

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Docket No. 16-2222

Plaintiff,

vs.

Urbana, Illinois
May 14, 2018
2:27 p.m.

RENT-A-CENTER EAST, INC.,

Defendant.

TESTIMONY OF RUSSELL KASPER

BEFORE THE HONORABLE ERIC I. LONG
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S :

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Proceedings recorded by mechanical stenography; transcript
produced by computer.

1 (In open court; jury present; 2:27 p.m.)

2 RUSSELL JAMES KASPER, sworn, 2:27 p.m.

3 THE COURT: Just get situated in that chair.
4 Pull the microphone up nice and close so everybody can
5 hear you.

6 WITNESS KASPER: Certainly.

7 DIRECT EXAMINATION BY MR. MULAIRE:

8 Q Good afternoon.

9 A Good afternoon.

10 Q Just for the record, could you state your name
11 and spell your last name?

12 A Russell James Kasper, K-a-s-p-e-r.

13 Q Thank you.

14 Are you currently employed?

15 A Yes, sir.

16 Q Where are you employed?

17 A I'm an Army contractor with the Illinois
18 National Guard at Lincoln's Challenge Academy in Rantoul.

19 Q And just very briefly, what kind of work does
20 Lincoln's Challenge Academy do?

21 A We take care of children at risk that are 16 to
22 18 years old. It's like a boot camp. Try to give them a
23 second chance. Get them a GED.

24 Q And, briefly, what kind of work do you do
25 there?

1 A I'm the warehouse supervisor.

2 Q All right. Now, were you also at one point
3 employed at Rent-A-Center?

4 A Yes, sir.

5 Q And during what years were you employed at
6 Rent-A-Center?

7 A It was, like, 2004 through 2013.

8 Q Did your employment end in December of 2013?

9 A Yes, sir.

10 Q And what was your job when you first started at
11 Rent-A-Center?

12 A Sales representative.

13 Q And by the end, what was your last position at
14 Rent-A-Center?

15 A Store manager.

16 Q Were you the store manager of any particular
17 store?

18 A Store 319 in Rantoul.

19 Q Okay. And, now, you mentioned "Store 319." Is
20 there internally a numbering system that applies to the
21 stores at Rent-A-Center?

22 A Yes.

23 Q And so if someone refers to 319, that's, that's
24 the Rantoul store?

25 A Yes, sir.

1 Q Okay. Now, did you have any previous
2 management experience before you worked at Rent-A-Center?

3 A Yes, sir. I was in the military for ten years;
4 and I was a staff sergeant, which, from Buck Sergeant on
5 up, was a supervisory type position.

6 I was also a manager of TruGreen Chem Lawn, a
7 lawn care company here in Champaign-Urbana, for 20 years.

8 Q Okay. And going back to Rent-A-Center, while
9 you were the store manager in Rantoul, who was your boss?

10 A My boss originally was Chris Thomas, who was
11 the store manager at 319 when I first got there; and
12 Marcie Bussman was the regional manager.

13 Q Okay. And then focusing on the last year you
14 were there, in 2013, who was your boss during that year?

15 A Jason Carnahan.

16 Q Okay. And what was his title?

17 A District manager.

18 Q And at Rent-A-Center, for anyone who doesn't
19 know, the district manager is the position, then,
20 immediately above the store manager's?

21 A Yes, sir.

22 Q Okay. Now, did Mr. Carnahan have an office in
23 the Rantoul store?

24 A No, sir.

25 Q Do you know if he had an office somewhere else?

1 A Yes, sir. I believe it was the Pontiac
2 location.

3 Q Okay. Now, did he ever visit the Rantoul store
4 while you were the store manager?

5 A Yes.

6 Q About how often?

7 A Monthly, or about every six weeks.

8 Q Okay. And just to be clear, during your last
9 year at the store, 2013, Mr. Carnahan was your district
10 manager for that whole year?

11 A Yes, sir.

12 Q Now, let me ask you a couple of questions about
13 Rent-A-Center. First of all, for anybody who's not
14 familiar, could you describe what kind of business
15 Rent-A-Center is in?

16 A Rent-A-Center was a retail rental location. We
17 rented furniture, appliances, electronics to prospective
18 home owners. They could either purchase the merchandise
19 out in cash, or they went on a monthly payment plan.

20 Q Okay. Was more of the business cash purchases,
21 or was more of it the rent-to-own model?

22 A Rent-to-own model was the most.

23 Q Okay. And how, typically, did merchandise that
24 people either rented or purchased get to the customers'
25 homes?

1 A After the paperwork was completed and initial
2 payments or agreements were made, then the customer -- if
3 it was a small item -- were able to take it home with
4 them, or we offered free home delivery and set-up
5 service.

6 Q How many deliveries were there at the Rantoul
7 store when you were the store manager?

8 A How many deliveries?

9 Q How many -- I'm sorry. How many delivery
10 vehicles --

11 A Oh, --

12 Q -- did the store have?

13 A -- two, sir.

14 Two.

15 Q And can you just describe them briefly?

16 A We had a box roll-up truck, which was big
17 enough to handle the large furniture; and then we had a
18 small van for the smaller items.

19 Q Okay. And what days was the Rantoul store
20 open?

21 A Monday through Saturday.

22 Q And so it was closed on Sundays?

23 A Yes, sir.

24 Q Now, when you were the store manager, were
25 there ever, nevertheless, times when one of the delivery

1 vehicles needed to be used on a Sunday?

2 A Yes.

3 Q Could you give us some examples of those?

4 A There were situations where we would do
5 short-term rentals for outside organizations that were
6 having things done at different fairs, church
7 functions -- things like that -- where they would need a
8 particular item; but they would only need it for, like,
9 from Friday, Saturday, and then Sunday everything wraps
10 up. And they tell you, "You either need to come get it
11 on Sunday, or your merchandise is going to be sitting out
12 here in a field until you come for it on Monday."

13 Q Okay. So in those situations when you were the
14 store manager, what would you do?

15 A We would write up a contract sale with them,
16 charge them an additional fee for having to just do this
17 as such a short-term item.

18 A quick example is Century Restaurant in
19 Rantoul. They used to always get ice chests and
20 refrigerators from us for their food when they'd have the
21 Farm Tractor Show and the Antique Steam Show, and they
22 would have us deliver it on Friday. They would use it
23 Friday and Saturday; and then Sunday at 2:00, the
24 fairgrounds and everything wrapped up. He'd take his
25 stuff and leave and just left our stuff sit there; and so

1 we were told, you know, "If you wanted it back, you need
2 to come and get it."

3 Q Okay. So if you were working that weekend,
4 who, who would go and get the item in the truck?

5 A Typically, it was myself.

6 Q Okay. And when you picked up an item like that
7 on a Sunday, did you typically put it right back in the
8 store that same day, on Sunday?

9 A No, sir.

10 Q What -- why not?

11 A Normally, under normal circumstances, it would
12 be put on the box truck, and then the box truck would be
13 padlocked until Monday morning. Then the merchandise
14 would be taken care of -- taken off and cleaned.

15 Q And why not simply put it in the store on
16 Sunday?

17 A The policy was: You would have to go through
18 the regional manager and the corporate office to let them
19 know that somebody would be entering the store on Sundays
20 because of the alarm service that we had, and so it was
21 always agreed upon that the merchandise would just stay
22 on the truck overnight so that we do not have to enter
23 the store on Sunday.

24 Q And then before you were the store manager at
25 Rantoul, were you ever aware of any other Sunday

1 deliveries or pickups while you worked at Rent-A-Center?

2 A Yes. When I originally started working there,
3 Chris Thomas, the store manager at that time, he already
4 had numerous occasions of, like this set-up for the
5 deliveries. He usually did the pickups himself, though,
6 on Sunday.

7 Q Okay. Can you give us any examples of those?

8 A Same places again. These were continuing
9 customers year after year.

10 Q Okay. Now, when you were the store manager,
11 you said typically you would go on the Sunday and pick up
12 the items. What would -- who would be responsible for
13 taking care of that if you were on vacation that weekend?

14 A Whoever the acting store manager was at that
15 time.

16 Q And what were the other positions in the store
17 at that time below store manager? What titles?

18 A Well, the sales manager and the collection
19 manager. They were both assistants.

20 Q Okay.

21 A They helped -- they were both key-carrying.

22 Q And is the collections manager also sometimes
23 known as the credit manager?

24 A Yes.

25 Q And was there -- were there any non-managers in

1 the store at that time?

2 A On Sundays?

3 Q No, I'm sorry. Just at the time that you were
4 the store manager -- so you have the store manager. You
5 have the two assistant managers, sales and credit. Were
6 there any other employees on the store staff at that
7 time?

8 A Depending upon the accounts, those three were
9 usually all that there were in the store; however, there
10 were, on occasions, additional salespeople or delivery
11 people.

12 Q Okay. Have you ever heard the term "customer
13 account representative"?

14 A Yes.

15 Q Was there a customer account representative at
16 the store typically?

17 A Yes.

18 Q Okay. And so if something needed to be done on
19 a Sunday when you weren't available though, it would be
20 one of the assistant managers?

21 A It would not be one of the credit managers --
22 or credit people. It would be one of the two other
23 managers.

24 Q Be one of the managers, not the --

25 A Correct.

1 Q -- customer account representative?

2 A Correct.

3 Q Okay. Now, let me ask you a couple of
4 questions about Megan Kerr. So, first of all, when you
5 worked at Rent-A-Center, were you aware of an employee
6 named Megan Kerr?

7 A Yes.

8 Q And in the workplace, what was your
9 relationship to her?

10 A I was her boss.

11 Q Okay. So she worked at the Rantoul store when
12 you were the store manager there?

13 A That is correct.

14 Q And do you recall, roughly, when she worked
15 there?

16 A At least the last full year that I had been
17 there.

18 Q Okay. And you were there until December 2013,
19 correct?

20 A Correct.

21 Q And so she had come to the Rantoul store about
22 a year before that?

23 A Approximately, yes.

24 Q Okay. Now, when Ms. Kerr first came to the
25 Rantoul store, did she present as male or female?

1 A Male.

2 Q And what name -- what first name did she go by
3 then?

4 A Jason.

5 Q And at some point, I take it, that -- that
6 changed?

7 A Yes, sir.

8 Q And at what point did she transition to Megan?

9 A Within that last year that I was there.

10 Q Okay. So, now, if you left in December 2013,
11 can you say about how many months that she --

12 A At least about nine months.

13 Q -- transitioned to Megan?

14 I'm sorry? How much --

15 A At least about nine months.

16 Q About nine months.

17 And just speaking for yourself as the store
18 manager, did you have any problem with that?

19 A No. I did not.

20 Q Okay. Now, at some point, did you tell Mr.
21 Carnahan, your boss, about Ms. Kerr's transition?

22 A Yes, I did.

23 Q And what, what did you tell him?

24 A Jason had just informed me that he was going to
25 be having the hormonal shots to do the transition, so I

1 did notify my boss; and I even told Jason that I would be
2 notifying him just to let him know what was going on here
3 at the store. And that's what was done. I called him
4 and told him.

5 Q Okay. And the first Jason you referred to is
6 Jason Kerr; that was Megan's old name?

7 A Correct.

8 Q And roughly how long after you learned that Ms.
9 Kerr was going to be transitioning did you reach out to
10 Mr. Carnahan? Was it right away? Sometime later?

11 A Right away.

12 Q Okay. And did -- could you tell whether Mr.
13 Carnahan approved or disapproved of the fact that she was
14 transitioning?

15 A Initially, I felt that he thought I was kidding
16 because it was like, "Okay."

17 Now, I'm just -- that's my impression over the
18 telephone.

19 Q Okay. Was there a time when it seemed that he
20 didn't think you were kidding anymore?

21 A Yes. When he came to the store.

22 Q Okay. And when he came to the store, I take
23 it, then, you met with him in person?

24 A Met with him in person. We talked. He also
25 saw Megan in the store at that time; and Megan had

1 already transitioned into a female, where -- along with
2 taking the hormones.

3 Q And was this also in or around March of 2013?

4 A Somewhere in that area, yes.

5 Q Okay. And when he visited the store that time,
6 did you have any one-on-one meeting with Mr. Carnahan?

7 A Yes, we did.

8 Q Did you discuss Ms. Kerr's transition?

9 A We did.

10 Q And could you tell during that meeting whether
11 he approved or disapproved of her gender transition?

12 A I think he was forming his opinion at that
13 particular time because it wasn't until the next visit
14 that things were starting to get said.

15 Q Okay. About how much later was the next visit?

16 A About six weeks.

17 Q Okay. And so during that next visit, did you
18 have a conversation with Mr. Carnahan about Ms. Kerr's
19 transition?

20 A That was not directly what the purpose of the
21 visit was. The visit was to go over business. But
22 during the course of the conversations, sales were
23 starting to slump at our store; and he had made the
24 comment that one of the reasons he thinks that we were
25 having problems was because of her.

1 Q And could you tell during that conversation
2 whether Mr. Carnahan approved or disapproved of Ms.
3 Kerr's gender transition?

4 A My opinion was that he felt disapproval.

5 Q Okay. And, now, during any of these meetings,
6 did Mr. Carnahan ever indicate to you what he wanted to
7 happen with respect to Ms. Kerr?

8 A As time went on, he did make mention that he
9 would -- he thought it would be best if we document
10 anything and everything that she was doing wrong,
11 regardless of how severe or unsevere it was, because he
12 made the comment that, "You know, we can't get rid of
13 anybody unless we have documentation first; so I want you
14 to document everything that goes on with her."

15 Q And did he indicate to you what his goal was in
16 asking you to do that?

17 A He definitely insinuated that he was wanting to
18 let her go.

19 Q And did Mr. Carnahan ask you -- give you any
20 instructions like that with respect to any other
21 employee?

22 A No.

23 Q It was just Ms. Kerr?

24 A Yes.

25 Q Now, during these conversations, did you say

1 anything to Mr. Carnahan in response when he gave you
2 those directions?

3 A I told him I didn't want to do it.

4 Q And why was that?

5 A I didn't think it was right.

6 Q And did you think it was legal?

7 A No. I did not.

8 Q Now, did Mr. Carnahan ever follow up with you
9 again about Ms. Kerr after giving you the, the
10 instructions that you just described?

11 A On his next visit to the store, he also
12 asked -- he said, "And have you taken" -- or "Do you have
13 any documentation yet on Megan, because I haven't seen
14 anything from you yet?"

15 Q And --

16 A I told him, "No."

17 Q And did you have documentation for him?

18 A No.

19 Q Did you go along with Mr. Carnahan's
20 instruction to find something to document concerning Ms.
21 Kerr?

22 A No. I did not.

23 Q Did Mr. Carnahan just follow up with you that
24 one time, or did it happen again after that?

25 A It was periodically as we continued on, until

1 my dismissal.

2 Q And so that continued until your dismissal in
3 December of that year?

4 A Uh-huh [nodding head up and down].

5 Q Just for the record, can you answer --

6 A That is a "yes."

7 Q -- with a "yes" or "no." Thank you.

8 Now, when Mr. Carnahan typically asked you
9 about the -- whether or not you had found documentation
10 for Ms. Kerr, were you typically alone with him; or were
11 there other people around?

12 A I was always alone with him.

13 Q Okay. And, now, did you ever make a note
14 anywhere of what Mr. Carnahan was telling you during
15 these meetings?

16 A Yes, I did.

17 Q Do you normally take notes of things, or was it
18 just this specific topic that you decided to take notes
19 on?

20 A I am a note taker.

21 Q And can you --

22 A And I would make what I call "MFRs," memo for
23 records.

24 MS. QUINCY: Objection, Your Honor; best
25 evidence.

1 THE COURT: Overruled.

2 BY MR. MULAIRE:

3 Q And when you say "memo for record," can you
4 explain what --

5 A It goes --

6 Q -- tell us what you mean --

7 A -- back to my military days.

8 Q -- by "memo for record."

9 A We would make a memo for record regarding
10 anything that was out of ordinary and just keep it on
11 record so if we need to go back to that information later
12 on we will.

13 Q And was that a practice you followed when you
14 were the store manager in Rantoul?

15 A Yes, it is.

16 Q And so did you take notes during your meetings
17 with Mr. Carnahan?

18 A Yes, I did.

19 Q And that included your meetings in which he was
20 discussing or reacting to Ms. Kerr's gender transition?

21 A Yes.

22 Q And that included your in-person meetings with
23 Mr. Carnahan as well, correct?

24 A Yes.

25 Q It wasn't just when you were talking to him

1 over the phone?

2 A Correct.

3 Q So he could see that you regularly took notes?

4 A Yes.

5 Q Now, a moment ago you said that you thought
6 that what Mr. Carnahan was asking you to do was wrong.

7 Did you report it to anybody higher up within
8 Rent-A-Center?

9 A No. I did not feel comfortable.

10 Q And could you explain that for us? Why didn't
11 you feel comfortable doing that?

12 A I would confide in my wife each night when
13 things like this were happening, and we talked it over in
14 great detail; and we both felt that by stepping forward
15 at that particular time I'd be slitting my own throat.

16 Q Now, as we've discussed, your employment at
17 Rent-A-Center ended in December 2013.

18 A Correct.

19 Q Did you leave voluntarily or involuntarily?

20 A Involuntarily.

21 Q You were fired?

22 A Yes, I was.

23 Q And who fired you?

24 A Jason Carnahan.

25 Q And, and when you were terminated, were you

1 able to take the, the notes that you had taken over your
2 time there with you?

3 A No. I was not.

4 Q Did you ask if you could keep your notes?

5 A Yes, I did.

6 Q Who did you ask?

7 A Jason.

8 Q Jason?

9 A Carnahan.

10 Q Thank you.

11 And what did he say?

12 A "No." He said, "You can have your personal
13 stuff, but everything else stays here."

14 Q Okay. Now, when is the last time that you
15 talked to Ms. Kerr?

16 A The day I was terminated.

17 Q So back in December 2013?

18 A Yes, sir.

19 Q Now, has Ms. Kerr ever asked you to testify in
20 this case on her behalf?

21 A No.

22 Q How did you come to be involved in this case?

23 A EEOC reached out to me.

24 MR. MULAIRE: Thank you, Your Honor. No other
25 questions at this time.

1 THE COURT: Ms. Quincy, any cross?

2 CROSS-EXAMINATION BY MS. QUINCY:

3 Q Good afternoon.

4 A Good afternoon.

5 Q Mr. Kasper, I want to see if there are some
6 things we can agree to. You worked in the military for
7 how long?

8 A Ten years.

9 Q What was your position?

10 A I was in it for the -- the first four years,
11 during the Vietnam era, I was a medic. I was released.
12 I went and spent two and a half years as an animal
13 scientist, if you could say that, at the Southwest Texas
14 Research Institute; and got recalled back into the Air
15 Force again as a medic, and then later as a disaster
16 preparedness specialist.

17 Q How long were you at Rent-A-Center?

18 A Nine years.

19 Q During the time that Ms. Kerr worked for you,
20 she was neither promoted nor demoted; would you agree
21 with that?

22 MR. MULAIRE: Objection, scope.

23 THE COURT: Overruled.

24 A I think at one point there was a lateral, from
25 sales to credit, back and forth. That was not unheard

1 of. We did that quite often.

2 Q Yeah. I think you told us in your
3 deposition -- do you remember having your deposition
4 taken --

5 A Yes.

6 Q -- in this matter?

7 In your deposition, you were under oath, just
8 like you are in front of the jury here today; --

9 A Uh-huh.

10 Q -- is that right?

11 A Correct.

12 Q And, actually, the Rent-A-Center lawyer asked
13 you questions, and I believe Mr. Mulaire asked you
14 questions as well. Do you recall that?

15 A Correct.

16 Q And you answered them that day under exactly
17 the same oath you're under here today?

18 A Correct.

19 Q And I think you told us in that deposition that
20 switching from sales to credit, or credit to sales, is
21 not a demotion?

22 A That is correct.

23 Q It's done --

24 MR. MULAIRE: Objection.

25 Q -- frequently?

1 MR. MULAIRE: That's hearsay. It's not
2 impeachment.

3 THE COURT: Overruled.

4 BY MS. QUINCY:

5 Q I think you also told us in that deposition
6 that it was your understanding -- and correct me if
7 you're wrong, or I can just ask it straight out --
8 charity events have to be approved by someone above store
9 level, correct?

10 A Charity? Yes.

11 Q As a matter of fact, charity events have to be
12 proved -- approved by the district manager?

13 MR. MULAIRE: Objection, scope.

14 THE COURT: Overruled.

15 A I don't know.

16 Q Is Mr. Kasper's deposition available?

17 (Brief pause in proceedings.)

18 MS. QUINCY: Actually, to save time, Your
19 Honor, I have a very short passage that I'll just read,
20 if Mr. Mulaire wants to follow along, to make sure I read
21 it correctly.

22 THE COURT: He's trying to find it.

23 (Brief pause in proceedings.)

24 MS. QUINCY: Oh, I'm sorry, Your Honor. May I
25 approach the witness?

1 THE COURT: Yes.

2 BY MS. QUINCY:

3 Q If you would turn to page 174 of your
4 deposition.

5 (Brief pause in proceedings.)

6 Q It's almost at the back. As a matter of fact,
7 it's the next-to-last page.

8 A Got it.

9 Q Okay. See if I read this correctly. It starts
10 on line 13.

11 "Question: By the way, if you wanted to use
12 property for charitable events, did you have to get
13 permission for that?

14 "Answer: Yes.

15 "Question: From who?

16 "Answer: From the district manager."

17 Do you recall having given that testimony?

18 A Yes.

19 Q And that was truthful?

20 A That is correct.

21 Q When you worked at Rent-A-Center, the store was
22 closed on Sundays?

23 A Excuse me; I didn't --

24 Q Pardon me?

25 A I didn't hear what you said.

1 Q When you worked at Rent-A-Center, the
2 Rent-A-Center store was closed on Sunday?

3 A That is correct.

4 Q It was never open on Sunday?

5 A Correct.

6 Q Are you aware of any deliveries that were made
7 on a Sunday?

8 A No.

9 Q You talked about a couple of pickups that you
10 did, and I want to ask you a few questions about those.
11 It sounded like it was a business necessity that you went
12 and picked up those items, correct?

13 A Pick it up or potentially lose it.

14 Q Right. So it was, it was in Rent-A-Center's
15 best interests --

16 A Yes, definitely.

17 Q -- to go pick up that --

18 A Definitely.

19 Q -- equipment?

20 But you also talked about how you had a
21 contract with a customer who had done that short-term
22 rental. Do you recall giving that testimony just a
23 minute ago?

24 A Yes, I do.

25 Q And that contract would have made that customer

1 responsible if the equipment did not get returned in good
2 condition, wouldn't it?

3 A But there's also the agreement right up front
4 as to the fact that it was a short-term rental because --
5 the contract is the same as that contract that we'd use
6 for anybody, a residential customer coming in wanting to
7 rent a radio for the weekend for a child's Christmas
8 party or birthday party, something like that, or for a
9 corporate-type person who needed something at a function.

10 Q That's my point, sir. It was the exact same
11 contract you used for everyone else?

12 A Same paperwork, yes.

13 Q And the customer was obligated to return the
14 equipment in good condition, correct?

15 A Not necessarily.

16 Q Sir, can you tell us what regional director you
17 got approval from to enter into that kind of an
18 agreement? So --

19 A I wouldn't have to.

20 Q -- just a name.

21 All I'm asking for is a name.

22 A If it --

23 Q And if there was nothing --

24 A -- was a charitable, where it's a freebie, then
25 I would have to go to, to Jason Carnahan.

1 Q Now, that would be the district manager,
2 correct?

3 A Correct.

4 Q Did Mr. Carnahan ever know that you were
5 agreeing to go pick things up at closed fairgrounds, or
6 places like that, on a Sunday?

7 MR. MULAIRE: Objection, foundation.

8 A It has to do with a charitable --

9 Q Sir, --

10 THE COURT: Hold on; hold on. Anytime there's
11 an objection, just let me rule on it before you answer.

12 I couldn't hear you as the witness was talking.

13 MR. MULAIRE: Foundation and speculation.

14 THE COURT: Sustained.

15 BY MS. QUINCY:

16 Q Let me just take a step back. You're saying
17 that these customers were telling you they were just
18 gonna leave the merchandise unattended in a public area,
19 correct?

20 A Yes.

21 Q And somehow you agreed to that, correct?

22 A I agreed to pick up the merchandise so they
23 would not be left out there.

24 Q Did you ever get approval from Mr. Carnahan to
25 do that?

1 A I did not need to.

2 Q Sir, did you ever discuss it with Mr. Carnahan?

3 A I did not need to.

4 Q Okay. But you didn't?

5 A I did not.

6 Q I believe you also told us in your -- you also
7 told us that Megan Kerr was not involved in any way in
8 those Sunday pickups?

9 A To my recollection, no. But I know of at least
10 one occasion when Megan went with me to drop something
11 off for one of the events.

12 Q Sir, if you would turn to page 19 of your
13 deposition, please.

14 A 19?

15 (Brief pause in proceedings.)

16 A Okay.

17 Q The question is, on line 5: "And Megan Kerr
18 was not involved in any of the Sunday pickups that you
19 described to the ladies and gentlemen of this jury,
20 correct?"

21 A Correct.

22 Q And your answer was, "Correct."

23 A [Nodding head up and down.]

24 Q Can we also agree that you have no knowledge,
25 no personal knowledge, as to why Ms. Kerr was let go?

1 A No. I do not know.

2 Q When a customer would purchase some furniture
3 for cash while you were the store manager, --

4 A Uh-huh.

5 Q -- would you agree to deliver it to a mini
6 storage?

7 A To a mini storage?

8 Q Yes.

9 A No.

10 Q Would you agree to go later for that customer,
11 pick up the furniture from a mini storage -- cash
12 purchase again -- and deliver it to a second location?

13 A No.

14 Q You worked with Marcie Bussman, didn't you?

15 A Yes.

16 Q Did you ever hear her say anything negative
17 about Megan Kerr?

18 A No.

19 Q How about Megan Kerr transitioning?

20 A Not that I'm aware of.

21 Q What was Ms. Bussman's position?

22 A During this time period, Marcie Bussman had
23 stepped down from being a district manager to a store
24 manager and was running the Champaign store.

25 Q Did you talk to Ms. Bussman frequently?

1 A When I was assigned to her as her executive
2 assistant, yes.

3 Q Did you know her pretty well?

4 A Yes, I did.

5 Q You never reached out to Ms. Bussman about any
6 of these things that Mr. Carnahan was allegedly saying
7 about Ms. Kerr, did you?

8 A No.

9 Q Chris Thomas, I think you talked about Chris
10 Thomas. He was the store manager in Rantoul?

11 A That is correct.

12 Q Did you ever hear Mr. Thomas make any negative
13 comments about gays, lesbians, transgender -- anything of
14 that nature?

15 A Yes.

16 Q Mr. Thomas?

17 A He was gay.

18 Q Mr. Thomas, the prior store manager in Rantoul,
19 was a gay man?

20 A Yes, he was.

21 Q Is it your knowledge that he's still with
22 Rent-A-Center to this day?

23 A Last I heard, he was.

24 Q It's pretty common to send one employee from
25 one store to another store to help out, isn't it?

1 A Correct.

2 Q You talked about Ms. Kerr when she started
3 getting hormone injections. Do you recall that testimony
4 that you just discussed?

5 A Yes.

6 Q She came to you and had asked that she be taken
7 off deliveries for a while?

8 A That was correct.

9 Q And you agreed to that?

10 A Yes.

11 Q And you actually mentioned that to Mr.
12 Carnahan?

13 A Yes.

14 Q And he was fine with that?

15 MR. MULAIRE: Objection, foundation.

16 THE COURT: Establish the foundation.
17 Sustained.

18 BY MS. QUINCY:

19 Q Did you talk to Mr. Carnahan about Ms. Kerr's
20 request to be taken off deliveries?

21 A Yeah.

22 Q Did Mr. Carnahan tell you that he had any
23 objection to that?

24 MR. MULAIRE: Objection, --

25 A Not at that time.

1 MR. MULAIRE: -- calls for hearsay.

2 THE COURT: Overruled.

3 BY MS. QUINCY:

4 Q I'm sorry?

5 A Not at that time.

6 Q Do you recall when it was that Ms. Kerr was
7 getting these hormone injections?

8 A Right after she notified us that she was going
9 to start doing the change.

10 Q Right.

11 Do you know when it was? Can you give us a
12 month and a day?

13 A No. I can't give you a month and a day.

14 Q Is -- when she told you that she would be
15 transitioning, did she give you some paperwork?

16 A Yes, she did.

17 Q Was that paperwork a name change that she had
18 had legally done?

19 A Yes.

20 Q Did you share that with Mr. Carnahan?

21 A Yes, because I had to route it through his
22 office.

23 Q It's your memory that the hormone treatments
24 she was having were after that?

25 A I don't remember if it was before, during, or

1 after, or both.

2 Q Do you recall where it was that she asked to be
3 taken off deliveries, whether it was before she gave you
4 the name change documents or after?

5 A No. I don't remember that exactly.

6 Q Exhibit 33.

7 (Brief pause in proceedings.)

8 MS. QUINCY: Your Honor, may the witness be
9 handed Exhibit 33?

10 THE COURT: Uh-huh.

11 (Brief pause in proceedings.)

12 BY MS. QUINCY:

13 Q Do you have Exhibit 33 in front of you? I'm
14 sorry.

15 (Discussion off the record.)

16 MS. QUINCY: Your Honor, the witness has an
17 exhibit notebook, I believe. If I may approach the --

18 THE COURT: Yeah. Mr. Kasper, you can -- or
19 I'll let you just find it.

20 (Brief pause in proceedings.)

21 BY MS. QUINCY:

22 Q If you would just start and just page through
23 that, it's several different pages.

24 (Brief pause in proceedings.)

25 Q Do you recognize that document?

1 A Yes, I do.

2 Q Is this the paperwork that Ms. Kerr gave you?

3 A Correct.

4 MS. QUINCY: Your Honor, we'd move the
5 admission of Exhibit 33.

6 MR. MULAIRE: I guess we'd object. Ms. Kerr's
7 transgender status has been admitted, so it's not a
8 disputed issue in this trial.

9 COURT REPORTER: Is your microphone on?

10 MR. MULAIRE: The light is green, but I'm
11 guessing I should talk louder.

12 COURT REPORTER: Please.

13 MR. MULAIRE: Ms. -- the answer admitted that
14 Ms. Kerr is transgender, and so I'm not sure what these
15 documents would be relevant to, other than that fact
16 which has already been established.

17 THE COURT: Overruled. They're admitted.

18 BY MS. QUINCY:

19 Q So, Mr. Kasper, Ms. Kerr gave you these
20 documents, which seemed to consist of a handwritten note
21 on the front page and then several legal documents behind
22 it?

23 A Correct.

24 Q And the handwritten note says -- Your Honor,
25 permission to publish to the jury?

1 THE COURT: Correct.

2 Q "Russ, I have put off giving you these
3 documents because they change big things. But as I have
4 legally changed my name and need to change things on
5 employment info, I did not know where to go with it. I
6 am open to all questions you may have in regards to this.
7 Thanks. Jason Kerr."

8 That's the note Ms. Kerr gave you?

9 A Correct.

10 Q And, obviously, at that time, she was going by
11 "Jason Kerr," --

12 A Correct.

13 Q -- correct?

14 These documents, did you look at the documents
15 she gave you?

16 A Yes. To the county clerk.

17 Q Pardon me?

18 A For the county clerk.

19 Q From the county clerk and from a newspaper.
20 It, it looked like she had been transitioning for some
21 time at the time she gave you this document -- these
22 documents. Would you agree with that?

23 MR. MULAIRE: Objection, relevance.

24 THE COURT: Overruled.

25

1 BY MS. QUINCY:

2 Q Sir, if you'd turn to the last page, which is
3 EEOC 0420.

4 A Last page in that section?

5 Q The last page in this exhibit. Yeah, last page
6 under Tab 33.

7 A Okay.

8 Q And this is such a poor copy, but it appears
9 that Ms. Kerr needed to run an ad indicating that she was
10 changing her name from "Jason Kerr" to "Megan Lynn Kerr,"
11 correct?

12 Can you pop that up?

13 A I see it on the paper, but I assume that's just
14 normal procedure by the County Clerk's Office.

15 Q Sir, I didn't have a question, and I'm not
16 asking you to assume anything.

17 What I'd like for you to do is look at the date
18 that's on the receipt. It says "July 12, 2012"; is that
19 correct?

20 A July 19, 2012. But that's a piece of paper
21 that's underneath --

22 Q Sir, the date that is the receipt from the
23 Thrifty Nickel, Champaign?

24 A July 12, 2012.

25 Q Correct.

1 Is it -- did I understand your testimony
2 correctly that the first time it had occurred to you that
3 she might be transitioning was when she presented you
4 these papers?

5 A No.

6 Q You knew she was transitioning?

7 A She had already stated to me at one point that
8 she was already doing that, and we had already notified
9 Jason at that point.

10 Q Oh, so these were just a formality?

11 A She said she was just going to change her name.
12 That was a legal thing that she had to do through the
13 court. That was nothing that I did.

14 Q Okay. So when she gave you this packet, she
15 had already told you she was transitioning, and she was
16 already transitioning?

17 A She could have been. Like I say, I don't have
18 my papers. I don't have documents here from my memos
19 that I had at my workplace. This has been many years
20 ago. I'm trying to work off of memory the best I can.

21 Q Okay. I understand that, but these are dates
22 that are pretty important to this.

23 I believe Mr. Carnahan will tell you that you
24 notified him in March of 2013 that Ms. Kerr had given you
25 this packet. Does that sound right to you?

1 A I don't know.

2 Q Okay. And I guess I just want to make sure
3 that I understand this. It wasn't like Jason Kerr was
4 presenting as male and then just showed up one day and
5 was presenting as female with no hint that anything was
6 changing in the interim, was it?

7 A It was more or less pretty quick.

8 Q Ms. Kerr wrote on the bottom of this first
9 page, "I'm open to all questions you may have in regard
10 to this." She seemed to be pretty receptive to talking
11 to you about things, correct?

12 A Correct.

13 Q Did you have a good rapport with her?

14 A A business rapport.

15 Q Did you support her transitioning?

16 A I did not say anything negative against it.

17 Q Did you support her?

18 A In a way, yeah.

19 Q Okay. And, actually, at one point, there were
20 some concerns about her makeup was too heavy, and her
21 dress was a little off; and you asked Ms. Reeves to help
22 her?

23 MR. MULAIRE: Objection, 403, relevance.

24 THE COURT: Overruled.

25 A Correct.

1 Q Now, Ms. Kerr has said that, in fact, you were
2 not supportive. Are you aware of that?

3 A No, I'm not.

4 Q Ms. Kerr told the EEOC, and later gave
5 testimony under oath, that you made very embarrassing and
6 disparaging comments to her. This is the first you're
7 hearing of that?

8 MR. MULAIRE: Objection, not in evidence.

9 THE COURT: Mr. Mulaire, you're going to have
10 to keep your voice up. I can't hear you.

11 MR. MULAIRE: Oh, I'm sorry. Objection. The
12 question includes material that's not in evidence.

13 THE COURT: Ms. Quincy, do you anticipate that
14 coming into evidence?

15 MS. QUINCY: Your Honor, I would not have asked
16 the question if I did not have a good-faith evidentiary
17 basis to ask it.

18 THE COURT: I'm going to overrule the
19 objection, and we'll answer it based on -- conditioned on
20 the expectation that it's coming in.

21 MS. QUINCY: Your Honor, I would also remind
22 the Court: There was a motion in limine filed by the
23 EEOC regard-- related to this.

24 BY MS. QUINCY:

25 Q Are you aware that Ms. Kerr has said you made

1 disparaging comments about her?

2 A No.

3 Q Ms. Kerr testified that you made disparaging
4 comments about her two to three times a day.

5 A I'm not aware of that.

6 Q Sir, that's kind of a thing that you either did
7 or didn't do. Saying that you're not aware of it, could
8 you --

9 A I did not.

10 Q -- did you do it?

11 A No. I did not.

12 Q She says you would make disparaging remarks
13 about her to customers.

14 A Absolutely not.

15 Q She said that you would intentionally use the
16 wrong pronoun with her.

17 A "He" or "she" -- at that time, it was difficult
18 for everybody. She had asked everybody to call her a
19 "she." And after working with a person for a while as a
20 "he," you know, it was just a mistake.

21 Q And I guess that's why I asked the question the
22 way I did. She said you did it intentionally.

23 A Negative.

24 Q You would not have allowed the employees
25 working under you to make comments like that to Ms. Kerr,

1 would you?

2 A That is correct.

3 Q There was not joking or ridicule?

4 A Absolutely not.

5 Q And you understood that that violated the law
6 and Rent-A-Center policy, right?

7 A Correct.

8 Q And you certainly wanted to protect your
9 employees?

10 A That is correct.

11 Q At one point, Mr. Carnahan spoke with you about
12 concerns about what you were saying about Megan in the
13 workplace. Do you recall that?

14 A That was in the course of our conversations
15 together.

16 Q In the course of your conversations with Mr.
17 Carnahan, --

18 A Correct.

19 Q -- he said he had had a report that you were
20 making these comments. Do you recall that?

21 A I have -- I know that we, we discussed that at
22 one point.

23 Q Yes.

24 A And it was not true.

25 Q But he brought it up to you, that he didn't

1 want you making those kind of comments in the workplace?

2 A He asked me whether or not comments were being
3 made in the workplace; and it was agreed upon that it was
4 customers that were coming into the store, not the
5 employees, but it was the customers that were coming into
6 the store questioning whether "he" is now "she," or
7 "What's up?"

8 Q And the way you left it with Mr. Carnahan is
9 that if a customer came to you about, with those types of
10 questions, you would direct them back to Ms. Kerr?

11 A Either that, or I would tell the customer that
12 Ms. Kerr is our employee and leave it at that, but not
13 take sides as to whether or not she's transitioning or,
14 or whatnot.

15 Q And that was the conversation you had with Mr.
16 Carnahan?

17 A Yes. Part of the conversation, yes.

18 (Brief pause in proceedings.)

19 Q You actually thought your team worked pretty
20 well together at the Rent-A-Center store?

21 A I think we did well under the circumstances.

22 Q And nothing that you did to Ms. Kerr was done
23 in a mean-spirited way?

24 A Absolutely not.

25 Q And if Ms. Kerr were to say something else,

1 that's not accurate, is it?

2 A I would say that on occasion when she came in,
3 you could tell she was fidgety, edgy, whatnot, which I
4 think most of us just kind of wrote off as the hormones,
5 you know.

6 And at the time, my wife was going through her
7 hormonal transition, and I just kind of chalked things up
8 to that.

9 Q Sir, I wasn't talking so much about Ms. Kerr.
10 I was talking about you.

11 You didn't do anything to her that was
12 mean-spirited?

13 A I was not doing anything to be mean-spirited.

14 Q And if Ms. Kerr says you did, she was mistaken?

15 A I would say she'd be mistaken.

16 Q How much -- Rent-A-Center had given you
17 training on their policies, practices, and procedures,
18 hadn't they?

19 A Yes, they had.

20 Q And that included harassment and discrimination
21 in the workplace?

22 A That is correct.

23 Q And you knew those policies applied to you as
24 well?

25 A That is correct.

1 Q And what Mr. Carnahan was doing really was
2 harassment of you, wasn't it?

3 A Yes.

4 Q You didn't report it?

5 A No. I did not.

6 Q You didn't report it to the regional director,
7 who you knew?

8 A Correct.

9 Q There were several different regional directors
10 that you knew, weren't there?

11 A Yes.

12 Q Who all did you know?

13 A We had gone through two or three other ones
14 during the time that I were there, none that stayed any
15 length of time.

16 Q Do you know Dave Leavengood?

17 A Yes.

18 Q He was there as regional director for a
19 significant period of time, wasn't he?

20 A Yes.

21 Q As a matter of fact, he was over your store for
22 all of 2013?

23 A Yes.

24 Q And you could have reached out to him?

25 A I could have.

1 Q And, in fact, you talked to him many different
2 times in 2013?

3 A The only time I talked to him, ma'am, was when
4 he'd come down to the store and go along with Jason on a
5 periodic visit.

6 Q Okay. Did you ever pull him aside and --

7 A No, I didn't.

8 Q -- say, "I need to tell you something"?

9 A No. I did not.

10 Q Did you ever call him afterwards and say, "I
11 need you to know this is going on"?

12 A I did not, and I did not because I did not feel
13 comfortable doing so.

14 Q Okay. And we're going to get to that. We're
15 going to get to the "why" part. I just want to see if we
16 can agree. You never reported that to anybody?

17 A No. I did not.

18 Q Did Jason Carnahan make those comments in front
19 of Dave Leavengood?

20 A No. He did not.

21 Q So Mr. Carnahan is making --

22 A Nothing was ever said when that gentleman was
23 there.

24 Q That implies to me that he's not saying it
25 because he knows Dave Leavengood won't approve of it.

1 Does it imply that same thing to you?

2 A Correct.

3 Q So you -- as you were in the store as the store
4 manager, your district manager is saying "Do this illegal
5 thing." He's not saying it when his boss is there. You
6 know his boss, and you're still not calling his boss; is
7 that correct?

8 A Correct.

9 Q You knew Rent-A-Center had dedicated Human
10 Resources personnel available to you?

11 A Correct.

12 Q In fact, you had used Human Resources at
13 Rent-A-Center before, hadn't you?

14 A Yes, we did.

15 Q You had an issue between two employees that you
16 considered to be harassment?

17 A That is correct.

18 Q And you got Plano HR involved; you got advice,
19 correct?

20 A I was directed to do that.

21 Q But you did it, didn't you?

22 A Because I was directed to, yes.

23 Q Do you only do things you're directed to do?

24 A That particular instance, ma'am, went back from
25 when I originally started working there and Chris Thomas

1 was the store manager. Nothing had been done regarding
2 that particular individual; and then later on, it, it got
3 up above me, and then I was directed to make, make the
4 formal complaint.

5 Q Who, who directed you to do that?

6 A That was one of the other district managers,
7 the one that ended up terminating him, not me.

8 Q Okay. I'm confused what we're talking about,
9 so why don't we just go to the exhibits.

10 A You talking about Mr. Harding?

11 Q We are talking about Mr. Harding.

12 So you don't know who the district manager was
13 who directed you to take action?

14 A It was previous to Jason Carnahan. It was,
15 like, two or three managers before him.

16 Q Was it a man named Dan Kober?

17 A Most likely, yes.

18 Q Okay. And I want to just see what we can agree
19 to.

20 A Uh-huh.

21 Q You did take action, correct?

22 A Dan did, and then told me to follow up on it by
23 filing the complaint.

24 Q Okay. It kind of sounds like you're removing
25 yourself from the situation. You didn't think

1 Mr. Harding deserved to be written up?

2 A He was written up; and then after the
3 complaint was made, he came back to the office, and my
4 entire file --

5 Q Sir, my question was -- and I apologize, but --

6 A You're asking the question. I'm trying to
7 answer it.

8 Q Right.

9 My question was: Did you think he should be
10 written up?

11 A Yes.

12 Q And you wrote him up?

13 A Yes, numerous times.

14 Q He got a written corrective action from you for
15 harassment, correct?

16 A Correct.

17 Q And you had consulted with Human Resources,
18 Rent-A-Center, Plano, Texas, before giving him that
19 write-up?

20 A Negative.

21 Q You did it all yourself?

22 A Through the district manager.

23 Q Okay. Because you knew how to do it?

24 A Correct.

25 Q There's actually an 800 number that

1 Rent-A-Center maintains, right?

2 A Yes, they did.

3 Q And anybody can call that number with any kind
4 of an issue, correct?

5 A That would be correct.

6 Q A legal issue or "I'm not being treated right,"
7 or any issue like that, correct?

8 A It's a 1-800 number. It's posted for customers
9 right above the top of the door.

10 Q And it's available to employees as well, isn't
11 it?

12 A I would assume.

13 Q I don't want you to assume. You were the store
14 manager. Did you know if the 800 compliance line was
15 available to employees as well?

16 A Well, I know the sign stated "1-800 We Care,"
17 and it says, "Customer Complaint Line."

18 Q You knew it was a violation of RAC's written
19 policies to treat someone differently because of their
20 gender?

21 A Yes.

22 Q I believe you said in your direct testimony
23 that you didn't do anything about it because you would
24 thought -- you thought you would be "slitting your own
25 throat," correct?

1 A Yes.

2 Q You were fired in December of 2013, correct?

3 A Correct.

4 Q In December of 2013 after you were let go, did
5 you call the 800 number?

6 A No. I did not.

7 Q Did you call Human Resources in Plano?

8 A No. I did not.

9 Q Did you call Jason Carnahan's boss?

10 A No. I did not.

11 Q How about this? Did you call Megan Kerr and
12 say, --

13 A No. I did not.

14 Q -- "You know what, Lady? You better be
15 careful. They are after you. There is a plot to get
16 you." Did you do it then?

17 A No. I did not.

18 Q You said you did tell Eleena at one point; is
19 that correct?

20 A Yes.

21 Q And that would be Eleena Reeves?

22 A Correct.

23 Q Your assistant manager?

24 A Correct.

25 Q You told her what Mr. Carnahan was asking you

1 to do to Ms. Kerr?

2 A Yes.

3 Q Some of these calls with Jason Carnahan were on
4 the phone, correct?

5 A Yes.

6 Q Did you ever record them?

7 A Absolutely not.

8 Q I believe you said that you had made some notes
9 of these directives from Carnahan; is that correct?

10 A That is correct.

11 Q We don't have those notes here today, correct?

12 A That is correct.

13 Q You were fired in December of 2013, right?

14 A Correct.

15 Q You had been written up two times before that,
16 right?

17 A I was aware of one.

18 Q Well, let's go through them both. If you would
19 look at -- actually, there are three write-ups. We can
20 start with Exhibit Number 30 in the book in front of you.

21 A 30?

22 Q Yes.

23 If you would, just review this briefly, and
24 then I'll ask some foundational questions.

25 A Okay. These are not what I would consider a

1 write-up. These were our --

2 Q Sir, do you recognize this document?

3 A Yes, I do.

4 Q Okay. And I'd really appreciate it, in the
5 interest of time, if you would listen to my question and
6 simply answer the question that I'm asking you.

7 Do you recognize this document?

8 A Yes, I do.

9 Q Is it your signature that appears at the bottom
10 of the page?

11 A Yes, it does.

12 Q It's called "Performance Discussion Summary,"
13 correct?

14 A Correct.

15 Q And this was issued to you in May of 2013; is
16 that correct?

17 A This is correct.

18 MS. QUINCY: Your Honor, move the admission of
19 Exhibit 30.

20 MR. MULAIRE: No objection.

21 THE COURT: All right, admitted.

22 MS. QUINCY: Your Honor, permission to publish
23 to the jury?

24 THE COURT: Yes.

25

1 BY MS. QUINCY:

2 Q This was given to you by Mr. Carnahan, correct?

3 A Correct.

4 Q In May of 2013?

5 (Brief pause in proceedings.)

6 Q If you could just pop out the date at the
7 bottom, please. Thanks, Harriet.

8 Is that correct?

9 A Yes.

10 Q Your signature and Mr. Carnahan's signature?

11 A Yes.

12 Q And this document was given to you on or around
13 that time, correct?

14 A Correct.

15 Q Do you remember Mr. Carnahan telling you that
16 your store was having trouble?

17 A Yes.

18 Q And your store was having trouble because you
19 were not hitting the credit standards, correct?

20 A Correct.

21 Q And he told you what he wanted you to do to
22 improve that situation, right?

23 A Correct.

24 Q And you did, correct?

25 A Correct.

1 Q All right. Next page -- or Exhibit 31, please.

2 A I concur with that.

3 Q Pardon me?

4 A I concur.

5 Q Okay. Exhibit 31, are you on Exhibit 31?

6 A Yes, ma'am.

7 Q Exhibit 31 is another Performance Discussion
8 Summary. Do you recognize it?

9 A Yes, I do.

10 Q The date on the bottom of the page is 10/8/13.

11 A Correct.

12 Q Is that your signature and Mr. Carnahan's
13 signature that appear at the bottom of the page?

14 A Yes, it is.

15 MS. QUINCY: Your Honor, move the admission of
16 Exhibit 31.

17 MR. MULAIRE: No objection.

18 THE COURT: Admitted.

19 MS. QUINCY: Your Honor, permission to publish?

20 THE COURT: Yes.

21 BY MS. QUINCY:

22 Q If we could pop up the text of the first box,
23 please, Harriet.

24 You were given this write-up, failing to
25 achieve delivery standard of 25 deliveries per week.

1 Just for explanation to the jury, a delivery
2 means a sale, right?

3 A Yes.

4 Q You don't sell something to somebody and just
5 hold it in the store indefinitely; delivery means sale?

6 A Correct.

7 Q And it says, "Over the last 13 weeks, Store 319
8 is averaging only 15 deliveries per week, which is six
9 less than the district average of 21 deliveries per store
10 per week."

11 A Correct.

12 Q Did you disagree with those numbers?

13 A In terms of the -- of what? Be specific.

14 Q Those numbers were correct?

15 A Correct.

16 Q Your store was low on sales?

17 A Correct.

18 Q And you and Mr. Carnahan had many discussions
19 over the months about sales being low at the Rantoul
20 store?

21 A Yes, we had.

22 Q And Mr. Carnahan had talked with you about his
23 expectation that you would be doing the things to get
24 those sales up?

25 A Yes.

1 Q Who was your sales manager?

2 A Eleena Reeves was one.

3 Q Eleena Reeves was the sales manager during all
4 of this time?

5 A No. Jason was also in there, and they did the
6 lateral slide.

7 Q By "Jason," you mean Megan Kerr?

8 A Yes.

9 Q Okay. If you could pop up the second box,
10 please.

11 The top box had a summary of the problem; and
12 that was, "Hey, your sales are low. You're only making
13 15 sales. You got to get it up." Right?

14 A Correct.

15 Q And the second box is what you're going to do
16 to get it up; and it says, "Store 319 needs to begin
17 achieving at a minimum the district average of 21
18 deliveries by week ending October 19, 2013; and going
19 forward needs to add one delivery each week over the next
20 four weeks until the store is hitting their delivery
21 standard of 25 per week. Then going forward, the store
22 needs to average the 25 deliveries per week each month."

23 Is that correct?

24 A Yeah. That is correct.

25 Q So Mr. Carnahan came in, gave you this, said,

1 "Here is what I want you to do." And this is objective;
2 would you agree with that?

3 A Yes, it is.

4 Q We can count sales, right?

5 A Yes.

6 Q And the store was struggling?

7 A Yes.

8 Q Did you comply with this performance plan?

9 A To the best of our ability.

10 Q You tried, right?

11 A Yes.

12 Q Exhibit 32, if you'd turn to the next page.

13 Do you recognize Exhibit 32?

14 A Yes, I do.

15 Q Is this another Performance Discussion Summary?

16 A Yes, it is.

17 Q And this one was given to you in November of
18 2013, correct?

19 A That is correct.

20 Q And your signature and Mr. Carnahan's signature
21 appear at the bottom of the page?

22 A That is correct.

23 MS. QUINCY: Your Honor, move the admission of
24 Exhibit 32.

25 MR. MULAIRE: No objection.

1 THE COURT: All right. Admitted.

2 It may be published.

3 BY MS. QUINCY:

4 Q So, the one we just looked at, Exhibit 31, you
5 did not meet those numbers, correct?

6 A No. We did not.

7 Q So this appears to be what is the result of
8 that, which is a further Performance Discussion Summary;
9 is that correct?

10 A That is correct.

11 Q By the way, you put Exhibit 31 and 32 up on the
12 wall in your office, right?

13 A Yes.

14 Q You had glass walls? Your office at
15 Rent-A-Center?

16 A No.

17 Q It didn't have glass walls?

18 A No.

19 Q People couldn't see in?

20 A It had a window.

21 Q It has a big window. Okay. It has windows
22 along the front of the office?

23 A Just one.

24 Q Big window along the front of the office.

25 People can see in, right? Other employees?

1 Customers?

2 A Yes.

3 Q And you often had other employees in your
4 office?

5 A Yes.

6 Q And you had both of these posted up on your
7 wall?

8 A Yes. We were required to.

9 Q You were required to?

10 A Yes. There was an actual company placard thing
11 that was behind it that these things went on.

12 Q Write-ups? You were told you had to post a
13 personal reprimand on a wall?

14 A Yes. We posted our -- this, and we also posted
15 the regular meeting notes because you'd get these every
16 time they'd come down.

17 Q Did you tell other people at the store that you
18 were going to be let go if this didn't get turned around?

19 A I told them that it would be a very big
20 possibility.

21 Q Did you tell that to Eleena Reeves?

22 A Yes, I did.

23 Q Did you tell Megan Kerr?

24 A Yes, I did.

25 Q Who else was working at the store at the time?

1 A There was one other gentleman, a relatively new
2 hire, a Russian gentleman.

3 Q You told them all?

4 A Yes.

5 Q "If we don't get these sales up, I'm gonna lose
6 my job"?

7 A Yep.

8 Q Okay. And --

9 A And they all --

10 Q You know, Mr. Mulaire is going to likely --

11 A Okay.

12 Q -- get up and ask you some more questions.

13 A Okay.

14 Q And, basically, what Mr. Carnahan is conveying
15 to you in this is, "Look, this is getting serious. These
16 sales are not turning around." Actually, your sales had
17 gone down from 15 to 14, right?

18 A Correct.

19 Q That's what this document says?

20 A Correct.

21 Q You're now way below the district average,
22 correct?

23 A Correct.

24 Q And November's one of the busiest times for
25 Rent-A-Center, isn't it?

1 A The end of it, yes.

2 Q Holiday season, people are buying holiday
3 gifts?

4 A Yes.

5 Q People are having family come in for holiday
6 visits, and they want new furniture?

7 A [Nodding head up and down.]

8 Q It is one of the busiest times of the year for
9 Rent-A-Center, --

10 A [Nodding head up and down.]

11 Q -- correct?

12 A Correct.

13 Q And how about Black Friday? Rent-A-Center's
14 gotten in on that frenzy as well, haven't they?

15 A Correct.

16 Q And there were lots of specials for customers
17 for Black Friday?

18 A Correct.

19 Q One of the specials during 2013 was if you
20 signed a new contract and made one payment, you didn't
21 have to make any more payments for a month?

22 A That is correct.

23 Q And there were other specials -- great deals --
24 that Rent-A-Center had on Black Friday, right?

25 A Correct.

1 Q Do you know where your store fell -- let's just
2 say in the region?

3 A Absolute last. Nobody showed up.

4 Q Dead last, correct?

5 A Correct.

6 Q So you were unable to comply with this
7 performance improvement plan, correct?

8 A Correct.

9 Q And it was issued November 6th, right?

10 A Correct.

11 Q You weren't fired for an entire month later,
12 right?

13 A Correct.

14 Q You were fired December 3rd -- December 2nd or
15 December 3rd of --

16 A Correct.

17 Q -- 2013?

18 A Right after Black Friday.

19 Q Exhibit 34, please.

20 A Okay.

21 Q Do you recognize the handwriting on this?

22 A Yes.

23 Q Whose handwriting is it?

24 A Mine.

25 Q The date on this is 6/8 of '12?

1 A Correct.

2 Q And this is a write-up that you gave to Roger
3 Harding; is that correct?

4 A Correct.

5 Q We were just talking about this a few moments
6 ago, correct?

7 A Correct.

8 MS. QUINCY: Your Honor, I'd move the admission
9 of Exhibit 34.

10 MR. MULAIRE: No objection.

11 THE COURT: It will be admitted.

12 MS. QUINCY: Your Honor, may I -- thank you.

13 BY MS. QUINCY:

14 Q Just to go back over this, we were talking
15 about this in reference to you writing somebody up, --

16 A Uh-huh.

17 Q -- and this is all your own handwriting, right?

18 A Yes, it is.

19 Q But it's your testimony that somebody forced
20 you to do this?

21 A Not forced, but had recommended that it be
22 filled out because the signature's right next to it.

23 Q The signature right next to it is what?

24 A The district manager.

25 Q Who's that?

1 A I do not recognize the handwriting. It's kind
2 of blurry.

3 Q So, your prior experience with the company,
4 before this issue with Jason Carnahan, --

5 A Uh-huh.

6 Q -- was that district managers understood
7 Rent-A-Center's harassment policy and did not tolerate
8 it?

9 A Correct.

10 Q As a matter of fact, this district manager made
11 you, in your words, give R.J. Harding a write-up,
12 correct?

13 A Correct.

14 Q 35.

15 A Okay.

16 Q And we'll do 35 and 36 quickly.

17 Rent-A-Center stresses these policies, don't
18 they?

19 A Yes, they do.

20 Q And 35 is your acknowledgment that you got a
21 handbook and knew about these policies, correct?

22 A Correct.

23 MS. QUINCY: Your Honor, move the admission of
24 35.

25 MR. MULAIRE: No objection.

1 THE COURT: All right. It will be admitted and
2 published, if you want.

3 BY MS. QUINCY:

4 Q And 36 is a Coworker Integrity Commitment that
5 has your signature at the bottom of the page, correct?

6 A Correct.

7 Q And you committed to this document when you
8 signed on with Rent-A-Center, right?

9 A Yes.

10 MS. QUINCY: Your Honor, move the admission of
11 36.

12 MR. MULAIRE: No objection.

13 THE COURT: It will be allowed.

14 BY MS. QUINCY:

15 Q If you could go to the third bullet from the
16 top -- I'm sorry, from the bottom.

17 "Treat my fellow coworkers and our customers
18 with respect and dignity in all circumstances." Did I
19 read that correctly?

20 A Yes, you did.

21 Q If you'd turn to Exhibit 38, please. Let me
22 know when you're there.

23 A I'm there.

24 Q Do you recognize this document?

25 A Yes, I do.

1 Q This is a document to all employees from the
2 chairman and CEO and president and COO; is that correct?

3 A Correct.

4 Q Do you remember seeing this document before
5 today?

6 A Yes, I do.

7 MS. QUINCY: Your Honor, move the admission of
8 38.

9 MR. MULAIRE: No objection.

10 THE COURT: All right. It will be admitted.

11 BY MS. QUINCY:

12 Q This is another document where Rent-A-Center is
13 conveying to everybody, "We do not tolerate
14 discrimination," correct?

15 A Correct.

16 Q And this one is from the chairman and CEO and
17 president and COO.

18 Can you pop that out, Harriet, at the "From."
19 Correct?

20 A Correct.

21 Q You didn't go to either of these people with
22 what Jason Carnahan was doing?

23 A No. I did not.

24 Q If you could pop out the last three bullets,
25 the last paragraph on the page.

1 And this is another place where the company
2 reminded everybody, "If somebody is doing this, if
3 somebody is harassing someone or discriminating against
4 somebody, you have an obligation to report it," right?

5 A Correct.

6 Q And this memo again reminds you, "Hey, go to
7 your supervisor, district manager, or regional director,"
8 right?

9 A Correct.

10 Q "You can call Coworker Relations," and it gives
11 the 800 number, right?

12 A Correct.

13 Q Or "an external global compliance hotline," and
14 it lists another 800 number, right?

15 A Correct.

16 Q You didn't do any of those things?

17 A No. I did not.

18 Q And, yet, I believe you told us you were
19 shocked about what Carnahan was asking you to do?

20 A I didn't say I was shocked.

21 Q If you would turn to your deposition at
22 page 32, please.

23 (Brief pause in proceedings.)

24 Q Are you at page 32, sir?

25 A Yes, I am.

1 Q And the question to you was: "And as a man of
2 integrity, sir, you must have been shocked when your
3 district manager was telling you to find a way, and not
4 minimal ways, but to make sure you find a solid way to
5 fire one of your employees. You must have been shocked,
6 sir, a man of integrity that you are, correct?"

7 A Correct.

8 Q Your answer is, "Correct."

9 (Brief pause in proceedings.)

10 Q Mr. Carnahan never told you to make things up,
11 did he?

12 A "Think outside the box" is what he said.

13 Q Okay. Turn to page 31 of your deposition.

14 (Brief pause in proceedings.)

15 Q See if I read this correctly. This starts on
16 line 16.

17 "So to make sure I get this right, according to
18 your sworn testimony, is Jason Carnahan the man who fired
19 you, came to you and said, 'Start looking for ways to
20 document the issue so we might be able to fire Megan
21 Kerr.' Is that what happened?

22 "Answer: That is correct.

23 "Question: And did he tell you to make stuff
24 up?

25 "Answer: No."

1 Did I read that correctly?

2 A Yes, you did.

3 Q You received EEO-- EEO training, which included
4 harassment and discrimination training every year; is
5 that correct?

6 A Correct.

7 Q You knew about the open-door policy, correct?

8 A Correct.

9 Q What did the open-door policy mean to you?

10 A Open-door policy was: If you had a concern,
11 that you could come inside, talk to the individual, and
12 get the problem resolved.

13 Q Okay. And if you didn't like it, you could go
14 over that person's head?

15 A Correct.

16 Q Actually, do you remember Dan Kober coming to
17 your store in early 2012 and, in person, giving you
18 harassment discrimination training?

19 A That particular date, I don't recollect; but I
20 can probably concur that he did do it because regional
21 managers did come down and provide training periodically.

22 Q Okay. If you look at Exhibit 25, --

23 A Okay.

24 Q -- this appears -- do you recognize this sheet?

25 A Yes.

1 Q Do you see your initials --

2 A Yes, I do.

3 Q -- on this sheet?

4 Does this appear to be a Workplace Behavior
5 Training, Store Employee Listing Checklist?

6 A Yes.

7 MS. QUINCY: Your Honor, move the admission of
8 Exhibit 25.

9 MR. MULAIRE: No objection.

10 THE COURT: Admitted.

11 BY MS. QUINCY:

12 Q Does this refresh your memory that Dan Kober
13 came to your store January 13th of 2012 and personally
14 administered workplace behavior training to you and all
15 of your employees?

16 A Yes.

17 Q And it's your testimony that you still didn't
18 think anyone over Jason Carnahan's head would do
19 anything; is that correct?

20 A Correct.

21 Q You were aware that R.J. Harding was let go?

22 A Yes.

23 Q Is it your understanding he was let go for
24 using a Rent-A-Center vehicle for personal use?

25 A That and some other stuff, yes.

1 Q Does that policy make sense to you, that
2 Rent-A-Center doesn't want people using its vehicles for
3 personal use?

4 A Correct.

5 Q It's potentially dangerous?

6 A Correct.

7 Q The cube truck particularly has the lift gate?

8 A Correct.

9 Q And people need some training to know how to
10 use that safely?

11 A Correct.

12 Q The insurance also is at risk if people are not
13 using trucks for store business?

14 A Correct.

15 MR. MULAIRE: Objection, foundation.

16 THE COURT: Overruled.

17 BY MS. QUINCY:

18 Q Did you ever use Rent-A-Center trucks for
19 personal use?

20 A No.

21 Q Did you ever allow employees to use it for
22 personal use?

23 A No.

24 Q Did you ever let people use the trucks for
25 charities on the weekends or on Sundays?

1 A No.

2 Q What about if an employee had a non-employee
3 loading and unloading stuff on the cube truck? Was that
4 allowed?

5 A Only employees were supposed to unload.

6 Q And, again, that's for safety reason?

7 A Correct.

8 Q Are you aware of any injuries that people have
9 gotten on the lift gate?

10 A Yes.

11 Q What kind of injuries?

12 A Skin avulsions, cuts.

13 Q I'm sorry. I do not know what an avulsion is.
14 Could you explain to the jury an avulsion is?

15 A Cut on your finger where the skin starts
16 ripping off.

17 Q Do you know who Amber Shumate is?

18 A Yes.

19 Q Who is Amber Shumate?

20 A She used to be a customer of ours.

21 Q Really? What all had you sold to her?

22 A I don't recollect off the top of my head.

23 Q Oh. Did she go by a different name ever?

24 A Pardon me?

25 Q Did she go by a different name?

1 A I don't know.

2 Q Have you ever met her?

3 A I don't know.

4 Q Is there a reason you're looking at the EEOC
5 counsel?

6 A I'm looking at you.

7 MR. MULAIRE: Objection, Your Honor.

8 Q What's Amber Shumate look like?

9 A I don't know. I just recollect -- recognize
10 the name.

11 Q Do you recognize the name, perhaps, because the
12 EEOC has told you that Ms. Kerr did a personal delivery
13 to her and was fired for it?

14 A No. I did not.

15 Q Do you know what you sold to Amber Shumate?
16 Did you ever sell anything to Amber Shumate?

17 A I'm sure I did since I was there; and, like I
18 say, that was one of the familiar names of customers that
19 we had at the store.

20 Q Amber Shumate?

21 A Yes.

22 Q That's a familiar customer name?

23 A You asked. I answered.

24 Q Okay. Would it surprise you to learn that
25 there's absolutely no record of Amber Shumate purchasing

1 anything ever from Rent-A-Center?

2 A The name's familiar. You're the one who also
3 said possible name change. Maybe she got married or
4 something. I knew her as something as, that before. But
5 the last time I heard the name, Amber Shumate, it rings a
6 bell as a potential customer that we had there.

7 Q But, sir, you wouldn't know her as Amber
8 Shumate unless that was her maiden name, right? If
9 she --

10 A I don't know.

11 Q -- got married or something, it would have
12 changed?

13 A I don't know. This is years ago.

14 Q Did you ever make a commitment to a customer
15 that you would deliver furniture to a mini storage unit
16 for them?

17 A No.

18 Q Did you ever tell a customer you later would
19 come back, pick up furniture from the mini storage, and
20 deliver it wherever they wanted, even if it was months
21 later?

22 A No.

23 Q Even if it was on a Sunday?

24 A No.

25 Q In fact, the EEOC told you that Rent-A-Center

1 fired Ms. Kerr because she moved personal stuff with the
2 Rent-A-Center vehicle?

3 A No.

4 Q Would you turn to page 67 of your deposition,
5 please?

6 A 67.

7 (Brief pause in proceedings.)

8 Q Page 67, line 13. Let me know when you're
9 there.

10 MR. MULAIRE: I'm sorry. I missed -- what
11 line?

12 MS. QUINCY: It starts at line 13.

13 (Brief pause in proceedings.)

14 WITNESS KASPER: Okay.

15 BY MS. QUINCY:

16 Q "Question: Please, speak.

17 "Answer: It was my understanding from EEOC,
18 the original lady, that Megan got terminated because of
19 moving merchandise with the truck that was his own
20 personal stuff."

21 Did I read that correctly?

22 A Yes.

23 Q You never wrote up Ms. Kerr for the low sales
24 in your store; is that correct?

25 A No. I did not.

1 Q Even though Jason Carnahan was allegedly
2 telling you, "Look for reasons to write her up"?

3 A Correct.

4 Q The stores -- the sales at the store were
5 really down, and you did bear responsibility for that?

6 A I beared the responsibility.

7 Q And that is why you were let go; is it not?

8 A Yes, it was.

9 Q And you would certainly agree that if Ms. Kerr
10 had taken a truck without permission and moved herself or
11 a friend, she would have been fired, correct?

12 A Correct.

13 Q You said some things that you and your wife
14 discussed. Do you recall your wife telling you it was
15 her understanding Megan had been evicted?

16 A I don't get what you're asking about.

17 Q Did your wife tell you that Megan had been
18 evicted?

19 MR. MULAIRE: Objection, calls for hearsay.

20 THE COURT: What's the purpose of this
21 question?

22 MS. QUINCY: To show that it was information
23 that was circulating in the community. It was nothing
24 that was malicious or intentionally misstated.

25 THE COURT: Are you trying to prove the truth

1 of the statement?

2 MS. QUINCY: No, Your Honor.

3 THE COURT: Mr. Mulaire, you started to stand.
4 Anything you wanted to add?

5 MR. MULAIRE: Then I would also add relevance
6 as an objection.

7 THE COURT: Overruled.

8 BY MS. QUINCY:

9 Q Is that correct, Your Honor?

10 I'm sorry. Is that correct, Mr. Kasper?

11 A That my wife had told me that --

12 Q That Ms. Kerr was being evicted?

13 A I don't remember if I heard that from her or
14 from his ex-wife.

15 Q From Mr. Kerr -- Ms. Kerr's ex-wife?

16 A Correct.

17 Q If you -- if you'd turn to page 135 of your
18 deposition -- and if I can just shorten this because I
19 know we're getting rather long -- in your deposition, you
20 told us that you had heard that both from your wife and
21 that you had also heard that separately.

22 A Okay. Well, that answers the question then.
23 Yes.

24 Q Just a few more questions about these notes
25 that you kept. You knew you were going to be fired,

1 right?

2 A Yes, I did.

3 Q There was a photocopier in the store, wasn't
4 there?

5 A Yes, there is.

6 Q Did you ever copy those notes and take them
7 home with you?

8 A No. I did not.

9 Q Put them in a safety deposit box?

10 A Nope.

11 Q Call Ms. Kerr and say, "You need to grab those
12 notes"?

13 A No.

14 Q Again, you had two performance improvement
15 plans, October and November of 2013, and you did not copy
16 those notes?

17 A No.

18 Q You knew you were going to be fired?

19 A There was a good chance of it. Yes.

20 Q And I believe you testified in your direct
21 examination; you thought at least a part of it was
22 because you were not doing what Carnahan said with regard
23 to Ms. Kerr?

24 A Correct.

25 Q You still didn't copy those notes?

1 A No. I did not.

2 Q You're saying that roughly every week Mr.
3 Carnahan is checking in with you on the status of getting
4 Ms. Kerr fired?

5 A He's checking on the status of how things are
6 going towards, getting towards the plan and whatnot; and
7 then during the course of conversations, also, on
8 occasion that also came up.

9 Q Okay. And you mentioned nothing about this to
10 anyone who could have done anything about it, until the
11 EEOC contacted you in 2005?

12 A I had my own reasons. I did not do it.

13 Q Sir, you may have your own reasons.

14 A I answered you.

15 Q My question was: You didn't?

16 A I did not.

17 Q Even in the entire year of 2014, --

18 A I did not.

19 Q -- you did not reach out to anyone at
20 Rent-A-Center and tell them this was going on?

21 A I did not.

22 Q You did not reach out to Ms. Kerr?

23 A I did not.

24 Q You, yourself, did not go file an EEOC charge,
25 or anything else?

1 A No. I did not.

2 (Brief pause in proceedings.)

3 MS. QUINCY: Your Honor, if I could just go
4 through my notes.

5 (Brief pause in proceedings.)

6 Q If you would turn to Exhibit 75.

7 (Brief pause in proceedings.)

8 Q If you would look at page 7.

9 This is a statement that you signed, correct?

10 A Declaration?

11 Q Yes.

12 A Yes.

13 Q And I think on the second page, it says you
14 "have personal knowledge of these statements, and they're
15 true and accurate to the best of my recollection." Did I
16 read that correctly?

17 A Yes.

18 Q There's a statement in paragraph 7 that says,
19 "Carnahan told me to do whatever it takes to find a way
20 to fire Ms. Kerr, or get her to quit."

21 Is that correct?

22 A [No response.]

23 Q Sir, did I read that correctly?

24 A Correct.

25 Q "He told me to find infractions to document in

1 order to create a basis for terminating Ms. Kerr, and he
2 asked me roughly every week about the status of this
3 effort."

4 Is that what you said?

5 A It was based on whenever we made contact with
6 each other, checking in.

7 Q Yeah. Sir, I'm asking you: Isn't that what
8 your statement says?

9 A Yes. That's what the statement says.

10 Q It says: Roughly every week he would check in
11 with you about the status of this effort?

12 A Uh-huh.

13 Q Yes?

14 A Yes.

15 Q Chris Thomas, the store manager in Rantoul, I
16 believe you said, was openly gay?

17 A Yes, he was.

18 Q There were other store managers in the same
19 district who were openly gay?

20 A Yes, there was.

21 MS. QUINCY: Your Honor, we have no other
22 questions.

23 THE COURT: Mr. Mulaire, any redirect?

24 MR. MULAIRE: A little bit, yes.

25 (Brief pause in proceedings.)

1 REDIRECT EXAMINATION BY MR. MULAIRE:

2 Q Sir, the, the three either write-ups or
3 performance discussions that you were asked about just
4 now were from May, October, and November of 2013; is that
5 correct?

6 A Correct.

7 Q And it was in March, or shortly thereafter, of
8 2013 that you had informed Mr. Carnahan about Megan
9 Kerr's gender transition?

10 A Correct.

11 Q So these write-ups started shortly after you
12 did that?

13 MS. QUINCY: Objection, leading.

14 THE COURT: Overruled.

15 A Correct.

16 Q Now, in -- I can show you the exhibit if you
17 need it, but I'll try and keep this brief.

18 In the October 8, 2013, performance discussion,
19 do you recall that one asked you to increase sales from
20 15 deliveries per week to 21 per week?

21 A Yes, I do.

22 Q And that discussion, you'll recall, was dated
23 October 8, 2013?

24 A Correct.

25 (Brief pause in proceedings.)

1 Q Sir, from this, can you tell when -- when it
2 was that you were required to increase sales from 15 to
3 21? By what date?

4 A By 10/19.

5 Q So that was in a span of eleven days?

6 A Correct.

7 Q And then the write-up that you got in November,
8 do you recall that one was dated --

9 A 11/6.

10 Q Sorry. My ELMO skills are apparently lacking
11 here.

12 That one was dated November 6, 2013. And do
13 you recall from this when you had increased deliveries
14 from --

15 A November 9th.

16 Q -- that you had to increase deliveries from 14
17 to 22?

18 A November 9th.

19 Q And that was three days?

20 A Correct.

21 Q Now, in your experience, having worked at
22 Rent-A-Center as a store manager and otherwise, was it
23 realistic to expect deliveries to go up 40, 50,
24 60 percent in a span of three days or eleven days?

25 A No.

1 MR. MULAIRE: Those are all the questions I
2 have, Your Honor.

3 THE COURT: All right. Anything on that scope,
4 Ms. Quincy?

5 MS. QUINCY: No, Your Honor.

6 THE COURT: Mr. Kasper, thank you for coming
7 in.

8 Any reason -- is he under subpoena or here
9 voluntarily?

10 MR. MULAIRE: He complied with the subpoena.

11 THE COURT: All right. Any reason not to
12 release him?

13 MR. MULAIRE: No, Your Honor.

14 MS. QUINCY: No, Your Honor.

15 THE COURT: All right. Mr. Kasper, you're
16 released from your subpoena. Thank you for coming in,
17 sir.

18 WITNESS KASPER: Thank you.

19 (Witness Kasper excused, 4:00 p.m.)

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REPORTER'S CERTIFICATE

I, LISA KNIGHT COSIMINI, RMR-CRR, hereby certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Dated this 14th day of May, 2018.

s/Lisa Knight Cosimini

Lisa Knight Cosimini, RMR-CRR
Illinois License # 084-002998