

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

RENT-A-CENTER EAST, INC.,

Defendant.

No. 16-CV-2222

Magistrate Judge Eric I. Long

**DEFENDANT RENT-A-CENTER EAST, INC.'S
PROPOSED VOIR DIRE QUESTIONS**

Pursuant to the Court's procedures, Defendant Rent-A-Center East, Inc. ("Rent-A-Center") files the following Proposed *Voir Dire* Questions:

1. The plaintiff in this case is the EEOC. Do you know any lawyers from the EEOC? Have you or any members of your family had any dealings with the EEOC?
2. The EEOC brings claims relating to Megan Kerr (formerly known as Jason Kerr). Do you or any member of your family know the Ms. Kerr or her family members? If so, in what manner, *i.e.*, are you related to her, or do you know her socially or through business?
3. The defendant in this lawsuit is Rent-A-Center East, Inc. Do you know any of Rent-A-Center's lawyers?
4. Ms. Kerr was employed by Rent-A-Center. Have any of you ever worked for Rent-A-Center, or know anybody who has worked for or who is currently working for Rent-A-Center? If so, please state the name of that individual and your relationship to that individual. Would your acquaintance with that individual prevent you from being a fair and impartial juror in this case?

5. Have you or has anyone in your family ever shopped at or had any business dealings with Rent-A-Center? If so:

- a. Please state the nature of your dealings with Rent-A-Center; and
- b. Would your experience with Rent-A-Center prevent you from being a fair and impartial juror in this case?

6. Have you, your close friends, or family had any negative experiences with Rent-A-Center? If so, please explain.

7. Is there anyone on the jury panel who before today has had a fixed opinion or bias for or against the rent-to-own industry? If yes, please explain.

8. Has anyone on the panel ever worked as a supervisor or manager?

9. Do you feel that an employee has an obligation to be aware of, and to abide by, company policy and rules? Do you feel that it is important to follow your employer's rules and workplace policies?

10. The EEOC has listed the following witnesses who will testify on his behalf. I will read you the names of those witnesses who will testify on the EEOC's behalf. Do you know any of them, and, if so, in what manner?

See Plaintiff's Witness List.

11. Rent-A-Center has listed the following witnesses who will testify on its behalf. I will read you the names of those witnesses and ask you if you know any of them. If so, in what manner?

See Defendant's Witness List.

12. Is there anyone on the jury panel who before today has had a fixed opinion about or a bias—either for or against—any of the parties in this case? If so, please explain what this

fixed opinion or bias is. If you have a fixed opinion or bias, would it in any way affect your ability to listen to the evidence impartially and render an impartial verdict in this case?

13. Have you or has any member of your family ever been a plaintiff or a defendant in a civil lawsuit? If so:

- a. Please state whether you were a plaintiff or a defendant;
- b. Please state the nature of the claims;
- c. Please state the name of the other party or parties who were involved in the lawsuit; and
- d. Please state the outcome of the lawsuit or proceeding.

14. Have you or any member of your family made an internal complaint or utilized grievance procedures against an employer, supervisor or fellow employer? If so, please explain the nature of the complaint and the outcome.

15. Is there anyone on the jury panel who has or who has a family member or friend who has filed a claim against a current or past employer with the EEOC, the U.S. Department of Labor, or the National Labor Relations Board? If so, what were the circumstances and the outcome of the claim?

16. Have any of you or has any member of your family ever sued or threatened to sue an employer, supervisor, or fellow employee? If so, please explain.

17. Is there anyone on the jury panel who has ever felt that they, a friend, a co-worker, or a family member was being discriminated against or treated unfairly by their employer? If so, please explain.

18. Is there anyone on the jury panel who has filed a discrimination claim against an employer, or knows a family member, friend, or co-worker who has? If so, what was the nature and outcome of this claim?

19. Is any member of the jury panel more or less inclined to find in the EEOC's favor knowing of Ms. Kerr's transgender status?

20. Does anyone on the jury have any friends, family members, or co-workers who are transgender?

21. Have you ever served in any branch of the military? If so, explain the details of your service and nature of the discharge.

22. Have any of your friends, family, or co-workers served in the military? If so, please describe the nature of the service and the nature of the discharge.

23. Have you or any member of your family been a witness in a case involving employment claims? If so, please explain.

24. Is there any person on the panel who has a fixed opinion about the manner in which employers treat employees; if so, would this fixed opinion affect your ability in any way to listen to the testimony impartially and render an impartial verdict in this case?

25. Do any of you believe that somebody who sues a large company is automatically entitled to recover some money just because they brought the lawsuit or just because the company is big enough and can afford to pay the judgment? If so, please explain.

26. Is there anyone on the jury panel who thinks that Rent-A-Center must have done something wrong or it would not have been sued? If so, why do you feel that way?

27. Would you tend to favor an individual over an employer because the employer is a bigger organization?

28. Does anyone feel that if someone is falsely accused of discrimination that they should not defend themselves, but instead just pay some money to settle the matter?

29. Do you have any problem with the concept that in the eyes of the law the individual plaintiff and the corporate employer are the same and are entitled to equal treatment from you?

30. Is there any member of the jury panel who has previously served as a member of a jury? If so, what type of case was involved? Did you reach a verdict for the plaintiff or for the defendant?

31. Under our system of justice, the EEOC bears the burden of proof to prove its allegations by a preponderance of the evidence. Under our system of justice, Rent-A-Center is not required to disprove the EEOC's allegations. If the EEOC fails to convince you that the allegations in this lawsuit are true, would any of you have any difficulty returning a verdict in favor of Rent-A-Center?

32. Do you understand that if you are selected as a juror in this case, you have an individual responsibility to decide the facts of the case? Do you understand that this is your duty even if other jurors disagree with you?

33. Do you understand that the Judge will instruct you as to what the law is and that you must follow that law as it is given by the Court, even though you might disagree with the law or wish the law were different?

34. Do you think you might have trouble following such an instruction by the Court if you disagree with what the law is?

35. Do any of you have any personal or business matters which would preoccupy you and which would prevent you from giving your undivided attention to this case, if selected to serve on the jury? If so, please explain.

36. Do you promise to keep an open mind until all of the evidence has been presented?

Respectfully submitted,

/s/ J. Bradley Spalding

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Dated: December 15, 2017

CERTIFICATE OF SERVICE

I, **J. Bradley Spalding**, an attorney, certify that I served the attorney of record named below with a copy of **Defendant's Proposed Voir Dire Questions** via ECF (*Electronic Case Filing*) on December 15, 2017:

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James L. Lee
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