

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Docket No. 16-2222

Plaintiff,

vs.

Urbana, Illinois
May 15 & 16, 2018

RENT-A-CENTER EAST, INC.,

Defendant.

TESTIMONY OF MEGANLYNN VANNA

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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produced by computer.

1 (May 15, 2018; in open court; jury present.)

2 MEGANLYNN VANNA, sworn, 2:32 p.m.

3 THE COURT: Why don't you get situated. Just
4 pull that microphone up so that everybody can hear you.
5 Keep your voice up so that everybody can hear you.

6 DIRECT EXAMINATION BY MR. SHULTZ:

7 Q Good afternoon, Ms. Kerr. Could you please
8 state your name for the record?

9 A MeganLynn Vanna.

10 Q And "Vanna" is your current married name; is
11 that right?

12 A Yes, it is.

13 Q And before that, you went by Kerr?

14 A Yes.

15 Q And where do you currently live, Ms. Kerr?

16 A Chicago.

17 Q And how long have you lived there?

18 A Four years.

19 Q And where do you currently work?

20 A Guitar Center.

21 Q And could you describe what you do at Guitar
22 Center?

23 A I am a guitar technician.

24 Q And what -- could you describe that for the
25 jury, what a guitar technician does?

1 A I repair/maintain stringed instruments.

2 Q And how long have you worked at Guitar Center?

3 A Two years.

4 Q And do you have any military service?

5 A Yes, I do.

6 Q And when was that?

7 A That was in, from '97 to 2000.

8 Q And how old were you when you joined?

9 A 18.

10 Q And what branch were you in?

11 A U.S. Army.

12 Q And what did you do in the Army?

13 A I was -- Ordnance Corps.

14 Q And could you describe what "Ordnance Corps" --
15 what does that mean?

16 A I maintained, distributed, collected ammunition
17 and munitions.

18 Q And what sort of discharge did you receive from
19 the Army?

20 A Honorable.

21 Q And, now, I'd like to talk about your
22 employment at Rent-A-Center. Okay?

23 A Okay.

24 Q When did you first start working at
25 Rent-A-Center?

1 A In 2005.

2 Q And do you remember where that was?

3 A That was in Sherman, Texas.

4 Q And, eventually, you moved to Illinois; is that
5 correct?

6 A Yes, I did.

7 Q And what store did you transfer into in
8 Illinois?

9 A The Rantoul store.

10 Q And do you remember when that transfer was?

11 A In 2010.

12 Q And could you describe for the jury what the
13 transfer process was like?

14 A It was pretty easy. I had my district manager
15 contact the district manager up here, and everything went
16 through real quick.

17 Q And who was your boss, the store manager, when
18 you started working at the Rantoul store?

19 A Russell Kasper.

20 Q And besides your termination, which we'll talk
21 about in a few minutes, were you ever disciplined at the
22 Rantoul store?

23 A No. I was not.

24 Q Any verbal warnings?

25 A No.

1 Q Any written warnings?

2 A No, sir.

3 Q I'd like to spend a few minutes talking about
4 your transition. Okay?

5 A Okay.

6 Q When you first started at the Rantoul store,
7 what name did you go by?

8 A Jason Kerr.

9 Q And how did you present?

10 A As male.

11 Q And when did you make the transition from Jason
12 to Megan at work?

13 A In 2013.

14 Q And do you remember what month?

15 A March.

16 Q March of 2013?

17 A Yes, sir.

18 Q And why did you make that transition?

19 A I got to a point in my life where I really
20 couldn't stand not being me.

21 Q And when did you first realize that you were
22 different in that regard?

23 A Probably about the time I was 3 or 4.

24 Q Now, at some point, did you tell your store
25 manager, Russell Kasper, about your transition from Jason

1 to Megan?

2 A Yes, I did.

3 Q And what did you tell him?

4 A I explained to him that I needed trans--
5 transitioned from male to female.

6 Q And do you remember when that was that you told
7 Kasper?

8 A March of 2013.

9 Q Now, let's talk about the events leading up to
10 your termination. Okay?

11 A Okay.

12 Q At some point, Kasper was fired as the store
13 manager; is that correct?

14 A Yes, he was.

15 Q And do you remember when Mr. Kasper was fired
16 as the store manager?

17 A That was in December of 2013.

18 Q And who replaced Mr. Kasper as your store
19 manager?

20 A Jason Morris.

21 Q And when was the last time you had any contact
22 with Mr. Kasper?

23 A Just before he was fired in December of 2013.

24 Q And at some point, your employment with
25 Rent-A-Center ended; is that correct?

1 A Yes, it did.

2 Q Was that voluntary, involuntary?

3 A I was terminated.

4 Q And when did that occur?

5 A That was July of 2014.

6 Q And who fired you?

7 A Jason Morris.

8 Q And do you remember day of the week or specific
9 day that you were fired in July of 2014?

10 A A Monday.

11 Q A Monday.

12 And did Mr. Morris give you a reason for why he
13 was firing you?

14 A He claimed that I used the vehicle without
15 permission.

16 Q And was there a particular day he was talking
17 about?

18 A The Sunday previous to the Monday.

19 Q So the Sunday before your termination, the day
20 before?

21 A Yes.

22 Q And were you, in fact, using the truck that
23 day?

24 A Yes, I was.

25 Q Did you have permission?

1 A Yes, I did.

2 Q To operate the truck, you must need keys?

3 A I do.

4 Q And when did you get the, get the keys?

5 A I got them on the Saturday before the Monday
6 that I was fired.

7 Q So the Saturday before the Sunday move?

8 A Yes.

9 Q And where did you get the keys from?

10 A Jason Morris.

11 Q And while Jason Morris was the store manager,
12 where were the keys kept?

13 A They were in a red binder in his office.

14 Q And he gave them to you?

15 A Yes, he did.

16 Q Did you tell him what you needed the keys for?

17 A Yes, I did.

18 Q And what did you tell him?

19 A I explained that I was doing the move on the
20 Sunday for the customer that needed to be redelivered.

21 Q And did he give you permission?

22 A Yes, he did.

23 Q And who was this customer that needed the
24 furniture redelivered?

25 A Amber Shumate.

1 Q And why did Ms. Shumate need the furniture
2 redelivered?

3 A She was moving from her mother-in-law's house
4 into her own house.

5 Q And on Saturday, when you asked Mr. Morris for
6 permission, was that the first time you had talked to him
7 about this?

8 A No.

9 Q When else had you?

10 A Earlier in the week.

11 Q And is there anyplace in the Rantoul store
12 where delivery and pickup information is kept?

13 A It is. It's kept on the Daily Activity
14 Planner.

15 Q And could you just describe for the jury what
16 the Daily Activity Planner is?

17 A It is a large book where deliveries, names of
18 customers, whether that merchandise is being delivered,
19 returned, or service is kept.

20 Q Is it fair to say it's a book that people write
21 information in?

22 A Yes.

23 Q And do you know who put the information about
24 Ms. Shumate's move in the book?

25 A At one point in time, I thought it might have

1 been Russell Kasper. However, thinking about it, you
2 know, with his termination date, I don't think that was
3 the case.

4 Q And what do you mean "thinking about his
5 termination date"?

6 A He was terminated in 2013. This move was in
7 2014.

8 Q And so when did you notice that the Shumate
9 move was in this book?

10 A It would have been earlier in the week.

11 Q And the Daily Activity Planner, does it have
12 every day of the week?

13 A No. It does not.

14 Q Are there certain days missing?

15 A Sunday is missing because all Rent-A-Centers
16 are closed on Sundays.

17 Q So if the Sunday isn't in the book, how was --
18 how was it notated that this move needed to happen on
19 Sunday if Sunday doesn't exist in the book?

20 A It was paper-clipped. It was written on a
21 piece of paper and paper-clipped to Saturday.

22 Q So let's talk about Sunday. What did you first
23 do Sunday in regards to this redelivery for Ms. Shumate?

24 A Sunday, I arrived at the store; did a
25 walk-around of the vehicle and made sure it was ready to

1 travel.

2 Q And were you wearing anything in particular?

3 A Yes, I was. I was wearing the Rent-A-Center
4 polo.

5 Q Do you happen to remember what color it was?

6 A It's red. It has a Rent-A-Center logo
7 embroidered on it.

8 Q Okay. And where is that Rent-A-Center logo on
9 the polo?

10 A It's on the left, left side.

11 Q And did you ever wear a Rent-A-Center polo when
12 you weren't working?

13 A No, sir.

14 Q So you get to this, this store, and you walk
15 around the truck. Do you go inside the store at all?

16 A No, sir.

17 Q And why not?

18 A The alarm is set to go off should the store be
19 unlocked on a Sunday. None of the employees have a code
20 to deactivate it on a Sunday.

21 Q But you had keys to access the store?

22 A I did.

23 Q And after you did the walk-around and get into
24 the truck, then tell me what happens after that.

25 A I got into the truck and got ready to follow

1 Russell Wiedemann to the storage facility.

2 Q And who is Russell Wiedemann?

3 A Russell Wiedemann is Amber Shumate's adopted
4 father.

5 Q And does he sometimes go by "Cash"?

6 A Yes, he does.

7 Q And did you and Mr. Wiedemann ever have some
8 sort of relationship?

9 A We dated a couple of times.

10 Q In July of 2014, were you dating?

11 A No.

12 Q And in July of 2014, did you know Ms. Shumate?

13 A Only as an acquaintance.

14 Q And how, how did you know her as an
15 acquaintance?

16 A Russell Wiedemann had introduced me to her on
17 an occasion.

18 Q And at some point, you and Ms. Shumate became
19 somewhat friendly; is that correct?

20 A Yes.

21 Q And when was that?

22 A After I was terminated.

23 Q So after you follow Mr. Kasper -- or sorry, Mr.
24 Wiedemann from picking up the truck and you go -- to a
25 storage facility, you say; is that correct?

1 A Yes.

2 Q Describe what happens there.

3 A I pulled into the storage facility, lowered the
4 gate on the truck. A couple gentlemen bring a sectional
5 and a bed frame, headboard, footboard out to the truck.
6 I loaded those onto the Tommy Gate, lifted them up into
7 the truck; and then I get those ready to be taken to
8 their new location.

9 MR. SHULTZ: And if I may have the ELMO.

10 PX 4.

11 Permission, this was admitted during Ms.
12 Shumate's exam, correct? The receipt?

13 Permission to publish to the jury, Your Honor?

14 THE COURT: Okay. Once it's admitted, go
15 ahead.

16 MR. SHULTZ: It was admitted, correct?

17 THE COURT: Yes.

18 BY MR. SHULTZ:

19 Q If you look to your left -- well, actually --
20 or you can just look to your left.

21 Do you recognize the information contained in
22 this document?

23 A Yes, I do.

24 Q And let's just take this kind of column by
25 column. So the store number, what is -- what's under the

1 "Store Number"?

2 A The store number is 319.

3 MR. SHULTZ: Permission to approach the
4 witness, Your Honor?

5 THE COURT: Yes.

6 What's the, what's the exhibit number on it?

7 MR. SHULTZ: PX 4.

8 I think -- I'm sorry, the --

9 THE COURT: Plaintiff's 4, right?

10 MR. SHULTZ: I believe so. I have that
11 correct, right?

12 THE COURT: Yeah. That's correct.

13 BY MR. SHULTZ:

14 Q Under the first column, the store number?

15 A Is 319.

16 Q And do you know what number that -- what store
17 is associated with that number?

18 A The Rantoul store.

19 Q And you see under the "Customer Name," it says
20 "Amy Wilkerson."

21 A Yes.

22 Q Do you know who Amy Wilkerson is?

23 A Amy Wilkerson is Amber Shumate.

24 Q And could you explain "Shumate" and
25 "Wilkerson," the last name?

1 A Well, Wilkerson is Amy Shumate's maiden name.
2 Amber is a nickname she goes by.

3 Q Okay. So you know Amy and Amber to be the
4 same?

5 A Yes.

6 Q And under the "Product Description," do you
7 recognize those two pieces of furniture?

8 A Yes, I do.

9 Q And were those something that Rent-A-Center
10 sold at the time?

11 A Yes, they are.

12 Q And are those the two pieces of furniture that
13 you put into the Rent-A-Center truck on Sunday,
14 July 20th?

15 A Yes, they are.

16 Q And under "Employee Name," who is that?

17 A "Megan Kerr."

18 Q And that's you, correct?

19 A Yes, it is.

20 Q And do you have any memory regarding this sale?

21 A No, sir.

22 Q And how well did you know Ms. Shumate in
23 February of 2014?

24 A Just as an acquaintance. I was introduced to
25 her on an occasion.

1 Q So is it possible that you, indeed, sold the
2 furniture to her in February of 2014?

3 A It is possible.

4 Q Now, after picking up the furniture, where did
5 you go?

6 A I drove out to Amber's new residence and got
7 ready to deliver that merchandise.

8 Q And just describe what happened when you got
9 there.

10 A I had to wait a little bit. There was a couple
11 vehicles with her other personal belongings, you know, in
12 the driveway; so I had to wait for those to get unloaded.
13 Once they cleared the way, I was able to back up. I
14 moved the merchandise from the truck onto the lift gate,
15 lowered it onto the ground; and a couple gentlemen came,
16 picked up that merchandise, and took it in the house.

17 Q And to be clear, was there anything other than
18 these two pieces of furniture in the Rent-A-Center truck
19 that you moved that day?

20 A No, sir.

21 Q And was anybody at all in the cab of the truck
22 with you while you were driving around that day?

23 A No, sir.

24 Q And did you, yourself, help move any, anything
25 else for Ms. Shumate that day?

1 A No.

2 Q And then I take it -- what happened after you
3 dropped the furniture off? Then what happened?

4 A I returned to the store.

5 Q And can you estimate how long this, this took
6 from coming to the store and -- first arriving at the
7 store and then coming back after the move?

8 A It took a few hours.

9 Q And why did it take a few hours?

10 A It is a long drive from Rantoul to Royal, and
11 then it's a long drive back.

12 Q Then what happened on Monday?

13 A Monday, Jason Morris called me into his office,
14 sat me down, and explained that I wasn't working for
15 Rent-A-Center anymore; that he and Jason Carnahan had
16 discussed the Sunday delivery, and that it was not
17 permissible. I wasn't allowed to do it.

18 Q And what did you say to him?

19 A I -- there really wasn't a lot I could say. I
20 was kind of in shock.

21 Q What was your reaction?

22 A I was in shock.

23 Q And could you explain for the jury why you were
24 in shock on Monday when you were fired?

25 A Well, I had permission to do this delivery on a

1 Sunday, and then Monday I find out that it's not
2 authorized; I wasn't supposed to do it.

3 Q And how long did this termination meeting last
4 with Mr. Morris on Monday morning?

5 A Just a few minutes.

6 Q And how long had you worked at Rent-A-Center up
7 until this point?

8 A All -- a little over nine years.

9 Q And how did you feel leaving the store after
10 working there for, working for the company for nine
11 years, after having just been fired?

12 A Kind of hurt, a little betrayed.

13 Q Up until then, did you enjoy working at
14 Rent-A-Center?

15 A Absolutely.

16 Q Could you tell us why?

17 A I like helping customers. I like solving
18 problems. I love fixing and repairing merchandise. It
19 was just -- helping people is just one of those things I
20 like to do.

21 Q And would you still be working there today had
22 this not happened?

23 A Yes, sir.

24 Q So, were you aware that you could get fired for
25 using the Rent-A-Center truck without permission?

1 A Yes, sir.

2 Q Knowing this, would you have risked your job to
3 use the truck without permission?

4 A No, sir.

5 Q Would you have risked your job of nine years to
6 help somebody you had just met a couple times by using
7 the Rent-A-Center truck without permission?

8 A No.

9 Q Would you have ever used the truck without
10 permission at Rent-A-Center?

11 A No, sir.

12 Q Were you doing your job on Sunday?

13 A Yes, I was.

14 Q And did you have permission to use the truck on
15 Sunday, July 20th of 2014?

16 A Yes, I did.

17 Q And who gave you that permission?

18 A Jason Morris.

19 MR. SHULTZ: If I may confer with counsel for a
20 second.

21 (Brief pause in proceedings.)

22 MR. SHULTZ: I'll pass the witness, Your Honor.

23 THE COURT: All right.

24 (Brief pause in proceedings.)

25 MR. TRUSEVICH: May I proceed, Your Honor?

1 CROSS-EXAMINATION BY MR. TRUSEVICH:

2 Q First of all, good afternoon, Ms. Vanna. How
3 are you today?

4 A I'm well.

5 Q And we met before when I took your deposition,
6 correct?

7 A Yes, sir.

8 Q All right. And I heard you talk about a couple
9 things with the EEOC, and I just want to make sure that I
10 summarize -- that I heard you correctly, correct? Is
11 that okay with you?

12 A Okay.

13 Q Number one, that on Saturday, July 19th, Jason
14 Morris handed you the truck keys, number one; you agree
15 with that, correct?

16 A Yes, sir.

17 Q Number two, that Jason Morris gave you
18 permission to go use the truck on Sunday, July 20th;
19 number two, you would -- according to you, that happened,
20 right?

21 A Yes, sir.

22 Q All right. And, three, you told before -- one
23 of the versions on what you were doing that Sunday was
24 that you were involved in a charitable or civic event.
25 Do you recall that?

1 A Not today, sir.

2 Q Well, you don't recall that today, or did that
3 never happen?

4 A Okay. You wanted to go over what the EEOC just
5 went over?

6 Q No. I wanted to ask you: On this Sunday
7 delivery, was that involved in any way with a civic or
8 charitable event?

9 A Okay. That is not something we discussed with
10 the EEOC.

11 Q Oh, no. You know what? My fault. Bad
12 question.

13 Here's a new question: Did the Sunday delivery
14 on July 20th have anything to do with a charitable or
15 civic event?

16 A There was a charitable organization present --

17 Q Ma'am, --

18 A -- from what I understand.

19 Q -- my question -- all my question to you is:
20 Was the Sunday delivery involving a charitable or civic
21 event? Yes or no?

22 A Okay. Yes.

23 Q And who was the charitable and civic event?

24 A There were a few Masons involved.

25 Q So was this a Mason event?

1 A I do not know specifically.

2 Q Ma'am, let me ask you this: According to you,
3 not only did Morris give you the keys on Saturday,
4 July 19th, but you testified in your deposition that you
5 reminded him the Monday before.

6 Do you recall that?

7 A [No response.]

8 Q Ma'am?

9 A I'm sorry?

10 Q Yes. In your deposition, do you recall that
11 you testified that you reminded Mr. Morris about this
12 Sunday move the Monday before the Sunday? Do you recall
13 that?

14 A Okay.

15 Q The Wednesday before, do you recall that?

16 A No, sir.

17 Q The Friday before that, do you recall that?

18 A No, sir.

19 Q And then again on Saturday when he gave you the
20 keys on the 19th, do you recall that?

21 A I spoke with him on Saturday.

22 Q All right. But are you saying that -- did you
23 or did you not remind him the Monday, the Wednesday, the
24 Friday, and then the Saturday before? Do you recall
25 talking to him about that Sunday delivery? Or are you

1 now saying that never happened?

2 A I'm not saying either. I'm saying I don't
3 recall.

4 Q Okay. So it's possible, and we'll look in your
5 deposition in a minute.

6 But you said it was, involved a charitable or
7 civic event, correct?

8 A There were assumptions made that it was for a
9 charitable or civic event.

10 Q Ma'am, let's look at what's been admitted into
11 evidence as Defendant's Exhibit 1, the EEOC lawsuit. And
12 do you recall in the, your deposition -- Ms. Vanna, do
13 you recall in your deposition I asked you, "You look at
14 those two lawyers as your lawyers?"

15 And you said, "Yes," correct?

16 A Yes, sir.

17 Q And you understand that they are representing
18 your issue to the ladies and gentlemen of the jury? Do
19 you understand that?

20 A Yes, sir.

21 Q And they're going to be asking the ladies and
22 gentlemen of the jury for money for you, correct?

23 A [No response.]

24 Q Do you recall that?

25 A Not specifically, no, sir.

1 Q Let's look at what the EEOC lawsuit says.

2 Go to, if you could -- I believe it's paragraph
3 "n." Blow up "n." It may be "o."

4 Go to "o."

5 Ma'am, I showed you this lawsuit in your
6 deposition. Do you recall that?

7 A A little bit.

8 Q My question is: Do you recall that I showed
9 you the EEOC's lawsuit that they filed against
10 Rent-A-Center in your deposition? Do you recall that?

11 A That was a very long day, sir. You showed me a
12 lot of papers.

13 Q All right. Do you recall seeing the lawsuit?

14 A Not specifically, no.

15 Q All right. Let's look at paragraph "o" of the
16 EEOC's lawsuit. "On Saturday, July 19th, Kerr asked
17 Morris for the keys to a company delivery vehicle and
18 permission to make a delivery the next day, on Sunday,
19 July 20, 2014, to deliver furniture in connection with a
20 project of a local civic organization."

21 Do you see that?

22 A Yes, sir.

23 Q Is the EEOC right or wrong? Was that move on
24 Sunday, July 20th, in connection with a project of a
25 local civic organization? Yes or no, ma'am?

1 A It was my understanding at the time. Yes.

2 Q Okay. So you knew it was involved with a
3 charitable or civic organization, correct?

4 A Of my understanding, yes.

5 Q All right. And can you tell the ladies and
6 gentlemen of the jury: During that week leading up to
7 getting the keys on Saturday, July 20th, you were working
8 the Rantoul Rent-A-Center store that week, right, ma'am?

9 A Yes.

10 Q Tell the ladies and gentlemen of the jury: Did
11 you bring in flyers and put up flyers about this
12 charitable or civic event anywhere in the store?

13 A No, sir.

14 Q Did you ask Jason Morris, "Hey, Boss, could I
15 put some flyers up? There's a charitable event. Do you
16 mind if I put some flyers up on the windows," or anything
17 else like that? Did you ask him that?

18 A No, sir.

19 Q Did you give him any contact information for
20 who was organizing this charitable or civic event? Mr.
21 and Mrs. Cindy Smith -- whatever -- anything like that?
22 Did you give him that contact information?

23 A No, sir.

24 Q Did you give him a phone number?

25 A No, sir.

1 Q An email?

2 A No, sir.

3 Q Anything like that?

4 A No, sir.

5 Q Be-- and, and do you recall you said you
6 volunteered to make this happen, right?

7 A Yes, sir.

8 Q And did you bring in any volunteer sheets where
9 maybe some of the other Rent-A-Center coworkers might
10 want to volunteer for this local or charitable
11 organization? Did you do that?

12 A Well, the organization wasn't looking for
13 volunteers.

14 Q Ma'am, my question was: Did you or did you not
15 ask him, "Can I put a sign-up sheet to see if anyone
16 wants to help this charitable or civic event"?

17 A No, sir.

18 Q And what would the answer to that be?

19 A No, sir.

20 Q Okay. By the way, you don't have any phone
21 records to the charitable or civic event organizing this
22 leading up to it, correct?

23 A I'm sorry, sir. I don't keep years of phone
24 records.

25 Q You don't have any phone records of Amber

1 Shumate, saying, "Hey, listen, is everybody -- is
2 everything set for Saturday, the charitable organization?
3 What time do you want me to be there?" Et cetera. Any,
4 any phone records between you and Ms. Shumate?

5 A Again, I don't keep years of phone records.

6 Q By the way, you said, I believe, on, on direct
7 that -- you said that you knew Amber -- did you say,
8 "Amber is Ms. Shumate's nickname"?

9 A Yes.

10 Q Okay. And so would that explain -- at
11 Rent-A-Center, before you do a transaction to make sure
12 no fraud happens, you have to make sure you look at their
13 driver's license, their credit card, et cetera, correct?

14 A On a rental agreement, yes.

15 Q All right. Well, even a cash purchase, you
16 don't want someone just using a fake credit card, right?

17 A Okay.

18 Q And on the receipt that you filled out, did you
19 do that? Did you make sure that she had a proper ID and
20 everything else before you did that transaction for her?

21 A I don't remember, sir.

22 Q Okay. But is that your normal procedure?

23 A It is.

24 Q So would you have looked to make sure that her
25 driver's license that said "Amy" -- you saw the receipt

1 said "Amy Wilkerson" -- that it said "Amy Wilkerson,"
2 that her credit card said "Amy Wilkerson" -- that it
3 matched, in other words -- before you did the
4 transaction? Would you have done that?

5 A That depends.

6 Q Depends on what, ma'am?

7 A If Amy Wilkerson was the one that was actually
8 there in the store.

9 Q Okay. But assuming she was, assuming that you
10 already heard that, that Ms. Wilkerson was in the store,
11 would you have just made sure that she plopped down her
12 credit -- driver's license and, and so you saw Amy, Amy
13 Wilkerson and that's why, and then entered that into the
14 receipt? Would you have done that?

15 A If there's two people on the account, then if
16 the second person does the transaction, the first name
17 will show up.

18 Q But Mr. Shultz just showed you the receipt; --

19 A Uh-huh.

20 Q -- there were not two people on that one, were
21 there?

22 A Well, no, not if it only shows one person on
23 the name we're titling it in.

24 Q Okay. So all my question is: You would have
25 made sure that the driver's license matched the name that

1 you put in the receipt, correct?

2 A Perhaps.

3 Q All right. And then you would have checked the
4 credit card, correct, to make sure they matched?

5 A If it was applicable.

6 Q If it was what, ma'am?

7 A If it was applicable, yes.

8 Q All right. But, either way, before the
9 merchandise left the store, would you have made sure that
10 you checked to make sure that was Amy Wilkerson by making
11 sure you check her ID?

12 A No, not necessarily.

13 Q Ma'am, again -- and there's no text messages to
14 Amber about this, correct?

15 A Not that I'm aware of.

16 Q And isn't it true, ma'am, that you didn't have
17 permission to use the truck on Sunday, July 20th; that
18 Jason Morris never gave you the keys; that Saturday --
19 either the last delivery that you did on Saturday,
20 July 19th, you either kept those keys in your pocket; or
21 when Eleena was turning off -- closing down the store,
22 turning the lights off, and before she armed that, you
23 went in there, grabbed those truck keys, and either
24 palmed them, put them in your purse, and walked out
25 Saturday with that in order to use on Sunday? Isn't that

1 what happened?

2 A No, sir.

3 Q And the reason you used the truck was you
4 either were moving your own stuff, or you were helping
5 your friend Amber, or you were moving out of the tattoo
6 shop and your residence; isn't that right?

7 A No, sir.

8 Q And the reason you parked in broad daylight --
9 Mr. Shultz said, "Well, why risk a nine-year job?"

10 The reason you parked your car in broad
11 daylight, ma'am, is, one, you didn't think you'd get
12 caught, true?

13 A No.

14 Q Two, if you did get caught, you thought the
15 worst that would happen was a verbal counseling. You'd
16 been nine years. You hadn't been written up. You
17 thought the worst that would happen is a verbal
18 counseling; is that true?

19 A No.

20 Q Three, you were planning on moving up to
21 Chicago to be with your now-husband anyways, and you were
22 planning on quitting Rent-A-Center; isn't it true?

23 A No.

24 Q None of that's true?

25 A Not at all.

1 Q Well, let me ask you this: Between --
2 Mr. Shultz asked you, "Did you like it there up until the
3 time that you were fired?"

4 And your answer was: Up until that time, you
5 "enjoyed working for Rent-A-Center up until that time,"
6 correct?

7 A Yes, I did.

8 Q By that time, let's say -- I don't know,
9 June -- let's say July of 2014 through September of 2014,
10 were you already telling people that Kane Vanna was your
11 husband?

12 A No.

13 Q All right. Isn't it true that you were
14 frustrated with working at Rent-A-Center by then, and,
15 and you were ready to leave; you wanted out, even before
16 July 2014? Isn't that true?

17 A No.

18 Q And let me ask you this: Were you looking for
19 any way out between -- I don't know -- February and July
20 of 2014? Were you looking to switch industries?
21 Anything like that?

22 A No.

23 Q Okay. And then I think I asked you this
24 before: You thought the worst that would happen to a
25 nine-year employee with a spotless disciplinary record

1 would be a verbal counseling, and you said that's not
2 true, correct?

3 A Correct.

4 Q Correct?

5 A Yes.

6 Q Now, ma'am, you say -- you just told Mr. Shultz
7 that up until that point -- meaning, the day you were
8 fired, Monday, July 21, 2014, correct?

9 A Okay.

10 Q That up until that time you "enjoyed working
11 for Rent-A-Center." Isn't that just what you told the
12 Court 15 minutes ago?

13 A Yes, sir.

14 Q Let's look at that. Ma'am, you actually say
15 you were mistreated at RAC after you transitioned in
16 March of 2013; isn't it true?

17 A Yes.

18 Q And the people that you accuse are Russ Kasper,
19 right?

20 A Yes.

21 Q Jason Carnahan, right?

22 A [No response.]

23 Q Right?

24 A Okay.

25 Q No. I'm asking you, ma'am.

1 Are you accusing Jason Carnahan of mistreating
2 you at Rent-A-Center? Yes or no?

3 A Yes.

4 Q Okay. And Jason Morris, sitting over here, you
5 accuse him of mistreating you, right?

6 A Yes.

7 Q And, in fact, you not only accuse Jason Morris
8 of mistreating you; you say that he demoted you, correct?

9 A Yes, he did.

10 Q All right. And we'll get into that.

11 You also claim that your landlord, Mary Ann
12 Kelly, who was the landlady of your tattoo shop, that she
13 mistreated you and discriminated against you because
14 you're transgender; because once she found out you're
15 transgender, she terminated your lease and kicked you out
16 of the tattoo shop. Isn't that correct, ma'am?

17 MR. SHULTZ: Objection, Your Honor, relevance.

18 MR. TRUSEVICH: Your Honor, it goes to the
19 timeline on when she said she moved.

20 MR. SHULTZ: May we approach real fast, Your
21 Honor?

22 THE COURT: All right.

23 MR. TRUSEVICH: Which side, Your Honor?

24 THE COURT: We're going right here. I'll be
25 down in a second.

1 (Brief pause in proceedings.)

2 (At the sidebar; of the jury's hearing.)

3 MR. SHULTZ: Rent-A-Center admitted some
4 designations, deposition designations, in Mary Ann
5 Kelly's deposition regarding this.

6 MR. TRUSEVICH: Uh-huh.

7 MR. SHULTZ: And you had overruled those
8 because they were -- or you sustained those objections
9 because of relevance, Your Honor; so I just want to make
10 sure that that's consistent.

11 MR. TRUSEVICH: I believe those are coming in
12 on designation, and it's another person she's accusing.
13 She said in her deposition --

14 THE COURT: Keep your voice down --

15 MR. TRUSEVICH: Oh, I'm sorry.

16 THE COURT: -- so the jury can't hear you.

17 MR. SHULTZ: No, no. I'm fairly certain those
18 were sustained objections.

19 THE COURT: Hold on one second.

20 (Brief pause in proceedings.)

21 MR. SHULTZ: I think it's one of these. I can
22 double-check the transcript.

23 THE COURT: I don't see it.

24 (Brief pause in proceedings.)

25 THE COURT: On motion in limine relating to

1 charges of discrimination, there were charges to the
2 EEOC --

3 MR. TRUSEVICH: Right.

4 THE COURT: -- that could come in. So if those
5 charges from the EEOC, they're just separately alleging
6 them, then my instinct, without having -- I need to go
7 back and read the -- let's see what the deposition is.

8 (Brief pause in proceedings.)

9 THE COURT: Do you have the deposition?

10 MR. SHULTZ: I'm sorry, Your Honor.

11 (Brief pause in proceedings.)

12 MR. SHULTZ: It's twenty -- maybe he's right.
13 23, 4 to 7. Overruled -- no. 23, 22.

14 So 23, 22. So I can just interrupt you. Did
15 you discriminate against Ms. Kerr --

16 COURT REPORTER: I can't hear you.

17 MR. SHULTZ: Sorry.

18 "If she told me she was transgender, I probably
19 would have; but throughout, I didn't know."

20 MR. TRUSEVICH: Your Honor, I can't find it.
21 I'll move on.

22 THE COURT: It's easier.

23 MR. TRUSEVICH: Thank you.

24 THE COURT: All right.

25 (In open court.)

1 THE COURT: All right. Question withdrawn?

2 MR. TRUSEVICH: Question withdrawn.

3 THE COURT: Go ahead.

4 BY MR. TRUSEVICH:

5 Q But I do want to ask you this: You had a
6 tattoo shop, correct?

7 A Yes, I did.

8 Q And did -- according to you, your landlord
9 terminated your lease, correct?

10 A [No response.]

11 Q Correct?

12 A That -- I don't remember if it was terminated,
13 or if I --

14 Q Okay.

15 A I don't know who terminated it.

16 Q We'll look at that.

17 And, ma'am, isn't it true that after you
18 transitioned in March of 2013 you weren't mistreated;
19 isn't that correct?

20 A No.

21 Q And, in fact, your only complaint after you
22 transitioned from March of 2013 all the way until July of
23 2014 was that Russ Kasper was telling -- if someone came
24 in and said, "Did, did she used to be a he?", you
25 complained about that to Jason Carnahan -- the very

1 person that the EEOC is saying plotted against you -- you
2 complained to Jason Carnahan; he talked to Russ Kasper
3 and Russ Kasper stopped, isn't that correct?

4 A In part. I mean, that's -- there's multiple
5 parts to that question, sir.

6 Q And you never complained again; isn't that
7 true?

8 A No, sir.

9 Q You're saying you did complain?

10 A I'm saying that is not true.

11 Q Who did you complain to after you complained to
12 Mr. Carnahan then?

13 A Okay. On an official scale or a personal
14 scale?

15 Q Anybody at Rent-A-Center. Who did you explain
16 to?

17 A So on an official scale?

18 Q However you want to word it.

19 A Well, I'm trying to understand your wording,
20 sir.

21 Q Ma'am, did you complain to anybody at
22 Rent-A-Center that you were being treated unfairly,
23 harassed, discriminated? Anything like that? Did you
24 complain to anybody?

25 A I placed a complaint to Jason Carnahan.

1 Q Okay. And that was about Russ Kasper, right?

2 A Correct.

3 Q And do you recall talking to the EEOC
4 investigator named Gloria Mayfield?

5 A I do.

6 Q And do you recall telling Gloria Mayfield that
7 you talked to Jason Carnahan about it; he talked to
8 Kasper, and Kasper stopped making any comments? And that
9 was your only complaint to Rent-A-Center. Do you recall
10 that?

11 A Yes.

12 Q You say -- but, yet, ma'am, you say that Kasper
13 was making harassing, discriminatory, and embarrassing
14 remarks about you two to three times a day from March
15 2013 until his termination in December of 2013, correct?

16 A Yes.

17 Q Nine months, correct?

18 A Okay.

19 Q Is that a "yes"?

20 A Yes.

21 Q And if it's two times a day -- you would have
22 worked with him, because of scheduling, four days a week,
23 correct?

24 A That's not necessarily true. No.

25 Q Maybe, maybe more? Four or five?

1 A Yes.

2 Q All right. So if you took nine months at two
3 times a day, it's about 288 comments; and if you took
4 three times a day, it's about 432 comments. Somewhere
5 around there between, give or take, 3- or 400 comments?

6 A I assume so.

7 Q Okay. And you say that -- and, remember,
8 Mr. Shultz asked you: Up to that point, you enjoyed
9 working at Rent-A-Center. Do you recall saying that to
10 him?

11 A Yes, sir.

12 Q Okay. You also say that Eleena told you that
13 Morris didn't agree with your lifestyle because you're
14 transgender. Do you recall saying that in your
15 deposition?

16 A Not specifically, no, sir.

17 Q All right. And he didn't want to work with you
18 because you're transgender. Do you recall saying that in
19 your deposition?

20 A No, sir.

21 Q Did Eleena ever tell you that? Yes or no?

22 A I can't -- I don't remember what I said in my
23 deposition, sir.

24 Q No. I'm asking what you remember today. Did
25 Eleena ever tell you that Morris said he "didn't agree

1 with your lifestyle"? Did he ever say that? Did Eleena
2 ever tell you that?

3 A Eleena did say that at one point. Yes, sir.

4 Q Okay. Did Eleena ever tell you that Jason
5 Morris, here, didn't want to work with you?

6 A Yes, sir.

7 Q Okay. You say that Eleena told you Morris was
8 uncomfortable working with you. Do you recall saying
9 that in your deposition?

10 A I don't remember what I said in my deposition,
11 sir.

12 Q You know what? Let's just look at your
13 deposition. If you can just pull up page 115, and let me
14 know -- at the screen, Ms. Vanna.

15 A Okay.

16 Q Can you read that okay?

17 A No.

18 Q No. I can't either.

19 At 115, if you'd look at lines 2 through 6 --
20 Harriet, any better chance of getting a better
21 resolution? Oh, thank you.

22 Question: And do you recall -- at the top of
23 the deposition, it says "January 17, 2017." Do you
24 recall that?

25 A Again, I don't remember what was said in my

1 deposition.

2 Q Ma'am, all I'm asking you is: At the very top
3 of the deposition, do you see the date that I took your
4 deposition, January 17, 2017? Do you recall you and I
5 sitting down for a deposition?

6 A Yes, sir.

7 Q And the EEOC lawyers were there, correct?

8 A Yes, sir.

9 Q Line 2, "Question: Okay. Have you told me
10 everything about attitude change?

11 "Yes.

12 "What about behavior change?

13 "The behavior change" -- that isn't right.

14 (Brief pause in proceedings.)

15 Q I'm sorry. Is this 115, 2 through 6? I've got
16 to go back to that. My fault.

17 And, ma'am, do you -- do you remember when I
18 asked you if Eleena ever told you that Morris made, was
19 uncomfortable working with you? Did you ever say that?

20 Go back to that page.

21 A No, sir.

22 Q No. We'll come back -- I'll come back to that.

23 Do you recall ever saying anything that Morris
24 was uncomfortable working with you, ma'am?

25 A We already asked the question.

1 Q And what was your answer?

2 A Yes, sir. I remember.

3 Q What's that?

4 A Yes.

5 Q And I asked you, "When did Eleena tell you that
6 Morris was uncomfortable working with you?"

7 Do you recall what you said?

8 A No, sir.

9 Q That it was some day, some month, and some,
10 some year; you just don't recall the date. Do you recall
11 that?

12 A No, sir.

13 Q Okay. Yet, according to you, he said it,
14 right? Meaning, Morris said it?

15 A Yes, sir.

16 Q And it bothered you, correct?

17 A Yes, sir.

18 Q You say that Eleena told you that Morris
19 referred to you as "it." Do you recall that?

20 A Yes, sir.

21 Q And according to you, Eleena told you that,
22 right?

23 A Yes, sir.

24 Q And you say that Morris demoted you, correct?

25 A Yes, sir.

1 Q And you're saying that he demoted you because
2 he took -- after he took over, he put from you the
3 assistant manager of sales to assistant manager of
4 credit, right?

5 A Yes.

6 Q And he took Eleena from the assistant manager
7 of credit to assistant manager of sales, correct?

8 A Yes, sir.

9 Q Tell the ladies and gentlemen of the jury:
10 When he switched you -- meaning, when Jason Morris
11 switched you from assistant manager of credit and
12 sales -- how much money did you lose?

13 A I didn't lose money.

14 Q How much ben-- how many benefits did you lose?

15 A I didn't lose benefits.

16 Q Isn't it true it's a lateral transfer?

17 A Yes, sir.

18 Q You said that he treated you like "the plague."
19 Do you recall that? Meaning Morris.

20 A Not in my deposition.

21 Q No, not in your deposition. But do you recall
22 it talking to Investigator Mayfield, Gloria Mayfield, the
23 EEOC investigator?

24 A No.

25 Q And do you recall telling her that Morris

1 treated you like the plague?

2 A No. I do not.

3 Q Do you recall saying that Mr. Carnahan would
4 not talk with you anymore after you transitioned?

5 A I do not.

6 Q You say that -- do you recall saying that you
7 would come back from a delivery; and Morris, Eleena, and
8 Fox would be in the office, and you could tell they were
9 talking bad about you?

10 Do you recall saying that?

11 A Yes.

12 Q Did that happen?

13 A Yes, it did.

14 Q But you never asked Eleena what, what they were
15 talking about, correct?

16 A That is not true.

17 Q You did ask Eleena about it?

18 A Yes.

19 Q Turn to page 278 of your deposition.

20 Actually, let's go to 277, line 8.

21 Can you blow up 8 through 18, please.

22 "Question: Did you ever have any problems with
23 her?" Meaning Eleena.

24 "Answer: No.

25 "Moreover, when CP," charging party, "did do

1 deliveries and come back to the office, Morris, Reeves,
2 and Brock would be in Morris's office; and when they saw
3 her, they stopped talking. CP said that she knew they
4 were talking about her based on their facial expression.

5 "Do you see that?"

6 Answer, on line 18: "Yes."

7 Do you see that?

8 A Yes.

9 Q Did I read that correctly?

10 A Yes.

11 Q And then go to 278, lines 1 through 10.

12 "Did you ever ask Eleena, 'Hey, what are you
13 all talking about?"

14 "At that point in time, no.

15 "Why not?"

16 "It isn't relevant.

17 "Did it bother you?"

18 "It did.

19 "But not enough to ask, 'Hey, what are you all
20 talking about?'"

21 "Answer: Correct."

22 Is that right?

23 A Yes.

24 Q You claim that you think they were talking bad
25 about you, correct, though?

1 A Correct.

2 Q Yet, didn't Brock ask you -- Brock Duncan-Fox
3 ask you to do a tattoo on him?

4 A Yes.

5 Q And, ma'am, if all of those things were
6 happening to you -- that Jason Morris was isolating you
7 or if he was treating you like the plague or referred to
8 you as "it" -- if any of those things were happening to
9 you -- or Eleena was telling you that he didn't agree
10 with your lifestyle -- let's look at -- pull up tab 21.
11 It's been admitted in evidence as Exhibit 21.

12 Blow up the reporting procedures.

13 The jury has seen this, so I'm not going to go
14 through it. But, ma'am, just if you can, read through
15 that and tell the ladies and gentlemen of the jury: If
16 all of that stuff was happening to you, how many times
17 did you ever call the DM? We know at least once, right?

18 A [No response.]

19 Q Right?

20 A Okay.

21 Q Is that a "yes"?

22 A Yes.

23 Q How many times did you call the regional
24 director, Dave Leavengood?

25 A None.

1 Q How many times did you call the coworker
2 relation hotline?

3 A None.

4 Q How many times did you call the global
5 compliance hotline, an outside agency where you could
6 remain anonymous?

7 A Once.

8 Q When did you call the global compliance
9 hotline, ma'am?

10 A I do not remember.

11 Q Do you recall in your deposition saying you
12 never called it?

13 A No. I do not.

14 Q Well, we'll look at that.

15 But your testimony right now is: You called
16 this number to the global compliance hotline, correct?

17 A I called a number.

18 Q Ma'am, I'm asking you: Is it this number? I
19 just asked you if you called global --

20 A I --

21 Q -- compliance?

22 A -- don't remember if it was that specific
23 number. No.

24 Q So you don't know; you can't testify to this
25 jury that, yes, I did call global compliance at least

1 once?

2 A I did not call that specific number.

3 Q All right. How many times did you call the
4 Rent-A-Center corporate office and, after you were fired,
5 and say, "Wait a second. My store manager gave me the
6 keys on Saturday. I had permission to do this, and I
7 just got fired. I just got fired"?

8 Why not pick up the phone and call to the main
9 number of the Rent-A-Center corporate office where you
10 reach a live person and say, "I need to speak to somebody
11 now"?

12 A Okay. There's two different questions in
13 there, sir. Which one would you like to answer?

14 Q Ma'am, did you ever call the main number to the
15 Rent-A-Center corporate office and say, "I need to speak
16 to someone about me being fired just now"?

17 A No.

18 Q According to you, Kasper continued his comments
19 even after you went to Carnahan, correct?

20 A Yes.

21 Q Yet, you didn't call the regional director,
22 Dave Leavengood, right?

23 A No.

24 Q I asked you why, and do you recall in your
25 deposition what your answer was? When I said, "Why not

1 call the regional director if the district manager's not
2 taking care of business?", do you recall what your answer
3 was?

4 A No. I do not.

5 Q "I didn't have his number."

6 Is that true, ma'am?"

7 A Yes, sir.

8 Q On the global compliance, the screen in front
9 of you, where -- the first bullet point, "your immediate
10 manager, district manager, or regional director," do you
11 see the parenthetical?

12 A Referring to "RaciNet directory"?

13 Q Yes, ma'am.

14 A Okay.

15 Q You -- so you could have, if you wanted to get
16 his number, you could have got on RaciNet and gotten the
17 regional director's number if you wanted to, correct?

18 A If I was terminated, no.

19 Q No, no, no, no. I'm not asking -- sorry if you
20 thought that -- bad question on my part, ma'am.

21 I'm talking when all of these things are
22 supposedly happening and Eleena's telling you all these
23 bad things that Morris is doing and the fact that you'd
24 come back and they were in his office talking about you.
25 I'm saying: When you went to Jason Carnahan and,

1 according to you, you complained about Russ Kasper,
2 right?

3 A [No response.]

4 Q Right?

5 A Okay.

6 Q And then Russ Kasper, according to you,
7 continued making comments, correct?

8 A Correct.

9 Q You weren't fired then, were you, Ms. Vanna?

10 A Not at that time, no.

11 Q Right.

12 And what I'm asking you is when, if -- if
13 that's true the way you're telling the ladies and
14 gentlemen of the jury that all these bad things were
15 happening -- Russ Kasper was making two to three comments
16 a day for nine months; you go to Carnahan. According to
17 you, Kasper continues to make those comments after you
18 went to Jason Carnahan, right?

19 A Correct.

20 Q And, and I asked you: You could have simply
21 hopped on RaciNet, got your regional director's number,
22 Dave Leavengood, and you just chose not to; isn't that
23 true?

24 A Yes, sir.

25 Q By the way, you didn't ask anybody for his

1 number either, did you?

2 A At what point in time, sir?

3 Q The time I just asked you. When -- so -- if
4 you're saying it the way it happened -- the way you're
5 saying it is that you went to Jason Carnahan about Russ
6 Kasper making these comments; he continues.

7 And I asked you: You didn't hop on RaciNet to
8 get Dave Leavengood's number.

9 You never asked anybody for his number either,
10 did you?

11 A No, sir.

12 Q Isn't it true, Ms. Vanna, that you have told
13 varying ver-- varying versions of the events of what you
14 were using that truck with on Sunday? Isn't that true?

15 A No, sir.

16 Q Isn't it true that after you were fired you
17 applied for unemployment benefits?

18 A Yes, sir.

19 Q And isn't it true that you told the
20 unemployment agency -- first of all, do you recall having
21 a telephone hearing with the unemployment agency?

22 A Yes, I do.

23 Q And do you recall telling them that you were
24 moving homeless people from a church parking lot to a
25 shelter and Goodwill was involved? Do you recall telling

1 them that?

2 A No, sir.

3 Q Never said anything like that, right?

4 A No, sir.

5 Q You told Eleena just a few days after you were
6 fired, by sending her a Facebook message, that you were
7 donating your furniture to veterans, correct?

8 A No, sir.

9 Q You said in your deposition that Russ Kasper
10 made a prior commitment to Amber Shumate to move her,
11 even if it was on a Sunday, so you were "fulfilling a
12 prior commitment."

13 Do you recall saying that?

14 A No, sir.

15 Q You never said that?

16 A I don't recall saying that, sir.

17 Q You said that the Masons were having a
18 charitable event to move Amber Shumate, correct?

19 A At that point in time, that was my
20 understanding.

21 Q And so far, everything you've told the ladies
22 and gentlemen of this jury that I've asked you is true,
23 according to you, correct?

24 A Yes, sir.

25 Q Okay. Let's look at that.

1 If you could pull up tab 15.

2 Do you remember, ma'am, when I asked you; I
3 said, "The reason you left your car in broad daylight out
4 is because you were planning on leaving anyways by the
5 end of July to be with your now husband, Kane Vanna."

6 Do you recall me asking you that?

7 A Sure.

8 Q First of all, do you recall -- or do you
9 recognize what's been labeled as Exhibit -- do you
10 recall -- in the black book, ma'am, in front of you -- I
11 don't think this is admitted yet.

12 If -- ma'am, if you could, turn in that black
13 book to -- and it's heavy; I apologize -- turn to tab 15,
14 if you would, ma'am.

15 And let me know when you're there.

16 A I'm there.

17 Q Do you recognize that?

18 A Not specifically, no.

19 Q Well, that's your EEOC intake questionnaire
20 filled out in your own handwriting, signed by you on the
21 last page, correct?

22 A Yes.

23 Q All right. So you recognize that, right?

24 A Yes.

25 Q Is it a true and correct copy?

1 A It is.

2 MR. TRUSEVICH: All right. At this time, Your
3 Honor, Rent-A-Center would offer Rent-A-Center Exhibit 15
4 into evidence.

5 MR. SHULTZ: No objection, Your Honor.

6 THE COURT: All right. It will be admitted
7 without objection.

8 MR. TRUSEVICH: May I publish to the jury?

9 THE COURT: You may.

10 MR. TRUSEVICH: All right.

11 BY MR. TRUSEVICH:

12 Q Now, this is your -- if you can pull up the
13 top -- your Equal Employment Opportunity Commission
14 intake questionnaire. Do you recall filling this out?

15 A Not specifically, no, sir.

16 Q All right. But do you recall me asking you
17 just -- I don't know -- 15 minutes ago in front of the
18 ladies and gentlemen of the jury; I said, "Isn't it true
19 that the reason you left your car out in the parking lot
20 is because you were planning on leaving with, and moving
21 up to Chicago with your now husband, Kane Vanna?"

22 And you told us, "No?"

23 Do you recall that?

24 A Yes, sir.

25 Q And then I asked you, "Well, are you -- did you

1 go around saying -- by the end of July through the end of
2 September, were you going around telling people Kane
3 Vanna was your husband?"

4 And you told the ladies and gentlemen of the
5 jury, "No," correct?

6 A That's correct.

7 Q Let's look at -- go -- can you pull up -- I'm
8 sorry; I cannot read this.

9 Can you pull up section number 3, Harriet, on
10 the first page.

11 "Please provide the name of a person we can
12 contact if we are unable to reach you."

13 And do you see there, by the date there, you
14 list "Kane Vanna." Do you see that?

15 A Yes.

16 Q And you can see it on the screen better.

17 And then "Relationship: Spouse."

18 Isn't that what you handwrote to the EEOC
19 intake questionnaire?

20 A Yes, it is.

21 Q And didn't I just ask you if, during July or
22 through September, you were already referring to Kane
23 Vanna as your spouse, and you said no?

24 A Correct.

25 Q So, ma'am, that wasn't true, was it?

1 A Still not true now.

2 Q What's that?

3 A No.

4 Q Why do you say that's not true?

5 A "Spouse" is a general term. It doesn't -- it's
6 not a very fine term.

7 Q Now, let's go to the last page of that
8 because -- do you see the November date there, on the
9 first page?

10 A Okay.

11 Q That's all right. My fault.
12 Go back to the first page.
13 First page.

14 Q Do you see that "Received November 10th"? It
15 says "EEOC, Chicago Office." Can you read that?

16 A Yes.

17 Q Okay. Well, you have better eyesight than I
18 have. That's hard for me to read.

19 Now, let's look when you signed this and
20 referred to Kane Vanna as your spouse.

21 Go to the last page -- EEOC68, please -- blow
22 up the bottom portion, Harriet.

23 Ma'am, you signed this on September 27, 2014,
24 correct?

25 A Yes.

1 Q That's your signature, correct?

2 A Yes.

3 Q Within 60 days of you being fired, you were
4 already telling the federal agency that Kane Vanna was
5 your spouse; isn't that true, Ms. Vanna?

6 A I did put "spouse" on this document. Yes.

7 Q I'm sorry. What was your answer?

8 A I did put "spouse" on this document. Yes.

9 Q By the way, you said -- told Mr. Shultz that it
10 bothered you that you got fired, correct?

11 A Yes.

12 Q Go back to the first page.

13 Go to the -- Harriet, if you could, highlight
14 the second from the bottom line on page 1. This is two
15 months after you were fired.

16 It says, "Date quit or discharged." What month
17 do you put in there, ma'am?

18 A 8/20.

19 Q August 20th, right?

20 A Correct.

21 Q You were really fired just -- on July 21st,
22 right?

23 A Yes, sir.

24 Q Ma'am, I also said, "Isn't it true that you
25 were looking to leave Rent-A-Center anyways; that you

1 were frustrated with the industry, the rent-to-own
2 industry or your job at Rent-A-Center?"

3 Do you recall me asking you that?

4 A Yes, sir.

5 Q And you said that wasn't true, correct?

6 A Correct.

7 Q Let me --

8 (Brief pause in proceedings.)

9 MR. TRUSEVICH: Your Honor, this involves an
10 MIL, so may I just approach her to refresh her
11 recollection?

12 THE COURT: Let, let Mr. Shultz know what it is
13 you're doing.

14 (Brief pause in proceedings.)

15 MR. TRUSEVICH: May I approach?

16 THE COURT: Mr. Shultz, any objection to --

17 MR. SHULTZ: Not to refreshing her recol-- not
18 to refreshing recollection, Your Honor.

19 THE COURT: All right.

20 BY MR. TRUSEVICH:

21 Q Ms. Vanna, do me a favor. Don't read this out
22 loud. I just want you to read it to yourself to see if
23 it refreshes your recollection. Do we have that
24 agreement?

25 A Okay.

1 MR. TRUSEVICH: All right. May I approach?

2 THE COURT: Yes.

3 (Brief pause in proceedings.)

4 BY MR. TRUSEVICH:

5 Q Again, do not read anything, but do you
6 recognize that, ma'am, that document?

7 A Vaguely.

8 Q It's a document you prepared, right?

9 A It is one that was created. Yes.

10 Q Okay. And in that document, does that refresh
11 your recollection that, while you were working for
12 Rent-A-Center, you became frustrated working for
13 Rent-A-Center, right? Isn't that what you wrote?

14 A [No response.]

15 MR. SHULTZ: Objection to the question. He
16 asked what was in the document. This was used to refresh
17 recollection.

18 MR. TRUSEVICH: I'll rephrase. My apologies.

19 BY MR. TRUSEVICH:

20 Q Does that refresh your recollection, ma'am,
21 whether or not you were frustrated during that period of
22 January through July? Does that refresh your
23 recollection?

24 A Yes.

25 MR. TRUSEVICH: May I approach and get that

1 back? My apology, Your Honor; I did not mean to ask her
2 that bad question.

3 BY MR. TRUSEVICH:

4 Q Ma'am, do you recall me asking you 15,
5 20 minutes ago in front of the jury and I said, "Isn't it
6 true that" -- well, strike that.

7 You told Mr. Shultz that up to that time you
8 enjoyed working for Rent-A-Center; and if you hadn't been
9 fired, would you still be working there today?"

10 And you answered "yes" to the jury.

11 Do you recall that?

12 A Yes.

13 Q And I said, "Isn't it true that you were
14 looking for a way out already to move up to, to be with
15 your now husband, Kane Vanna, and you were looking for
16 jobs?"

17 And you said, "No."

18 Do you recall that?

19 A Yes.

20 Q Is that still your testimony?

21 A Yes, it is.

22 Q Let's look at that.

23 Could you pull up -- don't publish it yet.

24 Ma'am, in that binder, if you could look at --
25 again, I apologize; I know it's heavy -- turn to tab 16,

1 please.

2 And let me know when you're there, tab 16.

3 A I'm here.

4 Q And if you could look at the second page and
5 third page of that exhibit -- actually, look at all three
6 pages, if you would, and let me know when you've had a
7 chance to look at that.

8 (Brief pause in proceedings.)

9 Q Look at all the pages of that, if you could,
10 and let me know when you're done, please.

11 (Brief pause in proceedings.)

12 A Okay.

13 Q Okay. And, ma'am, do you recognize what's been
14 marked as Rent-A-Center Exhibit 16 as emails that you
15 produced and sent? Do you recognize these?

16 A That I produced and sent?

17 Q Yes. That you sent, and they were produced by
18 the EEOC. You gave them to the EEOC, and they produced
19 them to us.

20 Do you recognize these emails, ma'am?

21 A Vaguely, yes.

22 MR. TRUSEVICH: Your Honor, at this time,
23 Rent-A-Center offers Exhibit 16 into evidence.

24 MR. SHULTZ: I believe these are covered by a
25 motion in limine, Your Honor, on mitigation.

1 THE COURT: Give me a second to read.

2 MR. TRUSEVICH: The only pages I plan to use,
3 Your Honor -- and I don't mean to interrupt you while
4 you're reading -- are the second and third page of that
5 exhibit.

6 (Brief pause in proceedings.)

7 THE COURT: I don't want to admit the entirety
8 of it if you're only going to use two pages of it.

9 What's your intention? Why is it being
10 presented?

11 MR. TRUSEVICH: 4 and 5, Your Honor, pages 4
12 and 5 only. And I can, I can re-mark these.

13 THE COURT: What's your -- EEOC, what are
14 the --

15 MR. TRUSEVICH: 265, Your Honor, and 266.

16 MR. SHULTZ: Sorry, Andy. I believe it's 285
17 and 286, not 266.

18 MR. TRUSEVICH: Oh, your eyesight's better than
19 me because that looks like a 6.

20 Your Honor, it's -- 285 and 286 are the only
21 two I plan to use with her.

22 THE COURT: Just those two pages, do you still
23 object?

24 MR. SHULTZ: Again, I believe this is covered
25 by the mitigation motion in limine.

1 THE COURT: Come up here. I can't read this
2 stuff either.

3 (At the sidebar; outside jury's hearing.)

4 THE COURT: So what are you using this for?
5 What purpose?

6 MR. TRUSEVICH: She was, she was --
7 impeachment. She was applying for a job.

8 THE COURT: Prior inconsistent statement with
9 opportunity to respond under 613.

10 So you'll have an opportunity to question her
11 about it. She'll have an opportunity to explain it.
12 Okay. So I'll admit it under Rule 613 as a prior
13 inconsistent statement.

14 MR. SHULTZ: That would give them a chance
15 to then question on this, Your Honor; is that what you're
16 saying?

17 THE COURT: Yes.

18 (In open court.)

19 MR. TRUSEVICH: And, Your Honor, would you like
20 me to mark just these two --

21 THE COURT: Just those two pages.

22 MR. TRUSEVICH: -- two pages as Defendant's
23 Exhibit 16 at this point? Take out those other pages?

24 THE COURT: That's fine.

25 MR. TRUSEVICH: Do you mind if I do that, --

1 MR. SHULTZ: Sorry. I just --

2 MR. TRUSEVICH: -- take those two pages and use
3 them as Defendant's Exhibit 16?

4 MR. SHULTZ: Yeah, based on our objection.

5 THE COURT: And, for the record, the
6 objection's overruled. So you can proceed as we
7 discussed at sidebar.

8 MR. TRUSEVICH: May I proceed, Your Honor?

9 THE COURT: Yes.

10 BY MR. TRUSEVICH:

11 Q Ma'am, I just asked you if you, just ten
12 minutes ago, if you were looking for other jobs to leave
13 Rent-A-Center in February and, during that time period
14 prior to July; and you said no, correct?

15 A Correct.

16 Q Let's look at what's been admitted into
17 evidence as -- so be careful -- pull up what's been
18 admitted into evidence as Rent-A-Center Exhibit 285 --
19 Exhibit 16, but please only go to page 285, EEOC285.

20 (Brief pause in proceedings.)

21 MR. TRUSEVICH: May I publish to the jury?

22 THE COURT: Yeah.

23 BY MR. TRUSEVICH:

24 Q All right. Harriet, if you could first pull up
25 the top portion and blow that up.

1 Ma'am, this is from you, MeganLynn Vanna;
2 that's your email, right?

3 A Yes.

4 Q To Miles Shultz, sitting behind me, correct?

5 A Yes.

6 Q And the date you sent this to him was October
7 17, 2016. Do you see that?

8 A Yes.

9 Q "Subject: Forward; forward legal coordinator."
10 Do you see that?

11 A Yes.

12 Q Okay. Go down to the bottom part. You -- see
13 if I can -- there you go.

14 Ma'am, on Thursday, February 13, 2014, at
15 2:21 a.m., MeganLynn -- and that's another one of your
16 email addresses; is it not?

17 A Yes.

18 Q And you wrote, "Hello. My name is MeganLynn.
19 I was hoping the position of legal assistant might still
20 be open. I'd like to present my resume in person if I
21 may, or I can Thank you for your time.
22 MeganLynn."

23 Do you see that?

24 A Yes.

25 Q That is an email you sent February 13, 2014 --

1 March, April, May, June, July -- almost five months
2 before you were fired; isn't that true?

3 A Yes.

4 Q Let's look at the next page of that exhibit --
5 please be careful on that -- page 28. Please blow up the
6 top.

7 This is another email from you, Ms. Vanna,
8 correct? MeganLynn Vanna, again to Mr. Shultz behind me,
9 dated October 17, 2016.

10 Do you see that?

11 A Yes.

12 Q And this time it says "Forward; associate
13 estimator." Do you see that?

14 A Yes.

15 Q And you attach a resume with this one, right?

16 A Yes.

17 Q Let's go down and see the email -- actual
18 email.

19 On Tuesday -- so the first email was February,
20 correct, Ms. Vanna, the one we just looked at?

21 And then this one is two months later on
22 April 22nd -- literally, almost three months to the date
23 prior to you being fired -- on Tuesday, April 22, 2014,
24 at 1:05 p.m. "Hello, my name is MeganLynn, and I would
25 like to apply for the project consultant/associate

1 estimator position. I have attached a resume. If there
2 are questions or to request an interview, please contact
3 me on my cell, MeganLynn, 217-550-8648 or" -- your email
4 addresses. "Thank you for your time and consideration.

5 Did you or did you not send that during that
6 February to July time period that I just asked you about
7 15 minutes ago?

8 A Yes.

9 Q You can take that down. Thank you, Harriet.

10 Ma'am, isn't it true; you were planning to move
11 out in July anyways, whether you got fired from
12 Rent-A-Center -- strike that.

13 If either of those two employers offered you a
14 job, we wouldn't be here today, would we?

15 A That depends.

16 Q You were looking though, correct?

17 A Yeah.

18 Q And isn't it true, ma'am, that you moved out of
19 your Paxton residence and your tattoo shop, you say, at
20 the end of October 2014? Do you recall that?

21 A No. I do not.

22 Q Let's look at your deposition.

23 Pull up page 130, please.

24 Can you blow up line 1 through 10, please.

25 Let me know when you're there, Ms. Vanna.

1 A Okay.

2 Q Question, on line 1 -- start on line 1 there.

3 "Question: When did you move from that

4 residence in Paxton, Illinois?

5 "Answer: The end of October.

6 "Question: Of 2014?

7 "Answer: Yes.

8 "Question: When did you move out of the

9 commercial lease space for Ink's Mistress?

10 "Answer: October."

11 And I asked: "Of 2014?"

12 And what was your answer?

13 A "Yes."

14 Q That's not true, is it, ma'am?

15 A [No response.]

16 Q The sworn testimony that is on the screen right

17 now that you gave under oath on January 17, 2017 -- that

18 sworn testimony is incorrect; isn't that true?

19 A That --

20 Q That you moved out of your residence Pax-- at

21 your residence in Paxton; and your Mistress Ink's, the

22 tattoo shop in Rantoul, that you moved out in October --

23 at the end of October of 2014, that's just false; isn't

24 that correct?

25 A That is not correct.

1 Q You can take that down, Harriet. Thank you.

2 And in fact, ma'am, didn't the City of Rantoul
3 disconnect your utilities after, at the tattoo shop in
4 August of 2014 because you had already abandoned that
5 tattoo shop? Isn't that true?

6 A No, sir.

7 Q And isn't it true, ma'am, that the last rent
8 paid to your apartment landlord was on July 5, 2014; you
9 never paid -- strike that.

10 You just told the jury you didn't move out of
11 the Paxton residence until the end of October of 2014,
12 correct?

13 A [No response.]

14 Q Correct?

15 A Okay.

16 Q I'm just asking you: Is that correct?

17 A [No response.]

18 Q Let me rephrase it again. What you just
19 testified in your deposition, I asked you: Is that
20 correct?

21 You did not move out of your Paxton residence
22 until Oct-- the end of October of 2014, correct?

23 A I didn't testify to a specific date.

24 Q Pull that page back up, lines 1 through 10.

25 "Question: When did you move from that

1 residence in Paxton, Illinois?

2 "Answer: The end of October of 2014."

3 Do you see that?

4 A Yes.

5 Q And your answer was, "Yes," correct?

6 A Yes.

7 Q All right. So can we agree that, according to
8 you, you moved out at the end of October 2014, correct?

9 A Yes.

10 Q Isn't it true that the last payment that you
11 made to Frank Piekarski -- he was your residence
12 landlord, right? --

13 A Yes, sir.

14 Q -- was that you paid him \$400 on July 5th; and
15 you never paid an August rent; you never paid a September
16 rent; and you certainly never paid an October rent.
17 Isn't that true?

18 A I do not know. I don't recall.

19 MR. TRUSEVICH: Your Honor, may I go over to my
20 box for a second?

21 (Brief pause in proceedings.)

22 MR. TRUSEVICH: Actually, never mind. My
23 fault.

24 Stephanie, my fault, I got it.

25 Your Honor, may I approach the witness?

1 THE COURT: Yep.

2 MR. TRUSEVICH: Ms. Vanna, let me show you --
3 and give a copy to the EEOC; I don't have another copy
4 so -- you produced that.

5 MR. SHULTZ: Okay.

6 BY MR. TRUSEVICH:

7 Q Ma'am, have you had a chance to review that?

8 A Yes.

9 Q And I'll represent to you the EEOC produced
10 that to us.

11 Is FL-- do you recognize it as, as a cash
12 payment, or a rent payment, that you made to Frank
13 Piekarski?

14 A To?

15 Q FLP Properties?

16 A FTP Properties?

17 Q Yeah, FTP Properties.

18 A Okay.

19 Q Do you recall that?

20 A It is a rent receipt that, it looks like, I
21 gave them. Yes.

22 MR. TRUSEVICH: All right. And, Your Honor, at
23 this time, I'm going to mark that as Exhibit 81, Your
24 Honor, as Rent-A-Center Exhibit 81 into evidence.

25 MR. SHULTZ: Your Honor, this wasn't identified

1 on any exhibit list.

2 MR. TRUSEVICH: And, Your Honor, that's
3 correct. It's impeachment.

4 THE COURT: Pardon me?

5 MR. TRUSEVICH: It's an impeachment exhibit.

6 THE COURT: Could I see it?

7 MR. TRUSEVICH: Yes.

8 THE COURT: I haven't seen it.

9 MR. TRUSEVICH: May I approach?

10 THE COURT: Yes.

11 MR. SHULTZ: And, Mr. Trusevich, you can have
12 this one.

13 MR. TRUSEVICH: Oh, thanks.

14 (Brief pause in proceedings.)

15 THE COURT: Mr. Trusevich, you want to approach
16 for a second.

17 MR. TRUSEVICH: Yes.

18 THE COURT: Mr. Shultz.

19 (At the sidebar.)

20 THE COURT: This is what you all submitted to
21 me, which I adopted at your request: "A party may
22 supplement a list of witnesses or exhibits only upon good
23 cause shown in a motion filed and served upon the other
24 parties prior to trial; except that, upon the development
25 of testimony fairly shown to be unexpected, any party

1 may, with leave of Court, call such contrary witnesses or
2 use such exhibits as may be necessary to counter the
3 unexpected evidence, although not previously listed, and
4 without prior notice to any other party."

5 So that's what was in the --

6 MR. TRUSEVICH: I believe she would admit that
7 [inaudible].

8 COURT REPORTER: I'm sorry. I can't hear.

9 THE COURT: You've got to come here so she can
10 hear.

11 MR. TRUSEVICH: I believe that she would admit
12 that the utilities were cut off in August of 2014. We
13 have a representative coming. I thought she would admit
14 to that; and I'm telling you, Your Honor, there's not a
15 single receipt that --

16 MR. SHULTZ: The utilities go to the tattoo
17 shop, if they're relevant at all. This is for the --

18 THE COURT: Why is, why is this not a
19 collateral matter? Why are we now getting into something
20 that's far afield of what we're talking about?

21 MR. TRUSEVICH: If Your Honor asked me that,
22 then we probably are. I'll withdraw it.

23 (In open court.)

24 THE COURT: I'm going to sustain the objection.
25 If you'll ask the next question.

1 MR. TRUSEVICH: Your Honor, may I ask -- may I
2 ask if there's any receipts past July?

3 THE COURT: Of course.

4 MR. TRUSEVICH: Okay.

5 BY MR. TRUSEVICH:

6 Q Ms. Vanna, do you have a single receipt that
7 you can show where you paid either the landlord for the
8 tattoo shop or the landlord for the residence for either
9 August, September, or October 2014, where you just
10 testified that you didn't move out until the end of
11 October 2014? Can you produce a single receipt?

12 A I gave all the receipts I have to the EEOC.

13 Q And I promise you they turned everything over.

14 What I'm asking you is: Do you have any that
15 would show July -- I mean, excuse me -- August,
16 September, let alone October? You don't have any; isn't
17 that true, Ms. Vanna?

18 A Yes, sir.

19 Q [Gesturing.]

20 A Yes, sir.

21 Q In fact, you testified that you had heat and
22 electricity in the tattoo shop up until the time you left
23 in -- another date that you gave was September of 2014.
24 Do you recall saying that?

25 A Yes.

1 Q Okay. And you stick with that, correct? That
2 in your tattoo shop, you had electricity and heat all the
3 way through Oct-- through August 2014, correct?

4 A I had heat and electricity to the point that I
5 closed my tattoo shop.

6 Q And what -- and you closed your tattoo shop at
7 the end of October of 2014, correct?

8 A Within that period of time, yes.

9 Q Now, ma'am, you remember I asked you; I said,
10 "One of the reasons that you parked your car out in the
11 parking lot is" -- you know, why risk a nine-year job? I
12 said, "Isn't it true you thought that you would get a
13 verbal counseling, and that's it?"

14 Do you recall that?

15 A I remember that's what you said.

16 Q And you said no, right?

17 A Correct.

18 Q Let's pull up Exhibit -- well, don't publish it
19 yet. Actually, Your Honor, may I talk to my co-counsel
20 for a second?

21 (Brief pause in proceedings.)

22 MR. TRUSEVICH: Your Honor, I believe -- and I
23 want to check with the EEOC -- that we, the exhibits I'm
24 about to go through, we stipulated the admissibility,
25 42A, the unemployment records.

1 And I believe that -- Miles, that's EEOC415
2 through 420.

3 MR. SHULTZ: Yes. Could we con-- I'm -- this
4 has 58 pages in it, but we --

5 MR. TRUSEVICH: No, no. The stipulation we
6 reached was 415, 420, and then 4-- 423 and 466. Do you
7 recall that? Is that correct?

8 MR. SHULTZ: Do you have -- do you have it all?

9 MR. TRUSEVICH: I do.

10 MR. SHULTZ: May I look at your copy?

11 MR. TRUSEVICH: Yeah.

12 (Brief pause in proceedings.)

13 THE COURT: Folks, you doing all right?

14 Anyone need a break?

15 COURT REPORTER: I wouldn't mind one.

16 THE COURT: Let's take five minutes while we
17 get it straightened out.

18 COURT REPORTER: Thanks.

19 THE COURT: But let's keep it short, though;
20 just take a quick, short little break, give you an
21 opportunity to -- one of us to stretch our fingers and
22 relax for a second and the rest of you to stretch your
23 legs.

24 Remember my instruction from earlier, though.
25 Don't discuss the case. Don't talk about it with

1 anybody, including your fellow jurors. If anyone
2 approaches you or tries to talk to you about the case,
3 don't tell any other jurors, but advise me about it.
4 Keep an open mind until all the evidence has been
5 received and you've heard the views of your fellow
6 jurors.

7 So let's take -- it's 3:55 now. Why don't you
8 all reconvene about 4:00, or 4:02, somewhere in that
9 range, just enough to get a break and right back to work;
10 and we'll go until almost 5:00.

11 (Jury absent, 3:56 p.m.)

12 THE COURT: We'll let you all straighten that
13 out, and we'll be in recess until about 4:00.

14 (Recess, 3:56 p.m. to 4:04 p.m.)

15 THE COURT: All right. You got everything?

16 MR. TRUSEVICH: We did, Your Honor. In fact, I
17 think we came to an agreement. Originally, we were going
18 to have the Wanless declaration. Do you recall that was
19 a declaration?

20 THE COURT: I do.

21 MR. TRUSEVICH: I think we agreed to put the
22 EEOC415 through 420 and then 423 and 466 as a stipulated
23 admissible exhibit, and we're not going to attach the
24 declaration.

25 Correct?

1 MR. SHULTZ: Correct, Your Honor.

2 THE COURT: Okay.

3 MR. SHULTZ: And I'll just note: We briefed
4 our objection; the Court ruled on it.

5 But we don't object to the admission of the
6 exhibit, Your Honor.

7 THE COURT: Okay. All right. And you have
8 that exhibit? You have the portions of the exhibit
9 pulled out?

10 MR. TRUSEVICH: Yes.

11 THE COURT: It's how many pages?

12 MR. SHULTZ: And, Your Honor, I'll take a
13 little bit of the blame here. There's a couple exhibit
14 versions the defendant had sent us. I pulled the wrong
15 one up on my computer, but I actually did have the right
16 one on paper from them, so -- that's when I saw the 58
17 pages and thought: What is happening? But it's just
18 these twelve pages here.

19 THE COURT: Okay. So you had twelve pages
20 separately marked?

21 MS. QUINCY: It's actually eight pages --

22 MR. TRUSEVICH: Eight pages.

23 MS. QUINCY: -- separately marked, and it
24 should be the Court's Exhibit 42.

25 MR. SHULTZ: Exhibit 42, yeah.

1 THE COURT: Not 42A?

2 MS. QUINCY: That's correct, Your Honor. We
3 marked it three different ways, depending on how it got
4 into evidence.

5 THE COURT: Okay. So 42 will ultimately be
6 admitted without objection?

7 MR. SHULTZ: Correct, Your Honor.

8 THE COURT: All right. Let's go ahead and get
9 the jury back in.

10 And we'll go to -- Mr. Trusevich, if you'll
11 plan to try 4:30 -- or, I mean, 4:45 to 4:50, --

12 MR. TRUSEVICH: Okay.

13 THE COURT: -- somewhere in that
14 neighborhood --

15 MR. TRUSEVICH: Okay.

16 THE COURT: -- that we'd be done or maybe find
17 a breaking point at that --

18 MR. TRUSEVICH: I will. If I'm not, I'll find
19 a breaking point. She read me the riot act about cutting
20 stuff out during the break; so I hear her.

21 THE COURT: All right. I'm keeping my remarks
22 to myself.

23 MR. TRUSEVICH: I'm sure you echo hers.

24 (Brief pause in proceedings.)

25 THE COURT: So when the jury comes back in,

1 you'll request that again.

2 MR. TRUSEVICH: Okay, Your Honor.

3 THE COURT: Move that in, and then we'll take
4 up the objections.

5 (Brief pause in proceedings.)

6 (Jury present, 4:08 p.m.)

7 THE COURT: All right. We're back reconvened,
8 ladies and gentlemen. We're going go about another
9 40 minutes, so we'll be done between 4:45 and 4:50, and
10 then we'll end for the day.

11 So Mr. Trusevich.

12 MR. TRUSEVICH: May I proceed?

13 THE COURT: You may. I think we were
14 discussing an exhibit.

15 MR. TRUSEVICH: Yes, Your Honor. At this time,
16 Rent-A-Center offers Rent-A-Center Exhibit 42 into
17 evidence.

18 THE COURT: All right. Any objection?

19 MR. SHULTZ: No, Your Honor.

20 THE COURT: All right. 42 will be admitted
21 without objection.

22 BY MR. TRUSEVICH:

23 Q Ma'am, do you recall when I asked you
24 earlier -- I said, "You told some varying versions of
25 events," and you said, "No."

1 Do you recall me asking you that?

2 A Yes.

3 Q Was one of the events -- one of the versions
4 that you were moving homeless people with Goodwill? Did
5 you ever say that to anyone?

6 A No. I did not.

7 MR. TRUSEVICH: Your Honor, may I publish
8 Exhibit 42 to the jury?

9 THE COURT: You may.

10 BY MR. TRUSEVICH:

11 Q Okay. Ma'am, I'll represent to you that that
12 first page is just from the Unemployment Office in
13 Illinois.

14 Do you recall, after you were fired from
15 Rent-A-Center, that you actually applied for unemployment
16 benefits?

17 A Yes.

18 Q Do you recall that? Okay.

19 And go to RAC415, please.

20 And do you see at the top right, there, ma'am;
21 it says -- well, it says, "Adjudication Summary." And
22 then it says, "Page 1 of 6."

23 Do you see that, Ms. Vanna?

24 A Vaguely, yes.

25 Q All right. And then down at the bottom,

1 Harriet, if you could -- if I do that, that area, can you
2 blow up that bottom part?

3 (Brief pause in proceedings.)

4 Q Actually, go to the very top -- I'm sorry,
5 Harriet. Go to the very top for "Name" first.

6 And do you see your name there in the upper
7 left?

8 A Yes.

9 Q Okay. So that's -- "Megan L. Vanna," that's
10 you?

11 A Yes.

12 Q Okay. Then go down.

13 And then it says "Length of Employment." Can
14 you blow that up, Harriet?

15 It says "Length of Employment: From 5/1/05"
16 and then "7/21/14." Do you see that?

17 A Yes.

18 Q Go to the next page.

19 Go -- the contacts, Harriet, if you can blow
20 that portion up.

21 And then it says, "Contact Name: Megan Kerr."
22 Do you see that?

23 A Yes.

24 Q Then it says, "Phone Number." That's your cell
25 phone number, correct?

1 A Yes.

2 Q The contact date, August 18th -- August -- can
3 you blow that up just a little more just so I -- do you
4 have my magnifying glass?

5 August 18th? Okay.

6 "Contact Date: August" -- thank you --
7 "August 18, 2014." Do you see that?

8 A Yes.

9 Q And there's a time, "10:47 a.m." Do you see
10 that?

11 A Yes.

12 Q "Result: Made contact." Do you see that?

13 A Yes.

14 Q "Action Taken: Interview held." Do you see
15 that?

16 A Yes.

17 Q Go down a little bit below that, Harriet.

18 "Key Identifiers Verified: By telephone." Do
19 you see that?

20 A Yes.

21 Q And then "What was the date you were
22 discharged? "7/21/1214" -- or "2014." Do you see that?

23 A Yes.

24 Q "Who discharged you? Jason Morris." Do you
25 see that?

1 A Yes.

2 Q Go to the next page, RAC417, and blow up
3 that -- if you could blow up that first half, Harriet,
4 above "Initial Screening."

5 Can you blow up that -- maybe break that down a
6 little more, then, Harriet, so you can blow up.

7 Make that a little bit bigger, if you can.

8 No. You're missing two questions, it looks
9 like, at the top, Harriet. It starts, "What is the
10 person's title?"

11 All right. "What is the person's title?" And
12 let me know -- make sure you can read that, Ms. Vanna.
13 Let me know if you have any issues with that.

14 Then it says "store manager," right?

15 A Yes.

16 Q "How did you find out that you were
17 discharged?"

18 And it says, "In person."

19 "What was the reason you were given for the
20 discharge?"

21 "I was told I wasn't authorized to use a
22 vehicle."

23 Did I read that correctly?

24 A Yes, sir.

25 Q By the way, are you -- are you denying that you

1 held this interview, had an interview at the Unemployment
2 Office on this date at this time?

3 A I'm not denying it. No.

4 Q Okay. It says, "Describe the last act or
5 omission, circumstances which led to the discharge."

6 Harriet, can you just blow that up? Thank you.

7 And Ms. Vanna, make sure I'm reading that
8 correct. So on the left it said, "Describe the last act,
9 omission, or circumstance which led to the discharge."

10 Did I read that on the left side of the page?

11 A I can't see what's on the left side of the
12 page.

13 Q You may want to look at the hard copy. If you
14 look at the hard copy, it's Exhibit 42, ma'am.

15 I promise you I'll break that up into two
16 binders.

17 And then go to RAC4 -- page RAC417, Ms. Vanna,
18 if you would, please.

19 Okay. And then I am on the -- one, two,
20 three -- fourth question down on that page, on RAC417,
21 Ms. Vanna. Let me know when you're there.

22 A Okay.

23 Q Okay. And then "Describe the last act,
24 omission, or circumstances -- circumstance, which led to
25 the discharge," correct?

1 A Yes.

2 Q And then on the right, it says, "We donated
3 time to certain charities. In the past, I had asked to
4 use the ve-- asked to use a vehicle. The Sunday before
5 that Sunday, I used the company vehicle. On Monday, he
6 told me I wasn't authorized to use the vehicle. I had
7 been using it every other month and had been there ten
8 years."

9 Do you see that?

10 A Yes.

11 Q Go to the next question on the left and blow
12 that up, Harriet.

13 "Explain why the act(s), failure to act, or the
14 circumstances occurred. Explain any circumstances that
15 were not within your control."

16 Do you see that?

17 A Yes.

18 Q Blow up the answer.

19 "He was a newer manager" -- by the way, was
20 Jason Morris a newer manager?

21 A [No response.]

22 Q Was he a newer manager?

23 A Yes.

24 Q Okay. "He was a newer manager. It was the
25 company box truck. I was moving homeless people from the

1 shelter into a home. The organization was at a church,
2 and we worked for Goodwill, too. This particular manager
3 doesn't spend time on anything to charitable events. I
4 asked for permission beforehand. The Saturday previous,
5 he gave me authorization. Then on Monday he let me go."

6 Do you see that?

7 A Yes.

8 Q Ma'am, did you or did you not tell the
9 Unemployment Division that the reason you were using the
10 truck is because you were moving homeless people with the
11 church into a shelter, or moving homeless people from the
12 shelter into a home and Goodwill was involved?

13 Did you or did you not tell them that?

14 A No. I did not.

15 Q So, that's just flat wrong, correct?

16 A Yes, it is.

17 Q By the way, go to the next one, Harriet, if you
18 could blow -- "Was there a company policy?"

19 "Was there a company policy or rule?"

20 "Unknown."

21 "What was the policy, rule, or expected conduct
22 performance?"

23 "I had been -- I had been asking for permission
24 to use the vehicle all along."

25 Go down to, "Were you aware that you could be

1 discharged for not complying?"

2 And you answered, "No."

3 Do you see that?

4 A Yes.

5 Q You knew that, at Rent-A-Center, that using the
6 truck for personal use can get you fired, correct?

7 A Yes.

8 Q Then, ma'am, you remember I asked you if you
9 thought that the worst that you would receive since you
10 were there nine years was a verbal counseling? Do you
11 recall that?

12 A Yes.

13 Q Go to, if -- same, same tab, ma'am. Go to page
14 RAC423 and let me know when you're there, ma'am.

15 A Okay.

16 Q It should say "Misconduct Questionnaire."

17 A Yes.

18 Q Are you there?

19 And you can also see it on the screen, too, if
20 it's better. If your eyesight's like mine, the screen's
21 better.

22 All right, ma'am, do you recall filling out --
23 first of all, go to that very bottom part, Harriet, if
24 you could. Pull that out.

25 Do you recall submitting this form, this

1 Misconduct Questionnaire, and associated -- associated
2 with your claim for unemployment, and you actually
3 electronically signed this and submitted it? Do you
4 recall that, ma'am?

5 A Yes.

6 Q And that's your name, Megan L. Kerr, correct?
7 Or your former name, right?

8 A Yes.

9 Q That's your cell number, correct?

10 A Yes.

11 Q And the date on that is August 4, 2014. Do you
12 see that?

13 A Yes.

14 Q And you submitted this; these are your answers,
15 right?

16 A I believe so. Yes.

17 Q And, in fact, you submitted these online and
18 then electronically signed them and submitted them,
19 correct?

20 A Correct.

21 Q All right. Let's go to Section B, please.
22 Harriet, can you blow that up?

23 THE COURT: Ms. Kerr can you pull that
24 microphone down a little bit. Your voice is trailing.

25 Thank you.

1 MR. TRUSEVICH: Let me know when you're there,
2 ma'am.

3 WITNESS VANNA: I'm there.

4 MR. TRUSEVICH: All right.

5 BY MR. TRUSEVICH:

6 Q "What was the date of your discharge?"

7 And then you put "7/21/2014," correct?

8 A Correct.

9 Q "Who discharged you? Jason Morris."

10 Do you see that?

11 A Yes.

12 Q "What is the person's title? Store manager."

13 Do you see that?

14 A Yes.

15 Q "What reason were you given for the discharge?"

16 And on August 4, 2014, you put, "Using a
17 company vehicle with authorization."

18 Do you see that?

19 A Yes.

20 Q Okay. "Describe the last act or omission or
21 circumstances that led to your discharge on that date."

22 Harriet, can you blow up that answer just in
23 the next box.

24 "Used a company vehicle on Sunday with
25 manager's permission and given keys on Saturday to assist

1 with a charity event. Reported to work on Monday, and I
2 was told I did not have permission and was let go."

3 Do you see that?

4 A Yes.

5 Q Blow up the next box, Harriet.

6 "Was there a company rule -- was there a
7 company policy or rule concerning the last act or
8 circumstances that caused your discharge?"

9 What do you put on August 4, 2014? What's the
10 answer over to the right?

11 A "Yes."

12 Q And you put a "yes" there, correct?

13 Was the -- "What was the policy/rule or
14 expected conduct performance?"

15 "Company vehicles are not authorized to be used
16 during non-business hours. However, exceptions had been
17 made in the past."

18 Do you see that?

19 A Yes.

20 Q All right. That's what you told Unemployment
21 when you electronically signed this on August 4, 2014,
22 okay?

23 A [No response.]

24 Q Correct?

25 A Correct.

1 Q Let's go see what you did -- you filled out
2 this exact same form 19 months later. Same form, same
3 questions, let's look at the answers this time.

4 Go to what -- same exhibit, and go to 466.

5 Do you recognize this, ma'am, as the exact same
6 form as the one you submitted on August 4, 2014; but this
7 time -- Harriet, can you blow up the bottom.

8 Electronically signed it. That's your name.

9 Put a phone number. But this time it is March 15, 2016.

10 Do you see that?

11 A Yes, sir.

12 Q And this is an email -- a document that you,
13 again, submitted online, filled it out, electronically
14 signed it, and submitted it to the State of Illinois
15 Unemployment, correct?

16 A [No response.]

17 Q Correct, ma'am?

18 A It is an Illinois document. Yes.

19 Q Okay. Let's go back to the top, Section B.

20 "What was the date of your discharge?"

21 This time you put -- looks like "August 14,
22 2014," right?

23 A Yes.

24 Q "Who discharged you?"

25 I'm assuming that's "Jason Morris," right?

1 A Sure.

2 Q It should be Jason Morris.

3 "What was the person's title? Store manager."

4 "What reasons were given for discharge?"

5 "Used company -- used company vehicle for
6 personal use," that's what you say this time, correct?

7 A That's what it says here.

8 Q "Personal business." I'm sorry; I misread
9 that.

10 "Used company vehicle for personal business."
11 Do you see that?

12 A I see that.

13 Q Blow up the next block, Harriet.

14 "Describe the last act or omission,
15 circumstances that led to your discharge on that date."

16 Do you recall last time you said you "used a
17 company vehicle on a Sunday with manager's permission;
18 given keys on Saturday to assist with a charity event.
19 Reported to work on Monday, and I was told I did not have
20 permission and was let go."

21 Do you recall that last time you submitted it?

22 A Yes.

23 Q The previous one?

24 Let's look at what you said this time.

25 "Worked at a volunteer" -- can you blow that up

1 any better? Thank you. That's great.

2 "Worked at a volunteer event scheduled by store
3 manager; came back to be fired."

4 Do you see -- do you see what you said now,
5 19 months earlier, --

6 A Yes.

7 Q -- that Jason Morris scheduled this?

8 A I see what it says on the page. Yes.

9 Q Let's go to the next block. Same form, same
10 questions, let's see the answers.

11 Can you blow up the question better, Harriet,
12 on the left. That's great.

13 "Was there a company policy or rule concerning
14 the last act or circumstances that caused your
15 discharge?"

16 Do you recall on that August 4, 2014, form, you
17 put, "Yes"?

18 A Yes, sir.

19 Q Let's look what you put now. Same form, same
20 question, what answer did you put this time?

21 A "No."

22 Q "No," correct?

23 A Correct.

24 Q And, finally -- blow up that last question,
25 please, first -- "What was the policy/rule or expected

1 conduct performance?"

2 The last time you said, "Company vehicles are
3 not authorized to use during non-business hours; however,
4 exceptions had been made in the past."

5 Do you recall saying that in the last one?

6 A Yes.

7 Q Now, same form, same questions, and this time
8 what do you put? "Verbal counsel," correct?

9 A That's what those papers say.

10 Q That's what you thought was going to happen.
11 The worst thing that would happen to you for using a
12 truck -- nine-year employee -- you thought, "They're
13 going to cut me a break, and I'll get a verbal
14 counseling."

15 Isn't that why you put that, Ms. Vanna?

16 A No, sir.

17 Q So, by the way, Ms. Vanna, you weren't in the
18 courtroom when the EEOC was questioning Mr. Morris; but
19 they asked him about a, making a mistake in a
20 declaration. Let me ask you something about that.

21 Can you pull -- pull up tab number 6. Don't
22 publish it because I don't know if that's in evidence
23 yet, Defendant's Exhibit 6.

24 Your Honor will know.

25 THE COURT: It's not.

1 MR. TRUSEVICH: It is not? All right.

2 BY MR. TRUSEVICH:

3 Q Ma'am, if you could turn in that book -- sorry
4 to keep making you do this. Could you turn in that book
5 and turn to tab number 6, please; and let me know when
6 you're there.

7 A Okay.

8 Q Okay. This is -- do you recognize what's
9 marked as Rent-A-Center Exhibit 6 as your EEOC charge
10 that you signed?

11 A Okay.

12 Q And that's your signature at the bottom?

13 A It is.

14 MR. TRUSEVICH: Your Honor, at this time, we
15 would move Rent-A-Center Exhibit 6 into evidence.

16 MR. SHULTZ: No objection, Your Honor.

17 THE COURT: Admitted without objection.

18 MR. TRUSEVICH: Move to publish.

19 THE COURT: All right.

20 MR. TRUSEVICH: Thank you, Your Honor.

21 BY MR. TRUSEVICH:

22 Q Can you bring that up.

23 Now, first of all, blow up the bottom left.

24 Is that your signature that you -- your
25 then-signature that you signed on November 23, 2014,

1 ma'am?

2 A Yes.

3 Q And it says, "I declare under penalty of
4 perjury that the above is true and correct," right?

5 A Yes.

6 Q And you read that?

7 A Yes.

8 Q And sometimes people can make mistakes, right?

9 A Yes.

10 Q Let's look at -- and by the way, do you recall
11 in your deposition I asked you, "Who drafted this charge?
12 Did you type this up?"

13 And you said no; the EEOC drafted it and sent
14 it to you.

15 Do you recall that?

16 A Not specifically, no, sir.

17 Q Well, where do you get this? Do you recall
18 this, that the EEOC sent this to you?

19 A I believe so.

20 Q Okay. And so go to the top portion. How do
21 I -- there we go. There we go.

22 Can you go to the top portion where it says,
23 "Above employer."

24 It says, "Name," and you see "Employer below."
25 Do you see that?

1 A Yes.

2 Q Who does the -- when you signed it under
3 penalty of perjury, who did the EEOC put as your
4 employer?

5 A "Rent-A-Car."

6 Q Have you ever heard of that company?

7 A No.

8 Q Has -- I mean, as far as you know, it has
9 nothing to do with Rent-A-Center, correct?

10 A Correct.

11 Q Can you go down a little bit into the body of
12 this, the -- this part, Harriet; blow that portion up.

13 No, not that one; the one below.

14 It says, "I was hired by the above-named
15 respondent on or about September 2005. My last position
16 was assistant manager of sales."

17 Do you see that?

18 A Yes.

19 Q By July of 2014, ma'am, what was your last
20 assistant manager? Didn't Jason Morris actually switch
21 you into assistant manager of credit?

22 A Yes.

23 Q So that, that's wrong, correct?

24 A Yes.

25 Q That should say "assistant manager of credit"?

1 A Yes.

2 Q "During my employment, I was harassed, demoted,
3 and discharged." Do you see that?

4 A Yes.

5 Q The demotion that you're talking about here in
6 this charge is when Jason Morris switched you from
7 credit -- assistant manager of sales to assistant manager
8 of credit, correct?

9 A Yes.

10 Q All right. And then "Discharge." Then it
11 says, "I believe I was discriminated against because
12 under Title VII," et cetera.

13 And this was your charge that you signed,
14 correct?

15 A Yes.

16 Q By the way, anywhere -- the EEOC drafted your
17 charge. Do they say anything in the charge -- is there
18 anything about the Masons, Goodwill, moving homeless
19 people, prior commitment by Russ Kasper, Amber Shumate?
20 Is any of that in there?

21 A On this page?

22 Q Yes, ma'am.

23 A No, sir.

24 (Brief pause in proceedings.)

25 MR. TRUSEVICH: Can you pull up what's been

1 marked as Rent-A-Center Exhibit 3.

2 (Brief pause in proceedings.)

3 MR. TRUSEVICH: Don't pull it up yet because I
4 don't think it's admitted yet.

5 (Brief pause in proceedings.)

6 BY MR. TRUSEVICH:

7 Q Ma'am, in that big book, there's going to be
8 Exhibit Number 3. Specifically, question number 4 is
9 what I'm going to be asking about.

10 Are you there?

11 A Page 4?

12 Q Actually, it says "Interrogatory Number 4."
13 Tab number 3, and then look for "Interrogatory
14 Number 4."

15 A I didn't see anything that says
16 "interrogatory."

17 MR. TRUSEVICH: May I approach, Your Honor?

18 THE COURT: Yes.

19 MR. TRUSEVICH: Sorry. You know, it may be my
20 fault.

21 (Brief pause in proceedings.)

22 MR. TRUSEVICH: Your Honor, permission to
23 publish an interrogatory answer from the EEOC? I'm not
24 going to move it into evidence, unless they want to.

25 THE COURT: Any objection?

1 MR. SHULTZ: Could you say that again, Andy?
2 Sorry.

3 MR. TRUSEVICH: Yeah. I want to ask her about
4 interrogatory -- permission to publish interrogatory
5 answer number 4, your answer. I'm not planning on
6 admitting it; but if you want me to admit it, I will.
7 It's your call.

8 MR. SHULTZ: I'm fine with it just being
9 published.

10 THE COURT: All right.

11 MR. SHULTZ: No objection.

12 MR. TRUSEVICH: Thank you.

13 THE COURT: We'll allow it to be published
14 without objection, then.

15 MR. TRUSEVICH: All right.

16 BY MR. TRUSEVICH:

17 Q Ma'am, do you recall in the deposition I
18 actually -- you and I talked about these interrogatory
19 answers. Do you recall that at all?

20 A No. I do not.

21 Q And if you look in -- and I'll represent to you
22 these are questions Rent-A-Center sent to the EEOC after
23 the EEOC sued Rent-A-Center.

24 Are you there at interrogatory number 4?

25 A Yes, sir.

1 Q Harriet, do you see the word "please" in that
2 first paragraph?

3 The word "please," can you blow -- from the
4 word "please" up down.

5 "Please identify every civic or charitable
6 organization to which the Rantoul store made charitable
7 deliveries or provided free services of which Ms.
8 Kerr" -- that's what you were going by at the time,
9 correct, Ms. Vanna?

10 A Yes.

11 Q "Which Ms. Kerr is aware during her employment;
12 the dates of those deliveries, including every Sunday on
13 which such deliveries were made while the store was
14 closed for business; and the items delivered or services
15 provided."

16 Do you see the question that Rent-A-Center
17 asked the EEOC?

18 A Yes.

19 Q Then if you'll go down to the answer, and
20 pass -- so -- okay. "The Commission states" -- and I'll
21 represent "the Commission" is EEOC -- "states that in
22 addition to the Sunday furniture delivery on July 20,
23 2014, the Rantoul store picked up freezers during the
24 summer of 2013 from the Rantoul Air Show."

25 I want to stop there. Were you involved at all

1 in the Sunday pickup of the Rantoul Air Show in 2013?

2 A Yes, I was.

3 Q So you were working -- according to you, you
4 were working on that Sunday in the summer of 2013 and
5 picked up some chest freezers from the Rantoul Air Show,
6 correct?

7 A Yes, sir.

8 Q And in the summer of 2013, the store manager
9 would have been Russ Kasper, correct?

10 A Yes, sir.

11 Q "The Rantoul store also picked up equipment
12 loaned to a church for a tractor show sometime in 2013 on
13 a Sunday." Do you see that?

14 A Yes.

15 Q Do you have any idea what the EEOC is talking
16 about, a church and a tractor show -- a church related to
17 a tractor show?

18 A Yes, sir.

19 Q And what is that?

20 A It's the Case IH show in one of the small towns
21 outside of Rantoul.

22 Q Okay. And what church was involved?

23 A I do not know.

24 Q Can you name a single person that was either
25 there in the summer of 2013 from the Rantoul Air Show?

1 Can you name anyone that you dealt with?

2 A No.

3 Q Can you name anybody from the -- either the
4 church or the tractor show sometime in 2013 on a Sunday?

5 A I don't recall their name. No.

6 Q By the way, is -- in interrogatory, in their
7 answers, is Amber Shumate listed? Can you take a look at
8 the answer?

9 A No, sir.

10 Q Is any -- well, "there's a prior commitment by
11 the prior store manager, Russ Kasper." Is that listed
12 anyway in there?

13 A No, sir.

14 Q Are the Freemasons listed in there?

15 A No, sir.

16 Q Are the Masons listed in there?

17 A No, sir.

18 Q Is Goodwill listed in there?

19 A No, sir.

20 Q Moving homeless people to a shelter with
21 Goodwill, is that listed?

22 A No, sir.

23 Q And then you'll see this was verified by the
24 EEOC. Go to tab 5.

25 A Okay.

1 Q Can you pull 5 up?

2 Can you see that? It's on your screen. Can
3 you see that it was verified by one of -- the EEOC
4 attorney, Mr. Shultz. Do you see at the bottom, dated
5 October 24, 2016?

6 A Yes, sir.

7 Q Okay. And then, if you would, go to -- same
8 question. Go to tab number 4, Ms. Vanna, and go to the
9 same question that we just looked at.

10 You see interrogatory number 4?

11 A Yes.

12 Q All right. And then, Harriet, if you could
13 pull up both of those -- publish the "Subject to" to the
14 bottom of the, that supplemental answer.

15 It's on, page 2 of that.

16 THE COURT: Are you intending to publish this?

17 MR. TRUSEVICH: Yes, Your Honor.

18 THE COURT: Mr. Shultz, any objection?

19 MR. SHULTZ: No objection to just publishing.

20 THE COURT: All right.

21 MR. TRUSEVICH: Can you pull that up, Harriet.

22 Sorry, Your Honor, long day.

23 BY MR. TRUSEVICH:

24 Q All right. Subject to -- and do you see the --
25 I'm not going to reread the top part, but do you see it's

1 the same question Rent-A-Center asked? Do you see that,
2 in the top part of that?

3 A Okay.

4 Q And take a look. Take your time.

5 A There's no --

6 Q See how it talks about the 2013 Rantoul Air
7 Show. The Rantoul Air -- "The Rantoul store also picked
8 up equipment loaned to a church for a tractor show."
9 That's still listed. Do you see that?

10 A Okay.

11 Q But now it says, "By way of further response,
12 the July 20, 2014, delivery involved a dislocated family
13 that the Freemasons provided assistance in obtaining new
14 housing and furniture, including involved -- including
15 involved the purchase of merchandise from the Rantoul
16 store that was kept in storage until the new housing was
17 ready."

18 Do you see that?

19 A Yes.

20 Q "Kerr made the delivery to Amber Wilkerson, now
21 Amber Shumate." Do you see that?

22 A Yes.

23 Q The jury's heard from Ms. Shumate. Were you
24 aware Ms. Shumate -- by the way, you and Ms. Shumate are
25 friends, right?

1 A Not at this time, no.

2 Q No? When did that change?

3 A It's been a while now.

4 Q Do you recall in your deposition that I asked
5 you if you were friends, and you said yes?

6 A I do not recall that specifically. No.

7 Q Let me look for that.

8 I should have that.

9 A We were friends in the past.

10 THE COURT: Ma'am, keep your voice up. Okay?

11 Q Page 18, line 24.

12 On her deposition, please.

13 Ma'am, that's -- yeah, that -- I was going to
14 say: It's easier to look at the screen.

15 Pull up line 23 and -- 22 through 24, and then
16 I'm going to go to the next page.

17 "Do you know how to spell that?" And you
18 actually spelled her name, right?

19 A Uh-huh.

20 Q And then I said, "Are you and Amber friends?"

21 And let's go to the next line and see what your
22 answer was.

23 Blow that up, line 1.

24 What was your answer on January 17, 2017, when
25 I asked you under oath if you and Amber were friends?

1 A "Yes."

2 Q Go back to that interrogatory answer, if you
3 would, Harriet, please.

4 Ma'am, when you went -- if you went on Sunday,
5 July 20, 2014, Amber Shumate was living with her
6 mother-in-law, correct?

7 A I assume so. Yes.

8 Q Well, you went to the house, correct?

9 A Yes.

10 Q She wasn't homeless, right?

11 A I wouldn't know.

12 Q Well, would you characterize someone that has a
13 roof over their head, living in their mother-in-law's
14 house, as homeless?

15 A Not -- well, they can be. Yes.

16 Q Was -- she wasn't dislocated, was she?

17 A Dislocated? I'm sorry?

18 Q I'm sorry. What was your answer?

19 A Dislocated? I'm sorry? What do you mean by
20 that.

21 Q Exactly what the EEOC is saying right here.
22 "By way of further response, the July 20, 2014, delivery
23 involved a dislocated family that the Freemasons provided
24 assistance in obtaining new housing and furniture."

25 To your knowledge, Amber Shumate was never

1 dislocated, correct?

2 A She wasn't living in her own home.

3 Q And you have abs-- do you have any knowledge
4 that the Freemasons provided assistance in obtaining new
5 housing? Did they help her obtain new housing?

6 A I didn't have any knowledge of that.

7 Q And furniture, including the purchase of the
8 merchandise from the Rantoul store. Do you see that?

9 A I see that.

10 Q Ma'am, was it a civic or charitable event with
11 Megan -- I mean, with Amber Shumate when she came in in
12 February and you sold it to someone named Amy Wilkerson?

13 A I already testified that I don't remember the
14 transaction.

15 Q By the way, to your knowledge -- go back on
16 that last one, Harriet, and -- the supplemental. Just go
17 to the last page where -- and see the date Mr. Shultz
18 verified this.

19 "November 9, 2016," do you see that, ma'am?

20 A Yes.

21 Q To your knowledge, this is the first time where
22 the Masons were ever located -- mentioned by the EEOC, to
23 your knowledge; isn't that correct?

24 A I don't know.

25 Q You've -- you don't -- put it this way: You

1 never saw anything prior to this where the Masons or
2 Goodwill or moving homeless people were mentioned by the
3 EEOC, correct? You have no knowledge of that?

4 A Not today, sir.

5 Q And in addition, didn't you tell -- well, first
6 of all, who's -- you can take that down. Thank you,
7 Harriet.

8 Who's Eleena Reeves? Can you tell the jury
9 that?

10 A She was my coworker in the Rantoul store.

11 Q And you and Eleena were friends, right?

12 A We were acquaintance.

13 Q Did you get along?

14 A Yes.

15 Q Did she ever lie to you?

16 A Not to my knowledge.

17 Q Isn't it true that a few days after you were
18 fired one of your versions of events that you were trying
19 to justify that Sunday is you contacted Eleena Reeves
20 within days and you said, "I donated my own furniture to
21 veterans"?

22 Didn't you tell Eleena Reeves that?

23 A No. I did not.

24 Q So it's your position that you never ever told
25 Eleena Reeves, "I was using the truck to donate furniture

1 to veterans," correct?

2 A Correct.

3 Q And you stated in your, your deposition that
4 you have a good memory. Do you recall that?

5 A I do.

6 Q Let's go back to -- Your Honor, I'm about to
7 get into something. If you -- you told me a good
8 stopping point. This is it.

9 THE COURT: All right. And it is about
10 4:45, so now is as good a time as any to take a break.

11 (Testimony concludes for the day, 4:44 p.m.)

12 * * * * *

13 (May 16, 2018; in open court; jury present.)

14 MEGANLYNN VANNA, previously sworn and remaining
15 under oath, resumes the witness stand, 9:11 a.m.

16 THE COURT: All right. Ms. Kerr, you are under
17 oath, so the same oath you took yesterday still applies
18 today.

19 When we left off, Mr. Trusevich, I believe you
20 were still on your cross-examination.

21 MR. TRUSEVICH: Yes, Your Honor.

22 THE COURT: You prepared to continue?

23 MR. TRUSEVICH: I am.

24 THE COURT: The floor is yours.

25

1 CONTINUED CROSS-EXAMINATION BY MR. TRUSEVICH:

2 Q Good morning, how are you ma'am?

3 A Good morning.

4 Q Ma'am, if you do need a glass of water, there's
5 a pitcher and some glasses right there if you do need it.
6 Okay?

7 A Yes, sir.

8 Q How are you today?

9 A I am well.

10 Q And, ma'am, I asked you yesterday: Do you
11 recall that -- isn't it true that, in your deposition,
12 you not only say you got the keys from Jason Morris on
13 Saturday; but you reminded him the Monday before, the
14 Wednesday before, the Friday before, and then on the
15 Saturday, meaning when he gave you the keys -- four
16 times.

17 Do you recall me asking you that yesterday?

18 A I recall you asking that yesterday. Yes, sir.

19 Q Okay. And do you recall what your answer was?

20 A I do not recall, but I said in my test-- in the
21 deposition.

22 Q Okay. Then let's look at that. Could you look
23 at -- pull up page 48 of the deposition.

24 And could you blow up, Harriet, 9 through 13,
25 please.

1 Can you see the screen, ma'am?

2 A Yes, sir.

3 Q So on line 9, the question I asked you: "And
4 then what did you tell Jason Morris?"

5 And your answer: "It was on the schedule. And
6 Mr. Morris was made aware the Monday prior and reminded
7 on Wednesday and then again on Friday."

8 Do you see that?

9 A Yes, sir.

10 Q And then if you add the Saturday where you say
11 he allegedly gave you the keys, that would be Saturday,
12 correct?

13 A Yes, sir.

14 Q That would be four times, correct?

15 A Yes, sir.

16 Q And do you recall me asking: In all those four
17 conversations -- the Monday, the Wednesday, the Friday,
18 the Saturday -- could you name a single coworker or
19 customer who heard any of those conversations?

20 Do you recall what your answer was?

21 A No. I do not, sir.

22 Q You didn't recall a single person, anyone who
23 heard those alleged five conversations. Do you recall
24 that, ma'am?

25 A Yes, sir.

1 MS. QUINCY: Could I just ask: Would the
2 witness move closer to the microphone? I'm not hearing.

3 THE COURT: Pull the -- you should be able to
4 move the microphone slightly toward you.

5 (Brief pause in proceedings; an additional
6 mic is provided to the witness.)

7 MR. TRUSEVICH: May I proceed, Your Honor?

8 THE COURT: Yes, please.

9 MR. TRUSEVICH: Thank you, Your Honor.

10 BY MR. TRUSEVICH:

11 Q Ma'am, do you remember me also asking you
12 yesterday that: Isn't it true that you were planning on
13 leaving in July anyways and, to go move up with your
14 husband, Kane Vanna?

15 Do you recall me asking you that?

16 A Yes, I do.

17 Q And you said that wasn't true, correct?

18 A That is correct.

19 Q Were you living already with your now husband
20 in August, just a few weeks after you were fired?

21 A Yes.

22 Q So you did move within a few weeks to Palos
23 Hills, correct?

24 A Yes.

25 Q You did abandon the Paxton residence in July,

1 correct?

2 A No.

3 Q So you were still -- according to you, you were
4 still paying rent to Mr. Piekarski -- correct? -- your,
5 your landlord, for the residence?

6 A Yes.

7 Q In August?

8 A I don't remember when I was no longer living
9 there specifically.

10 Q Well, you'll recall -- and if I have to pull it
11 up, I can; but do you recall yesterday the deposition
12 testimony where you told the jury that, "Yep, I moved out
13 of the Paxton residence and the tattoo shop at the end of
14 October 2014"?

15 Do you recall saying that yesterday?

16 A Yes, I do.

17 Q Okay. So if you were living with your now
18 husband just a few weeks after you were fired -- meaning
19 in August of 2014 -- in Palos Hills, then are you saying
20 that you were living with Kane Vanna in August but still
21 paying rent for your residence for August, September, and
22 October?

23 Is that what you're saying?

24 A Yes.

25 Q And it's -- and are you also saying that even

1 though you were living up in Palos Hills with your
2 husband in August, with your now husband in August, that
3 you were still paying rent on the tattoo shop in Rantoul
4 for August, September, and October?

5 A Yes.

6 Q Could you please pull up what's been admitted,
7 previously admitted into evidence as Rent-A-Center
8 Exhibit 15.

9 Ma'am, have you ever heard the, the old term
10 that people list things in priority? They list the most
11 important things first. Have you ever heard that in your
12 life?

13 A No. I have not.

14 Q And this is your Equal Employment Opportunity
15 Intake Questionnaire that you, yesterday that you said
16 you recognize, correct?

17 A Yes.

18 Q And this was filled out just a couple of months
19 after you were fired, correct?

20 A The only date I see on there is August 20th.

21 Q Where do you see August 20th?

22 A Down at the bottom -- on the "Date of
23 Discharge" item.

24 Q You mean on the first page?

25 A On this page?

1 Q No. I'm saying: Where do you see August 20th?

2 A Oh, down at the bottom.

3 Q You mean where it says "Date of Discharge"?

4 A I don't see it. I can't read that. I'm sorry.

5 I don't see a date where it was filled out.

6 Q Let me help you out.

7 Harriet, could you please turn to the last
8 page -- the signature page, where you dated it -- and
9 blow it up, please.

10 So we know you're fired July 21, 2014.

11 Blow up the signature and date.

12 Does this refresh your recollection, ma'am, --

13 A Yes.

14 Q -- Ms. Vanna, that you signed this on
15 September 27th, almost two months to the day of when you
16 were fired? Do you recall that now?

17 A I see the date. Yes, sir.

18 Q Okay. And go to -- Harriet, if you could --
19 and, again, this is your handwriting, correct?

20 A Yes.

21 Q You filled this out, correct?

22 A Yes.

23 Q Nobody from Rent-A-Center was with you,
24 standing over you when you filled this out, correct?

25 A Why would they do that, sir?

1 Q I'm asking you: Nobody from Rent-A-Center was
2 there, correct?

3 A No, sir.

4 Q And, in fact, you filled this out at your
5 house, correct?

6 A I don't remember where I filled this out, sir.

7 Q Let's go to see -- you told the EEOC shortly,
8 two months after you were fired -- let's go to number 5,
9 please.

10 Harriet, can you blow up number 5.

11 It says, "What happened to you that you believe
12 was discriminatory?" Do you see that?

13 A Yes.

14 Q "Date: July 2012 to December 2013."

15 "Action: Verbal persecution and harassment by
16 former store manager, Russ Kasper, and district manager,
17 Jason Carnahan."

18 Do you see that?

19 A Yes, sir.

20 Q You don't list Jason Morris anywhere in, on
21 (A), for (A), when you're talking about "verbal
22 persecution and harassment," do you?

23 A Not at this form, sir.

24 Q And then the next one says "(B) March 2014,
25 demoted without reason or cause. Name and person" -- can

1 you make that a little bit better, or is that the best --

2 PARALEGAL HECKEL: That's the best.

3 Q That's the best? Okay.

4 "Name and person -- name and title of person

5 responsible?"

6 Store manager -- store manager" -- excuse me.

7 "March 2014, demoted without reason or

8 cause" -- and we talked about that.

9 When you're saying "demotion," it's the, Mr.

10 Morris switching you from sales manager -- assistant

11 manager of sales to assistant manager of credit, right?

12 A Yes, sir.

13 Q That's what you're referring to here, correct?

14 A Yes.

15 Q "Name and title of person responsible:

16 District manager, Jason Carnahan; store manager, Jason

17 Morris."

18 Do you see that?

19 A Yes.

20 Q And you don't list Mr. Morris under "verbal

21 persecution or harassment," correct?

22 A Not on this document, sir.

23 Q You don't list that Jason Morris treated you

24 like the plague, do you, ma'am?

25 A Not on this document, sir.

1 Q You do not list that Jason Morris referred to
2 you as "it," do you?

3 A Not at this document, sir.

4 Q Please look at number 6.

5 "Why do you believe these actions were
6 discriminatory? Please attach additional pages, if
7 needed."

8 And what did you write?

9 A "Please see attached."

10 Q "Please see attached."

11 And I asked you in your deposition -- do you
12 recall how you described what your, the alleged
13 attachment was?

14 A No, sir.

15 Q That it was a handwritten statement from you.
16 Do you recall that?

17 A No, sir.

18 Q Do you recall what the attachment was?

19 A It, it was a piece of paper. I don't remember
20 what it said in specifics. No.

21 Q And you said you sent that in, along with this,
22 to the EEOC, correct?

23 A Okay.

24 Q Okay. And I asked you at your deposition: Do
25 you have a copy? Because I will represent to you

1 Rent-A-Center has never seen the attachment from the EEOC
2 to this day -- literally today. We have never seen that.
3 Do you have a copy of that?

4 A No, sir.

5 Q Ma'am, isn't it true: What was in that
6 attachment was that you were moving homeless people from
7 the church -- that was your first story -- that you were
8 moving homeless people from a church to a shelter with
9 Goodwill.

10 Isn't that what you put in your attachment?

11 A No, sir.

12 Q Can you -- have any explanation why, to this
13 day, we have never seen the attachment?

14 A No, sir.

15 Q And can you also at least admit: The jury will
16 never see the attachment, will they, ma'am?

17 A Again, I do not know, sir.

18 Q Let's look at your deposition and see what you
19 said about the attachment.

20 Page 237, lines 19 through 23.

21 (Brief pause in proceedings.)

22 Q Okay. 19 through 23.

23 "Okay. But you know it existed, right?"

24 "At some point in time."

25 "And you sent it along with this" meaning the

1 Intake Questionnaire?"

2 And your answer was: "Yes," right?

3 A Yes.

4 Q Keep going.

5 239 -- go to 239, lines 1 through 8.

6 "Right? It's just not that it just
7 disappeared, right?

8 "At some point in time.

9 "And do you have a copy of that signed and
10 dated that you can produce to us?

11 "I do not.

12 "You gave everything to the EEOC?"

13 And what was your answer?

14 A "Yes."

15 Q "Correct", right?

16 In fact, do you recall discussing your
17 attachment with Investigator Mayfield? Do you recall
18 that?

19 A No. I do not.

20 Q Did you ever discuss it with her?

21 A I do not remember.

22 Q How many different conversations did you have
23 with Investigator Mayfield? Several, correct?

24 A More than one.

25 Q And this was about the same time that you

1 applied for unemployment benefits where you were telling
2 the state unemployment agency that, "Well, I was using
3 the truck to move homeless people to a shelter, and
4 Goodwill was involved," that we saw yesterday.

5 Correct?

6 A I did not state that. No.

7 Q Well, I understand that you're saying what's
8 written in the state documents that you never said.

9 I'm just saying what -- that was dated around
10 the beginning of August, and this is dated about the end
11 of September, correct?

12 A [No response.]

13 Q Your Intake Questionnaire?

14 A I don't remember the date.

15 Q Let's go back to the Intake Questionnaire,
16 please, Harriet.

17 Number 7.

18 On 7, "What reason(s) were given to you for the
19 acts you considered discriminatory?"

20 Do you see that ma'am?

21 A Yes.

22 Q And I apologize; I know it's hard to read.

23 "By whom? His or her job title?"

24 "Harassment. Russ claimed that he was old, and
25 Carnahan said there was nothing he could do about it."

1 That's what you said about harassment, correct?

2 A That's what it says.

3 Q "Demotion. No reason was given at all."

4 Do you see that? Is that right?

5 A That's what it says.

6 Q And I asked you yesterday: Was this a
7 charitable or civic event?

8 And do you recall what your answer was
9 yesterday? Meaning the July 20th, Sunday, move.

10 A Remind me, sir.

11 Q No. I'm asking you. Do you recall what you
12 just told the jury yesterday, 24 hours ago, when I asked
13 you: Was the Sunday delivery a charitable or civic
14 event, ma'am? Yes or no?

15 A And the way it was stated, no.

16 Q Okay. Then let's see what you told the EEOC
17 within 60 days of you being fired.

18 "Termination. Because I volunteered to help a
19 charitable organization."

20 Isn't that, in your own handwriting, what you
21 told the EEOC 60 days later after you were fired?

22 A Well, that's what it says in that document.

23 Q And go to number 8.

24 Oh, but, no; stay there for a second, Harriet.

25 You don't list that it's Goodwill, do you?

1 A No.

2 Q You don't list that it's the Masons, do you?

3 A No.

4 Q Let's go to number 8, Harriet, please.

5 And if you need to borrow mine, let me know.

6 "Describe -- describe who was in the same or
7 similar situation as you and how they were treated. For
8 example, who else applied for the same job you did? Who
9 else had the same attendance record? Or who else had the
10 same performance? Please provide the race, sex, national
11 origin, religion, or disability of these individuals, if
12 known, and if it relates to your claim of discrimination.
13 . . . for the sex of each person; and so on. Use
14 additional sheets if needed."

15 And, once again, what's your answer there?

16 A "Please see attached."

17 Q "Please see attached."

18 Now, right above it, you had you were
19 terminated because you volunteered for the charitable
20 organization, correct?

21 A That's what it says. Yes.

22 Q And isn't it true that in that attachment, that
23 none of us are going to ever see, you put you were
24 helping homeless people, and the charitable organization
25 you listed was Goodwill?

1 Isn't that true, Ms. Vanna?

2 A No, sir.

3 Q By the way, on "termination," you don't say
4 anything about -- the one we just went back, looked at --
5 or can you pull up the prior answer on the termination.

6 You don't say, "It's because I was moving a
7 customer because the previous store manager had made a
8 commitment?"

9 You don't list that anywhere in "termination,"
10 do you now?

11 A No, sir.

12 Q You don't list Amber Shumate, do you?

13 A No, sir.

14 Q You don't list Amber Wilkerson, do you?

15 A No, sir.

16 Q You don't list Amy Wilkerson, do you?

17 A No, sir.

18 Q You don't list Amy Shumate, do you?

19 A No, sir.

20 Q You don't say anything about moving a prior
21 customer when you're telling the EEOC why you were
22 terminated in your handwritten notes under number 7;
23 isn't that correct, Ms. Vanna?

24 A Not on this document, sir.

25 Q Then it says, "People who were treated better

1 than you."

2 Harriet, can we see that?

3 It's right under 8 after "please see attached."

4 Can you go -- oh, there we go.

5 And, sorry, Ms. Vanna.

6 "Are the persons in the same or similar
7 situation as you?" Do you see that?

8 A Yes, sir.

9 Q "Who were treated better than you?"

10 And then it gives you a place to list people,
11 correct?

12 A Yes.

13 Q And the first person you list is Eleena Reeves,
14 correct?

15 A Yes.

16 Q And, remember, I asked you just a couple
17 moments ago: Have you ever heard the old term people
18 list the most important things first, and you said you've
19 never heard that term in your life, correct?

20 A No, sir.

21 Q And you list Eleena Reeves. And then you say
22 "Description of Treatment" -- and this is treatment of
23 someone who's being treated better than you, right,
24 according to the question?

25 A Yes.

1 Q And you say "promoted and coworkers socialized
2 with," correct?

3 A Yes.

4 Q That's all you put in there, right?

5 A Yes, sir.

6 Q Is that right?

7 A Well, that's what it says in the document.

8 Q And, then, the second person you list of people
9 who were treated better than you, who do you list?

10 A "Brock Duncan-Fox."

11 Q Brock Duncan-Fox.

12 And under "Description of Treatment" better
13 than you, what you told the EEOC within 60 days, or
14 approximately 60 days of being fired: "Fratrization
15 [sic]," and there's a parenthetical. Do you see that?

16 A [No response.]

17 Q Do you see that?

18 A Yes.

19 Q ("Socialization outside of work"), correct?

20 A Yes.

21 Q "And lessened work load," correct?

22 A Yes.

23 Q Ma'am, you testified in your deposition that
24 the very Sunday before July 20th -- if my math is right,
25 that would be, minus seven days, July 13, 2014. Would

1 you believe that?

2 A There about, yes, sir.

3 Q That you testified that in your deposition that
4 the very Sunday before, the Sunday before you say he gave
5 you the keys and gave you permission and you were fired,
6 that Brock Duncan-Fox not only used the exact same truck
7 that you got fired for using; but, coincidentally, it was
8 on the Sunday before, July 13th, to move his stuff into
9 Eleena's house with that man's permission -- for the
10 record, I'm pointing at Jason Morris -- correct?

11 That's what you testified in your deposition,
12 correct?

13 A I do not recall.

14 Q Ma'am, do you recall ever saying -- and we'll
15 pull your deposition out -- that you learned from Eleena,
16 supposedly, that Brock Duncan-Fox allegedly used the
17 truck -- the very same truck -- coincidentally the Sunday
18 before, to move his stuff into Eleena's house?

19 Do you recall testifying to that on January 17,
20 2017, when I took your deposition, ma'am?

21 A Not today, sir.

22 Q Then you know what? Let's look at your
23 deposition.

24 Page 229, please.

25 Line 16 through 21, Harriet.

1 Line 16: "So between July 13th and July 20th,
2 what you are testifying under oath is that Eleena told
3 you, 'Hey, by the way, Brock Duncan-Fox used the truck on
4 a Sunday because he moved into my place,' correct, or
5 words to that effect?"

6 And what did you -- and what did you answer?

7 A "Yes."

8 Q Does that refresh your recollection, ma'am, --

9 A Yes.

10 Q -- that you were saying that the very weekend
11 before that Brock Duncan-Fox used the truck to move his
12 personal belongings into Eleena's house?

13 Do you recall saying that under oath?

14 A Yes, sir.

15 Q Go back to the Intake Questionnaire.

16 Ma'am, would you agree that that's pretty
17 important; that if Brock Duncan-Fox used the very same
18 truck, coincidentally the very Sunday before, to move his
19 personal items into Eleena's house with that man's
20 permission and, yet, you were fired for the exact same
21 thing, that's pretty dang important?

22 Would you agree with me, or would you disagree
23 with me?

24 A Yes, sir.

25 Q And do you list that anywhere in your EEOC

1 Intake Questionnaire that you filled out in your own
2 handwriting 60 days after you were fired?

3 A Not on this document, sir.

4 Q Let's go to number 13 of this document exhibit,
5 please, Harriet.

6 "Are there any witnesses to the alleged
7 discriminatory incidents? If yes, please identify them
8 below and tell us what they will say. (Please attach
9 additional pages if needed to complete your response.)"

10 Do you see that ma'am?

11 A Yes.

12 Q You list Eleena Reeves again, correct, as a
13 witness?

14 A Yes.

15 Q Then it says "assistant manager," true?

16 A Yes.

17 Q And what -- "What do you believe this person
18 will tell us?"

19 And for Eleena Reeves, you say, "Harassment by
20 Russ Kasper and Jason Carnahan," right?

21 A That is what it says.

22 Q "Verified promotion and mistreatment by Jason
23 Morris," correct?

24 A That is what it says.

25 Q You don't list that Eleena Reeves can be a

1 witness to the fact that Brock Duncan-Fox used the same
2 truck that you got fired for, coincidentally the very
3 Sunday before you used it, and nothing happened to him?

4 You don't say that to the EEOC when you fill
5 this out in your own handwriting, do you, ma'am?

6 A Not on this document.

7 Q Then you say the next witness, "Russ
8 Wiedemann," right?

9 A [No response.]

10 Q Do you see that?

11 A Yes.

12 Q And you and Mr. Wiedemann dated for a while,
13 correct?

14 A That says "friend."

15 Q What's that?

16 A That says "friend."

17 Q I didn't --

18 COURT REPORTER: I didn't understand that.

19 A The document says "friend."

20 Q I understand.

21 My question was: You and Mr. Wiedemann dated
22 for a while, correct?

23 A A couple times.

24 Q And then under "Job Title," you have "friend"
25 and "he will verify harassment by Russ Kasper; verify

1 unfair treatment by Jason Morris and Jason Carnahan."

2 Do you see that?

3 A That is what it says.

4 Q Do you list anywhere that Russ -- that Cash
5 Wiedemann, Russell Wiedemann, will testify or witness --
6 excuse me -- has evidence to be a witness that he
7 organized a Masonic charitable civic event for Amber
8 Shumate? Do you list that understand Mr. Wiedemann?

9 A No, sir. Not on this document.

10 Q Do you list, as someone as a witness, Brock
11 Duncan-Fox?

12 "Hey, EEOC, Brock Duncan-Fox used the truck,
13 the same truck, the weekend before; moved his stuff into
14 Eleena's house?"

15 Do you say that anywhere in here?

16 A Not on this document.

17 Q And, ma'am, you said that a couple times, "not
18 on this document," "not on this document," "not on this
19 document."

20 What document are you referring to?

21 A I'm not referring to any document.

22 Q So you're not aware of any document where any
23 of that was put?

24 A I'm not referring to any specific document.

25 Q And, ma'am, I'm not going to go through the

1 documents, because the jury's already seen it; but would
2 you disagree with me that you got your name change signed
3 off by the Court in March of 2013, gave those documents
4 to Russ Kasper, and that's when Kasper -- well, March of
5 2013, would you agree with that?

6 A That I legally changed my name in March?

7 Q Yes. And gave the papers to Russ Kasper in
8 March --

9 A Yes.

10 Q -- of 2013?

11 I'm sorry. I talked over you. What was your
12 answer?

13 A Yes.

14 Q Just for the record.

15 And that's when you say that Russ Kasper began
16 making discriminatory, harassing, embarrassing remarks,
17 two to three times a day -- correct? -- since March of
18 2013 until he was fired in December of 2013, correct?

19 MR. SHULTZ: Objection, Your Honor. This is
20 getting cumulative.

21 THE COURT: Sustained.

22 BY MR. TRUSEVICH:

23 Q Ma'am, I want to turn your attention to
24 July 20, 2014. According to you, Russ Kasper had made a
25 prior commitment to Amber Shumate that if she needed to

1 move the merchandise she purchased from RAC, even if it
2 was on a Sunday, he would move it, correct?

3 A I don't remember that. No.

4 Q Let's look at your deposition, page 30.

5 Line 17 through 22, Harriet.

6 "If it's -- just so we are clear, it was Russ
7 Kasper who made the commitment to Amber Shumate,
8 according to you, that they would redeliver it from the
9 mini storage to the home when she's ready, correct?"

10 And what was your answer to me on January 17,
11 2017?

12 A "Correct."

13 Q Does this refresh your recollection that in
14 your deposition you said that this Sunday event was
15 simply that Russ Kasper had promised Amber Shumate, made
16 a commitment to Amber Shumate, and you were simply
17 fulfilling a prior commitment? Is that what the Sunday
18 delivery was?

19 A That's what this document says. Yes, sir.

20 Q All right. So it wasn't a charitable or civic
21 event, was it?

22 A I don't have any specific knowledge.

23 Q All right. So according to you, it was a move
24 that Russ Kasper promised Amber Shumate; and, "When
25 you're ready to move it from mini storage, call us; and

1 we'll move it for you, even if it's on a Sunday,"
2 correct?

3 A That's what this document says.

4 Q And you weren't there when Ms. Shumate did her
5 purchase, were you, ma'am?

6 A I don't remember her purchase specifically.
7 No.

8 Q Pull up page 19 from the deposition.
9 Lines 12 through 17.

10 Line 12: "Okay. Were you there when she came
11 in to purchase it?"

12 Your answer: "No.

13 "Do you know if she paid in cash or used a
14 credit card?

15 "I do not."

16 Is that the answer you gave?

17 A That is what that document says.

18 Q Does that refresh your recollection that you
19 weren't there when she came in to do her purchase?

20 A That is what the document says.

21 Q And the only reason that, what you were doing
22 that Sunday was "completing an obligation to move
23 merchandise from one location to another location."

24 Do you recall telling me that?

25 A Yes.

1 Q And you said you did not do the original
2 delivery of Amber's merchandise to the mini storage. Do
3 you recall that?

4 A Yes.

5 Q You were not there -- in fact, you stated, "I
6 did not do this purchase for her."

7 Do you recall telling me that?

8 A No.

9 Q Let's look at page 317, lines 10 through 18,
10 please.

11 (Brief pause in proceedings.)

12 Q "Are you sticking with your previous sworn
13 testimony that you were not at the store when she put --
14 did a cash transaction, according to you, for a bedroom
15 set and living room set? Were you or were you not
16 present?

17 "Okay. I'm not aware of what transaction had
18 taken place, whether it was cash, credit, or check; and I
19 did not do this purchase for her."

20 Do you recall telling me that under oath on
21 January 17, 2017?

22 A That is what the document says. Yes, sir.

23 Q In fact, you stated you did not do the original
24 delivery, and you did not put it in the storage facility.
25 Do you recall telling me that?

1 A No, sir.

2 Q Pull up 330, please.

3 Line 17 through 22.

4 "But you didn't do the original delivery,
5 correct?"

6 Your answer: "No.

7 "You weren't there to put it in the storage
8 unit, correct?"

9 And your answer was, "No."

10 Correct?

11 A That is what the document says.

12 Q And, in fact, finally on that issue, you said,
13 "I had nothing to do with that original move."

14 And you'd agree with that, correct?

15 A Not to my knowledge. No, sir.

16 Q I'm sorry. I misunderstood it. It may have
17 been a bad question. I just want to close that point
18 out.

19 You had nothing to do with that original move,
20 meaning from Ms. -- from the Rent-A-Center store of
21 whatever Ms. Shumate purchased to the mini storage; you
22 had nothing to do with that, correct?

23 A Not that I remember.

24 Q Well, let's pull up, real quick, page 333 of
25 your deposition.

1 Lines 2 through 4.

2 "You had nothing to do with that move,
3 correct?"

4 And what was your answer?

5 A "Correct."

6 Q And I think I asked you this yesterday -- and
7 if I did, I apologize; I forgot.

8 You and Amber -- at least when, during your
9 deposition, when I asked you, "Are you and Amber
10 friends?", you said "yes," correct?

11 A During the deposition, yes.

12 Q In fact, you gave the EEOC Amber Shumate's
13 contact information so she could corroborate some of your
14 allegations, correct?

15 A At some point in time, I'm sure. Yes.

16 Q But do you recall telling me that?

17 A Not specifically, no.

18 Q Turn to page 314, lines 9 through 15.

19 (Brief pause in proceedings.)

20 Q Page 314, lines 9 through 15, Harriet.

21 Page 314 -- yeah -- lines 9 through 15.

22 "Whatever that means, CP's witness statement,
23 Amber Shumate. Do you see that?"

24 Your answer: "Yes.

25 "Question: Did you give Investigator Mayfield

1 Amber's name as a witness that could corroborate some of
2 your allegations?"

3 What was your answer?

4 A "Yes."

5 Q But, yet, 60 days after you're fired, in your
6 own Intake Questionnaire when it's asking for witnesses,
7 you don't list Amber Shumate or Amy Shumate or whatever
8 her name is going by; you don't list her anywhere, do
9 you, ma'am?

10 A Not on that document.

11 Q Then on Sunday, July 20th, you went from a mini
12 storage facility to Amber's new house, correct, according
13 to you?

14 A Yes.

15 Q And, in fact, you stated the mini storage
16 facility was about a mile from Rent-A-Center. Do you
17 recall -- do you recall saying that?

18 A Yes, I do.

19 Q So from a mile from the store, you go to a mini
20 storage unit. And I asked you to describe it. One of
21 those where the doors pull down, you have a padlock; you
22 pay monthly?

23 Do you recall that?

24 A Yes, sir.

25 Q And I asked you: Do you know the name of this

1 mini storage facility that you went to to get Amber
2 Shumate's merchandise?

3 Do you recall what your answer was?

4 A No, sir.

5 Q You couldn't recall what the mini storage was,
6 right?

7 A Right.

8 Q And that, your deposition was January 17, 2017,
9 right?

10 A Yes, sir.

11 Q Can you tell the ladies and gentlemen of the
12 jury: Since then, in the time that's passed, have you
13 gone -- since the mini storage is only a mile from the
14 Rent-A-Center store, did you try to go find out what mini
15 storage unit you went to during these past months,
16 knowing there was going to be a trial?

17 A No, sir.

18 THE COURT: Ladies and gentlemen, can you hear
19 Ms. Kerr?

20 (Jurors all indicating affirmatively.)

21 THE COURT: Okay. Keep your voice up, though,
22 okay?

23 WITNESS VANNA: Yes.

24 BY MR. TRUSEVICH:

25 Q And then, ma'am, you say Russell Wiedemann

1 called you within a week of that Sunday that Amber was
2 ready to move. Do you recall that?

3 A No, sir.

4 Q Please pull up page 33, lines 10 through 22.

5 "All right. And so then when did Cash
6 Wiedemann -- I mean, excuse me, Russell Wiedemann. When
7 did Russell Wiedemann contact you and say, 'Hey, Amber is
8 ready for that move from the mini storage facility to her
9 home'?

10 "Answer: I do not remember the specific date.

11 "And -- but would it have been sometime -- was
12 it, like, a month before that weekend?

13 "It was --

14 "Couple of days before that weekend?"

15 Your answer: "It was within a week before that
16 weekend."

17 Do you see that?

18 A Yes, sir.

19 Q According to you, then, you tell Eleena about
20 the fact that Russell Kasper made a prior commitment to
21 Amber Shumate, and you were going to have to do a
22 delivery on Sunday.

23 Do you recall that?

24 A No, sir.

25 (Brief pause in proceedings.)

1 Q Could you pull up, Harriet, page 34, lines 6
2 through 21.

3 Page 34, lines 6 through 24.

4 "Okay. Who did you tell?

5 "I talked to Eleena.

6 "All right. And what did you tell Eleena?

7 "I do not remember the specific words.

8 "Well, but any -- whatever you recall. It
9 doesn't -- in general, what did you tell her?

10 "Oh, that we needed to get this done.

11 "Question: That Cash Wiedemann -- that Russell
12 Wiedemann had called and said, 'Hey, Russ Kasper made
13 this agreement with Amber Shumate when she purchased the
14 furniture while Russ was the store manager; and since he
15 made the commitment, we need to go ahead and follow it,'
16 something like that?

17 "Probably in way less detail; but, yes.

18 "All right. And did you tell her that it was
19 going to be on a Sunday?"

20 And your answer was?

21 A "Yes."

22 Q Going to the July 20th move, according to you,
23 Morris handed you the keys to the truck on Saturday,
24 July 19th.

25 Are there any witnesses to that?

1 A Not to my knowledge, no.

2 Q Then on Sunday, you and your now husband, Kane
3 Vanna, go to the store, which is closed on Sunday,
4 correct?

5 A The store is closed on Sunday.

6 Q Okay. And was your now husband, Kane Vanna,
7 with you that day?

8 A No.

9 Q Okay.

10 MR. TRUSEVICH: Your Honor, might I look at my
11 exhibits for just a second?

12 (Brief pause in proceedings.)

13 MR. TRUSEVICH: Your Honor, may I approach the
14 witness?

15 THE COURT: Yes.

16 BY MR. TRUSEVICH:

17 Q Ma'am, do you recognize that?

18 A Not specifically, no.

19 Q But is it an email that, from you that you sent
20 to the EEOC?

21 A Okay.

22 Q No. My question is: Is it an email that you
23 sent, from you to the EEOC?

24 A Okay.

25 Q Yes or no?

1 A It has my email address on it, and it's going
2 to the EEOC.

3 MR. TRUSEVICH: All right. Then at this
4 time -- Your Honor, this was part of a different
5 exhibit that we took some pages out, so --

6 (Brief pause in proceedings;
7 attorneys conferring together.)

8 MR. TRUSEVICH: Your Honor, we'd like to mark
9 this as Rent-A-Center Exhibit 82 and offer it into
10 evidence.

11 THE COURT: Any objection?

12 (Brief pause in proceedings.)

13 THE COURT: Mr. Trusevich, do you have a copy I
14 can see?

15 MR. TRUSEVICH: May I approach?

16 MR. SHULTZ: Your Honor, I would just object as
17 a collateral matter. It doesn't matter if Mr. Kane was
18 there or not.

19 (Brief pause in proceedings.)

20 THE COURT: Overruled.

21 MR. SHULTZ: What are we marking it as?

22 THE COURT: Defense 82 --

23 MR. SHULTZ: 82.

24 THE COURT: -- is admitted over objection.

25 (Brief pause in proceedings.)

1 MR. TRUSEVICH: Your Honor, may I approach
2 again?

3 THE COURT: Yes.

4 MR. TRUSEVICH: Ms. Vanna, let me hand you what
5 has now been admitted into evidence as Rent-A-Center
6 Exhibit 82.

7 Your Honor, permission to publish to the jury?

8 THE COURT: Let me just clarify the
9 admissibility of it. You're admitting it as a prior
10 inconsistent statement of the witness; is that right?

11 MR. TRUSEVICH: Correct, Your Honor.

12 THE COURT: Let me just -- I just want to give
13 an explanation to the jury why we're admitting this.

14 I want to be precise, so I want to get the
15 right instruction here.

16 All right. Ladies and gentlemen, you're about
17 to see evidence that before the trial a witness made a
18 statement that may be inconsistent with his or her
19 testimony here in court. You may consider the evidence
20 only to help you decide how believable the witness's
21 testimony is and what weight to give her testimony here
22 in open court.

23 Okay?

24 So this exhibit, Defense 82, is being admitted
25 for that limited purpose only.

1 MR. TRUSEVICH: May I proceed?

2 THE COURT: You may.

3 MR. TRUSEVICH: Thank you.

4 Permission to publish to the jury?

5 THE COURT: Allowed.

6 BY MR. TRUSEVICH:

7 Q Ma'am, I just asked you if your now husband,
8 Kane Vanna, was at that move; and you said no.

9 Do you recall that, telling the jury that?

10 A Yes. Not the move.

11 Q Can you blow up that. There we go. Thank you,
12 Harriet.

13 MR. SHULTZ: Your Honor, just an objection.
14 That's not the question he had previously asked.

15 (Brief pause in proceedings.)

16 THE COURT: Why don't you reask the question
17 again?

18 MR. TRUSEVICH: Can I ask her to reread that
19 question, Your Honor, the court reporter?

20 THE COURT: Yes, the one prior to when you
21 gathered 82?

22 MR. TRUSEVICH: Correct.

23 THE COURT: Do you have it?

24 COURT REPORTER: Give me a minute to go back.

25 (Brief pause in proceedings.)

1 COURT REPORTER: I'm going to read a couple so
2 it makes sense.

3 THE COURT: I've got it. I've got it.

4 So the question was: "Then on Sunday, you and
5 your now husband, Kane Vanna, go to the store, which is
6 closed on Sunday, correct?"

7 "Answer: The store is closed on Sunday.

8 "Question: Okay. And was your now husband,
9 Kane Vanna, with you that day?"

10 "Answer: No."

11 And that was when you fetched the document.

12 MR. TRUSEVICH: Thank you, for that, Your
13 Honor.

14 BY MR. TRUSEVICH:

15 Q Do you recall saying that to the jury?

16 A Yes, sir.

17 Q And, ma'am, what's been admitted into evidence
18 as Rent-A-Center Exhibit 82 -- you can see it's an email.

19 Can you blow up the top, Harriet.

20 And it says: From MeganLynn to Gloria Mayfield
21 at the EEOC. Do you see that?

22 A Yes.

23 Q And then it says Kane Vanna would be the
24 contact. "He was there and helped with the Masons' move.

25 It was his dad's truck that was used when I moved to the

1 Chicago area. He can also get you letter from the
2 landlord verifying the date I moved in. His phone number
3 is" -- and then you list the phone number.

4 Do you see that?

5 A Yes, sir.

6 Q Kane Vanna was there that day on July 20, 2014,
7 wasn't he, ma'am?

8 A Your previous question was "at the store"; and
9 no, sir, he was not at the store.

10 Q By the way, did Jason Morris, your store
11 manager, did he try to call you that day, on Sunday
12 July 20, 2014?

13 A I'm not aware of that, sir.

14 Q If he would have called you, would you have
15 answered his phone?

16 A I generally don't answer my phone, and I don't
17 have my phone with me when I'm working.

18 Q Okay. But what about afterwards when you got
19 back? If you saw one or two missed calls from your boss,
20 would you return them?

21 A Of course.

22 Q Okay. And to your knowledge, you don't ever
23 recall your store manager, Jason Morris, calling you not
24 once, but twice that Sunday, July 20, 2014?

25 A Not to my knowledge.

1 Q Okay. Let me ask you this: Would it surprise
2 you if the jury saw Mr. Morris's phone records where he,
3 in fact, not only tried to call you once, but twice, on
4 that Sunday July 20, 2014? Would that surprise you?

5 A No, sir.

6 Q Then, ma'am, you said that you had four to five
7 people at the storage help you load and unload the truck.
8 Do you recall that?

9 A No, sir.

10 Q How many people were there at the mini storage,
11 this alleged mini storage, according to you, a mile from
12 the store?

13 A I don't remember --

14 Q And --

15 A -- the specific numbers.

16 Q -- do you recall how many people were at
17 Amber's house that helped load and unload the truck?

18 A I don't remember specific number.

19 Q Well, let's look at your deposition, page 35;
20 lines 19 through 20, please.

21 "And who helped you load and unload?"

22 And your answer was: "There were several
23 people."

24 Continue on page 36, lines 3 through 6.

25 "All right. How many people were there?"

1 "Four or five at the storage facility, and then
2 there were many at the residence."

3 Continue on, 13 through 15, same page, please.

4 MR. SHULTZ: Objection, completeness, Your
5 Honor. He missed -- he skipped a portion of the middle,
6 between the two.

7 MR. TRUSEVICH: I'll be glad to read it all.

8 Harriet, go back up to 3 and go all the way
9 through 15.

10 BY MR. TRUSEVICH:

11 Q "All right. How many people were there?

12 "Four or five at the storage facility, and then
13 how many were at the residence -- and then there were
14 many at the residence.

15 "Question: How many at the residence?

16 "Again, I didn't stop to count them all.

17 "Question: More than 20 or less than 20?

18 "Less than.

19 "More than ten? Less than ten?

20 "More than."

21 Answer on 13 -- or the question on 13: "So
22 between 10 and 20 people at the house?"

23 And what was your answer?

24 A On this document, "Yes."

25 Q Then you went from this alleged storage

1 facility a mile from the store to Amber's new house and
2 unloaded the truck -- correct? --

3 A Yes.

4 Q -- according to you?

5 And how long did that take?

6 A That -- the whole trip?

7 Q Yes, ma'am.

8 A The whole trip took a couple hours.

9 Q Then you came in, and then you went back and
10 got your car and then went back to work on Monday,
11 correct?

12 A Yes.

13 Q And -- by the way, when you were out there -- I
14 asked you: Why do a Sunday delivery? You said you liked
15 to be out there. It gets the name of Rent-A-Center out
16 there. Anything like that.

17 Do you recall that?

18 A Yes.

19 Q When you were out there on Sunday doing this
20 event, did you take any pictures or anything when you
21 were in your RAC polo shirt and or your tan or black
22 pants? Take any pictures or anything to document the,
23 the event?

24 A No, sir.

25 Q Then you come in on Monday, and you say Morris

1 explained that he couldn't allow what happened on Sunday
2 to stand; and that he and Jason Carnahan discussed it,
3 and then you were fired, correct?

4 A Yes.

5 Q And then Mr. Shultz asked you: What was your
6 reaction?

7 You said -- or Mr. Shultz asked you: Were you
8 shocked?

9 And you said, "Yes," correct?

10 A Correct.

11 Q And here, according to you, you used the truck
12 with permission. Brock had used it the week before to
13 move into Eleena's house. Nothing happened to him.

14 So did you immediately call the RAC corporate
15 to complain about this, ma'am?

16 A No, sir.

17 Q You said you tried to call Jason Carnahan about
18 an after -- about an hour after you were fired, twice;
19 left messages, but Jason Carnahan refused to call you --
20 or not refused -- Jason Carnahan didn't call you back,
21 correct?

22 A Yes.

23 Q Do you have any phone records to show the jury
24 that you tried to call him twice on that Monday that you
25 were fired?

1 A Again, I don't keep years of phone records,
2 sir.

3 Q But let me ask you this then: You filled out
4 an Intake EEOC Questionnaire about 60 days after you were
5 fired. That would have been two months -- right -- not
6 years after you were fired, right?

7 A [No response.]

8 Q Right?

9 A Yes.

10 Q Did you try and get the phone records then?

11 A No, sir.

12 Q I asked you if you called Rent-A-Center
13 corporate to complain: Why did you get fired when you
14 had permission; but when Brock uses a truck for personal
15 use, nothing happened to him?

16 Do you recall your answer?

17 A No, I don't.

18 Q Isn't it true your answer was -- quote -- it
19 didn't cross your mind? Do you recall telling me that?

20 A No, I don't.

21 Q Let's look at page 62, lines 1 through 10,
22 please.

23 "Corporate headquarters for Rent-A-Center and
24 ask for the HR to speak to someone about 'why am I being
25 fired when my store manager gives me the keys; it's on

1 the schedule,' according to you, 'and I'm fired on Monday
2 when I walk in?' Did you call anyone at corporate?"

3 Your answer: "No, sir."

4 And I asked you: "How come?"

5 "Answer: It wasn't one of those things that
6 crossed my mind."

7 A That's what that document says, sir.

8 Q Ma'am, isn't it true that the reason you didn't
9 call corporate or anyone else -- and the jury has seen
10 the open door poster. You didn't call, you didn't call
11 the regional director, did you? Right?

12 A No, sir.

13 Q The global compliance hotline, the corporate
14 relations hotline -- the reason you didn't call corporate
15 is because you took the truck without permission; and you
16 got caught, and you got fired.

17 That's why it didn't cross your mind, correct?

18 A No, sir.

19 Q I asked you if you, in your deposition, if you
20 ever got in touch with anyone at corporate; and you said
21 you left a message on the machine, but no one called you
22 back, correct?

23 A Yes, sir.

24 Q You never got ahold of a live person, did you,
25 ma'am?

1 A No, sir.

2 Q But, ma'am, the question I just asked you just
3 now -- Did you ever get ahold of a live person? And you
4 said no -- isn't it true, Ms. Vanna, that three days
5 after you were fired, August -- I mean, excuse me,
6 July 24th -- you were fired on Monday, July 21st,
7 correct?

8 A Yes, sir.

9 Q Three days after you were fired -- Tuesday,
10 Wednesday, Thursday -- on Thursday, July 24th, you called
11 the Rent-A-Center Solution Center, and you asked -- and
12 you spoke with somebody, and the only reason you called
13 was you wanted a change of address form.

14 Isn't that true, Ms. Vanna?

15 A Yes, sir.

16 Q You never brought up anything about moving
17 homeless people with the church or with Goodwill, right?

18 A Not to that person, sir.

19 Q You never brought up that there was a Mason
20 event or anything else, correct?

21 A No, sir.

22 Q You never brought up that this was a prior
23 commitment by Russ Kasper to move a prior customer
24 correct?

25 A No, sir.

1 Q You never mentioned Amber Shumate, correct?

2 A No, sir.

3 Q Meaning "yes, sir," that's correct; you never
4 mentioned Amber Shumate, right?

5 A I did not mention Amber Shumate.

6 Q You never mentioned that Jason Morris, your
7 store manager just four days earlier -- no, five days,
8 sorry, Saturday -- had given you the keys to use the
9 truck for permission to do a delivery on a Sunday when
10 the store is closed; and you never brought up any of
11 that -- any of that -- to the person you talked to at
12 Rent-A-Center three days after you were fired?

13 Isn't that true, Ms. Vanna?

14 A It would have been a really awkward
15 conversation to have with a telephone operator, sir.

16 Q My question was: Isn't that true, Ms. Vanna?

17 A Yes, sir.

18 Q And then not only did you call the Solution
19 Center three days after you were fired, but a week after
20 that, you called again the Solution Center in order to
21 get a copy -- or your ADP password reset.

22 Do you recall that, ma'am?

23 A Yes, sir.

24 Q And I won't go through the same litany of
25 questions, but I will shorten it to this: You didn't

1 tell that person anything -- anything -- about being
2 wrongfully terminated, set up, or anything else that
3 you've told this jury today; isn't that correct?

4 A Again, an awkward and inappropriate
5 conversation; so, no, sir.

6 Q And the reason that you needed your ADP
7 password reset is you wanted a copy of your W-2 because
8 you were applying at Moraine County College, correct?

9 A Yes, sir.

10 Q That was the priority three days and a week
11 after you were fired, was to get a copy of your W-2 for
12 your college application, correct?

13 A No, sir.

14 Q Now, according to you, you've done Sunday
15 deliveries for Rent-A-Center before, correct?

16 A Yes, sir.

17 Q You said you did the Rantoul Air Show in the
18 summer of 2013, correct?

19 A Yes, sir.

20 Q And that -- in 2013, that man, Jason Morris,
21 would not have been your store manager, correct?

22 A Correct.

23 Q In the summer of 2013, your store manager would
24 have been Russ Kasper, correct?

25 A Yes, sir.

1 Q And you were hourly as an assistant manager,
2 correct?

3 A Yes.

4 Q And you weren't paid for any of that, right?

5 A No, sir.

6 Q And you have to say that because if you did a
7 delivery on Sunday and you're hourly, you have to clock
8 in and out; there would be time records, right?

9 A Yes, sir.

10 Q So you have to say you weren't paid, correct?

11 A Yes, sir.

12 Q Then you said -- I said: Well, did anyone go
13 with you on Sunday deliveries?

14 And you said: Yeah. I can't remember -- I
15 remember a couple of coworkers went with me a couple of
16 times.

17 Do you recall saying that?

18 A Yes, sir.

19 Q And to this day, you cannot remember a single
20 coworker's name that went with you on a Sunday -- on an
21 alleged Sunday delivery or pickup; isn't that true, Ms.
22 Vanna?

23 A Yes, sir.

24 Q Not that the jury needs reminding, but how many
25 people work in the Rantoul store, ma'am, at any one time?

1 A Anytime, between three and five.

2 Q And you can't remember anybody's name that
3 allegedly went with you on these Sunday deliveries and
4 pickups; isn't that true, ma'am?

5 A No, sir.

6 Q You also said you did a Sunday delivery to the
7 Rantoul City Fair in the summer of 2014. Do you recall
8 telling me that in your deposition?

9 A No. I do not.

10 Q Let's go to page 132, line 10.

11 If you would, Harriet, instead of starting at
12 line 10, if you could start at line 7, please. It says
13 "By Mr. Trusevich."

14 "Okay. Any in 2014, other than the move where
15 you say there may or may not have been Masons, other than
16 Russell Wiedemann, that you say occurred in August of
17 2014 -- putting that aside, any other moves in 2014 on
18 Sunday?"

19 Your answer: "Yes."

20 "Okay, what else?"

21 "There would have been the -- I think it's the
22 city fair.

23 "When I asked you about that this morning, you
24 didn't recall that one, right?"

25 "Answer: No.

1 "Okay. But you remember it now, as we're
2 sitting here?"

3 Keep going, Harriet.

4 "Answer: Correct."

5 Will you please move down.

6 "Okay. Tell me about the city fair. When was
7 that?"

8 Moving to the next page.

9 "The Century, the Century -- the Century.

10 "Century Restaurant?"

11 Keep going.

12 It's page 133, 3 through 6.

13 Actually, just go to 1; 1 through 6 please.

14 "It's during the summer." That was your
15 answer.

16 "Question: So that would be the summer of
17 2014, right?"

18 And your answer was: "Correct."

19 Do you recall that?

20 A Yes.

21 Q So on January 17, 2017, you told me that you
22 did a Sunday delivery for a, the city fair in the summer
23 of 2014, correct?

24 A That is what this document says.

25 Q And do you stick by that testimony today, that

1 sworn testimony? Do you stick by that today?

2 A This is what that document says. Yes, sir.

3 Q All my question to you, ma'am, is -- and,
4 again, if it's a bad question, I apologize.

5 Is that true -- what you told me on January 17,
6 2017, is that true today? That you're saying you did a
7 Sunday delivery in the summer of 2014 to the city fair?
8 Yes or no?

9 A Okay. The context of this conversation
10 involved a lot of dates. As we've seen in the past, my
11 dates have been off. So -- this is what this document
12 says.

13 Q Ma'am, let me try -- and, again, I apologize.

14 Did you or did you not do a Sunday delivery in
15 the summer of 2014 for the city fair? Yes or no?

16 A I do not remember.

17 Q But -- okay. You don't recall today, right?

18 A Correct.

19 Q But your memory would have been better on
20 January 17, 2017, correct?

21 A The date that this deposition was taken, that
22 is what I testified to. Yes.

23 Q Okay. Fair enough.

24 You're not denying that that -- you did a
25 Sunday delivery for the city fair in the summer of 2014,

1 correct?

2 A I am not denying it.

3 Q All right. Thank you, ma'am.

4 Ma'am, let me ask you this: Can you explain
5 this to the jury? The EEOC has sued Rent-A-Center,
6 saying that Jason Carnahan, for nine months -- from March
7 of 2013 -- from the time you transitioned until Kasper
8 was fired in December of 2013 -- was telling Russell
9 Kasper to fire you, look for reasons to fire you. Then
10 for a two months' spot there was no store manager; you
11 were then the lead for two months, correct?

12 A Yes, sir.

13 Q And then from February to July 2014, that it
14 was a setup; that this delivery on Sunday was a setup,
15 correct, according to you, to get rid of you because
16 you're -- because you're transgender, correct?

17 A Yes.

18 Q Then if that's true, ma'am, and you just told
19 the ladies and gentlemen of the jury that you did a
20 Sunday delivery to the city fair in the summer of 2014 --
21 you with me? --

22 A [No response.]

23 Q -- by the very laws of the calendar, that had
24 to have been prior to you being fired in July, correct?

25 A Yes, sir.

1 Q If that's the best plan that Mr. Morris and Mr.
2 Carnahan could come up with -- is let's let her do a
3 delivery on Sunday, give her the keys, let her do the
4 delivery, and turn around and fire her on Monday -- why
5 didn't they do that when you went and did the Sunday
6 delivery at the city fair? Can you explain that?

7 A I'm not sure what you're asking, sir.

8 (Brief pause in proceedings.)

9 Q In that book, Ms. Vanna -- and, again, I
10 apologize; we should have split it into two -- could you
11 look at tab 58, please.

12 THE COURT: Ladies and gentlemen, holding up
13 okay?

14 (Jurors all nodding affirmatively.)

15 THE COURT: Okay. We'll go a few more minutes.

16 BY MR. TRUSEVICH:

17 Q Ma'am, are you there?

18 A Yes.

19 Q Do you recognize this document that you signed?

20 A Not really, no, sir.

21 Q Ma'am, you don't recall -- you don't see your
22 printed name and signature; you're saying that's not
23 yours? Is that what you're saying?

24 A That's my signature.

25 Q Okay. You do see your signature?

1 A That's my signature.

2 MR. TRUSEVICH: Okay. And at this time, Your
3 Honor, we would offer Rent-A-Center Exhibit 58 into
4 evidence.

5 MR. SHULTZ: No objection, Your Honor.

6 THE COURT: All right. It will be allowed
7 without objection.

8 MR. TRUSEVICH: Your Honor, permission to
9 publish what's been admitted into evidence as
10 Rent-A-Center Exhibit 58 --

11 THE COURT: Yes.

12 MR. TRUSEVICH: -- to the jurors?

13 (Brief pause in proceedings.)

14 BY MR. TRUSEVICH:

15 Q First of all, at the top it says "Recording of
16 All Hours Worked Acknowledgement" form. Do you see that?

17 A Yes.

18 Q "It is a company policy that all hourly
19 coworkers are to log all hours worked by recording those
20 hours correctly in the High Touch timekeeping system. No
21 comp time (extra days/hours off in lieu of working extra
22 hours) or any other agreements regarding payment for
23 hours worked is authorized."

24 Did I read that correctly?

25 A Yes, sir.

1 Q "Additionally, it is the policy of the company
2 that the completed time sheets are to be signed by the
3 coworker. No one else, including the manager, may sign a
4 time sheet for another coworker. By signing the time
5 sheet, you are acknowledging that any and all hours
6 actually worked each day are recorded on the time sheet."

7 Did I read that accurately?

8 A Yes, sir.

9 Q "It is a violation of company policy to work
10 and not record your hours worked. Violation of this
11 policy will result in termination of employment. I
12 understand that if I am asked to work and not record all
13 hours that I work, I have the right and the
14 responsibility as a coworker to report violations of this
15 policy to the coworker relations manager at
16 800-675-0825," and then there's your signature, then your
17 printed name, and that's what you signed, correct?

18 A Yes, sir.

19 Q And you knew this all throughout working at
20 Rent-A-Center, that they have a timekeeping policy that
21 hourly coworkers have to report all their hours, or it
22 can be a violation of the law, correct?

23 A Yes, sir.

24 Q But, yet, what you're telling this jury is you
25 would volunteer on Sundays to go out and do deliveries,

1 correct?

2 A I was asked to on several occasions. Yes, sir.

3 Q Ma'am, didn't you testify in your deposition
4 that you volunteered because you wanted to be out there
5 as part of the community, putting yourself out there? Do
6 you recall saying that?

7 A Yes, sir.

8 Q I'm sorry?

9 A Yes, sir.

10 (Brief pause in proceedings.)

11 Q Ma'am, did you enjoy the Sunday deliveries
12 where you would volunteer for these and not get paid?
13 Did you enjoy those?

14 A They were fun. Yes.

15 Q And you volunteered for them, correct,
16 according to you?

17 A Yes.

18 Q But isn't it true that one of your complaints
19 was that Jason Morris put you on every delivery? Wasn't
20 that one of your complaints?

21 A It was.

22 Q Then, ma'am, can you explain that? Monday
23 through Friday you're getting paid; and you're
24 complaining, allegedly, that he put you on every
25 delivery. But, yet, on Sunday, when you're not being

1 paid, you want to do deliveries.

2 Can you explain that for the jury, ma'am?

3 A Okay. Would you ask a specific question, sir?

4 Q I'll withdraw that question.

5 By the way, the only person that you complain
6 about this alleged demotion to was Eleena, correct?

7 A No, sir.

8 Q Pull up page 121, 17 through 23, please.

9 17 through 23.

10 "Okay. And for demotion, you are saying that
11 is the -- when you were taken from a sales manager to a
12 credit manager?

13 "Answer: Correct.

14 "Which you never complained to anybody about,
15 correct, other than you said Eleena?"

16 And what was your answer?

17 A In the context of coworker relationships? Yes.
18 Eleena's the only one.

19 Q By the way, you say that you went over to
20 Marcie Bussman's. Do you recall, then, you complained
21 that Jason Morris sent you over to Marcie Bussman's for a
22 few days --

23 A Yes.

24 Q -- in the Champaign store? Do you recall that?

25 A Yes, sir.

1 Q And do you recall saying that you believed
2 Marcie Bussman put you on the truck because she thought,
3 well, maybe you're an affront to customers?

4 Do you recall telling me that in your depo?

5 A Yes, sir.

6 Q Do you think Marcie Bussman was discriminating
7 against you because you're transgender?

8 A I wouldn't venture to guess.

9 Q But you complained about it, though, right?

10 A Yes, sir.

11 Q To Mr. Morris?

12 A No, sir.

13 Q By the way, when you say you would vol-- do
14 these volunteer Sunday deliveries to the community and
15 not be paid, when you brought the merchandise back, you
16 would actually leave the merchandise -- according to
17 you -- in the back of the truck in the parking lot
18 overnight on Sunday, correct?

19 A Yes, sir.

20 Q And you have to say that because if you went
21 into the store it would trigger the alarm, correct?

22 A Yes, sir.

23 Q By the way, the first time you ever heard that
24 the EEOC was taking the position that Jason Carnahan was
25 telling Russ Kasper to fire, find ways to fire you

1 because you're transgender roughly every week for nine
2 months -- you with me?

3 The first time you ever heard that was when I
4 told you that at your deposition on January 17, 2017;
5 isn't that true?

6 A I don't remember that specifically.

7 Q Pull up page 201 of her deposition.

8 Lines 5 through 16.

9 "Okay. Then on H" -- that's the lawsuit that
10 the jury saw -- "Carnahan informed Kasper that he
11 disapproved of Kerr's gender transition, and Carnahan
12 instructed Kasper to find a way to discharge Kerr or
13 induce her to quit.

14 "Have you ever heard that before?

15 "Answer: No.

16 "So today is the first time you've ever heard
17 that allegation?"

18 And what was your answer?

19 A "Yes."

20 Q "Did Russ Kasper ever tell you that?

21 "Answer: No."

22 A No, he didn't.

23 Q And your deposition was January 17, 2017. The
24 EEOC never told you that either, did they?

25 A Not to my knowledge.

1 Q By the way -- if I asked you this, I
2 apologize -- do you recall telling me that you actually
3 invited Eleena to this Sunday delivery, this Sunday
4 event? Do you recall telling me that?

5 A No, sir.

6 Q All right. Let's look at page 241 of your
7 deposition.

8 Lines 7 through 21.

9 "How did you hear about that it was a civic
10 project that needed volunteers? Did you invite any other
11 store personnel? 'Hey, do you want to volunteer for this
12 civic project?'

13 "Answer: I did."

14 Line 12, question: "Who did you ask?"

15 Line 13: "Eleena."

16 "You asked Eleena if she wanted to volunteer
17 for Sunday?"

18 "Answer: Yes."

19 "And what did she say?"

20 And your answer back then was: "She said no."

21 Do you recall that?

22 A That's what that document says.

23 Q By the way, according to you, you say that
24 Jason Morris made it clear to the staff when he took it
25 over that -- what you told the EEOC was: He made it

1 clear that we are not going to do charity events or free
2 deliveries.

3 Do you recall that?

4 A Yes.

5 Q And I asked you: If that's the case -- if
6 that's what he said, then why would he allow you to go do
7 the Sunday delivery?

8 Do you recall what your answer was?

9 A No, sir.

10 Q "The only reason he allowed me is because it
11 was a prior commitment by Russ Kasper to do the
12 delivery."

13 Do you recall that?

14 A No, sir.

15 Q By the way, you never told the EEOC
16 investigator, Gloria Mayfield, that Russ Kasper was
17 making two to three -- two to three times a day
18 harassing, discriminatory, or embarrassing comments? You
19 never told Investigator Mayfield that at the EEOC; isn't
20 that true?

21 MR. SHULTZ: Objection, Your Honor. I believe
22 this is covered by the most recent order regarding the
23 investigative notes.

24 THE COURT: No. It's something else.

25 Overruled.

1 BY MR. TRUSEVICH:

2 Q Isn't it true, ma'am, that when Investigator
3 Mayfield was investigating this claim, you never once
4 told Investigator Mayfield that Russ Kasper was making
5 two to three times a day harassing, discriminatory, or
6 embarrassing comments about you?

7 Isn't that what you told me in your deposition?

8 A I do not remember what was said in the
9 deposition, sir.

10 Q Pull up 267, lines 9 through 15, please.

11 THE COURT: Mr. Trusevich, --

12 MR. TRUSEVICH: Yes.

13 THE COURT: -- we're at 10:30, so let us know
14 when you are --

15 MR. TRUSEVICH: After this question, Judge.
16 And I promise I am scratching lots of pages.

17 BY MR. TRUSEVICH:

18 Q "Question: Did you tell Ms. Mayfield that he
19 was making at least two to three disparaging,
20 embarrassing, harassing, and discriminatory comments to
21 you during a 19-month period? Did you tell her that?

22 "I did not state specifically those terms.
23 No."

24 Do you recall saying that, ma'am, that you
25 never told her that?

1 A That is what this document says.

2 Q And do you also agreed with the EEO-- do you
3 agree that you only told Ms. Mayfield that you complained
4 one time to Rent-A-Center, and that was about, to -- or
5 you complained to Jason Carnahan one time. That was the
6 only time you complained.

7 Do you agree with that?

8 A I do not remember what I told Ms. Mayfield.

9 Q Look at page 270, 4 through 18; and this will
10 be the last one, Your Honor.

11 4 through 18, please.

12 "The very next line says [as read]: Russell
13 discontinued from making comments.

14 "Do you see that?

15 "Okay.

16 "So if -- do you agree or disagree with
17 Investigator Mayfield that you made only one complaint;
18 that was your only complaint regarding harassment to
19 Jason Carnahan, and after that he discontinued making
20 statements.

21 "Do you agree or disagree with that?

22 "I agree that is what she wrote.

23 "But would you agree that that is factual, that
24 that captured what you were telling her?"

25 Go to 18.

1 "Again, I agree that is what she wrote."

2 Do you see that?

3 A That is what it says.

4 Q And, ma'am, do you disagree with that?

5 A That is what that document says.

6 Q And -- right. I understand you're saying
7 "that's what that document says."

8 But would you agree that was your only
9 complaint to Rent-A-Center?

10 A I would agree that is what that document says.

11 MR. TRUSEVICH: Your Honor, this is a good
12 breaking time.

13 THE COURT: Okay. All right.

14 Ladies and gentlemen, I want to give you a
15 little bit of an update, since we got straight to work
16 this morning, a little bit of an update about where
17 things stand.

18 We still expect that the parties will finish
19 with their evidence tomorrow afternoon or first thing
20 Friday. So we're still on schedule. We're going to
21 finish today about 20 after 4:00; and so if there's any
22 arrangements that you need to make or any plans you need
23 to change, that's what your current schedule is. We're
24 still on pace to finish on time.

25 Before I let you go, though, I want to remind

1 you of the instructions that I've given you earlier.
2 Until the trial is over, you're not to discuss this case
3 with anyone, including your fellow jurors, members of
4 your family, people involved with the trial or anyone
5 else.

6 If anyone approaches you and tries to talk to
7 you about the case, do not tell your fellow jurors, but
8 advise me about it immediately.

9 Do not read or listen to any news reports of
10 trial.

11 Finally, remember to keep an open mind until
12 all the evidence has been received and you've heard the
13 views of your fellow jurors.

14 I'll try to remember to give you that
15 instruction; but even if I forget, keep it in mind
16 throughout. Okay?

17 So we'll see you -- let's take 15 minutes. So
18 take your time. Relax for about 15 minutes, and then
19 we'll get back to work at about 10 to 11:00. Okay?

20 (Jury absent, 10:36 a.m.)

21 THE COURT: All right. Ms. Kerr. You may step
22 down.

23 You can all sit.

24 Just to clarify, so that there's no confusion
25 about Mr. Shultz's objection, what I ordered previously

1 was that you can get into the allegations but not the
2 EEOC findings; and so that's, that's -- I didn't want to
3 discuss that in front of the jury, but that was my
4 previous finding.

5 So I'm glad that you stopped because I didn't
6 want to get into anything as it related to what EEOC
7 determined as it related to those allegations.

8 All right. Anything from EEOC before we take
9 15 minutes?

10 MR. SHULTZ: No, Your Honor.

11 THE COURT: All right. From Rent-A-Center?

12 MR. TRUSEVICH: Nothing, Your Honor.

13 THE COURT: All right. Let's -- if you could,
14 take -- try to be back here about 10:52, '53 so we can
15 get the jury right in at '55.

16 MR. TRUSEVICH: And I promise I am wrapping it
17 up.

18 THE COURT: All right.

19 (Recess, 10:37 a.m. to 10:56 a.m.)

20 THE COURT: All right. Ready to go?

21 MR. TRUSEVICH: Your Honor, one preliminary
22 issue.

23 (Matters discussed between the Court and
24 counsel reported but not now transcribed.)

25 (Jury present, 11:08 a.m.)

1 THE COURT: All right. Ms. Kerr, just to
2 remind you: You're still under oath.

3 All right, Mr. Trusevich.

4 (Brief pause in proceedings.)

5 MR. TRUSEVICH: May I proceed?

6 THE COURT: You may.

7 BY MR. TRUSEVICH:

8 Q Ms. Vanna, I'm sure you will be happy to hear I
9 am almost finished.

10 If you could in that tab in front of you, could
11 you turn to tab -- I'm going to ask you to just turn to a
12 couple of tabs at one time and see if you recognize these
13 documents -- okay? -- in order to speed things up. Is
14 that okay with you?

15 A Yes, sir.

16 Q If you could look at numbers 22 -- tab 22. Let
17 me know when you've reviewed that, your handbook
18 acknowledgment.

19 A Okay.

20 Q Do you recognize that?

21 A It is a Coworker Handbook Acknowledgment.

22 Q All right. And then tab 23 should be your
23 Coworker Integrity Commitment Form. Do you see that?

24 A Okay.

25 Q And tab number 24, Manager Integrity Commitment

1 Form, yours. Do you see that --

2 A Yes.

3 Q -- on tab 24?

4 Okay. Then turn to tab 27. It should be an
5 Assistant Manager Job Description. Do you see that?

6 A Yes, sir.

7 Q And then I believe the last one, Ms. Vanna, is
8 if you look at 54, it should be your Code of Conduct and
9 Business Conduct and Ethics Sheet.

10 A Yes, sir.

11 MR. TRUSEVICH: All right. And with the
12 agreement of the EEOC, Rent-A-Center offers Rent-A-Center
13 Exhibits 22, 23, 24, 27, and 54 into evidence at this
14 time, Your Honor.

15 MR. SHULTZ: No objection, Your Honor.

16 THE COURT: All right. Those will all be
17 admitted without objection.

18 BY MR. TRUSEVICH:

19 Q Ms. Vanna, today is May 16, 2018, --

20 A Yes, sir.

21 Q -- correct?

22 What were you doing on that Sunday, July 20,
23 2014? What were you using the truck for?

24 A I was delivering merchandise to a customer.

25 MR. TRUSEVICH: Pass the witness.

1 THE COURT: Redirect.

2 REDIRECT EXAMINATION BY MR. SHULTZ:

3 Q Good morning, Ms. Kerr. I just have a few
4 areas to follow up on.

5 So between yesterday afternoon and this
6 morning, Mr. Trusevich asked you a lot about the various
7 allegations you made in your charge of discrimination.
8 So I'm talking about the termination, the harassment, and
9 the demotion.

10 Do you remember this testimony?

11 A Yes, sir.

12 Q And do you know what the one claim the EEOC has
13 in this lawsuit?

14 A Not specifically worded, sir.

15 Q Okay. Do you know if the EEOC is bringing a
16 claim based on demotion or harassment in this lawsuit?

17 A No, sir.

18 Q Do you know if the EEOC's bringing a claim on
19 termination in this lawsuit?

20 A Yes, sir.

21 Q Now, regarding the demotion that you had
22 alleged in your charge of discrimination, Mr. Trusevich
23 questioned you about why you felt you had been demoted
24 when you had been transferred from one assistant manager
25 to the other.

1 Do you remember that?

2 A Yes, sir.

3 Q Could you just explain for the jury why at the
4 time you felt that that was a demotion?

5 A While it is a lateral, it's been my experience
6 that it's a lot harder to get promoted from a credit
7 manager position into a store manager position, other
8 than a sales position.

9 Q And then regarding the harassment that you
10 allege in the charge, Mr. Trusevich eventually got up to
11 a couple hundred instances of harassment that must have
12 happened if you were being subjected to harassment two to
13 three times a day for every day you worked.

14 Do you remember that?

15 A Yes, sir.

16 Q And are you saying that you were actually
17 harassed two or three times a day?

18 A No, sir.

19 Q Could you -- could you describe what you, why
20 you say that?

21 A There were days where it might have happened
22 once. There were days where it might have happened six,
23 seven, eight times. It wasn't like a consistent number
24 every day.

25 Q And if you could turn to your deposition,

1 page 90 -- oh, I don't know if you have it.

2 (Brief pause in proceedings.)

3 MR. SHULTZ: Permission to approach, Your
4 Honor?

5 THE COURT: Allowed.

6 BY MR. SHULTZ:

7 Q And so this is page 90, line 15.

8 And so the question is: "And if he made
9 those" -- this is Kasper -- "even over a 19-month period
10 and it was two, three times a day -- at least two, three
11 times a day, according to you, then certainly it was at
12 least a couple hundred times.

13 "Would you agree with that?"

14 And then your answer is, on line 22: "Again,
15 it's an escalation. He would have gone a month or two
16 after I gave him the papers without doing at least it to
17 my face, and then it would start out to where it would
18 progress and become progressively worse. And then once
19 Carnahan talked to him the first time, it stopped; and
20 then it would escalate again."

21 Could you describe what you meant by
22 "escalation" in that passage?

23 A "Escalation" just meant it would start, you
24 know, with random here and there; and then as time would
25 go on, it would get to where it was becoming more and

1 more consistent.

2 Q And regarding the termination -- well,
3 regarding Mr. Kasper, your testimony that Kasper was the
4 one who had made the commitment to Ms. Shumate, could you
5 please turn to deposition page 31.

6 And here -- I'm referring to lines 11 to 15,
7 counsel.

8 And here, the question was: "That he" -- and
9 the "he" here refers to Mr. Wiedemann -- "that he had
10 made arrangements with Kasper or that Amber Shumate had
11 made arrangements?"

12 And then answer: "That they. I don't know
13 specifically what, who made the arrangements."

14 So do you remember sitting here today who made
15 the arrangements to move Ms. Shumate's -- to redeliver
16 Ms. Shumate's furniture?

17 A No, sir. I do not. That was something that I
18 had assumed at the time.

19 Q And why did you assume it at the time?

20 A Part of it was the context of the conversation
21 during the deposition. And then there was -- at that
22 point in time, there was no reason for me to believe
23 otherwise.

24 Q And there was some questioning earlier this
25 morning about a delivery you said you had made for a city

1 fair in the summer of 2014.

2 A Yes, sir.

3 Q And I'm just curious: Do you remember making a
4 delivery to the city fair?

5 A It wasn't a delivery. It was a return. When
6 some of these short-term events happened, they will rent
7 the merchandise on Friday. The event will end on Sunday,
8 and they'll need that merchandise picked up. I mean, you
9 can't leave a refrigerator or freezer in the middle of a
10 parking lot or field overnight. It just won't be there
11 in the morning.

12 Q And do you remember if that event specifically
13 happened in the summer of 2014?

14 A I do not remember that specific date.

15 Q Keeping on that Sunday, Mr. Trusevich asked if
16 you would be surprised if, to learn that Jason Morris had
17 attempted, allegedly, to call you twice.

18 Do you remember that?

19 A Yes.

20 Q And you said you didn't have your phone with
21 you and -- but you wouldn't be surprised. Why wouldn't
22 you have been -- why aren't you surprised if that's the
23 case?

24 A Well, I mean, Jason Morris had mentioned that
25 he had drove down from Champaign to the Rantoul store,

1 noticed that the truck was missing. I mean, if things
2 were as Mr. Trusevich claims, then I'm sure Jason Morris
3 would have tried to have called.

4 Q Well, even if -- so when you got back home and
5 saw your phone, did you see any missed calls from Jason
6 Morris?

7 A No, sir.

8 Q And how could that be?

9 A I do not know.

10 Q Ms. Shumate's new residence, it was in a rural
11 area?

12 A Yes, it was.

13 Q Could -- do you have any understanding whether
14 that could have played into it or not?

15 A It is possible. Cell phone coverage is very,
16 very spotty out there.

17 Q And why did you move from Paxton to Palos
18 Hills?

19 A My now husband, given the situation being
20 terminated with Rent-A-Center, had asked me to move in
21 with him.

22 Q And what did you move -- use to move from
23 Paxton to Palos Hills?

24 A My now father-in-law's truck.

25 Q Could you describe the truck?

1 A A white Toyota truck.

2 Q And what did you use to move out of the tattoo
3 shop?

4 A It was a different vehicle. It was a -- my
5 ex's truck and trailer.

6 Q Mr. Trusevich had shown you a lot of documents
7 with various dates, trying to establish when you moved
8 from your apartment in Paxton.

9 Do you remember that?

10 A Yes.

11 Q And in your deposition, you had said it was
12 September/October. Do you remember that?

13 A Yes.

14 Q Could it have been a different month?

15 A It could have been.

16 Q And could you explain why?

17 A I didn't keep track of all the time. I don't
18 keep journals. I don't wear a watch. I just -- I don't
19 have that kind of information at hand.

20 Q And Mr. Trusevich showed you -- this is
21 regarding your unemployment application. It's called an
22 adjudication summary; I can pull it up if you'd like, but
23 it's, it's the sheet with the, the interview notes from
24 the adjudicator.

25 A Yes, sir.

1 Q And you testified that that -- you remember
2 that phone call between you and this person for -- the
3 adjudicator?

4 A Yes, sir.

5 Q Could you describe how long that conversation
6 took?

7 A It took a few minutes -- maybe around 20.

8 Q And prior to this litigation, did you ever have
9 a chance to review that after the adjudicator had, had
10 made it -- had written it?

11 A No, sir.

12 Q Do you have any idea why the adjudicator would
13 have written the Goodwill and the church on that
14 adjudication summary?

15 A No, sir.

16 Q And regarding the sale of the furniture, in
17 February of 2014, at the time of your deposition, you
18 testified that you didn't remember selling it to Ms.
19 Shumate; is that correct?

20 A Yes, sir.

21 Q And you didn't even remember when the sale
22 occurred, right?

23 A Yes, sir.

24 Q Do you remember the first time you saw the
25 Rent-A-Center receipt substantiating that purchase?

1 A Yes, sir.

2 Q Was it before or after your deposition?

3 A It was during the deposition.

4 Q The Rent-A-Center receipt was during your
5 deposition?

6 A I think so.

7 Q So, if you had seen the deposition -- if you
8 had seen the Rent-A-Center receipt during the deposition,
9 why didn't you remember the dates in the deposition?

10 A I do not know.

11 Q Okay. Just, I think, two final topics. It
12 should be fairly short, Ms. Kerr.

13 Mr. Trusevich had started to ask you a question
14 sometime this morning but then withdrew it. I'd like to
15 give you a chance to answer it, and this is regarding --
16 you stated you like to put yourself out there in the
17 community to do volunteer events for Rent-A-Center.

18 And why, why did you say that? Why, why do
19 you -- why did you like to put yourself out in the
20 community to represent Rent-A-Center?

21 A At the time, I believed Rent-A-Center had an
22 intention to help people. I liked to show that side of
23 the company to people. It was one of those things that
24 kind of made me more connected with my job. It -- you
25 know, it was also kind of a marketing tactic to help

1 generate new customers.

2 Q And was there any part of Rent-A-Center's
3 mission statement or goals that you had read --

4 A Yes, sir. It's part of their core values.

5 Q And could you describe -- could you describe
6 that? How is it part of their core values?

7 A It's, basically, to serve the community. I
8 don't remember the specific statement.

9 Q And, lastly, Mr. Trusevich had made a reference
10 to your direct testimony yesterday about feeling shocked
11 that you had been fired after nine years.

12 Do you remember that?

13 A Yes, sir.

14 Q Now, I'd just like to follow up briefly on
15 that. Had you ever been fired from a job before this?

16 A No, sir.

17 Q And was Rent-A-Center your primary source of
18 income?

19 A Yes, it was.

20 Q So when Mr. Trusevich was suggesting that you
21 weren't bothered by being fired from Rent-A-Center, is
22 that true?

23 A Not at all.

24 Q And could you explain how you felt?

25 A I mean, well, given the entire situation -- you

1 know, just being fired after making the arrangements, you
2 know, with Jason Morris -- I was just kind of
3 dumbfounded. I wasn't sure exactly what happened. I
4 wasn't sure what to do next.

5 Q And did you have Mr. Morris's permission to use
6 the truck on Sunday, July 20, 2014?

7 A Yes, I did.

8 MR. SHULTZ: I have nothing further, Your
9 Honor.

10 THE COURT: Any follow-up, Mr. Trusevich, on
11 that scope?

12 MR. TRUSEVICH: What's that?

13 THE COURT: Any follow-up on that scope?

14 MR. TRUSEVICH: Just a little bit.

15 RE-CROSS-EXAMINATION BY MR. TRUSEVICH:

16 Q First of all, the questions he just asked you
17 about the mission statement; --

18 A Yes, sir.

19 Q -- do you recall that?

20 Nothing on the mission statement says, "Work
21 off the clock," correct?

22 A No, it doesn't.

23 Q All right. And, finally, Ms. Vanna, I asked
24 you in your deposition -- I said: If, if you had moved
25 at the end of July to go up to be with your now husband,

1 Kane Vanna, if you had moved, I said, where would you
2 have moved?

3 And do you recall what your answer was?

4 A No, sir.

5 Q You answered, "I would have moved to Palos
6 Hills with my now husband."

7 I said: Isn't that correct?

8 And your answer was "yes."

9 Do you recall giving me that answer?

10 A Okay, sir.

11 Q And isn't that exactly what happened? You were
12 using the truck to be with your now husband, Kane Vanna,
13 at Palos Hills?

14 A Absolutely not.

15 MR. TRUSEVICH: I'm sorry. Pass the witness.

16 MR. SHULTZ: Nothing further, Your Honor.

17 THE COURT: Ms. Kerr, you're welcome to step
18 down.

19 Is Ms. Kerr here on subpoena or voluntarily
20 or --

21 MR. SHULTZ: She's here voluntarily.

22 THE COURT: All right. So any reason to keep
23 her around?

24 MR. TRUSEVICH: No, Your Honor.

25 THE COURT: You're free to -- free to go.

1 Leave the microphone behind.

2 (Witness Vanna excused, 11:27 a.m.)

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