

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

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

Plaintiff,

v.

RENT-A-CENTER EAST, INC.,

Defendant.

Case No. 16-cv-2222

Magistrate Judge Long

PLAINTIFF EEOC'S MOTION IN LIMINE NO. 3

**MOTION TO EXCLUDE TESTIMONY FROM
RICHARD THOMPSON AND ALBERT BENNETT**

The EEOC hereby moves for the entry of an order excluding all testimony from Richard Thompson and Albert Bennett pursuant to Federal Rules of Evidence 403, 602, and 801. Neither Richard Thompson, Worshipful Master of the Paxton Masonic Lodge (Ex. A, Thompson Dep., 10:7-13) nor Albert Bennett, pastor of the Rantoul Bible Baptist Church (Ex. B, Bennett Dep., 3:8-20) have personal knowledge of any relevant evidence in this case. *See* F.R.E. 602. Any testimony concerning what members of Masonic Lodge or Baptist Church told them regarding this case should be excluded as hearsay. *See* F.R.E. 801. Lastly, if the Court were to determine they have personal knowledge of relevant facts that do not otherwise constitute hearsay, as prominent members of the Paxton and Rantoul communities, the probative value of any testimony is substantially outweighed by the significant danger of unfair prejudice. *See* F.R.E. 403.

BACKGROUND

A. Richard Thompson

Rent-A-Center ("RAC") identified Thompson as "likely to have knowledge and information regarding the level of involvement of the Paxton masons with Mr. Kerr's use of the Rent-A-Center truck..." Ex. C, RAC's 5th Supplemental Disclosure.

During their depositions, Megan Kerr and Amber Shumate testified that they understood the Masons were helping with Shumate's move. Ex. D, Kerr Dep., p. 39:19-22; Ex. E, Shumate Dep., p. 108:1-109:19 ("four or five" members of Masonic lodge were present). The EEOC anticipates RAC will call Thompson to testify that, after being approached by RAC, he asked the members of the Paxton Masonic Lodge whether they participated in the Shumate move and that no one from the lodge indicated they participated in the move. *E.g.* Ex. A, Thompson Dep., 17:18-18:21.

B. Albert Bennett

Since June 2015 Albert Bennett has been the senior pastor at the Rantoul Bible Baptist Church. Ex. B, Bennett Dep., 3:8-20; 17:10-12. RAC identified Bennett as "likely to have knowledge and information regarding Russell Kasper's involvement with the Bible Baptist Church, and any alleged delivery of freezers on a Sunday to the church." Ex. C, RAC's 5th Supplemental Disclosure.

During his deposition, Kerr's former manager, Russell Kasper testified that he was the deacon of the Rantoul Bible Baptist Church for four years until shortly after his termination from RAC. Ex. F, Kasper Dep. 171:12-21. Kasper also testified that he once delivered two small chest freezers to the church in connection to a cookie dough fundraiser for the Broadmeadow School—but that this delivery did not occur on a Sunday. Ex. F., Kasper Dep. 173:6-174:11. The EEOC anticipates RAC will call Bennett to testify that: 1) the church has no records of any transaction with RAC (Ex. B, Bennett Dep., 9:8-23); 2) he asked some committee members if they

remembered any RAC freezer delivery to the church (Ex. B, Bennett Dep., 9:24-12, 16:3-17:19; and 3) that Kasper stopped being a deacon in 2002 and has not been a regularly attendee of the church (Ex. B, Bennett Dep., 6:1-18).

ARGUMENT

F.R.E. 602 states that “[a] witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.” Rule 602 “does not govern the situation of a witness who testifies to a hearsay statement as such, if he has personal knowledge of the making of the statement.” *See* F.R.E. 602 advisory committee’s note to 1972 amendment. Therefore, to the extent the witness’ testimony is of an out-of-court statement, and not the underlying facts of the statement, the testimony is admissible if it does not violate the rule against hearsay.

Rule 801(c) defines hearsay as an out-of-court statement offered “in evidence to prove the truth of the matter asserted.” A “statement” is defined as “a person’s oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.” F.R.E. 801(a). Hearsay is not admissible unless expressly permitted by federal statute, the Federal Rules of Evidence, or “other Rules prescribed by the Supreme Court.” F.R.E. 802.

A. Thompson and Bennett do not have personal knowledge of any relevant evidence, and their testimony should be excluded as hearsay.

Neither Thompson nor Bennett has any personal knowledge regarding Kerr’s usage of the RAC truck. Rule 602 requires that a witness have personal knowledge of the subject matter of his testimony. F.R.E. 602 (“A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter”). Neither Thompson nor Bennett has personal knowledge regarding any element of the EEOC’s case or RAC’s defense or to impeach Kerr, Shumate, or Kasper’s testimony.

Thompson testified he did not have any personal knowledge of Shumate's move, and, that after RAC contacted him in connection with this litigation, he asked some Masons whether they had any involvement in the move. Whether or not the Masons were involved in the move is not relevant to whether RAC gave Kerr permission to use the RAC truck and subsequently discharged her for doing so on the basis of her sex. At best, the level of Masonic involvement in the move could serve to impeach Shumate and Kerr's testimony. But Thompson should be precluded from testifying that the Masons had no participation in the move because he asked some members and they said they did not participate. Such testimony is classic hearsay that does not fall within any exception, and must be excluded. *See* F.R.E. 801 and 803.

Likewise, Bennett, who was not even the pastor of the Baptist church until 2015, testified he did not have any personal knowledge regarding freezer deliveries. First, Kasper's testimony regarding freezer deliveries he made to the church in connection with a cookie dough fundraiser are not relevant to the claims at issue in this trial. Second, Kasper did not testify the church paid for the freezers, and any testimony that the church does not have payment records is not even relevant for impeachment. Lastly, like Thompson, Bennett should be precluded from testifying regarding the freezers because his asking the church treasurer or a church committee about their knowledge is classic hearsay that does not fall within any exception, and must be excluded. *See* F.R.E. 801, and 803.

Bennett asked the church treasurer to prepare a letter regarding his search of the church's records of purchases. Ex. G, Treasurer Letter. This letter is also hearsay pursuant to Rule 801, and does not fall within any exception pursuant to Rule 803. For RAC to establish this letter is a "record of a regularly conducted activity" it must show that: 1) it was prepared in the normal course of business; (2) it was made at or near the time of the events it records; and (3) it was

based on the personal knowledge of the entrant or of an informant who had a business duty to transmit the information to the entrant. *See* F.R.E. 803(6). However, Bennett testified that this is not a record the church has ever prepared before, and thus it fails the first element of the exception. Ex. B, Bennett Dep., at 7:1-7.

B. Even if Thompson and Bennett have personal knowledge of relevant information that is not inadmissible hearsay, they should be excluded because of the significant danger of prejudice.

Since Thompson and Bennett have no relevant evidence to offer RAC would simply be calling them in order to have prominent members of the community appear in some capacity in its case in chief. Furthermore, allowing RAC to examine Bennett regarding the specific time period Kasper was a church deacon or his current level of involvement (or non-involvement) in the church would only confuse the issues and mislead the jury pursuant to Rule 403. Kasper's personal religious life simply has no bearing to the consideration the jury should undertake in deciding this case.

CONCLUSION

WHEREFORE, EEOC requests an Order, *in limine*, excluding all testimony from Richard Thompson and Albert Bennett.

December 15, 2017

Respectfully Submitted,

s/ Miles Shultz

Miles Shultz

Trial Attorney

U.S. Equal Employment Opportunity Commission

500 W. Madison St., Ste. 2000

Chicago, IL 60661

CERTIFICATE OF SERVICE

I hereby certify that on today's date, I caused the EEOC'S MOTION IN LIMINE NO. 3 to be served upon counsel to Defendant via the court's Electronic Case Filing system, pursuant to Local Rule 5.3(A).

December 15, 2017

Respectfully Submitted,

s/ Miles Shultz

Miles Shultz

Trial Attorney

U.S. Equal Employment Opportunity Commission

500 W. Madison St., Ste. 2000

Chicago, IL 60661

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

U.S. EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
) No. 16-CV-2222
vs.) Judge Colin S. Bruce
)
RENT-A-CENTER EAST, INC.,) Magistrate Judge
) Eric I. Long
Defendant.)

VIDEOTAPED DEPOSITION OF RICHARD THOMPSON
TAKEN ON BEHALF OF THE DEFENDANT
ON MAY 22, 2017

REPORTER: LINDA HANAGAN, RPR, IL-CSR No. 084-002846

1 Q. And we'll be referring to him as Cash

2 Wiedemann for the rest of this depo --

3 A. Okay. Sure.

4 Q. -- but I just wanted to lay the foundation
5 that that's who it is. Mr. Wiedemann is also a Mason?

6 A. Yes, he is.

7 Q. Do you have a title or an office that you hold
8 in the Masons?

9 A. Yes. I'm currently master of the lodge, and
10 Cash is currently, and still is, secretary. So during
11 the point in time where -- from my understanding when
12 it occurred, he was secretary and is secretary, and
13 I'm master and still master.

14 Q. Okay. And when it was was an event that
15 happened in July of 2014. Is that what you're
16 referring to?

17 A. Yes.

18 Q. At some point in July of 2014 -- I believe the
19 actual date is July 20th, which was a Sunday -- Ms.
20 Wilkerson, or Ms. Shumate, moved. Were you aware of
21 that at the time?

22 A. No.

23 Q. Ms. Shumate says that she was moved by the
24 Masons.

25 MR. SHULTZ: Objection. Foundation.

1 actually, it would have -- see, we have had some -- we
2 have had some of our members pass on, and our former
3 treasurer, Richard Burner, might have been. I just
4 don't recall at that point.

5 Q. Do you have access to the books?

6 A. Yes.

7 Q. To your knowledge, has there ever been a check
8 written to Amber Shumate or on behalf of Amber
9 Shumate?

10 A. No. To my knowledge, no. And after some
11 initial inquiry by someone, we looked and there wasn't
12 anything in there. Again, we have to be aware of what
13 our expenditures are. We're audited every year.

14 Q. How many members do you have?

15 A. Right now we're sitting at about 200 and some
16 members. Back when I first joined, we had almost 500
17 members, but we have lost a lot through attrition.

18 Q. Ms. Shumate also testified that the Masons
19 move people frequently. To your knowledge, is that
20 correct?

21 A. There may be some Masonic lodges that would
22 move people. On occasion, we have helped a brother in
23 a move if that's required, but we just -- as a general
24 rule, we don't have a moving company. We're not a
25 moving company. You know, we wouldn't do something

1 just on the spur of the moment.

2 Q. Did Ms. Shumate perhaps get confused and
3 demonstrate this to you by like writing a thank you
4 note to the lodge for all of the help with the
5 furniture and the move?

6 MR. SHULTZ: Objection. Foundation.

7 THE WITNESS: I -- to my knowledge, there
8 were no notes or anything. If Cash was involved,
9 that's his personal thing and not the lodge.

10 Q. (MS. QUINCY CONTINUING) Do schools or nursing
11 homes write thank you notes after the Masons --

12 A. They do, and students will write thank you
13 notes, certainly.

14 Q. And you never, to your knowledge, received one
15 from Ms. Shumate?

16 A. No.

17 Q. You have checked to see if it was a Masons
18 sanctioned event, correct?

19 A. Yes, correct.

20 Q. Was it a Masons sanctioned event?

21 A. No.

22 Q. I'm wondering if the EEOC ever called you.

23 A. I have no knowledge of any calls from EEOC.

24 Q. The reason that I'm asking that is the EEOC
25 filed suit against my client, in part, saying that

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION

U.S. EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:16-CV-02222
)	
RENT-A-CENTER EAST, INC.,)	
)	
Defendant.)	

THE DEPOSITION of ALBERT BENNETT, a witness,
called by the Defendant for examination in the
above-entitled cause, pursuant to the Federal Rules of
Civil Procedure, taken before me, Brenda L. Zeitler,
CSR-RPR, License No. 084-004062, at the Bible Baptist
Church, 201 North Century Boulevard, in the City of
Rantoul, County of Champaign, and State of Illinois on
the 26th day of October, 2017, commencing at 10:35
a.m.

1 (Witness sworn.)

2 ALBERT BENNETT,

3 a witness, called by the Defendant, after having been
4 first duly sworn to tell the truth, was examined and
5 testified upon his oath as follows:

6 DIRECT EXAMINATION

7 BY MS. QUINCY:

8 Q. Good morning, Pastor Bennett. Would you
9 mind stating your full name for the record?

10 A. Albert Anthony Bennett.

11 Q. And what is your address?

12 A. Home address or business address?

13 Q. Whichever one you would like to use for
14 purposes of this lawsuit.

15 A. REDACTED

17 Q. What is your position at this church?

18 A. I am senior pastor.

19 Q. How long have you held that role?

20 A. For nearly two and a half years.

21 Q. Have you ever had your deposition taken
22 before?

23 A. No.

24 MS. QUINCY: This is a blessing. Let me

1 Q. The entire time that you've been here,
2 Mr. Kasper has not been a regular attendee of your
3 church?

4 A. Not a regular attendee.

5 Q. How many times have you seen him at the
6 church in the time you've been here?

7 A. I believe twice.

8 Q. Mr. Kasper is a witness in the case. I
9 believe I've shared with you that the Equal Employment
10 Opportunity Commission has filed a lawsuit against my
11 client, Rent-A-Center. Mr. Kasper is a witness in
12 that case. Mr. Kasper gave some testimony in his
13 deposition where he said he had been a deacon at the
14 church through about 2013.

15 To your knowledge, is that correct?

16 A. According to our records, the last time --
17 he was a deacon until -- let me look at my records
18 here. He ended being a deacon in 2002, June of 2002.

19 Q. You've referenced a record that you had
20 prepared.

21 A. Yes.

22 Q. Was this something that you asked to be
23 prepared?

24 A. Yes.

1 Q. Was this something that you asked to be
2 prepared in the normal course of the Church's
3 business?

4 I suppose that's a bit of an odd question.

5 A. No. We keep very detailed records, but this
6 is the first time we've had to do something of this
7 nature.

8 Q. Tell me about those records. What kind of
9 records does the Church keep?

10 A. We keep all records pertaining to
11 disbursements, giving statements, anytime someone
12 purchases something that is in connection with the
13 Church and seeking reimbursement, basically all
14 expenditures coming in and out we keep records of.

15 Q. How far back do those records go?

16 A. I don't know off the top of my head.
17 Sometimes they are kept better depending on the clerk.
18 These are lay people. They're not professionals.

19 Don Wilson, who is currently serving, is
20 very detailed. So I would say, at least since -- they
21 have been kept well at least since the '90s.

22 Q. Do you also keep records of the officers or
23 officials in the church?

24 A. Yes, we do.

1 A. No.

2 Q. How is it not accurate?

3 A. According to our records, he finished his
4 final term in 2002.

5 Q. Mr. Kasper, since you have been here,
6 certainly has not been an active member of the Church?

7 A. No.

8 Q. Mr. Kasper also testified that Rent-A-Center
9 did some business with the Church. In reviewing the
10 records, were you able to substantiate whether that
11 was accurate?

12 A. No, not according to our records. We have
13 not had any business with Rent-A-Center at all.

14 Q. What have you done to come to that
15 conclusion?

16 A. We've searched QuickBook records for several
17 years on either side of 2012 to see if there were any
18 checks written to Rent-A-Center. There were no checks
19 written from the Church account directly to
20 Rent-A-Center during the years of 2010 through 2015.

21 We also checked the Visa records to make
22 sure nothing was paid via credit card, and no payments
23 were made to Rent-A-Center by credit card either.

24 Q. Mr. Kasper talked about a situation where a

1 had someone donate a lawnmower, and we gave them what
2 the value is of that lawnmower towards kind of a
3 giving statement, something they can use for tax
4 purposes. Unless it's a really significant purchase,
5 I don't think anything like that is requested.

6 Q. So if a parishioner were to arrange for
7 freezers to be used at the church for a brief period
8 of time for some civic or charity event, what sort of
9 records would the Church have regarding that sort of
10 donation?

11 A. I can't say that that would necessarily be
12 recorded.

13 Q. Okay. I think, in your testimony with
14 Ms. Quincy, you said that you had asked various people
15 if they had a recollection of freezers being used at
16 the church in connection with the school?

17 A. Correct.

18 Q. Could you describe what that process was?

19 A. Sure. I asked the former pastor who was
20 here during this time. He has no recollection of
21 that.

22 I asked a couple of different individuals,
23 just members who were -- you know, that I feel would
24 be sharp enough to remember at that time and that are

1 active in our -- we have a certain ministry, inreach/
2 outreach, that would have organized anything like
3 that, certain individuals to talk to, and they have no
4 recollection of that happening.

5 Q. Who was the former pastor you reached out
6 to?

7 A. Steve Sabin.

8 Q. Could you spell that last name?

9 A. S-a-b-i-n. That could be incorrect.

10 Q. Okay. You first started working at the
11 church in 2015?

12 A. Yeah, in June of 2015.

13 Q. So he was there prior to you?

14 A. Yeah. Well, I believe it was
15 October/November of 2014 when he resigned.

16 Q. Then the other church members that you
17 asked, they're on some sort of outreach committee, you
18 said?

19 A. Inreach/outreach committee.

20 MR. SHULTZ: I don't have anything further
21 for Mr. Bennett.

22 MS. QUINCY: Just one more question.

23 REDIRECT EXAMINATION

24 BY MS. QUINCY:

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

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

Plaintiff,

v.

RENT-A-CENTER EAST, INC.,

Defendant.

Case No. 2:16-cv-2222-CSB-EIL

Honorable Judge Colin Stirling Bruce

Magistrate Judge Eric I. Long

DEFENDANT’S FIFTH SUPPLEMENTAL DISCLOSURE

Defendant Rent-A-Center East, Inc. (“RAC”) serves the following Fifth Supplemental Disclosure as required under Rule 26(a)(1)(A) of the Federal Rules of Civil Procedure. These supplemental disclosures are based on information reasonably available to RAC at this time and are made without waiving any objections to relevance, materiality, privilege, or admissibility of evidence in this action or any other action or proceeding. RAC reserves the right to revise, correct, supplement, or clarify its initial disclosures, consistent with Rule 26(e).

- I. The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

RESPONSE:

- 1. Megan Kerr
c/o Justin Mulaire
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office
500 West Madison Street, Suite 2000
Chicago, IL 60661
312.869.8045 (Telephone)

Ms. Kerr is the Charging Party and is likely to have knowledge of the basis for the claims asserted in her Charge of Discrimination and the facts alleged in Plaintiff's Complaint.

2. Gloria M. Mayfield
c/o Justin Mulaire
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office
500 West Madison Street, Suite 2000
Chicago, IL 60661
312.869.8045 (Telephone)

Ms. Mayfield is an investigator for Plaintiff. Ms. Mayfield is likely to have knowledge of the details of Plaintiff's investigation of Ms. Kerr's Charge of Discrimination and the basis for Plaintiff's Determination that Ms. Kerr's allegations are supported by probable cause and Plaintiff's statements to the EEOC.

3. Jason Morris
c/o Michael A. Wilder
LITTLER MENDELSON, P.C.
321 North Clark Street, Suite 1000
Chicago, IL 60654
312.372.5520 (Telephone)

Mr. Morris was a store manager of RAC Store No. 319 during the relevant time period. Mr. Morris is likely to have knowledge of overall management and operations of Store No. 319 and Ms. Kerr's employment in particular, and of the facts and circumstances surrounding the legitimate, non-discriminatory reasons for Ms. Kerr's termination.

4. Jason Carnahan
c/o Michael A. Wilder
LITTLER MENDELSON, P.C.
321 North Clark Street, Suite 1000
Chicago, IL 60654
312.372.5520 (Telephone)

Mr. Carnahan was district manager for the district encompassing RAC Store No. 319 during the relevant time period. Mr. Carnahan is likely to have knowledge of the facts and circumstances surrounding the legitimate, non-discriminatory reasons for Ms. Kerr's termination.

5. Eleena Reeves
c/o Michael A. Wilder
LITTLER MENDELSON, P.C.
321 North Clark Street, Suite 1000
Chicago, IL 60654
312.372.5520 (Telephone)

Ms. Reeves was an assistant manager in RAC Store No. 319 during the relevant time period. Ms. Reeves is likely to have knowledge of company policies and the operations of Store No. 319, Ms. Kerr's employment, and the circumstances leading to Ms. Kerr's termination.

6. Brock Duncan-Fox
REDACTED

Mr. Duncan-Fox was a customer account representative for RAC during the relevant time period. Mr. Duncan-Fox is likely to have knowledge of the facts and circumstances surrounding Ms. Kerr's unauthorized use of a company vehicle.

7. Aleksandar Kasapov
REDACTED

Mr. Kasapov was a former RAC customer account representative. He worked with Russ Kasper, Megan Kerr and Eleena Reeves. Mr. Kasapov is likely to have knowledge of the facts and circumstances regarding the work environment at Store No. 319 and his interactions with Mr. Kasper, Ms. Kerr and Ms. Reeves. On the day that Ms. Kerr took the RAC truck without permission, he saw the truck was missing and contacted Ms. Reeves to alert her as he was well aware that the truck was not to be used on a Sunday.

8. Roger J. Harding
REDACTED

Mr. Harding was a former RAC customer account representative. He worked with Russ Kasper, Megan Kerr and Eleena Reeves. Mr. Harding is likely to have knowledge of the facts and circumstances regarding the work environment at Store No. 319, the circumstances related to his discharge, as well as his interactions with Mr. Kasper, Ms. Kerr and Ms. Reeves.

9. Mary Ann Kelly
RE
DA
CT
FN

Ms. Kelly was Ms. Kerr's landlord for her tattoo business. Ms. Kelly is likely to have knowledge of the circumstances of Ms. Kerr's tenancy and when it ended.

10. Frank A. Piekarski
REDACTED

Mr. Piekarski was Ms. Kerr's landlord for her residence in Paxton, Illinois. Mr. Piekarski is likely to have knowledge of the circumstances of Ms. Kerr's tenancy and when it ended.

11. Nakia Bell
c/o Michael A. Wilder
LITTLER MENDELSON, P.C.
321 North Clark Street, Suite 1000
Chicago, IL 60654
312.372.5520 (Telephone)

Ms. Bell is a senior manager for Defendant and is likely to have knowledge of Defendant's policies and procedures, including human resources policies, reporting procedures and customer tracking systems.

12. Marcie Y. Bussman
REDACTED
REDACTED

(contact information provided for service only)

c/o Michael A. Wilder
LITTLER MENDELSON, P.C.
321 North Clark Street, Suite 1000
Chicago, IL 60654
312.372.5520 (Telephone)

Ms. Bussman is a former store manager for Defendant. Ms. Bussman worked with Mr. Kasper and Ms. Kerr, among others. She is likely to have knowledge of the facts and circumstances regarding the work environment at Store No 319, Ms. Kerr's "demotion" and transfer to Ms. Bussman's store and Defendant's policies and procedures, including but not limited to its complaint reporting procedures.

13. David J Leavengood
(contact info provided for service purposes only)
REDACTED

c/o Michael A. Wilder
LITTLER MENDELSON, P.C.
321 North Clark Street, Suite 1000
Chicago, IL 60654
312.372.5520 (Telephone)

Mr. Leavengood is a former district manager for Defendant. Mr. Leavengood worked with Mr. Carnahan, Mr. Kasper, Mr. Morris and Ms. Kerr. Mr. Leavengood was involved in the decision to terminate Ms. Kerr. He is likely to have knowledge of Defendant's policies and procedures, including but not limited to its complaint reporting procedures. He will testify as to his knowledge and experience with regarding to employees working on Sunday, deliveries and pick-ups done on Sundays.

14. Michael J. Moreland, Jr.
REDACTED

Mr. Moreland was a former RAC customer account representative. He worked with Russ Kasper, Megan Kerr and Eleena Reeves. Mr. Moreland is likely to have knowledge of the facts and circumstances regarding the work environment at Store No. 319, the circumstances related to his discharge, as well as his interactions with Mr. Kasper, Ms. Kerr and Ms. Reeves.

15. Calvin Davis
c/o Michael A. Wilder
LITTLER MENDELSON, P.C.
321 North Clark Street, Suite 1000
Chicago, IL 60654
312.372.5520 (Telephone)

Mr. Davis is a store manager for Defendant in Sherman, Texas, and is Ms. Kerr's former supervisor. Mr. Davis is likely to have knowledge and information regarding Ms. Kerr's job responsibilities and performance at the Sherman store, as well as Defendant's policies and procedures. He also has knowledge as to contacts he may or may not have received from being listed as a reference on Ms. Kerr's resume.

16. Russell Wiedemann
REDACTED

Mr. Wiedemann is Ms. Kerr's ex-boyfriend and a father figure to Amber Shumate. Mr. Wiedemann is likely to have knowledge and information regarding Ms. Kerr's use of the Rent-A-Center truck on the day that she used it without permission.

17. Richard Thompson
REDACTED

Mr. Thompson is the worshipful master of the Paxton Masonic Lodge. Mr. Thompson is likely to have knowledge and information regarding the level of involvement of the Paxton masons with Ms. Kerr's use of the Rent-A-Center truck on the day that she used it without permission.

18. Dan Kober
c/o Michael Wilder
LITTLER MENDELSON, P.C.
321 North Clark Street, Suite 1000
Chicago, IL 60654
312.372.5520 (Telephone)

Mr. Kober is a district manager for Defendant, and directly supervised Russell Kasper. Mr. Kober is likely to have knowledge and information regarding Defendant's policy regarding Sunday deliveries and Mr. Kasper's communications, or lack thereof, regarding authorization for Sunday deliveries or any directive from Jason Carnahan to terminate Ms. Kerr. Mr. Kober is likely to have knowledge and information regarding Defendant's operation policies and procedures.

19. Dan Roling
REDACTED

(contact information provided for service only)

c/o Michael A. Wilder
LITTLER MENDELSON, P.C.
321 North Clark Street, Suite 1000
Chicago, IL 60654
312.372.5520 (Telephone)

Mr. Roling is a former district manager for Defendant, and directly supervised Russell Kasper. He is likely to have knowledge and information regarding Defendant's policy regarding Sunday deliveries and Mr. Kasper's communications, or lack thereof, regarding authorization for Sunday deliveries or any directive from Jason Carnahan to terminate Ms. Kerr. Mr. Roling will testify that he was with Mr. Carnahan when Mr. Carnahan received the phone call from Jason Morris reporting the missing Rent-A-Center truck. Mr. Roling is likely to have knowledge and information regarding Defendant's operation policies and procedures while he was employed with Defendant.

20. Bible Baptist Church
Pastor Albert Bennett
REDACTED

Bible Baptist Church was disclosed by Plaintiff in its investigative file. Pastor Bennett is likely to have knowledge and information regarding Russell Kasper's involvement with Bible Baptist Church, and any alleged delivery of freezers on a Sunday to the church.

21. Custodian of Records
Illinois Department of Employment Security
4519 W. Main Street
Belleville, IL 62226
618.277.5678 (Telephone)

The IDES has produced records, in admissible form, related to Ms. Kerr's unemployment benefits claim in response to a subpoena.

22. Custodian of Records
Grayson College
6101 Grayson Drive
Denison, TX 75020
903.465.6030

Grayson College has produced Ms. Kerr's academic records, in admissible form, in response to a subpoena.

23. Custodian of Records
Moraine Valley Community College
9000 College Parkway, Room S116
Palos Hills, IL 60465
708.974.4300

Moraine Valley Community College has produced Ms. Kerr's academic records, in admissible form, in response to a subpoena.

24. Custodian of Records
United States Army
Military Service Department
and/or its agent
National Personnel Records Center
National Archives
1 Archives Drive
St. Louis, MO 63138-1002
(314) 801-0800

The NPRC has produced a certified copy of Ms. Kerr's military service records, in admissible form, in response to a formal request for same.

25. Custodian of Records
Guitar Center
Shoppes at Bedford Park
7250 S. Cicero Avenue, Suite C
Chicago, IL 60629
(708) 563-0529

Guitar Center has produced Ms. Kerr's employment records, in admissible form, in response to a subpoena.

26. Maria Clatterbuch
REDACTED

Ms. Clatterbuch was employed at the Rent-A-Center Solutions Center on July 24, 2014, when Ms. Kerr called the Solutions Center. Ms. Clatterbuch has knowledge that Ms. Kerr did not mention any discrimination or wrongful termination when contacting the Solutions Center on that date. Ms. Clatterbuch also has knowledge of what the process was if Ms. Kerr had mentioned discrimination or wrongful termination when contacting the Solutions Center.

27. Marissa Torres
c/o Michael Wilder
LITTLER MENDELSON, P.C.
321 North Clark Street, Suite 1000
Chicago, IL 60654
312.372.5520 (Telephone)

Ms. Torres is the Director of the RAC Solutions Center. Ms. Torres has knowledge of the Solutions Center and its records. Ms. Torres has knowledge of the procedure used by Solutions Center team members regarding documenting calls and transferring the caller to the appropriate department, and she has knowledge that, according to RAC records, Ms. Kerr contacted the Solutions Center on multiple occasions before and after her employment with RAC was terminated.

28. Custodian of records for Ms. Kerr's prior and subsequent employers.
 29. Custodian of records for Ms. Kerr's medical providers.
 30. All individuals listed in Plaintiff's Rule 26 Initial Disclosures.
- II. A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

RESPONSE: RAC has produced and will produce relevant documents that it may use to support its defenses, including but not limited to the following categories of documents:

1. Documents related to Ms. Kerr's employment and termination (RAC 000142-000274).
2. Relevant company policies (RAC 000001-000022).
3. Documents related to Ms. Kerr's violation of company policy (RAC 00001-00022, 000142-000369).
4. Documents related to Ms. Kerr's compensation and Plaintiff's claim for damages (RAC 000142-000274, EEOC 0288-0422)).
5. Relevant documents received from third parties (RAC 000275-000369, 000395-000639).
6. The file of the EEOC's investigation (EEOC 0001-0287).
7. A transcription of the handwritten notes contained in the EEOC file (RAC 000371-000394).

8. Records from RAC's Solutions Center (RAC 000683-000699).
9. All documents produced by RAC (RAC 000001-000699).

III. A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE: RAC reserves the right to seek recovery of its costs of suit, and may seek its attorneys' fees under appropriate circumstances.

IV. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE: None.

Respectfully submitted,
REDACTED

J. Bradley Spalding, ~~Texas~~ Bar No. 00786253

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Texas Bar No. 00786253
LITTLER MENDELSON, P.C.
1301 McKinney Street, Suite 1900
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713.652.4731

Michael A. Wilder ARDC# 6291053
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Stephanie J. Quincy
Arizona Bar No. 014009
QUARLES & BRADY LLP
Renaissance One
Two North Central Avenue
Phoenix, Arizona 85004
602.229.5200

Andrew Trusevich
Texas Bar No. 00785119
RENT-A-CENTER, INC.
5501 Headquarters Drive
Plano, Texas 75024
972.801.1465

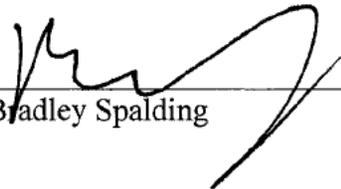
Dated: July 27, 2017

CERTIFICATE OF SERVICE

I, J. Bradley Spalding, an attorney, certify that I served the attorneys of record named below with a copy of Defendant's Fifth Supplemental Disclosures on July 27, 2017, as follows:

Justin Mulaire
Miles Shultz
U.S. Equal Employment Opportunity Commission
500 West Madison Street, Suite 2000
Chicago, IL 60661
(312) 869-8045
justin.mulaire@eeoc.gov
miles.shultz@eeoc.gov

By Email and Certified Mail/Return Receipt Requested



J. Bradley Spalding

Firmwide:149015767.1 051536.1519

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

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff, No. 16-CV-2222

vs.

RENT-A-CENTER EAST, INC.,

Defendant.

The videotaped deposition of MEGAN VANNA,
called for examination pursuant to the Rules of
Civil Procedure for the United States District
Courts pertaining to the taking of depositions,
taken before CHERYL L. SANDECKI, Certified
Shorthand Reporter for the State of Illinois, at
321 North Clark Street, Chicago, Illinois, on
January 17, 2017, at the hour of 9:00 a.m.

REPORTED BY: CHERYL L. SANDECKI, CSR, RPR
LICENSE NO.: 084-03710
JOB NO.: 548721

1 Q. Well, then how are you saying that?

2 A. I am saying that the masons assisted
3 Amber with helping her find a residence. I --
4 also helping her move the -- the merchandise
5 from storage to the residence.

6 Q. Okay. But I asked you is it your
7 understanding that they purchased the furniture
8 for her, and you said yes, just a moment ago.

9 A. Okay.

10 Q. What's the basis for that?

11 A. It would have been something that
12 Russell had mentioned at some point in time that
13 they were considering helping her purchase that
14 merchandise.

15 Q. All right. And so do you know if the
16 masons moved it from the store to the storage
17 facility in Rantoul?

18 A. I have no idea.

19 Q. Okay. And do you know the name of any
20 of the masons that were involved on the move
21 on -- according to you in August of 2014?

22 A. Russell Weideman.

23 Q. Okay. Other than Russell Weideman,
24 anybody else?

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	
vs.)	No. 16-cv-2222
)	
RENT-A-CENTER EAST, INC.,)	
)	
Defendant.)	

DEPOSITION
OF
AMBER SHUMATE

The Rule 30(b)(6) Deposition of AMBER SHUMATE, taken in the above-entitled cause, before Lisa Hahn Peterman, CSR, RMR, on the 20th day of April, 2017, at the United States Courthouse, 201 South Vine Street, Urbana, Illinois, pursuant to Notice at the hour of 12:58 p.m.

Reported by: Lisa Hahn Peterman, CSR, RMR
License No. 084-002149

1 Q. Have you ever been to a Masonic Lodge
2 meeting at the Paxton Lodge?

3 A. Meeting, no.

4 Q. Have you ever been to the Lodge?

5 A. Yes.

6 Q. And when was that?

7 A. Russell had been nominated, and it was the
8 ceremony of the Lodge and I was there.

9 Q. Do you remember when that was? Best
10 ballpark estimate.

11 A. It was before I moved into the new house, I
12 think. No, sir, I can't.

13 Q. That's all right. Do you recall on the
14 people that you say were there in July of 2014 to help
15 you move from Rankin to Royal -- right? Are you with
16 me?

17 A. (Witness nods in the affirmative.)

18 Q. Do you recall seeing any of those people at
19 that ceremony?

20 A. Yes, sir.

21 Q. Okay. How many? Best guess.

22 MR. MULAIRE: Object to form.

23 THE WITNESS: At least four or five.

24 BY MR. TRUSEVICH:

1 Q. Okay. Have you ever seen any of those four
2 or five since then, you know, running into them at the
3 grocery store, gas station, anything like that?

4 A. Yes, sir.

5 Q. How many have you run into?

6 A. I don't know, sir.

7 Q. Can you describe them?

8 A. There was an older gentleman -- he was
9 higher up in the Lodge -- and his son.

10 Q. Do you know if his son was a member, too?

11 A. I don't remember. I don't believe so at the
12 time.

13 Q. Okay.

14 A. Not all the Lodge members were capable of
15 helping.

16 Q. But you think at least four or five out of
17 that seven or eight that were there that day were from
18 the Lodge?

19 A. Yes, sir.

20 Q. Did Megan ever tell you that she did any
21 deliveries on a Sunday?

22 A. I don't remember, sir.

23 Q. But sitting here today, you don't recall any
24 specifically.

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

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

RENT-A-CENTER EAST, INC.,

Defendants.

No. 16-CV-2222
Judge Colin Stirling
Bruce

Magistrate Judge
Eric I. Long

DEPOSITION OF RUSSELL KASPER
January 19, 2017
I Hotel and Conference Center
1900 South First Street
Champaign, Illinois
10:00 a.m.

Barbara A. Glover: CSR #084-001223

1 A. I don't have the exact date.

2 Q. Just very generally speaking, what
3 were your responsibilities as the store manager
4 of the Rantoul store?

5 A. Responsible for all the activities
6 that pertained to that particular store.
7 Everything from sales to collections to
8 deliveries, repair, ordering, everything.

9 Q. Were you the highest level official at
10 the store?

11 A. At the store, yes.

12 Q. You mentioned a little earlier that
13 you're a deacon of a church?

14 A. Was at the time I was there.

15 Q. Okay. About how long were you the
16 deacon of the church?

17 A. Of the Baptist church in Rantoul, I
18 was a deacon there for four years.

19 Q. Roughly what were the dates?

20 A. I quit being a deacon there shortly
21 after I was terminated from Rent-A-Center.

22 Q. Let me take a short break. I don't
23 know that I have much more, but I just want to
24 confer with my colleague. Give me about five
25 minutes.

1 Q. Sir, I have a question on one of the
2 questions that the EEOC lawyer asked you, and
3 that was you used to be a deacon at the Bible
4 Baptist Church. Correct?

5 A. Correct.

6 Q. While you were there, you never did
7 any deliveries to Bible Baptist Church using a
8 Rent-A-Center vehicle. Did you?

9 A. Actually, once we did. We actually
10 rented to them.

11 Q. What did you rent to them?

12 A. It was another -- it was two small
13 chest freezers. Originally they were supposed to
14 go to Broadmeadow School for cookie dough, and
15 the school had some problem with its power plugs,
16 so they talked the church into letting them use
17 the freezers down there, so, yes, we did actually
18 do a delivery once to the church.

19 Q. And when did you do the pick up?

20 A. The pick up was done during the week.

21 Q. Did you ever do a delivery and pick up
22 on a Sunday?

23 A. Not there.

24 Q. And if Rent-A-Center has absolutely no
25 transaction with the Bible Baptist Church, can

1 you give me any names that it may have been under
2 so we can look at that?

3 MR. MULAIRE: Object to form and
4 foundation.

5 THE WITNESS: It would have been a
6 lady from Broadmeadow School, not from Bible
7 Baptist Church, because originally it was
8 Broadmeadow School PTA, or something like that,
9 that had set this up, but they had a power outage
10 in the gym where they would have plugged in the
11 cookie dough refrigerator.

12 BY MR. TRUSEVICH:

13 Q. By the way, if you wanted to use
14 property for charitable events, did you have to
15 get permission for that?

16 A. Yes.

17 Q. From who?

18 A. From the district manager.

19 Q. Okay. And that's the way it was while
20 you were the store manager. Correct?

21 A. Yep, and we only had one instance
22 where we actually -- well, we had one instance
23 where we ended up donating a chair and a TV for
24 some open house with some bigwigs in there, and
25 that was about the only thing I remember that we

EXHIBIT G

from August 16, 1991 until August 20, 2006.

I have searched the QuickBooks records for several years on either side of 2012 to see if there were ever any checks written to Rent-A-Center. There were no checks written from the church account directly to Rent-A-Center during the years of 2010 through 2015.

I went to the stored records and checked the Visa records to make sure nothing was paid via credit card. There were no payments made to Rent-A-Center by the credit card. I also checked to make sure no one submitted any receipts for reimbursement for a payment to Rent-A-Center. I found no records of any reimbursement to any individual for payment to Rent-A-Center.

To the best of my knowledge, Bible Baptist Church did not write any checks to Rent-A-Center from 2010 through 2015, and there were no reimbursements for payments to Rent-A-Center to any member from 2011 through 2013.

REDACTED

25 Jun 17

EXHIBIT

Bennett #1