you have had
24 had you accumulated enough hours?
25 A I would have had health benefits and

1 other types of benefits.

2 Q Did you have benefits at Steak & Shake?

3 A Yes.

4 Q What kind of benefits?

5 A Health benefits.

6 Q Anything else?

7 A I'm certain I was entitled to other types
8 of benefits, but I didn't necessarily take advantage
9 of all of them.

10 Q I'm sorry. Now going back to Kincaid
11 Brick Company, what did your job as an office
12 manager involve?

13 A A little bit of everything, actually. At
14 first it was just accounts payables, and then I
15 worked -- when we had some people leave the company,
16 I worked in the back office, in the brickyard
17 itself.

18 Q What kind of things did you do in the
19 back office?

20 A Assist customers.

21 Q In what way did you assist them?

22 A Well, if a customer came in and they
23 wanted to order a pallet of brick, I would assist
24 them with that, or if a customer called on the phone
25 I would communicate with them.

1 Q How much were you paid at Kincaid Brick
2 Company?

3 A \$500 a week.

4 Q Were you full time or part time?

5 A I worked, I guess, full time.

6 Q Who was your immediate supervisor?

7 A Joe Rosser for a period of time. And

8 then he left and then it became Margie Kincaid.

9 Q What was Mr. Rosser's position?

10 A He came into the company to be a partner,
11 a managing partner in the company.

12 Q Do you know why he left?

13 A Mrs. Kincaid, she fired him. But at the
14 time that she fired him he was in the process -- he
15 was pretty much already gone. He was severing his
16 ties with the company.

17 Q Do you know why she fired him?

18 A During the time that he was with the
19 company, he decided that he didn't want to be in the
20 brick business, and he began starting his own
21 company. And he stole one of her -- well, let me
22 back up for a minute.

23 One of her employees who had been with
24 her over 30 years left the company to go work for
25 Mr. Rosser.

1 Q What was Mr. Rosser's new business?
2 A Bison Supply.
3 Q I'm sorry?
4 A Bison Supply, sir.
5 Q Do you know where that's located?
6 A Yes. It's on 40th Street.
7 Q In Tampa?
8 A Yes, sir.
9 Q Now, this job -- let me back up. Earlier
10 you said that you did things for Margie Kincaid in
11 exchange for living at her house. Is that correct?
12 A Yes.
13 Q And is this job distinct from what you
14 did for her -- for Ms. Kincaid -- in order to live
15 at her house?
16 A Yes. I started -- when I began living
17 with her, I was still working at Bill Heard. And so
18 she said the main thing she wanted was somebody to
19 keep her company because she was all alone. Her
20 husband was deceased, she had no children and she's
21 in her mid eighties. And mostly it was loneliness,
22 and so I kept her company during the time that I was
23 at home, which in the beginning was not very often.
24 Q You said you were living with her while
25 you were at Bill Heard?

1 A Yes, sir.

2 Q Were you living with her while you were
3 at Nordstrom's?

4 A No, sir.

5 Q And did you discuss with Ms. Kincaid the
6 reasons why you left Bill Heard Chevrolet?

7 A Not in so many words. I thought that it
8 would be best to keep Margie out of my business.

9 Q Why did you think that?

10 A Well, she gossips a lot, and I don't
11 particularly like that.

12 Q So is it your testimony, ma'am, that you
13 did not discuss your reasons for leaving Bill Heard
14 Chevrolet with Ms. Kincaid?

15 A It's possible that I did, but I don't
16 recall at this time having a conversation with her
17 about it.

18 Q Did you receive any promotions while you
19 were at Kincaid Brick?

20 A Yes, I did.

21 Q What was the promotion?

22 A I don't really know how to describe it.
23 It was from -- can you ask -- repeat the question
24 one more time, please?

25 MR. MCKENNA: Read the question back,

1 please.

2 (The reporter read as requested.)

3 A The promotion was basically from a very
4 limited role to a more substantial role.

5 Q How did your duties change?

6 A The duties didn't primarily change. The
7 time that I was spending there changed, because when
8 I first started -- when I first started helping
9 Margie out, I had another job, and I was helping her
10 out on my one day off a week. I had one day off a
11 week from the dealership. And -- and then when I
12 quit working at the dealership, I took some time off
13 to regroup. And then when I started helping them
14 out at the brickyard, it was -- in a paid capacity,
15 it was a part-time kind of situation. And then
16 later on it became more of a full-time situation.

17 Q So the duties didn't change. The amount
18 of time you spent there changed?

19 A Yes. Well, let me back up for a minute.
20 Okay. I can -- the duties did change in that when
21 she hired a CPA, I coordinated, I guess you could
22 call it, the month-end close processes so that our
23 sales tax and our payroll tax and things like that
24 would be filed with our CPA firm. I began to do
25 that when Mr. Isler began to sort of phase out of

1 the picture.

2 Q Mr. who?

3 A I'm sorry. Mr. -- I'm sorry. I can't
4 concentrate. Mr. Rosser.

5 Q Did you have any disciplinary issues at
6 Kincaid Brick Company?

7 A No, none.

8 Q Did you receive any evaluations at
9 Kincaid Brick Company?

10 A No, no evaluations. The only thing of
11 note that I guess could either -- even be considered
12 an evaluation is they -- a very beautiful letter
13 that Margie wrote for me a short time -- a short
14 time before I stopped working there.

15 Q Do you have a copy of that letter?

16 A Yes, I do.

17 Q Did you provide it to your attorney in
18 response to the request for production of documents
19 that we made?

20 A Well, the letter was written after the
21 request.

22 MR. MCKENNA: Obviously, Jim --

23 A It's ongoing? The production for
24 documents is an ongoing thing? So like anything I
25 get I have to give you?

1 MR. MCKENNA: Jim, I think --
2 A I didn't know that.
3 MR. MCKENNA: I think we're going to
4 need some supplementation.
5 MR. THOMPSON: I'll get that to you.
6 BY MR. MCKENNA:
7 Q Why did you leave Kincaid Brick?
8 A For several reasons.
9 Q Which are?
10 A The main reason was school. The second
11 reason was because Margie fired my boss. And the
12 third reason was the financial vulnerability of the
13 company. When Joe Rosser left, all the customers
14 followed him to his new company. And all the talent
15 in the business left with Joe Rosser. The employee
16 that had the most institutional knowledge on the way
17 that company was run left and went to work for Joe
18 Rosser.
19 And the fact that, No. 1, I was getting
20 ready to go to school; No. 2, the company
21 financially wasn't doing well; No. 3, the lack of
22 business acumen and Margie's personal health and
23 mental condition, and it just -- the job just didn't
24 make sense anymore.
25 Q Any other reasons why you left Kincaid

1 Brick?

2 A I think I've -- I think I've summed it
3 up.

4 Q What was the issue about school? Why did
5 that have an impact on your leaving Kincaid Brick?

6 A Well, Margie knew I was about to start
7 school. She wrote a glowing letter of
8 recommendation for me to the dean of the master's of
9 accountancy program at the University of Tampa. And
10 she knew I had gotten accepted, and I told her that
11 I was going to pursue going to school full time.

12 Q Have you done that?

13 A Yes and no.

14 Q Tell me about the yes first, then you can
15 tell me about the no.

16 A Well, yes, I am going back to school and
17 I thought it was going to be this semester, and I
18 found out the week before school, after I registered
19 for all my classes and everything, that my financial
20 aid wouldn't be available until next semester. And
21 so I have to start school in January now.

22 Q And you're starting an MBA program. Is
23 that correct?

24 A An MSA program.

25 Q What does MSA stand for?

1 A Master's of science in accountancy.

2 Q And when would you have started had you
3 had the financial aid in place?

4 A I would have started August 29th, August
5 30th; somewhere in there.

6 Q When you -- and when you say you left
7 because Margie fired your boss, that was the issue
8 with Joe Rosser?

9 A That was Joe Rosser, yes.

10 Q Okay.

11 A And, you know, just the financial
12 situation that was going on with the company was
13 disturbing to me.

14 Q And what do you mean by -- how was it
15 disturbing to you?

16 A Well, when I started working there, they
17 were several months behind in filing sales taxes,
18 several months behind in filing payroll taxes, and
19 then the company hadn't filed its business taxes.
20 And then after I started there, me and Joe Rosser
21 realized that she was paying all her personal bills
22 out of the business operating account.

23 Q By "her" you mean --

24 A Margie.

25 Q Okay.

1 A And that had been going on for some time
2 that she hadn't been claiming it as income. And
3 that was sort of -- that was sort of not a good
4 thing. And so -- and that's one of the reasons why
5 he decided that he did not want to be in a
6 partnership with her. And he began to start his own
7 company. And then while I went -- during the time I
8 worked there, she switched CPA's four times, and she
9 had memory problems. She would do things and then
10 she would forget that she did them. And I really
11 felt like she needed a nurse or somebody who could
12 really -- I felt bad that she didn't have any kids
13 or anything to step into the picture and help her.

14 But Pastor Henry said that, you know,
15 that's the place for family and that all I can do is
16 pray for her and that, you know, I have to set
17 boundaries and, you know, just stuff like that.

18 (Exhibit 18 marked for identification.)

19 Q I'm going to hand you, ma'am, what we've
20 marked for purposes of identification as Defendant's
21 Exhibit 18. My question is: Do you recognize that
22 document?

23 A No, I do not recognize this document. I
24 have never seen this document before.

25 Q It's addressed to you, is it not?

1 A Yes, it is.

2 Q And it is dated August 20, 2005?

3 A Yes, it is. And I reiterate that I have
4 never seen this document before.

5 Q That's fine. It begins -- and I'm
6 paraphrasing -- "I was disappointed when on August
7 16, 2005 you unexpectedly and abruptly quit your job
8 as Office Manager/Accounting because of the issue of
9 benefits." Do you see that, ma'am, where I'm
10 reading that?

11 A I see that.

12 Q Okay. Did you quit your job on August
13 16, 2005?

14 A No, I didn't.

15 Q When did you quit your job?

16 A I think I quit it before that.

17 Q Did you give notice?

18 A Yes and no. I thought -- we had a
19 discussion about school and, you know, me going to
20 school full time and all these things. And I
21 explained to Margie that I wouldn't be able to work
22 at the brickyard during the day anymore.

23 Q Did you give two weeks' notice that you
24 were going to be quitting prior to leaving Kincaid
25 Brick?

1 A No, I didn't give two weeks' notice, and
2 I wasn't required to.

3 Q Okay. Now, it says here that you
4 abruptly quit your job because of an issue of
5 benefits. Do you see that, the relationship to
6 benefits?

7 A We had a conversation about benefits.

8 Q Well, my question, ma'am, is: Did you
9 quit because you weren't receiving benefits?

10 A No.

11 Q What was the conversation that you had
12 about benefits?

13 A The conversation that we had about
14 benefits was when I was discussing with her our
15 unpaid bills that we needed to address, that was one
16 of the unpaid bills. And when I talked to her about
17 it, she said, "Benefits? What benefits?" And she
18 completely had no recollection of the benefits,
19 absolutely no recollection, she claimed, at all.

20 And I talked to her about it and talked
21 to her about it, and I said, "You know, Margie, I've
22 had benefits all this time. How could you say that
23 you don't remember." And I talked to Joe Rosser
24 about it later that day, and his recollection about
25 our discussion about the benefits was the same as

1 mine. So that was -- that was -- that was our
2 conversation about benefits.

3 Q So you had benefits the entire time you
4 were working at Kincaid Brick Company?

5 A When I became full time, I did.

6 Q When did you become full time?

7 A I don't remember. You probably should
8 ask Margie.

9 Q It's after you left Bill Heard, though.
10 Right?

11 A Oh, yes.

12 Q Within a day or two?

13 A No.

14 Q How long after?

15 A Mr. McKenna, I don't know how long after,
16 and I don't want to guess because I don't want to
17 put inaccurate statements on the record.

18 Q Days, weeks or months? Are you going to
19 answer the question, ma'am?

20 A I'm thinking about the question.

21 Q Okay.

22 A Repeat the question, please.

23 Q The question was: Was it days, weeks or
24 months between when you left Bill Heard Chevrolet
25 and when you began working full time at Kincaid

1 Brick Company?

2 A It would have had to have been months.

3 Q More than six months?

4 A Maybe.

5 Q More than ten months?

6 A I don't know.

7 Q More than a year?

8 A It couldn't have been that long,

9 Mr. McKenna.

10 Q If you go down to the next paragraph, it
11 states that "Within three days of receipt of this
12 letter you are expected to return immediately the
13 following:

14 "all keys in your possession for property
15 located at 4526 South Dale Mabry." Do you see that,
16 ma'am?

17 A Yes, I do.

18 Q Did you have keys for the property
19 located at 4526 South Dale Mabry?

20 A I did at one time. However, when I quit,
21 I gave her back all the keys. And these other
22 items, I never had any credit or debit cards.

23 Q Just let me ask the questions and then
24 you can answer.

25 A You're interrupting me.

1 Q You're not answering the question. Did
2 you have any other personal property that belonged
3 to Margie Kincaid?

4 A The only thing that I have that belonged
5 to her was a cell phone. And me and Joe Rosser got
6 together, because he had a company cell phone as
7 well, and we sent our cell phones and a note to her
8 and the charger back to her certified mail, and it
9 went out that week.

10 Q What week?

11 A Right after I got -- I was going to send
12 mine in, and Joe was like, "Wait, Nadia, wait. You
13 know, send mine when you send yours," and --

14 Q You sent it within that week. My
15 question is: What week?

16 A I don't remember what week, but I believe
17 I have the -- I can find out and get back with you.

18 Q Well, ma'am, you just said it went out
19 that week. Did you mean --

20 A Well, it went out like shortly after. It
21 went out --

22 Q Shortly after what?

23 A -- shortly after I got Joe Rosser's cell
24 phone.

25 Q Did you have Cingular telephones for the

1 numbers that are listed under bullet point 3?

2 A I had one of those cell phones.

3 Q Which one?

4 A The 468-7671.

5 Q Did you have either of the other two
6 phone numbers listed?

7 A No. One of them was hers, and the other
8 phone was Joe Rosser's.

9 Q Did you have in your possession check
10 registers for a SunTrust checking account in the
11 name of Kincaid Company?

12 A No, I did not. She has her check
13 register, her checkbook, and she's the only person
14 who can sign for the checks. She's the only person
15 on the operating accounts.

16 Q Did you have a 941 payroll tax coupon
17 book?

18 A No. To my knowledge, we've never had a
19 941 payroll tax coupon book. The coupon was always
20 prepared by our CPA.

21 Q It then says the "July month-end
22 invoices" that "you were to deliver to Paul
23 Bedinghaus CPA for filing of Florida State Sales
24 Tax." Do you see that, ma'am?

25 A Yes.

1 Q Do you know who Paul Bedinghaus is?

2 A Bedinghaus. Yes, I know Paul. And Paul
3 received all those -- all those documents. When she
4 fired -- when Margie fired Joe Rosser, she also
5 fired her CPA. And I took these documents to Paul's
6 office in St. Pete right before Paul went to Miami
7 for the RPOF quarterly.

8 Q And then it says: "reimbursement in the
9 amount of \$253.05 for three days of unfulfilled
10 employment" for "which you were paid." Do you see
11 that, ma'am?

12 A Yes, I see that.

13 Q Did you reimburse Kincaid Brick Company
14 for that -- those three days?

15 A I never knew I owed them anything to
16 reimburse. This is the first time I've ever seen
17 this document.

18 (Exhibit 19 marked for identification.)

19 Q Do you have any documents from your
20 employment with Kincaid Brick Company?

21 A Yes, I do.

22 Q Did you provide those to your attorney in
23 response to the request for production of documents?

24 A The document that I have is a letter of
25 recommendation, and I did not know that I was

1 supposed to provide that to my attorney. But I am
2 happy to provide that.

3 Q Is there any other documents that you
4 have from Kincaid Brick Company?

5 A Yes. I have copies that I made of my pay
6 stubs.

7 Q Did you provide those documents to your
8 attorney in response to the request for production
9 of documents?

10 A Certainly.

11 MR. MCKENNA: I don't think we've got
12 them.

13 MR. THOMPSON: I think you probably did.

14 MR. MCKENNA: I'll double-check.

15 MR. THOMPSON: I don't think I would
16 have pulled those out.

17 MR. ISLER: The Kincaid ones?

18 THE WITNESS: It doesn't -- it doesn't
19 say Kincaid on them. It's just -- it's like
20 copies of like a check register. We -- it's
21 such a small company, we didn't have pay
22 stubs.

23 BY MR. MCKENNA:

24 Q Do you have any other documents from
25 Kincaid Brick Company?

1 A Not that I'm aware of as I sit here.

2 Q Let me show you what we've marked for
3 purpose of identification as Defendant's Exhibit
4 19. My first question to you is: Do you recognize
5 that document?

6 A No, I don't. This is the first time I've
7 ever seen this document.

8 Q Do you know why Ms. Kincaid would confirm
9 that you had been employed in the position of office
10 manager and accounting at Brickcrete, Inc., from
11 January 31, 2005 until her resignation on August 16,
12 2005?

13 A Can you repeat the question one more
14 time?

15 MR. MCKENNA: Read it back, please.
16 (The reporter read as requested.)

17 A A, this letter is not signed, so I don't
18 know if Ms. Kincaid is confirming it or not. 2, I'm
19 going to -- I suppose that if she did prepare this
20 document, it was in response to a subpoena.

21 Q Any other reason why you think
22 Ms. Kincaid might prepare Defendant's Exhibit 19?

23 A You would have to ask her that. I can't
24 answer for another person.

25 Q I'm not asking you to answer for another

1 person. I'm asking if you know of any other reason.

2 A I'm going to -- it's probably in response
3 to a subpoena if she did prepare this document.

4 Q Do you know of any other reason why
5 Ms. Kincaid might have prepared this document?

6 A No, Mr. McKenna, without reading her
7 mind, I don't.

8 Q Are the dates of employment correct on
9 here?

10 A I don't believe so.

11 Q What do you think is wrong?

12 A I believe I resigned earlier than this.

13 Q Is the start date --

14 A But I'm not certain.

15 Q Are you finished with your answer?

16 A Yes.

17 Q Is the beginning date accurate?

18 A I don't think it's accurate either. I
19 want to say I think I might have been working before
20 then.

21 (Exhibit 20 marked for identification.)

22 Q I'm going to hand you, ma'am, what we've
23 marked for purposes of identification as Defendant's
24 Exhibit No. 20 and ask you if you recognize that
25 document.

1 A Yes. This is the note that I sent to
2 Margie for the cell phones.

3 Q And if you look on the second page of
4 Composite Exhibit 20 there is a copy of an envelope.
5 Is that correct?

6 A Yes, there is.

7 Q Is that your handwriting on that?

8 A Yes, it is.

9 Q If you see, there is a handwriting where
10 it says "8-22" up in the right-hand corner. Do you
11 see that, ma'am?

12 A Yes, I see the handwriting.

13 Q And is that when you sent the cell phones
14 back?

15 A No. It must have been on August 20th,
16 because that's what the postmark says.

17 Q That's when it was received, it would be
18 August 22nd. Right?

19 MR. THOMPSON: Object to the form.

20 A I don't know when it was received because
21 I don't control the mail.

22 Q You sent that back immediately after
23 receiving Ms. Kincaid's letter requesting the cell
24 phones coming back. And that's what you meant by
25 that very week when you testified earlier, didn't

1 you?

2 A No. I meant the week that I got Joe
3 Rosser's cell phone. That's what I was waiting on.

4 Q Did you provide copies of those documents
5 to your attorney in response to the request for
6 production of documents?

7 A I didn't have those -- Exhibit 18. This
8 is the first time I've seen Exhibit 18. This is the
9 first time I've seen Exhibit 19.

10 Q I'm asking you about Exhibit 20, ma'am.

11 A Exhibit 20, I didn't know I was supposed
12 to give it to my attorney. It's a letter of me
13 sending back two cell phones.

14 (Exhibit 21 marked for identification.)

15 MR. MCKENNA: Again, Jim, I think we
16 have some supplementation required.

17 MR. THOMPSON: Mr. McKenna, do you want
18 me to copy this and send it back to you or --

19 MR. MCKENNA: I want a copy of what
20 she's got.

21 MR. THOMPSON: Okay.

22 BY MR. MCKENNA:

23 Q The return address, it says Nadia Naffe,
24 Joe Rosser at Bison Supply Tampa. Do you see that
25 ma'am?

1 A Yes.

2 Q Were you working at Bison Supply in
3 Tampa?

4 A No.

5 Q So why do you have that down as the
6 return address?

7 A If she wanted to send the package back,
8 she could send it back there.

9 Q Why would she want to send the package
10 back?

11 A You would have to ask her that.

12 Q Why did you think she would want to send
13 the package back? Because you're the one that put
14 that down as the return address.

15 A I don't understand your question. You
16 ask -- I don't understand your question.

17 Q Okay. You put down Bison Supply as your
18 return address on Exhibit 20. Is that correct?

19 MR. THOMPSON: Object to form.

20 A Yes and no.

21 Q All right. Let's start with the yes.
22 What does that mean?

23 A I was returning the cell phones for me
24 and Joe Rosser. He paid for the certified mail, so
25 I put his return address.

250

1 Q So why did you put your name on it?

2 A Because the letter was from me, and part
3 of the contents of the package was from me as well.
4 It was from us, and I cc'd him on the letter.

5 Q Have you ever received --

6 A Before you ask that question I need to go
7 to the bathroom. I'm going off the record.

8 (Recess from 1:51 to 1:59 p.m.)

9 BY MR. MCKENNA:

10 Q Did you ever receive anything of value
11 from Mr. Rosser?

12 A What do you mean by that?

13 Q I mean did you ever receive anything of
14 value from Mr. Rosser.

15 A I want you to be specific about what
16 you're talking about as far as value.

17 MR. MCKENNA: Let's go off the record.

18 I'll go get the dictionary.

19 (Recess from 1:59 to 2:01 p.m.)

20 MR. THOMPSON: Just for the record, I'd
21 just like to --

22 MR. MCKENNA: If you have an objection,
23 you say objection to form. Otherwise that's
24 it.

25 MR. THOMPSON: No. For the record, I've

1 got an objection with the fact that you are
2 not allowing my client to ask you to clarify a
3 question.

4 MR. MCKENNA: Fine. I'm going to
5 clarify the question.

6 MR. THOMPSON: She has every right to do
7 that.

8 MR. MCKENNA: I'm going to clarify the
9 question.

10 BY MR. MCKENNA:

11 Q Value, ma'am, means of monetary worth.

12 A No.

13 Q Now --

14 A Well --

15 Q Did you ever receive anything of value
16 from Mr. Rosser?

17 A No, I've never received anything of
18 monetary worth from Mr. Rosser.

19 MR. MCKENNA: Would you mark that,
20 please.

21 (Exhibit 21 marked for identification.)

22 BY MR. THOMPSON:

23 Q I'm going to hand you what we've marked
24 for purposes of identification as Exhibit 21. Do
25 you recognize that document?

1 A Yes. It's a copy of my --
2 Q Did you provide a copy of that document
3 to your lawyer in response to the request for
4 production of documents?
5 MR. MCKENNA: I don't have another
6 copy.
7 MR. THOMPSON: Can I see it?
8 BY MR. THOMPSON:
9 Q Do you understand that question, ma'am?
10 A Why don't you stop jumping on me.
11 MR. THOMPSON: Mr. McKenna, there is
12 absolutely no reason to be rude to my client.
13 MR. MCKENNA: I'm simply asking her if
14 she understands.
15 MR. THOMPSON: But the rudeness is
16 uncalled for.
17 MR. MCKENNA: Jim, I'm not going to sit
18 here and have a diatribe with you.
19 BY MR. MCKENNA:
20 Q Now, the question, ma'am, is: Did you
21 provide that document to your client in -- to your
22 lawyer in response to the request for production of
23 documents?
24 A I believe I did.
25 MR. MCKENNA: Well, it wasn't provided.

1 And I think we need some serious
2 supplementation.

3 MR. THOMPSON: Mr. McKenna, I personally
4 have reviewed that. I've seen that before. I
5 know that that was provided to you. We're
6 going to be able to -- I'll get you one with
7 the Bates stamp on it if that's what you
8 need. I don't know about all of the other
9 ones that you're accusing us of withholding,
10 but I know that this one was provided.

11 BY MR. MCKENNA:

12 Q Are you employed currently?

13 A Yes.

14 Q Where?

15 A At Bernini of Ybor.

16 Q What do you do at Bernini of Ybor?

17 A I'm a server.

18 Q How long have you been there?

19 A About a month.

20 Q Have you ever had any jobs between the
21 time you left Kincaid Brick and working at Bernini?

22 A No.

23 Q How much are you paid?

24 A Tips.

25 Q You get no hourly rate?

1 A Oh, I'm sure I do. I don't know how much
2 it is an hour.

3 Q Are you working anywhere else besides
4 Bernini?

5 A No, sir.

6 Q Who is your immediate supervisor?

7 A The owner, Jason.

8 Q What's Jason's last name?

9 A I think Fernandez.

10 Q How much do you make at Bernini?

11 MR. THOMPSON: That's asked and
12 answered.

13 MR. MCKENNA: No. I asked her how much
14 she makes, not what her hourly rate was.

15 MR. THOMPSON: Okay.

16 A You know, I have never sat down and
17 calculated out the tips and the hourly rate. But
18 I'm going to estimate -- and for the purposes of
19 your question, this is merely an estimate. It's
20 about \$15 an hour.

21 Q Do I now have a complete list of your
22 employment since high school?

23 A Yes and no. Yes, I've told you
24 everything that I can remember as I sit here. I
25 think that I have given you everything, but I don't

1 want to say yes for certain because I would be doing
2 myself a disservice if I did that, if I did in fact
3 forget something. So as I sit here, I've told you
4 about everything that I can recall at this moment.

5 Q Is there anything you could look at that
6 would refresh your recollection?

7 MR. THOMPSON: It's easy for you to say.

8 MR. MCKENNA: It's been a long day.

9 A I don't know. Why don't you show me
10 something that might refresh my recollection.

11 MR. MCKENNA: Move to strike as
12 nonresponsive to the question.

13 BY MR. MCKENNA:

14 Q Do you know of anything that you can look
15 at that would refresh your recollection?

16 A Maybe.

17 Q What?

18 A Well, I don't know what until I see it.

19 Q As we sit here today, you don't know of
20 anything you can look at that would refresh your
21 recollection. Is that correct?

22 A Nothing comes to mind.

23 Q I'm going to hand you what we marked
24 previously as Defendant's Exhibit No. 1. And I want
25 you to turn to the first page there for me. And --

256

1 A This -- okay. Sorry. Go ahead.

2 Q Paragraph No. 1, it relates to -- it
3 talks about intentional race discrimination, the
4 maintenance of a racially hostile work environment
5 and retaliation. Do you see that, ma'am?

6 A Yes, sir.

7 Q Are those the claims you're making in
8 this case?

9 A Yes, sir.

10 Q All right.

11 A Wait a minute. Is this -- okay. Yes.
12 Mr. McKenna, I need to take a quick break. I need
13 to take some more aspirin. Sorry.

14 (Recess from 2:08 to 2:15 p.m.)

15 BY MR. MCKENNA:

16 Q All right, ma'am. If you turn to page 2
17 of Defendant's Exhibit No. 1, Paragraph No. 5 --

18 A I'm sorry. Page 2, Paragraph No. 5?

19 Q Correct. It says -- and I'm
20 paraphrasing -- Naffe complained to officials of the
21 RPF and the other defendants about race-matched job
22 assignments and hostile work environment. Do you
23 see that, ma'am?

24 A Yes.

25 Q Now if you would turn for me to page 5,

1 Paragraph 21, it says that in December 2003 you
2 complained to Terry Kester about race-matched job
3 assignments. Do you see that, ma'am?

4 A Yes, sir.

5 Q And is that in fact true?

6 A Yes, sir.

7 Q And then if you go to Paragraph 26 on
8 page 7, it says that faced with the ongoing
9 race-matched job assignment and --

10 A Wait. I don't see that. Wait. Where
11 are you?

12 Q Page 7, Paragraph 26.

13 A Okay.

14 Q Are you there?

15 A Yes.

16 Q It says: "Faced with the ongoing
17 race-matched job assignments and Kester's mounting
18 hostility, Naffe decided to complaint to other RPF
19 officials." Do you see that, ma'am?

20 A Uh-huh.

21 Q I need you to answer verbally, ma'am.

22 MR. ISLER: She's chewing.

23 A Your attorney -- your co-defendant gave
24 me candy. I'm sorry, Mr. McKenna, repeat the
25 question, please.

1 MR. MCKENNA: Would you read back the
2 question, please.

3 (The reporter read as requested.)

4 A Yes, sir.

5 Q Then it says in January 2004 you told
6 Christina Sheppard that you were being pigeonholed.
7 Do you see that, ma'am?

8 A It says that, among other things.

9 Q And is that true? Did you complain at
10 that time?

11 A Yes.

12 Q And then next -- very next paragraph it
13 says that "Naffe next complained to carol Jean
14 Jordan, and she replied 'Terry can't help it.
15 That's the way he is. He comes from a redneck part
16 of the state.'" Do you see that, ma'am?

17 A Yes.

18 Q Did you make that complaint?

19 A Yes.

20 Q Then it goes to Paragraph 28 and it says
21 that on another occasion Naffe complained to Jordan
22 about it and he said I'm not going to tell Terry how
23 to do his job. Do you see that, ma'am?

24 A Carol Jean Jordan is not a he. It says
25 "Jordan replied."

1 Q Do you see the paragraph I'm referring
2 to?

3 A If you're referring to "Jordan replied,"
4 yes, sir, I do.

5 Q I'm referring to Paragraph 28.

6 A Yes, I do.

7 Q Did you in fact make that complaint?

8 A Yes, I did.

9 Q Then going on to Paragraph 29, it says
10 that on February 28 you complained to Jeffrey
11 Becker. Do you see that, ma'am?

12 A Yes.

13 MR. THOMPSON: I'm going to object to
14 the form.

15 MR. McKENNA: Why?

16 MR. THOMPSON: It just -- it says "On or
17 about."

18 BY MR. McKENNA:

19 Q Okay. Did you in fact make that
20 complaint?

21 A Yes.

22 (Exhibit 22 marked for identification.)

23 Q Now I'm going to hand you what's been
24 marked for purposes of identification as Defendant's
25 Exhibit 22, which is the charge of discrimination

1 that you filed. Do you see that, ma'am?

2 A Yes.

3 Q In here it says on January 23 and on
4 February 28 you complained about Kester's behavior
5 to Jeffrey Becker. Do you see that, ma'am?

6 MR. ISLER: Is there a Bates number at
7 the bottom of that one?

8 MR. MCKENNA: No.

9 A Yes, I do see that.

10 Q All right. Now, I'm confused because,
11 for example, you say here that on January 23 and on
12 February 28 you complained to Becker. But in your
13 complaint you don't say anything about complaining
14 to Jeffrey Becker on January 23rd. Is that
15 accurate?

16 A Repeat the question again.

17 Q Okay. In your complaint in Paragraph 29
18 you say that you complained to Jeffrey Becker on
19 February 28th, but in your charge of discrimination
20 you say not only did you complain on February 28th
21 but you also complained on January 23 to
22 Mr. Becker. Do you see that, ma'am?

23 A Yes, sir.

24 Q So you do not have the complaint -- the
25 alleged complaint to Mr. Becker on January 23 in

1 your amended complaint. Correct?

2 A I don't know that to be true. I'd have
3 to read the entire complaint to see if maybe counsel
4 stuck it in somewhere else.

5 Q Well, why don't you read the entire
6 complaint and see if counsel stuck it in somewhere
7 else.

8 MR. MCKENNA: Unless you want to
9 stipulate that it's not in there.

10 MR. THOMPSON: I would have to read it
11 too.

12 A We're talking about the date on January
13 23, 2004. Is that correct?

14 Q That's the one that's not in the amended
15 complaint.

16 A Just say yes or no.

17 MR. ISLER: That's really inappropriate.

18 Q Are you going to answer the question?

19 A I told you I'd have to read the whole
20 thing before I can answer.

21 Q Then read it. We've got all the time in
22 the world.

23 MR. THOMPSON: For the record, you're
24 asking her to read the entire complaint on a
25 document that speaks for itself just to get

1 her to say whether --

2 MR. MCKENNA: Do you want to stipulate
3 that it's not in there?

4 THE WITNESS: We're not going to
5 stipulate to anything.

6 MR. THOMPSON: I would certainly
7 stipulate that the document speaks for
8 itself. If it's not in there, it's not in
9 there. You would know.

10 MR. MCKENNA: I'd love to testify, Jim,
11 but I can't. The only person who can testify
12 is your client.

13 MR. THOMPSON: But I'm stipulating that
14 the document speaks for itself.

15 MR. MCKENNA: Do you want to stipulate
16 that it's not in there?

17 MR. THOMPSON: I am stipulating that the
18 document speaks for itself. I would have to
19 read the whole thing to see if it's in there.

20 MR. MCKENNA: You wrote it.

21 MR. THOMPSON: I understand. I don't
22 have it memorized. I'm sorry, Mr. McKenna.

23 MR. MCKENNA: Why don't we go off the
24 record while she reads it and then we'll go on
25 from there.

1 (Recess from 2:22 to 2:30 p.m.)

2 BY MR. MCKENNA:

3 Q Have you finished reviewing the
4 complaint?

5 A Yes.

6 Q And the alleged complaint that you have
7 in your charge for February 23, 2004, your complaint
8 to Jeffrey Becker is not contained within the
9 complaint. Is that correct?

10 A Repeat that question again, please.

11 MR. MCKENNA: Read it back, please.

12 (The reporter read as requested.)

13 A Yes and no. And this is very curious to
14 me because somehow I remember Jeffrey's name being
15 in here. I don't see it in Section 26 of the
16 complaint that you're referring to, Mr. McKenna, but
17 it is very clear it says "faced with ongoing
18 race-matched job assignments and Kester's mounting
19 hostility, Naffe decided to complain to other RPOF
20 officials." Mr. Becker is an RPOF official, so
21 therefore he would be included in that.

22 Q Do you have any explanation for why the
23 January 23rd alleged complaint to Mr. Becker is not
24 contained in your amended complaint?

25 A Do I have any idea?

1 Q Do you have any explanation for why the
2 alleged complaint to Mr. Becker on January 23, 2004
3 is not contained within your amended complaint?

4 A As I sit here with you today, no. But
5 I'm going to find out because it's very mysterious
6 to me.

7 Q Did you in fact -- do you contend that
8 you complained to Mr. Becker on January 23, 2004?

9 A Yes.

10 Q Now, if you go down a few lines, it says
11 on February 6, 2004, and February 20, 2004, you
12 complained to Carol Jean Jordan. Do you see that?

13 A I'm not with you. What paragraph are you
14 in?

15 Q I'm in Exhibit 22, the charge, a few
16 lines down from the January 23rd date. It says on
17 February 6, 2004 and February 20, 2004 you
18 complained to Carol Jean Jordan. Do you see that,
19 ma'am?

20 A Yes.

21 Q Now, if you turn back to the complaint
22 and going back to Paragraph 27, it says you
23 complained to Carol Jean Jordan. Do you see that,
24 ma'am?

25 A Yes.

1 Q But it doesn't have a date on it. Can
2 you tell me which complaint that was; the February
3 6th or the February 20th complaint?

4 A Not without -- I could tell you if I
5 looked at my response to the RNC's interrogatories,
6 because it's in there.

7 MR. THOMPSON: Mr. McKenna, if you want
8 to save time, I can turn her to the page where
9 it is.

10 MR. MCKENNA: That's fine with me.

11 MR. THOMPSON: Okay.

12 MR. MCKENNA: Assuming she wants to.

13 THE WITNESS: I want to.

14 MR. THOMPSON: That's not appropriate.

15 Starting here.

16 A Okay. Repeat the question, Mr. McKenna.

17 MR. MCKENNA: Please read it back.

18 (The reporter read as requested.)

19 A I'm sorry. What is it that you're -- I'm
20 just a little confused. What part of it are you
21 trying to ask me about?

22 Q All right. On -- in Paragraph 27 you
23 contend that you complained to Carol Jean Jordan and
24 that her response was something to the effect Terry
25 can't help the way he is. He comes from a redneck

1 part of the state. Do you see that, ma'am?

2 A Yes.

3 Q I'm trying to find out what date that
4 was.

5 A Which one are you talking about? The
6 racially insensitive part or the -- which part?
7 Because there is two different complaints that we're
8 talking about.

9 Q I'm talking about the complaint where
10 Jordan replied Terry can't help the way he is. He
11 comes from a redneck part of the state.

12 A I believe it was on February 20th.

13 Q Okay. And then does that mean that the
14 complaint in Paragraph 28 would have occurred on
15 February 20th?

16 A No.

17 Q Did I say that backwards?

18 A Repeat your question again. You're
19 confusing me.

20 Q Let's back up. What date did you say
21 that you believed that the complaint in Paragraph 27
22 occurred?

23 A I've already answered that question.

24 Q I know, ma'am. Would you please answer
25 it again?

1 MR. THOMPSON: I'm going to object to
2 form.

3 Q Okay.

4 A I'm sorry, I don't mean to be taking so
5 long to answer your question. I just have such a
6 striking headache and I'm so nervous. Could you
7 repeat your question again?

8 Q Yes. In Paragraph 27 you contend you
9 complained to Carol Jean Jordan and she replied
10 Terry can't help the way he is. He comes from a
11 redneck part of the state. And I just want to
12 confirm on which date that conversation, complaint
13 and response took place.

14 MR. THOMPSON: I'm going to object to
15 form.

16 A I believe it was on February 20th.

17 Q Okay. So you think the complaint in
18 Paragraph 27 was on the 20th. How about the --

19 MR. THOMPSON: Object to form.

20 Q How about the complaint in Paragraph 28
21 then? Would that have been on the 8th?

22 A Where are you getting this date, the 8th,
23 from?

24 Q From your charge of discrimination,
25 Exhibit 22.

1 MR. THOMPSON: The 6th do you mean?

2 MR. MCKENNA: Pardon me?

3 MR. THOMPSON: Do you mean the 6th?

4 A That's why I'm confused. All your dates
5 are different from what I'm reading.

6 Q Oh. The 6th. I apologize. Yes, the
7 6th, not the 8th.

8 A I think you did that on purpose.

9 Q Well, you're entitled to your opinion.

10 A Okay. Now that you've got the date
11 squared away, what is your question?

12 Q Was the complaint in Paragraph 28 the one
13 that occurred on February 6th?

14 A Which part of the complaint?

15 Q The one where Jordan replied, "I'm not
16 going to tell Terry how to do his job. Just talk to
17 him."

18 A I believe that's the one that occurred on
19 February 6th.

20 Q Okay. Now --

21 A Before you ask your next question, I need
22 to take a quick break. I'm going off the record.

23 (Recess from 2:41 to 2:51 p.m.)

24 BY MR. MCKENNA:

25 Q Now, ma'am, have we discussed all of the

1 complaints that you made from the beginning of your
2 employment until February 28 that have to do with
3 your claim of discrimination?

4 A Yes and no. Mr. McKenna, you used the
5 word "discussed." And --

6 Q Have we listed? Would you be happier
7 with that word? I just want to know if we've
8 listed, if we've got all of your complaints from the
9 time that you began from the -- employment with FORP
10 until February 28 --

11 A Who is FORP?

12 Q The party of -- Republican Party of
13 Florida. Do we have all of your complaints? Have
14 we noted them?

15 A In what manner? In all manners?

16 Q Today, in the discussion we just had of
17 looking at your charge of discrimination --

18 A Okay, today. Things we've talked about
19 today.

20 Q In the charge of discrimination and the
21 amended complaint, are those all of the complaints
22 that you allege that you have made about
23 discrimination from the beginning of your employment
24 until February 28, 2004?

25 THE WITNESS: Now, will you repeat

1 everything he just said in its entirety, the
2 whole last question?

3 MR. MCKENNA: You can read it back.

4 (The reporter read as requested.)

5 THE WITNESS: Repeat it one more time.

6 (The reporter read as requested.)

7 A I don't understand that question. I -- I
8 need you to ask me that question in a different way.

9 Q Okay. Let's do it in baby steps. Turn
10 back to Exhibit No. 1. Turn back to Exhibit No. 1,
11 please.

12 A Don't talk to me that way.

13 MR. ISLER: The amended complaint.

14 A I want to go off the record to talk to my
15 attorney.

16 Q Now, turn to Paragraph 5.

17 MR. THOMPSON: No.

18 Q I'm not agreeing to go off the record. I
19 want to ask some questions, and I haven't been able
20 to ask any.

21 A Well, I wish you weren't so nasty and so
22 argumentative and so rude.

23 Q Now --

24 MR. THOMPSON: What's more is we are
25 well over seven hours at this point. How long

1 do you plan on going? If I'm going to give
2 you -- agree to extra time, how much extra
3 time do you need?

4 MR. MCKENNA: I'm not going to have a
5 discussion with you on the record. I want to
6 ask my questions.

7 MR. THOMPSON: I actually think that if
8 it's something you're going to try to address
9 to the Court, I think the record is the best
10 place to have the discussion.

11 MR. MCKENNA: I'm not prepared to
12 discuss it. I want to ask my questions.

13 MR. THOMPSON: You just want to --

14 MR. ISLER: I want to note for the
15 record we've actually -- (inaudible)

16 THE REPORTER: I'm sorry. I can only
17 write -- I didn't hear your --

18 MR. THOMPSON: No, we are at the
19 seven-hour mark.

20 MR. ISLER: We did three hours and 41
21 minutes.

22 MR. THOMPSON: We did three hours and
23 55 minutes, I thought.

24 MR. MCKENNA: Am I going to be able to
25 ask my questions?

1 MR. THOMPSON: Well, at some point when
2 we get a pause I would like to discuss this
3 within the next half an hour or so.

4 MR. MCKENNA: Fine.

5 BY MR. MCKENNA:

6 Q Now --

7 A And I think right now is a good time
8 because I need to speak with my attorney off the
9 record.

10 Q -- if you would turn to Paragraph 5 of
11 the amended complaint --

12 THE WITNESS: Jim, I really need to talk
13 to you.

14 MR. MCKENNA: Well, first of all, as
15 Mr. Thompson well knows, he has no right to
16 discuss anything with you once you sit down to
17 discuss this unless it's a privilege issue.
18 And that's very clear under the case law.
19 Now, I want to ask questions. Are you -- do
20 you have a privilege issue you want to discuss
21 with your client?

22 MR. THOMPSON: No, I don't. She has a
23 question of me, and I don't know --

24 MR. MCKENNA: You know perfectly well,
25 unless it's a privilege issue, you're not

1 permitted to have any discussions with her
2 about her testimony.

3 MR. THOMPSON: Until I know the
4 question, I don't know whether it is a
5 privilege issue, Mr. McKenna. I don't know
6 what the question is right now. I don't know.

7 MR. MCKENNA: What do you want to do,
8 Jim?

9 MR. THOMPSON: I'm not good at reading
10 minds. I will hear the question. I'm not
11 even going to answer it. Just go ahead and
12 explain it to me. Go ahead, Mr. McKenna.

13 MR. MCKENNA: Thank you.

14 BY MR. MCKENNA:

15 Q Turning to Paragraph 5 of the amended
16 complaint, it says: "Naffe complained to officials
17 of the RPOF." Do you see that, ma'am?

18 A Yes.

19 Q Now, what I'm trying to determine is how
20 many times you complained to the officials of the
21 RPOF. And we have so far, by my count, six that are
22 contained either in the amended complaint or in your
23 charge of discrimination. Do you understand that,
24 ma'am?

25 A I understand that you say you've counted

1 six.

2 Q All right. Are there any other
3 complaints that you contend you made to officials of
4 the RPOF or the other defendant other than the ones
5 we just noted that are in the amended complaint
6 and/or the charge of discrimination?

7 A Well, let me count them.

8 Q I'm not interested in a count, ma'am.
9 I'm interested --

10 A What's your question?

11 Q If those are all of them.

12 A Maybe. You don't want me to count and
13 you want me to answer without knowing the answer.

14 Q I'm not interested in the number. I'm
15 interested in whether --

16 A Then why did you say a number?

17 Q I'm interested in whether those are all
18 of the complaints that you contend that you made.

19 A Then you are interested in a number. If
20 those are all, all is addition.

21 Q I'll try it one more time a different
22 way. Do you contend there are any other complaints
23 that you made other than the ones that we just noted
24 in the amended complaint and in the charge of
25 discrimination?

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1 A I just answered your question. My answer
2 was maybe.

3 Q Okay. And why do you say that?

4 A Without having a chance to go through the
5 complaint and count them -- you told me you didn't
6 want me to do that. Without going through and
7 counting, I have to take your word for it that it's
8 about six. And that's why I said maybe, because I
9 don't know definitively --

10 Q Okay.

11 A -- how many there are in the -- and
12 you're talking about me adding up the number of
13 complaints in all of the charges and complaints and
14 any others.

15 Q All right. Fine.

16 MR. MCKENNA: Let's go off the record.

17 She can review the complaint and we can
18 determine whether there are any additional
19 complaints that she alleges that she made.

20 (Recess from 2:59 to 3:14 p.m.)

21 BY MR. MCKENNA:

22 Q Ma'am, the question that was pending
23 before we took the break was whether the complaints
24 that we discussed in the amended complaint, Exhibit
25 1, and your charge of discrimination, Exhibit 22,

1 are all of the complaints that you contend you made.

2 A I believe that the bulk of the complaints
3 are contained within those two exhibits. And as I
4 sit here today, I cannot think of any additional
5 complaints; however, that doesn't mean that
6 additional complaints don't exist. It just means
7 that as I sit here right now I can't think of any.

8 Q Is there anything you could look at that
9 would refresh your recollection?

10 A Again, Mr. McKenna, as I sit here, I
11 can't think of anything.

12 Q You can't think of any documents that
13 would help refresh your recollection to determine if
14 there were any other complaints. Is that correct?

15 A As I sit here, no, Mr. McKenna.

16 Q No, you cannot think of any?

17 A I already gave you my answer. And please
18 don't put words in my mouth and please don't try to
19 make me say things that I don't want to say. I
20 think that's extremely unethical.

21 MR. ISLER: That's what we lawyers do.

22 Q Yes. So --

23 A Well, if that's the case --

24 Q -- as we sit here today, you cannot name
25 me a document that you can look at to refresh your

1 recollection about any other complaints that you may
2 have made. Is that right?

3 A Not as I sit here today.

4 Q Now, let's go to the earliest one, which
5 is the December 2003 complaint to Kester that's
6 contained in amended complaint Paragraph No. 21.

7 A What exhibit are we talking about?

8 Q Exhibit 1, the amended complaint,
9 Paragraph 21. Are you with me?

10 A Yes, sir.

11 Q All right. Where did that discussion
12 take place?

13 A Could you please repeat the question,
14 sir?

15 Q Where did that discussion take place?

16 A The discussions took place over the
17 phone.

18 Q Okay. And what telephone were you using?

19 A I know that I was using my cell phone for
20 one of the complaints, and -- pardon?

21 Q I'm interested in the one that's
22 referenced in Paragraph 21.

23 A Paragraph 21 says "complained." It
24 doesn't say complain. It says "complained."

25 Q Yeah. It says in December 2003 you

1 complained to your immediate supervisor about the
2 race-matched job assignment. And then it says not
3 only was Kester unresponsive to your complaints but
4 you accused that -- if I may paraphrase -- of being
5 insubordinate and not being a team player for
6 raising the issue.

7 So my question is, is when you made that
8 complaint in December of 2003, you were on your cell
9 phone. Is that correct?

10 A I used my cell phone and my home phone.

11 Q At the same time?

12 A No, of course not.

13 Q Well, then I don't understand. How could
14 you have made a complaint in December 2003 on both
15 your cell phone and your home phone?

16 A Because the first time that we were
17 talking about it I remember being in my car and the
18 chairman was in the car with me and we were talking
19 on the phone. And then I sent Terry an e-mail that
20 night complaining about the assignment, and the next
21 day he said I had to call the office. And when I
22 called the office, I don't remember -- and I was
23 complaining at that point as well, but I don't
24 remember if I was on my cell phone or home phone
25 when I called the office the next day, is the point

1 I'm trying to make.

2 Q So there were two complaints that you're
3 contending occurred in Paragraph 21?

4 A Yes and no. There -- there was a
5 complaint, and we had more than one conversation
6 about it.

7 Q Let's start with the first conversation.
8 You were on the telephone with Mr. Kester. Is that
9 right?

10 A Yes.

11 Q On your cell phone or on your home phone?

12 A The first time we talked about it I was
13 in my car, so it was my cell phone.

14 Q Okay. And did you call him, or did he
15 call you?

16 A I think he called me.

17 Q Okay. And what did he say to you when he
18 called you?

19 A I don't -- I don't remember his exact
20 words, but it was something to the effect that he
21 wanted me to coordinate this event with the black
22 republicans.

23 Q What event with the black republicans?

24 A A banquet.

25 Q Where was this banquet going to be?

1 A The banquet was in Sarasota.
2 Q Which was within your geographical scope
3 of your responsibilities?
4 A Sarasota is in my geographic area.
5 However, coordinating these types of events never
6 was my responsibility.
7 Q And when you say black republicans, are
8 you referring to the African American round table?
9 A This wasn't an African American round
10 table. This was -- no, I am not referring to an
11 African American round table.
12 Q Then what are you referring to?
13 A This was an event. It was an
14 appreciation -- it was an appreciation event for the
15 Black Republican Federation. It was -- they called
16 it a black empowerment banquet.
17 Q Who was sponsoring it?
18 A Who was sponsoring it. I'm not certain
19 who all the sponsors of that event were.
20 Q Do you remember any of them?
21 A You'd have to ask Johnny Hunter. I'm
22 sure he would know.
23 Q Well, I'm asking you, ma'am. Do you
24 remember any of the sponsors?
25 A Not off the top of my head, no.

1 Q Is there anything you could look at to
2 refresh your recollection?

3 A If you gave me something, possibly.

4 Q Do you know of anything that you could
5 look at to refresh your recollection?

6 A To my knowledge, the folks who would have
7 access to that information would be Johnny Hunter
8 and those folks.

9 Q Have you finished your answer?

10 A Repeat the question again.

11 Q The question is, ma'am, is do you know of
12 anything you could look at to refresh your
13 recollection as to who the sponsors of this banquet
14 were?

15 A No, I can't think of anything.

16 Q Was this the Federation of Black
17 Republicans?

18 A It was -- it was a -- it was a -- how can
19 I say it -- a conjoined event. It was -- yes and no
20 is the answer.

21 Q Okay. How about the yes part?

22 A I would say yes in aspect -- in the
23 aspect of the RPOF's role in it with the video
24 presentation, and they presented for the first
25 time -- I think it was the first time that -- the

1 video that the RPOF worked with them to create
2 regarding the history of blacks and the Republican
3 Party. That was one of the main recruitment tools
4 that they were going to use. And I know Johnny
5 Hunter talked a lot about that. And when the
6 chairman spoke before the group, she talked a lot
7 about that.

8 And it was -- and then the no part would
9 be the Saramana Club did a lot of work on the
10 project because they were -- quote, unquote -- the
11 flagship club, and they were trying to set a
12 precedent for the other black clubs that were to
13 come after them.

14 Q So do I understand your testimony that
15 the Federation of Black Republicans and the Saramana
16 Republican Club conjoined to put on this banquet?

17 A Well, it's almost the same thing, really,
18 because the folks who are the leadership -- at that
19 point the folks who were the leadership of the
20 federation essentially were --

21 Q The leaders of the Saramana Club?

22 A Mostly, yes. It was not completely.
23 There was other folks involved, but --

24 Q And Johnny Hunter was head of the
25 Saramana Republican Club?

1 A Yes.

2 Q Now, what did Mr. Kester want you to do
3 with respect to this banquet?

4 A Terry wanted me to get their itineraries
5 and coordination for the event.

6 Q Get whose itinerary?

7 A This event. He wanted me to get involved
8 with this event. I guess he -- he wanted -- at
9 first he wanted the itinerary and some other items
10 for this event, and he wanted me to get involved
11 with assisting and coordinating the event and
12 coordinating the chairman's schedule in this event
13 and some other things. And -- what was the question
14 again?

15 Q What did Mr. Kester want you to do with
16 respect to the banquet?

17 A Primarily he wanted me to, as I said,
18 coordinate the -- assist with coordinating the event
19 and deal with these itinerary -- deal with the
20 itinerary.

21 Q Okay. Whose itinerary?

22 A Their itinerary, the event itself, the
23 event itinerary and the chairman's -- the chairman's
24 going to this event.

25 Q So he wanted you to coordinate the

1 chairman's appearance at the event?

2 A Yes, and --

3 Q No.

4 A -- other things. Are you trying to
5 answer for me?

6 Q I wouldn't think of it. What were the
7 other items he wanted you to get besides the
8 itinerary?

9 A I've already told you the other items.

10 Q I don't believe I understand then, so why
11 don't you tell me again.

12 A I told you assisting with coordinating
13 the event.

14 Q What does that mean, "coordinating the
15 event"?

16 A Terry was concerned about -- can you
17 repeat the question?

18 MR. MCKENNA: Would you read it back,
19 please?

20 (The reporter read as requested.)

21 A Exactly what I said, coordinating the
22 event.

23 Q Well, I don't understand what
24 "coordinating the event" means.

25 A Well, you've got the dictionary right

1 here. You can look it up.

2 Q So why don't you tell me what you mean.
3 Were you putting table cloths on tables? Were you
4 sweeping the floor? Were you arranging for
5 speakers? Were you manning the drink cart? Were
6 you selling alcohol? Were you picking out food?
7 What were you doing in coordinating the event?

8 A I set the entire schedule for the event.
9 I sat down with Johnny Hunter and went through it
10 with him, made some suggestions, recommendations.
11 And that's -- that's it.

12 Q So, for example, you were determining who
13 would be the keynote speaker?

14 A No.

15 Q No. Were you determining who would be
16 the MC?

17 A No. But I did assist him in the order in
18 which people would speak.

19 Q Okay. So you assisted him in the order
20 in which people would speak. Did you assist on the
21 topics upon which the people would speak?

22 A No. And neither did he.

23 Q Are you finished with your answer?

24 A No. I'm at the end of a thought, and it
25 won't come to me. I can't answer your question. I

1 have more to add, but it won't come to me at this
2 minute, so maybe we can come back to that one.

3 Q Were there awards given out at this
4 banquet?

5 A Yes.

6 Q And did you have a determination as to
7 who would be receiving an award?

8 A Wait a minute. I don't remember if there
9 were awards or not.

10 Q You indicated that there was a video
11 played at the banquet?

12 A Yes, there was.

13 Q Did you make a determination of when the
14 video was to be played?

15 A I believe I was involved in that.

16 Q Was there food at this banquet?

17 A Yes, there was.

18 Q Were you involved in selecting the food?

19 A No, I -- I recommended to Johnny Hunter
20 how he could go about delegating those type of
21 specific tasks.

22 Q Did you make a recommendation or
23 determine where the location for the banquet would
24 be?

25 A No. They had carved out who would speak

1 at the banquet and where the banquet was going to be
2 before I got involved with it.

3 Q Okay. And you were to staff the chairman
4 during this banquet?

5 A Yes.

6 Q And that means picking her up at the
7 airport and driving her to the function and being
8 around if she needs anything?

9 A That's part of staffing the chairman,
10 yes.

11 Q And that was a normal part of your job.
12 Correct?

13 A Staffing the chairman?

14 Q Yes.

15 A They told me that it was.

16 Q And is this where the chairman came to
17 give the Florida Federation of Black Republicans its
18 charter?

19 A No, she did not -- I'm sorry. Repeat
20 that question one more time.

21 Q Was this the event where the chairman
22 came to give the Florida Federation of Black
23 Republicans its charter?

24 A No. I think she did that on January
25 23rd.

1 Q Okay. All right. So Mr. Kester calls
2 you up and he tells you he wants you to get
3 involved in --

4 A Before you start, I need to go take a
5 break.

6 Q Sure. Why not.

7 (Recess from 3:40 to 3:50 p.m.)

8 BY MR. MCKENNA:

9 Q All right, Ms. Naffe. So Mr. Kester
10 calls you and tells you he wants you to coordinate
11 the event and staff the chairman. And what did you
12 say in response?

13 A Terry didn't exactly say that. He --
14 those were some of the things that he said, and the
15 conversation wasn't exactly like that. I remember
16 being in my car and driving the chairman somewhere.
17 And I remember him asking me to get to him -- I
18 think it was an invitation to this event on the
19 fly. And I had no way to do that. I was in the
20 car, I was traveling, I didn't have the item on me.
21 And obviously he had some knowledge of the event or
22 else he wouldn't be asking for the invitation. And
23 I recommended that maybe he could ask Suzann
24 Guimond, the chairman's assistant, because she
25 maintains all the invitations and she maintains

1 Chairman Jordan's schedule.

2 Q Okay. I'm confused. Did he not ask you
3 to staff the event in this phone call?

4 A I'm not certain -- I'm not certain -- I'm
5 not certain if it was in that phone call. I talked
6 to him -- I talked to him at some point when I was
7 on my way to the Ritz Carlton, and I think I talked
8 to him when I was taking Chairman Jordan to the
9 airport. And I'm not certain which phone call it
10 was in, but I remember us talking about that.

11 And then during one of the phone calls I
12 remember him telling me to drop everything else I
13 was doing with all my other counties, drop -- you
14 know, wipe all my speaking events for that day off
15 the calendar and get him this invitation for this
16 Black Republican Club. And, you know, he wanted me
17 to do all these things.

18 And as I was talking to him about it -- I
19 can't remember if it was the chairman or if it was
20 Carol Carter that raised the point that that's
21 actually Suzanne's job. And I talked to the
22 chairman about it in the car, and we talked about my
23 sending Terry an e-mail. And she told me that I
24 could copy her on the e-mail as well to find out why
25 isn't Suzann coordinating her attendance to this

1 event with this Black Republican Club and to find
2 out why I am instead doing it.

3 Q Okay. Let's go back then to Paragraph 21
4 of the amended complaint. What I'm interested in is
5 the conversation that you had with Mr. Kester where
6 you made this complaint and he accused you of being
7 insubordinate and not a team player. Do you
8 understand that, ma'am? Do you understand what I'm
9 asking?

10 A Yes.

11 Q Okay. That's the conversation I want to
12 focus on. Okay?

13 A Okay.

14 Q Now, was that conversation in your car?

15 A No. That conversation was the day after
16 I sent him the e-mail questioning the assignment,
17 questioning the race-based job assignment.

18 Q Okay. So you had this conversation with
19 Mr. Kester the next day. Is that right?

20 A Yes.

21 Q And where did this conversation take
22 place?

23 A It took place in my house.

24 Q All right. By telephone?

25 A Yes.

1 Q Okay. Who called whom?
2 A They instructed me to call the office.
3 Q "They" being whom?
4 A Terry sent me an e-mail, and I -- I can't
5 remember if he cc'd Christina on it or not, but he
6 sent me an e-mail: You are to call the office at
7 11 a.m.
8 Q Okay. And you did that?
9 A Yes, sir.
10 Q And you said hello?
11 A I'm sure -- I don't remember if I said
12 hello. I'm sure I gave some greeting.
13 Q Okay. And Mr. Kester said what?
14 A I've already told you what he said. It's
15 in my interrogatories.
16 Q Well, ma'am, would you please tell me
17 again? For the written record, you're reviewing the
18 answers to interrogatories to the Republican
19 National Committee. Is that correct?
20 A I haven't finished with answering the
21 first question yet.
22 MR. THOMPSON: Well, he's just asking
23 what you're reviewing.
24 A Yes. Can we go off the record?
25 Q No, ma'am. You need to answer the

1 question that's pending. What did Mr. Kester say to
2 you in the telephone call? If you don't remember,
3 you can say you don't remember.

4 A Well, there is parts of it that I do
5 remember and then there is parts of it that I don't
6 remember.

7 Q Well, why don't you tell us the part that
8 you do remember.

9 A I want to tell you the answer to the
10 question in totality. So if you want to waste your
11 time on the record while I look for something in the
12 interrogatories, that's fine. It's up to you.

13 Q Are you refusing to answer the question,
14 ma'am?

15 A No, absolutely not. I need more time to
16 answer the question.

17 MR. THOMPSON: Ms. Naffe, just -- all
18 you have to do is answer what you remember and
19 say everything else that I -- is in the
20 interrogatory answer. And I think that's what
21 Mr. McKenna is looking for. Is that --

22 MR. MCKENNA: I just want to know what
23 she remembers.

24 MR. THOMPSON: Okay.

25 A Repeat your question, sir.

1 Q What did Mr. Kester say after you said
2 hello or made whatever greeting you made?

3 A He started off by saying something to the
4 effect "I'm going to be very stern with you." And
5 he sounded like he was upset. And one of the first
6 questions he asked me was why did I copy the
7 chairman on the e-mail when I complained about the
8 race-based job assignment. And he was upset that I
9 brought it to the chairman's attention that I felt
10 that the assignment was not appropriate. And I
11 asked him in the e-mail why he'd given me the
12 assignment, and I told him on the phone that I was
13 confused. I did not understand why he was, you
14 know, giving me this assignment and that isn't it
15 Suzanne's responsibility to coordinate with groups,
16 coordinate the chairman's schedule and when she is
17 to speak and things of that nature with groups.

18 And he -- he was just livid that I
19 questioned my employer's, what I felt was,
20 discriminatory practice. And he -- he asked me --
21 he asked me something else. I can't remember the
22 other thing that he asked. He asked me some other
23 questions. And when I asked him why am I getting
24 this assignment, basically his answer was, "Because
25 I say so. Because I say you will do this. And

1 because I say so, you will do it."

2 And I felt like I was being forced to do
3 it and I felt like I was being -- I was getting in
4 trouble for complaining about what I thought was
5 discriminatory. And I was very confused by that,
6 because I know that I have a right -- a legitimate
7 right to question my employer's behavior when I feel
8 that that behavior is discriminatory.

9 Q So do I understand now from your
10 testimony that you're contending that you made the
11 complaint of -- about race-matched job assignments
12 in an e-mail?

13 A I complained about the assignment that
14 Terry gave me in December in an e-mail.

15 Q Okay. So it wasn't a telephone call
16 where you made the complaint. It was in an e-mail.
17 Is that correct?

18 A It was both.

19 Q But the initial complaint that you
20 contend you made in December of 2003 was in an
21 e-mail?

22 A No. It was both.

23 Q Well, "initial" being first. Which one
24 was first?

25 A You're confusing me.

1 Q Okay.

2 A I don't -- you're asking questions too
3 fast.

4 Q This page is before this page. I want to
5 know which complaint was before which complaint.

6 A Mr. McKenna, the record speaks for
7 itself.

8 MR. ISLER: Jim, this is a very
9 legitimate question. You need to instruct your
10 client to answer this question.

11 MR. THOMPSON: If you remember which
12 complaint came first.

13 THE WITNESS: Can we talk off the
14 record, please?

15 MR. THOMPSON: Actually we can't while
16 there is a question pending. If you remember
17 which one you did first, fine. If you don't,
18 fine. But either way, Mr. McKenna is entitled
19 to an answer.

20 A What was your question again?

21 Q Which complaint was first? The one in
22 the e-mail or the one on the telephone?

23 A I would have to say it was probably the
24 one when he asked me to do this the first time I
25 recommended that he talk to Suzann, and that was the

1 same day that I sent the e-mail. So those two
2 complaints sort of work together.

3 We talked about it on the phone and then
4 I followed up with him, because I was concerned,
5 with an e-mail, and I was very concerned. And
6 that's why I sent him the e-mail and that's why I
7 copied the chairman on the e-mail.

8 Q So where were you when you had this first
9 conversation where you contend that you made a
10 complaint about race-based assignments?

11 A Mr. McKenna, I have been very, very clear
12 with you. We had a conversation in my car about
13 this assignment, and I told Mr. Kester -- I
14 recommended to Mr. Kester at that point that Suzann
15 is usually the person who coordinates the chairman's
16 itinerary. And further I told him that I didn't
17 have -- I mean, I don't know what he expected me to
18 do. Pull over on the way to taking the chairman to
19 a speaking engagement and fax to him something I
20 didn't have. I don't know what he expected when he
21 called me with this. But I thought it was very
22 strange.

23 Q Did you say anything else in that
24 conversation?

25 A Maybe.

1 Q Like what?

2 A I don't remember every single thing that
3 I said in the conversation, but I'm sure we talked
4 about other things. If you have some way to help me
5 with my recollection, I'm happy to look at that.

6 Before you ask your next question, I need
7 to go to the bathroom.

8 Q Sure. Why not.

9 (Recess from 4:09 to 4:16 p.m.)

10 BY MR. MCKENNA:

11 Q I'm going to hand you what we've
12 previously marked at your deposition as Exhibit 3
13 and ask you to take a look at the November 20 on the
14 very first page -- no, ma'am, on the very first
15 page, the November 20 entry -- and tell me: Is that
16 what you're referring to what you've just been
17 discussing?

18 A Yes, this is the very conversation that
19 I've been discussing.

20 Q Okay. Does that suggest to you that it
21 should have been in November instead of December?

22 A What?

23 Q If you turn back to Exhibit 1, the
24 complaint, page 5, Paragraph 21.

25 A Hold on a second. The complaint.

1 Q No. 1.
2 A No. 1?
3 Q Exhibit No. 1.
4 A Okay, I've got Exhibit No. 1.
5 Q Page 5, Paragraph 21. Do you see there
6 it says in December 2003? Now, Exhibit 3 indicates
7 November 2003, does it not, for that conversation?
8 A The conversation had to have taken place
9 in November because the event was in November of
10 '03.
11 Q Okay. All right.
12 MR. MCKENNA: Do you have a copy of
13 that?
14 MR. ISLER: You need this?
15 MR. MCKENNA: Yeah.
16 MR. ISLER: That's my copy.
17 MR. MCKENNA: I know. I'll give it
18 right back.
19 MR. ISLER: Yeah. No, that's fine. I
20 just didn't want you to lose it.
21 BY MR. MCKENNA:
22 Q So then is it correct that on November
23 19, 2003, you were staffing the chairman and asked
24 you on the details on an event that was to be held
25 the following Saturday?

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1 A I don't know if I was staffing her on the
2 -- well, I guess I was staffing her on the 19th.

3 Q That's what Defendant's Exhibit 3
4 indicates. Right?

5 A That's what that indicates, correct.

6 Q Okay. And you say you -- in the third
7 paragraph down you returned home and e-mailed
8 Mr. Kester the information he requested and faxed
9 him a copy of the invitation to the event. Do you
10 see that, ma'am?

11 A Yes.

12 Q And how long did that take you?

13 A Which portion of it?

14 Q "E-mailed Mr. Kester the information he
15 requested and faxed him a copy of the invitation to
16 the event."

17 A I'm not certain what period of time it
18 took. The e-mail in and of itself did not take that
19 long to prepare, but the invitation portion of it
20 took longer.

21 Q What did you have to do to obtain the
22 invitation?

23 A I had to get it from somebody.

24 Q Who did you have to get it from?

25 A Johnny Hunter's folks.

1 Q So did you telephone them and request an
2 invitation?

3 A Yes, I believe so.

4 Q And did they fax you the invitation?

5 A I don't remember if it was faxed or if it
6 was e-mailed.

7 Q Okay.

8 A But it was -- they got me -- they got me
9 an invitation and information about the event.

10 Q Okay. And what was discriminatory about
11 that, in your opinion?

12 A What was -- what I felt was -- what I was
13 questioning about this situation was why was he
14 asking me to do this.

15 Q As opposed to Suzann?

16 A Exactly. It was -- it was sort of an
17 unusual thing, because Suzann had done this type of
18 thing before. And even the chairman was confused
19 about why Suzann wasn't doing it. And basically
20 Terry was very upset that I even asked him about
21 this situation.

22 Q Okay.

23 A And he was unconcerned about my feelings
24 or concerns about the situation.

25 Q And your concern was that you believe

1 Suzann -- Guimond, is that how you pronounce that?
2 A Guimond.
3 Q Guimond -- should have done what you were
4 being asked to do. Is that right?
5 A No.
6 Q What was your concern?
7 A I just told you.
8 Q That's what I just heard, so you need to
9 tell me again.
10 A Okay. Repeat the question for me one
11 more time.
12 MR. MCKENNA: Can you read it back,
13 please?
14 (The reporter read as requested.)
15 A My concern was about the assignment.
16 Q Why were you concerned about the
17 assignment?
18 A I was concerned about the -- I was
19 concerned about the assignment because I didn't
20 believe that I would have received this assignment
21 if I had not been black.
22 Q Okay. And then you -- it says here on
23 Defendant's Exhibit 3 that you sent Mr. Kester an
24 e-mail asking him why I was required to drop
25 everything at the last minute to gather this

1 information and why wasn't this the responsibility
2 of the chairman's assistant. Do you see that,
3 ma'am?

4 A I'm sorry. Where are we again?

5 Q We're at the last paragraph under
6 November 19 in Defendant's Exhibit No. 3.

7 A I'm sorry. Can you give me the date
8 again? What page is it?

9 Q It's page 1, November 19, the last
10 paragraph under November 19. It says: "I sent
11 Mr. Kester an e-mail asking him why I was required
12 to drop everything at the last minute to gather this
13 information and why this isn't the responsibility of
14 the chairman's assistant." Do you see that, ma'am?

15 A Yes, sir.

16 Q Okay. Did you say anything else in that
17 e-mail?

18 A I believe so. But without looking at the
19 e-mail, I can't be exact about the other things that
20 we talked about. This paragraph is just a summary
21 of what was discussed in the e-mail. In no way is
22 it word for word.

23 Q So as we sit here today, do you recall
24 anything else that was in that e-mail?

25 A Other than the documents that I've

1 already provided you with in discovery and my
2 answers to the interrogatories, I cannot think of
3 anything else, and the things that we've discussed.
4 I can't think of anything else right now.

5 MR. MCKENNA: I'm going to move to
6 strike as nonresponsive to the question.

7 BY MR. MCKENNA:

8 Q The question is, is as we sit here today,
9 do you recall anything else that was in that e-mail
10 that's referenced in the November 19 entry in
11 Defendant's Exhibit 3?

12 A As I sit here today, I cannot think of
13 anything off the top of my head from that --
14 anything else from that e-mail that's in Exhibit 3
15 or that may be in any of the other documents that I
16 might have given to you.

17 MR. MCKENNA: Again I'm going to move to
18 strike as nonresponsive to the question.

19 A I am response -- I am responding.

20 MR. THOMPSON: In what way was that one
21 not responsive?

22 MR. MCKENNA: Well, I just want to know
23 if she can remember anything, not what's in
24 the documents, not what may be somewhere else,
25 but what's in her mind right now. Can she

1 remember anything else --

2 MR. THOMPSON: And she answered that she
3 couldn't --

4 THE WITNESS: Please stop.

5 MR. THOMPSON: -- but there may be
6 something in the documents. That was
7 responsive.

8 MR. MCKENNA: I'm not sure she said
9 that. But if she wants to say that, I'll move
10 on.

11 MR. THOMPSON: Okay.

12 BY MR. MCKENNA:

13 Q Do you understand the question, ma'am?

14 A I didn't even hear what you just said.

15 Q Okay. As we sit here right now --

16 A Can you stop for a second?

17 THE WITNESS: Can you just repeat --

18 Q No, ma'am. I'll rephrase the question.

19 Now, as we sit here right now, can you think of
20 anything -- not something that's in other documents
21 or anywhere else, but can you remember anything in
22 your mind that was in that e-mail other than what's
23 listed on Defendant's Exhibit 3?

24 A I need to see the e-mail. Why don't you
25 just show me the e-mail. I'm sure you have it.

1 MR. ISLER: Jim, you really need to
2 instruct your client to answer this question.

3 MR. THOMPSON: What he's asking you is
4 if you remember what else is in the e-mail.

5 MR. ISLER: If you don't remember, you
6 just say --

7 A Other than what --

8 MR. ISLER: -- "I don't recall."

9 A Other than the things that you've
10 referred to in Exhibit 3 and the other documents, I
11 told you as I sit here I don't. I -- and you
12 mentioned Exhibit 3. You mentioned these other
13 documents. And then when I go to refer to the
14 documents you're like: No, no, no, don't talk about
15 the documents. You make answering questions so
16 difficult.

17 Q Now, then the next day -- well, let me
18 back up for a minute. Why do you believe that you
19 would not have received the assignment but for the
20 fact that you are black?

21 A Can you repeat that question, please?

22 Q Sure.

23 MR. MCKENNA: You can read that one
24 back.

25 (The reporter read as requested.)

1 A Because of the fact that Terry wouldn't
2 let Suzann do it. And when I asked him about it, he
3 seemed very upset with me that I questioned my
4 employer's discriminatory practices.

5 Q Anything --

6 A And he -- I tried to understand what he
7 was doing. I tried, but he just said, "Because I
8 told you so." And, you know, he just was so -- he
9 was so mean and demeaning and -- I was very, very
10 concerned about the assignment.

11 Q Any other reason why you believe you
12 received that assignment because you're black?

13 A Can you repeat the question, Mr. McKenna?

14 MR. MCKENNA: You can read it back.

15 (The reporter read as requested.)

16 A Mr. McKenna, that's my answer. And you
17 continuously ask me the same question over and over
18 and you just move a word or two around and -- you
19 know, my answer isn't going to change. It's
20 essentially the same question that you just asked me
21 a few moments ago. And my answer is what it is.

22 Q So there is no other reasons why you
23 believe you were given the assignment because you're
24 black other than what you just told me. Is that
25 right?

1 A I --

2 Q Are you going to answer the question,
3 ma'am?

4 A I'm sorry, I'm just having a problem
5 concentrating. Yes, I am going to answer the
6 question. I just need some time to think about it.
7 What was the question before your last question?

8 Q My question was: So it's your
9 testimony -- so you've already told us all the
10 reasons why you believe that you were given the
11 assignment because you're black?

12 A No, I -- I want you to repeat the
13 question.

14 Q That was the question.

15 A I think another possible -- repeat the
16 question again.

17 MR. MCKENNA: Read it back.

18 (The reporter read as requested.)

19 A Other than the things that we've
20 discussed and the information contained in the
21 documents that I've given you and my answer to your
22 interrogatories, I don't have anything else to add.

23 And, Mr. McKenna, I am exhausted from
24 questions and I'm very -- this process is really
25 straining to me. And if this is a good time to

1 stop, then --

2 MR. THOMPSON: Is that a good time for
3 you? We're going to have to reconvene anyway,
4 so --

5 A I've got to go to church tonight, and I
6 really, really need to see Pastor Henry.

7 MR. MCKENNA: Sure, why not.

8 MR. ISLER: Okay.

9 MR. THOMPSON: Want to just put in a
10 notice -- just send the notice? We already
11 have the 26th open. We've got that reserved.

12 MR. ISLER: So we're going to reconvene
13 the deposition on Monday, the 26th?

14 MR. THOMPSON: Yeah.

15 MR. ISLER: I'd really like us to start
16 at 9:30 if we could. We've got --

17 MR. MCKENNA: Do you want to start
18 earlier?

19 THE WITNESS: Why don't we start at 8
20 o'clock. I don't know why you all --

21 MR. THOMPSON: No, no, I don't want to
22 start at 8 o'clock. 9:30 is fine.

23 MR. ISLER: Or nine is fine with me.

24 MR. THOMPSON: Nine is fine as well.

25 THE WITNESS: Ten o'clock is late.

1 MR. THOMPSON: Do you want to start at
2 nine?

3 MR. ISLER: Let's start at nine because
4 I really want to -- I want to crank through,
5 and we -- this is a very slow process.

6 MR. THOMPSON: Okay. All right. So
7 we're -- just go ahead and do --

8 MR. ISLER: We're adjourned until nine
9 o'clock on the 26th.

10 (At 4:35 p.m., the deposition was
11 adjourned.)

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