

**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’S SUPPLEMENT TO MOTION IN LIMINE NO. 3

In accordance with the Court’s order entered January 23, 2018, Defendant Rent-A-Center East, Inc. (“Defendant” or “RAC”) attaches the deposition testimony of Amber Shumate in support of its Motion in Limine No. 3. *See* Dkt. # 78 at 3-4. Specifically, the attached testimony details Ms. Shumate’s complaints concerning the conduct of RAC’s private investigator, RAC’s counsel, RAC’s store manager, and the EEOC, the Plaintiff in this matter. *See* Exhibit A, Shumate Depo., at 15:19-21:24; 25:8-11; 25:15-26:13; 27:23-29:15; 38:2-24; 44:11-13; 49:6-51:13; 73:16-76:16; 78:19-79:7; 99:16-101:8; 106:5-23; and 112:19-113:14.

Defendant respectfully requests that the Court grant its Motion in Limine No. 3. *See* Dkt. # 78 at 3-4.

Respectfully submitted,

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Dated: January 25, 2018

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 Supplement to Motion in Limine No. 3** via ECF (*Electronic Case Filing*) on January 25, 2018:

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J. Bradley Spalding

J. Bradley Spalding

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

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APPEARANCES:

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* * * * *

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I N D E X

WITNESS	EXAMINATION
AMBER SHUMATE	
Direct Examination by Mr. Mulaire	4
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E X H I B I T S

EXHIBIT NAME	DESCRIPTION	PAGE
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1 AMBER SHUMATE, produced, sworn and examined
2 on behalf of the Plaintiff, testified and deposed as
3 follows:

4 DIRECT EXAMINATION

5 BY MR. MULHAIRE:

6 Q. Good afternoon. Could you state your name
7 for the record and spell it slowly?

8 A. **Amber Wilkerson Shumate.**

9 Q. And how do you spell your last name?

10 A. **Wilkerson is W-I-L-K-E-R-S-O-N. It's my**
11 **maiden name. Shumate is S-H-U-M-A-T-E.**

12 Q. Thank you. So we met off the record, but
13 for the record, I'm Justin Mulhaire. I'm an attorney
14 representing the plaintiff in the lawsuit that we're
15 here about today, the United States Equal Employment
16 Opportunity Commission.

17 I'm going to be asking you some questions,
18 and then once I'm done, the attorney sitting to your
19 right, who represents the defendant in the matter,
20 Rent-A-Center, will have the opportunity to ask you
21 some questions as well.

22 First, let me mention a couple of ground
23 rules that will make today work more smoothly.

24 First of all, you took an oath just a moment

1 **A. Mr. Wiedemann was a Mason, and it was his**
2 **Mason Lodge that helped.**

3 Q. Okay. And is that your understanding -- or
4 how -- why do you believe that?

5 **A. Because I recognized the people.**

6 Q. Okay.

7 **A. I was close with Mr. Wiedemann and his**
8 **friends.**

9 Q. Okay. And now you're aware that the EEOC
10 has filed a lawsuit against Rent-A-Center in
11 connection with Ms. Kerr's termination from that
12 company?

13 **A. Yes, sir.**

14 Q. And do you yourself have any personal or
15 financial stake in the outcome of that lawsuit?

16 **A. No, sir.**

17 Q. Are you related to Ms. Kerr in any way?

18 **A. No, sir.**

19 **Q. Was there a time several months ago when you**
20 **were visited by a man at home in connection with this**
21 **case?**

22 **A. Yes, sir.**

23 **Q. Could you describe that for us?**

24 **A. He was an older gentleman, gray hair, facial**

1 hair, heavier set, and he scared the crap out of me.

2 Q. First of all, do you remember

3 approximately -- do you remember what month this was?

4 A. No, sir.

5 Q. Was it in the winter or the fall?

6 A. It was dark at the time that he came, and it
7 was about 4:30, 5:00 o'clock, so I'd say winter.

8 Q. And this was at your home in Royal?

9 A. Yes, sir.

10 Q. And could you just walk us through what
11 happened? Did he knock on the door? When did you
12 first notice him?

13 A. I was cooking dinner for the kids. I have
14 four children, and we saw someone pull into the
15 driveway, me and my husband, and my husband went
16 straight out because we could not see the vehicle, we
17 could only see lights. He introduced himself to my
18 husband and I stepped out. My husband told me who he
19 was. My husband was on his way to a fire meeting --
20 he's a volunteer fireman. I asked the gentleman to
21 come back at another day or another time, and he
22 requested we either go in the vehicle to sit and talk
23 or go in the house and sit and talk.

24 Q. And what did you say in response?

1 **A. He made it seem like there was no option. I**
2 **asked twice; I gave in. We went into the kitchen. I**
3 **kept him away from my children.**

4 **Q. And when you say that he -- first of all,**
5 **did he identify himself to you or just to your**
6 **husband?**

7 **A. I don't remember.**

8 **Q. Okay. And when you say identify, he gave**
9 **you his name?**

10 **A. His name and said it had to do with the**
11 **Rent-A-Center situation.**

12 **Q. Okay. Did he say which party in the lawsuit**
13 **he was affiliated with or working for?**

14 **A. I believe Rent-A-Center.**

15 **Q. Okay. Did he say that, though?**

16 **A. I can't remember, sir.**

17 **Q. Okay. Do you recall his name, sitting here**
18 **today?**

19 **A. No, sir.**

20 **Q. Okay. What did he say to you or ask you**
21 **about?**

22 **A. He asked if I had bought the furniture, if I**
23 **knew Megan, but he kept referring to Megan as Jason,**
24 **and I don't know Megan as Jason. I corrected him**

1 multiple times. He kind of huffed at me each time I
2 corrected him. He just kept asking questions about
3 it, how I knew her, if I communicated with her, if I'm
4 friends with her now, if she's the one who moved it.

5 Q. Okay. And did you say anything to him that
6 day that was inconsistent with what you've testified
7 to today?

8 A. I can't remember. He had me really, really,
9 upset when he came. By the time he left, I was in
10 tears.

11 Q. What about this meeting upset you?

12 A. He was very domineering. He was very pushy.
13 I'd give him the only answer I had and he would
14 rephrase the question. He would push to get more, and
15 I didn't have any more to give him.

16 Q. Okay.

17 A. He demanded I look up the other people in
18 front of him with my phone to try and find the names,
19 and I didn't know most of them people anymore.

20 Q. Did he indicate at any time that it was up
21 to you whether or not you wanted to speak with him?

22 A. No.

23 Q. Did he give you any impression in that
24 regard as to whether or not you had to speak with him

1 that day?

2 A. He told me I needed to get ahold of him with
3 those names.

4 Q. Okay. And did you?

5 A. No.

6 Q. Is there anything else, beyond what you've
7 said so far, about the meeting with that individual
8 that you found objectionable?

9 A. He kept saying "he" and "Jason." Again, I
10 don't know Megan as either of that.

11 Q. Okay. You found that objectionable?

12 A. Yes.

13 Q. Okay. And you indicated that you corrected
14 him each time he did that?

15 A. Yes, sir.

16 Q. And I think a moment ago, you said he huffed
17 in response. For the record, can you explain what you
18 mean by that?

19 MR. TRUSEVICH: Objection, form.

20 THE WITNESS: I would correct him and he'd
21 give this little chuckle of he-he, yeah, and then he'd
22 move forward.

23 BY MR. MULAIRE:

24 Q. Okay. What was your impression of what this

1 individual was trying to do in the meeting with you
2 that day?

3 A. I don't know.

4 Q. Did you think he was trying to influence you
5 in any way or whether you participated in the lawsuit?

6 MR. TRUSEVICH: Objection, form.

7 THE WITNESS: He continued to try to change
8 the question even though I had already given him the
9 answer.

10 BY MR. MULAIRE:

11 Q. When you say he changed the question, did he
12 try to change your answers?

13 A. I believe so. To continue to ask a question
14 that's already been answered is seeking another
15 answer.

16 Q. Okay. And how would you characterize his
17 demeanor? Was he polite, rude, something else?

18 A. Aggressive.

19 Q. Anything else?

20 A. There really wasn't polite about it.

21 Q. Okay. At some point did you ask him to
22 leave or to end the conversation?

23 A. Yes, sir.

24 Q. And did he leave?

1 **A. No.**

2 **Q. At some point, this meeting ended, I take**
3 **it?**

4 **A. Yes, sir.**

5 **Q. When did it or how did it end?**

6 **A. Me already in tears and not being able to**
7 **answer anymore questions.**

8 **Q. All right. And did that, for any period of**
9 **time, affect your willingness to participate in these**
10 **proceedings in this lawsuit?**

11 **A. Yes, sir.**

12 **Q. How so?**

13 **A. I didn't want to do it. I didn't want to**
14 **continue being treated that way.**

15 **Q. Okay. And you're here today because I**
16 **informed you that you were being subpoenaed, is that**
17 **correct?**

18 **A. Yes, sir.**

19 **Q. So is it fair to say that you're here**
20 **because you believe you have to be?**

21 **A. Yes, sir.**

22 **Q. And, in fact, you received the subpoena in**
23 **connection with this deposition.**

24 **A. In my pocket.**

1 anybody else at Rent-A-Center you've ever spoken to?

2 **A. No, sir.**

3 MR. MULAIRE: Those are all the questions I
4 have.

5 MR. TRUSEVICH: Good afternoon, Ms. Shumate.

6 THE WITNESS: Good afternoon, sir.

7 CROSS EXAMINATION

8 **BY MR. TRUSEVICH:**

9 **Q. My name's Andy Trusevich. You and I have**
10 **never met or spoken before today, have we?**

11 **A. No.**

12 Q. And you know I represent Rent-A-Center,
13 correct?

14 **A. Yes, sir.**

15 **Q. When's the first time you spoke with**
16 **Mr. Mulaire or anyone from the EEOC about this case?**

17 **A. The first time was a few months ago and I**
18 **hung up on him.**

19 **Q. Okay. Then what about the next one?**

20 **A. I called him back --**

21 **Q. Okay.**

22 **A. -- I want to say about two months ago.**

23 **Q. Okay, so a few months ago. Was it**
24 **Mr. Mulaire who called you?**

1 **A. Yes, sir.**

2 **Q. Then you hung up on him, right?**

3 **A. Yes, sir.**

4 **Q. Then you called him back. How long between**
5 **the two times?**

6 **A. A month and half, maybe two months, I want**
7 **to say.**

8 **Q. Then a month, a month and a half later, you**
9 **called him back, and did you talk to him at that time?**

10 **A. Yes, sir.**

11 **Q. What did you all talk about at that time?**

12 **A. He explained to me that I was being**
13 **subpoenaed.**

14 Q. Okay. What else?

15 **A. And what it had to do with, the case.**

16 Q. Okay. Anything else?

17 **A. Details of the case.**

18 Q. Okay. What kind of details?

19 **A. Well, what we had just discussed.**

20 Q. Okay. Anything else?

21 **A. No, sir.**

22 Q. Then what about between that last time and
23 today? Have you spoken with anybody from the EEOC?

24 **A. No, sir.**

1 Q. Not even before your depo today?

2 A. I apologize. I spoke with -- I don't know
3 his name -- his partner.

4 Q. Miles Schultz?

5 A. No.

6 Q. Justin Mulaire?

7 A. Yes.

8 Q. Okay. That's him.

9 A. Okay. What's the other one?

10 MR. MULAIRE: Miles Schultz is another EEOC
11 attorney.

12 THE WITNESS: Okay. Then it might have been
13 him.

14 BY MR. TRUSEVICH:

15 Q. Okay. When was that?

16 A. A week ago.

17 Q. What did you all discuss?

18 A. Explaining that I might be able to get the
19 bank information.

20 Q. Okay. What else?

21 A. That was all that was spoken of that I can
22 remember, sir.

23 Q. All right. So in -- sometime in 2014, you
24 believe in around February of 2014, you went into the

1 Rantoul Rent-A-Center store, correct?

2 MR. MULAIRE: Objection, form.

3 THE WITNESS: I believe it was March, but
4 yes, sir.

5 BY MR. TRUSEVICH:

6 Q. You think it was March?

7 A. I believe.

8 Q. March 2014, somewhere around there, you go
9 into the --

10 A. Yes, sir.

11 Q. -- into the Rantoul Rent-A-Center store,
12 correct?

13 A. Yes, sir.

14 Q. And you purchased one bed frame and one
15 couch, right?

16 A. Yes, sir.

17 Q. Do you remember what the total amount was?

18 A. No, sir.

19 Q. Did they give you a receipt?

20 A. Yes, sir.

21 Q. And you were dealing with -- when you went
22 in in March of 2014, you said you dealt with Jason,
23 the store manager there; correct?

24 A. Yes, sir.

1 Q. And he was being aggressive, right?

2 A. Yes, sir.

3 Q. Just like the person who -- you said the
4 investigator who came to your house, he was
5 aggressive, too; correct?

6 A. Yes, sir.

7 MR. MULAIRE: Objection to form.

8 THE WITNESS: Yes, sir.

9 BY MR. TRUSEVICH:

10 Q. So both of those two gentlemen were
11 aggressive, correct?

12 A. Yes, sir.

13 Q. So you didn't want to deal with Jason, so
14 you dealt with Megan; correct?

15 A. Yes, sir.

16 Q. And did you know Megan prior to going to the
17 Rantoul store in March of 2014?

18 A. I met with her twice for about five minutes
19 each time.

20 Q. Okay. And where did you meet her prior to
21 that?

22 A. Once in my home when Russell Wiedemann
23 brought her there and a second time at a festival. I
24 apologize. I don't remember which one came first.

1 being nonresponsive.

2 **BY MR. TRUSEVICH:**

3 **Q. My question simply was, they didn't purchase**
4 **the furniture for you, did they?**

5 **A. No, sir.**

6 **Q. They didn't go with you to get the**
7 **furniture, did they?**

8 **A. No, sir.**

9 **Q. And the way you're saying you were in need**
10 **is you were living in your mother-in-law's house,**
11 **correct?**

12 **A. Yes, sir.**

13 **Q. You weren't homeless, right?**

14 **A. No, sir.**

15 **Q. Your husband was working, correct?**

16 **A. Yes, sir.**

17 **Q. In fact, not only was he working, he was**
18 **also a volunteer fireman, right?**

19 **A. He was not at the time, sir.**

20 **Q. Okay. But he is now.**

21 **A. Yes, sir.**

22 **Q. Please thank him for his service on that.**
23 **So you weren't homeless, right?**

24 **A. Right.**

1 Q. Did Russ Kasper ever promise you that we can
2 move it to a mini storage, but then when you're ready
3 to move it, call us and we will move it for you?

4 **A. If I don't know a Kasper, how am I supposed**
5 **to know what he would have said?**

6 MR. MULAIRE: Object to form.

7 BY MR. TRUSEVICH:

8 Q. What's the answer to my question,
9 Ms. Shumate?

10 **A. No. I've never spoken to a Mr. Kasper, sir.**

11 **Q. Okay. When's the last time you talked to**
12 **Megan?**

13 **A. When the PI showed up at my house, sir.**

14 Q. Okay. So that's the last time you talked to
15 her?

16 **A. She'll send a message occasionally asking**
17 **how are the kids or how I am.**

18 Q. You mean a Facebook message?

19 **A. A message.**

20 Q. Okay. Well, how? How is she going to send
21 a message? Calling on the phone? Smoke signals?
22 Text messages? Facebook?

23 MR. MULAIRE: Object to form.

24 THE WITNESS: She knows my phone number.

1 negative.) I have anxiety, sir.

2 MR. TRUSEVICH: Just let me know when you're
3 ready.

4 THE WITNESS: Go ahead, sir.

5 BY MR. TRUSEVICH:

6 Q. By the way, when the investigator came and
7 talked to you, I think you said, quote, he scared the
8 crap out of you, correct? Those are your words, not
9 mine.

10 A. Yes, sir.

11 Q. So tell me, which police department did you
12 call to report him?

13 MR. MULAIRE: Objection, form.

14 THE WITNESS: I didn't call, sir.

15 BY MR. TRUSEVICH:

16 Q. You didn't call any police. Was your
17 husband a fireman at that time?

18 A. He is a volunteer fireman, sir.

19 Q. Was he at that time?

20 A. Yes.

21 Q. Did you call your husband to say, hey, I
22 have this guy who won't leave and he's intimidating
23 me?

24 A. My husband was there when he showed up --

1 Q. Right.

2 A. -- and I requested my husband, get to the
3 job he needed to do.

4 Q. Okay.

5 MR. MULAIRE: I meant to object to form but
6 didn't have a chance.

7 BY MR. TRUSEVICH:

8 Q. My question was, did you call your husband
9 and say, There's a guy here that I've asked to leave
10 and he won't leave, and he's being aggressive or he's,
11 quote, scaring the crap out of me. Did you call him
12 and tell him that?

13 MR. MULAIRE: Object to form.

14 THE WITNESS: Not while he was there, sir.

15 BY MR. TRUSEVICH:

16 Q. Okay. Did you call the police while he was
17 there?

18 A. No, sir. He was a PI. I thought I had no
19 choice.

20 Q. Okay. Did you call the police afterwards
21 and say, I want to report this terrible incident that
22 just happened to me. Did you do that?

23 A. No. I called my husband.

24 Q. Okay. Did he call the police?

1 **A. No, sir. We thought we had no choice.**

2 **Q. So your husband thought you had no choice**
3 **either, correct?**

4 **A. Correct. He had just started on the**
5 **volunteer fire.**

6 **Q. Do you know if he called any of his friends**
7 **that may have been policemen and asked about it?**

8 **A. No, sir.**

9 **Q. To this day, sitting here today that you're**
10 **testifying that he, quote, scared the crap out of you,**
11 **have you ever called the police on him?**

12 **A. No, sir. He never showed up again. He**
13 **never contacted me again.**

14 Q. All right. Let's go to Exhibit 1 in front
15 of you, ma'am, and if you would turn to page 4 and let
16 me know when you're there.

17 **A. E, F, G, H?**

18 Q. Correct, H. Are you there? Are you there?

19 **A. Yes, sir.**

20 Q. All right. So H says, "Carnahan informed
21 Kasper that he disapproved of Kerr's gender
22 transition, and Carnahan instructed Kasper to find a
23 way to discharge Kerr or induce her to quit."

24 Do you see that?

1 weekend and moved furniture I bought here. Why was
2 she fired? Did you ever do that?

3 MR. MULAIRE: Objection, form.

4 THE WITNESS: No, sir.

5 BY MR. TRUSEVICH:

6 Q. And what was your answer?

7 A. No, sir.

8 Q. Okay.

9 A. I had no reason to go to the store.

10 MR. TRUSEVICH: Object to your answer as
11 being nonresponsive.

12 BY MR. TRUSEVICH:

13 Q. My question simply, Ms. Shumate, was did you
14 do that or did you not do that?

15 A. No, sir.

16 Q. Okay. Do you remember talking to the EEOC
17 in September of 2015?

18 A. I don't know the dates. I spoke to a Gloria
19 twice.

20 Q. Okay. And you remember that, right?

21 A. Yes.

22 Q. Was she nice to you?

23 A. No.

24 Q. Was she aggressive to you?

1 **A. Not aggressive, just extremely rude.**

2 **Q. Okay. So she was rude to you. Did she put**
3 **words in your mouth?**

4 **A. She claimed that I was lying about my name.**

5 **Q. Okay. So the EEOC investigator -- and**
6 **that's Gloria Mayfield. Does that ring a bell?**

7 **A. Yes.**

8 **Q. Your position here today is she was rude to**
9 **you, right?**

10 **A. Yes, sir.**

11 **Q. Yes?**

12 **A. Yes, sir. And I've reported it to him.**

13 **Q. When did you report that?**

14 **A. When I actually spoke to him and he**
15 **mentioned her name, and I brought up the fact that she**
16 **was extremely rude and he apologized for it.**

17 **Q. Interesting. When I asked you what you all**
18 **talked about maybe 20 minutes ago, you didn't recall**
19 **that, right?**

20 **MR. MULAIRE: Object to form.**

21 **BY MR. TRUSEVICH:**

22 **Q. Right? In other words, you didn't mention**
23 **it earlier.**

24 **A. You're asking me to remember things and,**

1 again, I'm trying to remember them. Isn't that the
2 point?

3 Q. My question was, you didn't recall that
4 earlier, did you?

5 A. No, but now I do.

6 Q. Okay. And so you told Mr. Mulaire that she
7 was rude to you, right?

8 A. Yes, sir.

9 Q. That she called you a liar, right?

10 A. Yes, sir.

11 Q. Okay. Well, let's look at what
12 Ms. Mayfield's notes say you told her, okay?

13 A. All right.

14 Q. Do you see that?

15 MR. MULAIRE: You're referring to Exhibit 2?

16 MR. TRUSEVICH: Yeah, Exhibit 2.

17 THE WITNESS: She kept asking questions. I
18 didn't know how or what to answer to, and I informed
19 her multiple times that I didn't want to talk to her.

20 BY MR. TRUSEVICH:

21 Q. Did you ever just hang up on her?

22 A. No offense. My name is not Andre Wilkerson.

23 Q. My question is, did you hang up on her?

24 A. No.

1 Q. Did you feel like you had to talk to her?

2 A. Yeah.

3 Q. Huh. Did you feel that -- did she tell you
4 that she was a federal investigator?

5 A. She said she was with the EE -- their
6 company.

7 Q. The EEOC?

8 A. Yes, sir.

9 Q. And you felt like you had to talk to her
10 because of that?

11 A. I told her multiple times that I just didn't
12 want to be part of this, and I still don't want to be
13 part of it, but I don't have a choice.

14 Q. Okay. Did she ever tell you you could hang
15 up at any time?

16 A. I don't remember, sir.

17 Q. All right. Then she says, Telecom with
18 witness. And you see how you spelled your name,
19 A-N-D-R-E?

20 A. Yep.

21 Q. Shumate, S-C-H-U-M-A-T-E, 105 North Olive
22 Street, Royal, Illinois; is that correct?

23 A. Yes, sir.

24 Q. Is that your correct phone number?

1 but she considers him her father because she never had
2 a father. Do you see that?

3 **A. Yes, I see it.**

4 Q. And is that correct? Did you tell her that?

5 **A. I grew up without a dad. When I came here,**
6 **he was there for me in a father figure way.**

7 Q. Okay. So --

8 **A. Which I've repeated here.**

9 Q. And you told her that, right?

10 **A. Yes.**

11 Q. That's why that's documented here.

12 **A. It's documented because Russell Wiedemann**
13 **claimed that I was his daughter and I'm not**
14 **biologically his daughter.**

15 Q. Mr. Wiedemann also considers her children
16 his grandchildren. Do you see that?

17 **A. Yes, sir. He was there for my youngest**
18 **son's birth.**

19 **Q. Ms. Shumate, the EEOC will have a chance to**
20 **ask you anything you want to do. It's not your**
21 **opportunity to just tell us what you want to. If you**
22 **just answer my questions, this will go a lot simpler,**
23 **and then the EEOC can ask you anything you want and**
24 **you can tell them anything you think will help Megan's**

1 case, okay?

2 **A. I don't care about Megan's case.**

3 **MR. MULAIRE:** And I think Mr. Trusevich is
4 right. If you just listen to the question and just
5 answer the question that's asked to you, that will
6 speed things up some.

7 **THE WITNESS:** Yes, sir.

8 BY MR. TRUSEVICH:

9 Q. All right. Thank you.

10 Mr. Wiedemann also considers her children
11 his grandchildren. Andre has four children. Do you
12 have four children?

13 **A. Yes, sir.**

14 Q. Shumate stated that Wilkerson and her -- and
15 Wilkerson is your now husband, correct?

16 **A. No, sir.**

17 Q. Who's Wilkerson?

18 **A. My maiden name.**

19 Q. All right. Any idea who she's referring to?
20 It says, Shumate stated that -- and again, I didn't
21 write these notes, Ms. Shumate, so I just am trying to
22 figure out what this means.

23 Shumate stated that Wilkerson and her went
24 to -- R is RAC, okay, RAC's store -- to purchase

1 **A. Yes, sir.**

2 Q. So from the time Megan told you she was
3 fired and you had the wherewithal to say, But, Megan,
4 why wasn't that other person fired if you were, from
5 that conversation until September 17th, 2015,
6 correct --

7 **A. Yes, sir.**

8 MR. MULAIRE: Objection, form.

9 BY MR. TRUSEVICH:

10 Q. -- you didn't tell a single person about
11 what happened to Megan, did you, ma'am?

12 MR. MULAIRE: Objection, form.

13 THE WITNESS: I spoke with my husband. It
14 wasn't anything to go any further, sir.

15 BY MR. TRUSEVICH:

16 **Q. Okay. Other than your husband, is there a**
17 **person on the face of this planet that you told that**
18 **story to prior to September 17, 2015, ma'am?**

19 **MR. MULAIRE: Objection, form.**

20 **THE WITNESS: I don't know, sir.**

21 **I apologize. Can we take a minute? I feel**
22 **like I'm going to throw up.**

23 **MR. TRUSEVICH: Yeah, go ahead.**

24 **(A brief recess was taken.)**

1 MR. MULAIRE: Can I just make a statement
2 for the record?

3 I'll just say for the record, again, we have
4 a witness here who's indicated she experiences
5 anxiety, has described a physical reaction to being
6 here a moment ago.

7 Although it won't be apparent from the
8 transcript, I think a lot of your questioning, Andy,
9 has been laced with a tone of ridicule or sarcasm, and
10 I would just request that you try to moderate that
11 tone as we proceed.

12 MR. TRUSEVICH: And for the record, I
13 disagree with that.

14 I mean, I appreciate it, and I'm not here to
15 make you feel bad, Ms. Shumate. I just have to be
16 able to -- I don't know what you're going to say on
17 the stand. It's my one opportunity to be able to ask
18 you that, and if I'm asking you that and I have --
19 that's not my intention, but at the same time, I need
20 to be able to know what you're going to say.

21 I didn't ask for this deposition,
22 Mr. Mulaire did, and he's upset that I'm asking you
23 questions now that don't agree with his theory of the
24 case.

1 **THE WITNESS:** I've been throwing up all
2 morning. Anxiety is anxiety. As harsh as you are,
3 it's expected.

4 **MR. MULAIRE:** So as we both said before, I
5 would suggest that you just listen to Mr. Trusevich's
6 questions and just try to answer the question that
7 he's asked, and that may help make things go a little
8 more quickly.

9 BY MR. TRUSEVICH:

10 Q. Is there any medical condition you have that
11 would affect your memory or testimony today?

12 **A. Is that you asking what I have?**

13 Q. No. I'm just asking if you suffer from any
14 medical condition or anything that would affect your
15 memory or the truthfulness of your testimony today.

16 **A. Truthfulness, no. I am telling you**
17 **everything I can that I know truthfully today.**

18 Q. Okay.

19 **A. Do I have a hard time remembering things on**
20 **my own? Occasionally. Being told timeframes and**
21 **names tends to help.**

22 Q. You mean as far as telling you names to sort
23 of refresh your recollection?

24 **A. Yes, sir.**

1 that?

2 A. I don't remember, sir.

3 Q. So the second time could have been before
4 that, it could have been after that.

5 A. The first time was before this because I was
6 still Wilkerson.

7 Q. When she talked to you the first time, did
8 you think she was rude?

9 A. She wasn't rude the first time.

10 Q. Okay. Did she try to put words in your
11 mouth the first time?

12 A. I don't believe so.

13 Q. Okay. Any idea what changed between the
14 first time and the second time?

15 MR. MULAIRE: Object to form.

16 THE WITNESS: My last name.

17 BY MR. TRUSEVICH:

18 Q. No.

19 A. Seriously. I'm sorry, but that is what the
20 problem was. When she had called to speak with me the
21 second time, she had accused me of lying about my name
22 because I -- when she called, I said it's Shumate and
23 she thought I was lying about my name the first time.

24 Q. By the way, did Investigator Mayfield, prior

1 knowledge of any of those allegations?

2 **A. Only what I've already informed you.**

3 Q. And what specific one? What number is
4 that -- or what letter is that, ma'am, on page 6? I
5 mean --

6 **A. I knew just after of her being discharged,**
7 **which I've told you. She told me when I asked.**

8 Q. But you don't know Rent-A-Center's side what
9 happened, correct?

10 **A. Not at all.**

11 MR. TRUSEVICH: All right. Give me about
12 five minutes.

13 Ma'am, you've been great. Thank you. And
14 let me have about five minutes just to look over in
15 case I have anything I didn't cover with you, but I
16 appreciate it.

17 Let me make sure we've got just two
18 exhibits, correct?

19 **MR. MULAIRE: Yeah.**

20 **Maybe, just for the record, Exhibit 1 is a**
21 **copy of the EEOC's Complaint, and Exhibit 2 is Bates**
22 **Number EEOC 0085 through 0091.**

23 **MR. TRUSEVICH: Yeah, that's good. And**
24 **Exhibit 2 is Investigator Mayfield's notes, produced**

1 by the EEOC, of her conversation with Ms. Shumate,
2 correct?

3 MR. MULAIRE: I'm not going to characterize
4 them; the Bates numbers do that.

5 MR. TRUSEVICH: All right. Fair enough.
6 Let's go off the record.

7 (A brief recess was taken.)

8 MR. MULAIRE: Back on the record.

9 MR. TRUSEVICH: I'll pass the witness.
10 That's all I have.

11 Thank you, Ms. Shumate. You've been great.
12 Thanks.

13 MR. MULAIRE: And I don't have any other
14 questions.

15 So let me just say to the witness, so under
16 the rules, if you want, you have the opportunity to
17 review a copy of the transcript of this deposition,
18 once it's prepared, to determine if there are any
19 errors in it that you think need to be corrected.
20 That's not required. It's entirely up to you. Do you
21 have a preference about that?

22 THE WITNESS: I wouldn't understand it.

23 MR. MULAIRE: Okay. Then we're done here
24 today. Thank you for your time.

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REPORTER'S CERTIFICATE

I, LISA HAHN PETERMAN, Illinois CSR No. 084.002149, Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of Illinois that the foregoing is true and correct.

Dated this 3rd day of May, 2017.



Lisa Hahn Peterman
Illinois CSR No. 084.002149