

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Docket No. 16-2222

Plaintiff,

vs.

Urbana, Illinois
May 15, 2018
1:30 p.m.

RENT-A-CENTER EAST, INC.,

Defendant.

TESTIMONY OF AMBER SHUMATE

BEFORE THE HONORABLE ERIC I. LONG
UNITED STATES MAGISTRATE JUDGE

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

For the Plaintiff: JUSTIN MULAIRE, ESQUIRE
EEOC
33 Whitehall Street, 5th Floor
New York, NY 10004
212-336-3744

MILES EZEKIEL SHULTZ, ESQUIRE
EEOC
500 West Madison St., Suite 2000
Chicago, IL 60661
312-869-8053

For the Defendant: STEPHANIE J. QUINCY, ESQUIRE
Quarles & Brady, LLP
Renaissance One
2 North Central Avenue
Phoenix, AZ 85004-2391
602-229-5407

ANDREW MONROE TRUSEVICH, ESQUIRE
Rent-A-Center, Inc.
5501 Headquarters Drive
Plano, TX 75024
972-801-1465

Proceedings recorded by mechanical stenography; transcript
produced by computer.

1 (In open court; jury present; 1:30 p.m.)

2 AMBER SHUMATE, sworn, 1:30 p.m.,

3 DIRECT EXAMINATION BY MR. MULAIRE:

4 Q Good afternoon. Could you please state your
5 name for the record?

6 A Amber Shumate.

7 Q Thank you.

8 Where do you currently reside?

9 A Royal, Illinois.

10 Q Is that in a house or an apartment?

11 A A house.

12 Q And do you own or rent?

13 A Rent.

14 Q And who do you reside there with?

15 A My husband and my four kids.

16 Q How long have you been at your current address
17 in Royal?

18 A Four years this July.

19 Q So you moved there in July of 2014?

20 A Yes, sir.

21 Q And where were you staying before July of 2014?

22 A At my mother-in-law's house in Rankin,
23 Illinois.

24 Q And just approximately how long had you been
25 staying there?

1 A Since about November 2013.

2 Q How, have you ever purchased any merchandise
3 from a Rent-A-Center store?

4 A Yes.

5 Q And which Rent-A-Center store did you go to?

6 A The Rantoul office.

7 Q And when was that?

8 A February 2014.

9 Q And have you ever bought anything from
10 Rent-A-Center before that?

11 A No, sir.

12 Q And in February 2014, what had you purchased
13 from Rent-A-Center?

14 A A large couch, brown couch, and a large brown
15 bed frame with sound.

16 Q And when you say "with sound," what do you --

17 A It has speakers in it.

18 Q Okay. And was this furniture that you rented
19 from Rent-A-Center or that you bought outright?

20 A Bought outright, sir.

21 Q And why were you buying this furniture at that
22 particular time of year?

23 A We received our tax refund check and were
24 capable of getting new furniture.

25 Q Okay. And was the furniture you bought new or

1 used?

2 A Used.

3 Q And how did you pay for it?

4 A With my husband's debit card.

5 Q You know what? At this point, I would like to
6 approach the witness and hand her what's been marked
7 Plaintiff's Exhibit 4.

8 MR. MULAIRE: Your Honor, could I confer with
9 opposing counsel?

10 THE COURT: Sure.

11 (Brief pause in proceedings.)

12 MR. MULAIRE: Your Honor, at this time, the
13 plaintiff would move Plaintiff's Exhibit 4 into evidence.

14 MS. QUINCY: No objection, Your Honor.

15 THE COURT: All right. It will be admitted
16 without objection.

17 MR. MULAIRE: Thank you.

18 BY MR. MULAIRE:

19 Q Ma'am, could you please take a look at what's
20 been marked Plaintiff's Exhibit 4? And just let me know
21 when you've had a chance to review it.

22 A Yes, sir.

23 Q And could I have the ELMO?

24 I apologize for the very small font.

25 Let's start with that. First of all, does

1 the -- do you see that this exhibit describes two items
2 of furniture?

3 A Yes, sir.

4 Q And does the exhibit accurately describe the
5 two items of furniture that you purchased from
6 Rent-A-Center back in 2014?

7 A Yes, it does.

8 Q Could you just read for us: What are those?

9 A "RD Dream Surfer brown queen bed with sound.
10 Three-piece Vista chocolate sectional with accent
11 pillow."

12 Q Okay. And if you look a little bit to the
13 left, you see the name under the "Customer" column is
14 "Amy Wilkerson." Who is that?

15 A That would be me.

16 Q And could you explain: Was your name Wilkerson
17 at the time?

18 A Wilkerson was my maiden, and Amy is the name
19 I've gone by since I was 12.

20 Q Okay. Amy is a nickname?

21 A Yes, sir.

22 Q And Wilkerson is your name before you got
23 married?

24 A Yes, sir.

25 Q And your last name now is Shumate?

1 A Correct.

2 Q Now, does the exhibit accurately reflect the
3 prices that you paid for those two items of furniture?

4 A Yes, they do.

5 Q Okay. You can set that aside.

6 Now, was there any particular store employee
7 that you talked to when you bought the merchandise?

8 A When it was bought, I spoke with Megan Kerr.

9 Q And, in fact, actually, I will -- just for the
10 jury, you don't need to -- the "Employee Name" on
11 Exhibit 4 says "Megan Kerr," correct?

12 A Correct.

13 Q Okay. And, now, had you initially talked to
14 anybody else at Rent-A-Center?

15 A Yes.

16 Q Who was that?

17 A Another manager, Jason.

18 Q And why did you eventually start speaking with
19 Megan instead?

20 A Jason kept going outside of the price frame we
21 had and away from what we were looking for.

22 Q Okay. Now, at some point in the future, did
23 you eventually become friends with Megan?

24 A Yes, sir.

25 Q But now focusing on two thousand four --

1 February 2014, at the time that you bought this furniture
2 from Rent-A-Center, were you friends with Megan at that
3 point?

4 A No, sir.

5 Q How well did you know Ms. Kerr at that point in
6 time?

7 A I had only met her about two times.

8 Q Okay. And who had you met her through?

9 A Cash, Russell Wiedemann.

10 Q And so Russ-- that's Russell Wiedemann, and
11 "Cash" was his nickname?

12 A Yes, sir.

13 Q And at that time, who was Mr. Wiedemann to you?

14 A He was like a father to me.

15 Q He wasn't biologically related to you but --

16 A No, sir.

17 Q -- someone you were close to?

18 A Yes.

19 Q And now at some point did that change?

20 A Yes, sir.

21 Q And, just very briefly, why?

22 A Our family responsibilities just separated.

23 Q Okay. And so the two of you grew apart?

24 A Correct.

25 Q Now, going back to the furniture that you

1 purchased from Rent-A-Center, did you have Rent-A-Center
2 deliver the furniture back when you initially purchased
3 it back in February of 2014?

4 A Yes, I did.

5 Q Where did you have Rent-A-Center deliver it to?

6 A To my mother-in-law's house in Rankin.

7 Q Okay. And that's because you were still
8 staying in your mother-in-law's house as of
9 February 2014?

10 A Correct.

11 Q And approximately how long after you bought the
12 furniture in February 2014 was that initial delivery?

13 A Within two weeks.

14 Q Okay. And do you remember: Who was the
15 Rent-A-Center employee that delivered those items to your
16 mother-in-law's house?

17 A Ms. Kerr.

18 Q Okay. And were you home when she arrived with
19 the furniture?

20 A No, I wasn't.

21 Q So how do you know that she was the one who
22 delivered it?

23 A I arrived as she was finishing putting it
24 together.

25 Q Okay. Now, at the time that you were looking

1 into buying the furniture, were you planning -- or at the
2 time that you bought the furniture, were you planning to
3 stay in your mother-in-law's house for a long time?

4 A No, we weren't.

5 Q And why is that?

6 A We were currently looking for a house because
7 there wasn't much room for all of us.

8 Q Okay. Now, did you raise that -- did you raise
9 with Ms. Kerr at the time you bought the furniture the
10 possibility that you might want it delivered to a new
11 address sometime in the future?

12 A Yes, sir.

13 Q And what did Ms. Kerr say in response?

14 A That it might be a possibility to do it.

15 Q And did she make a, any kind of firm commitment
16 at that point in time?

17 A No. She did not.

18 Q So, it was in July 2014 that you then moved
19 from your mother-in-law's house in Rankin to your new
20 home in Royal, correct?

21 A Yes.

22 Q And was Mr. Wiedemann involved at all in
23 moving, organizing your move?

24 A Yes.

25 Q And what role did he have in that?

1 A He organized pretty much all of it.

2 Q Okay. And do you know one way or the other
3 whether Mr. Wiedemann contacted the Rent-A-Center store
4 at some point about getting those two items of furniture
5 delivered to your new home?

6 A I don't know if he contacted Rent-A-Center
7 himself.

8 Q Okay. And if he did, would you know who he
9 talked to?

10 A No, I wouldn't.

11 Q Okay. Now, did you hear from Ms. Kerr at any
12 point in advance of your move in July?

13 A Yes.

14 Q And, roughly, how long in advance of your move
15 did you hear from her?

16 A Within a week and a half before the move,
17 actual move date.

18 Q Okay. And what did you hear from her?

19 A That the original date that we chose had to be
20 moved to the next weekend because someone else was using
21 the truck that weekend.

22 Q Okay. And so did Rent-A-Center ultimately move
23 the bed frame and the couch to your new home in Royal?

24 A Yes, they did.

25 Q And was that move on the weekend of Sunday,

1 July 21st?

2 A It sounds right.

3 Q Okay. And just to be clear, do you remember
4 whether it was Saturday or Sunday of that weekend?

5 A No. But I know it was a Saturday or Sunday.

6 Q Okay. And it was -- sorry.

7 And, now, setting aside those two items of
8 Rent-A-Center furniture, were there other people who were
9 helping with, move the rest of your stuff from Rankin to
10 Royal that day?

11 A Yes, sir.

12 Q And who were those people?

13 A Friends of Cash.

14 Q Okay. And, now, on that day when Rent-A-Center
15 delivered, redelivered the two items of furniture, did
16 you see who from Rent-A-Center delivered the bed frame
17 and couch to Royal?

18 A Ms. Kerr came in and introduced, shook hands --
19 the polite way.

20 Q Okay. And could -- did you see what vehicle
21 she had arrived in?

22 A It was the Rent-A-Center box truck.

23 Q Okay. And did it have any decals or anything
24 on the side?

25 A The big Rent-A-Center logo.

1 Q Okay. And do you recall what Ms. Kerr was
2 wearing at the time?

3 A A polo, Rent-A-Center shirt and black pants.

4 Q Okay. And how could you tell it was a
5 Rent-A-Center shirt?

6 A It had the logo on it.

7 Q Okay. And that day, did you at any point see
8 Ms. Kerr help move any of your other furniture, other
9 than those two items from Rent-A-Center, to your house to
10 Royal that day?

11 A No. I didn't see.

12 Q Okay. Now, let me ask: Are you related to Ms.
13 Kerr in any way?

14 A No, I'm not.

15 Q And, now, you said you eventually became
16 friends. Would you say close friends?

17 A No.

18 Q Now, at the time of your deposition in this
19 case a year ago -- do you remember having your deposition
20 taken?

21 A Yes, sir.

22 Q And so you didn't even know at that time
23 whether Ms. Kerr was married or not, correct?

24 A No.

25 Q And do you have any personal stake in the

1 outcome of this case?

2 A No.

3 Q And, in fact, did you -- you didn't -- did not
4 want to be involved in this case at all, did you?

5 A Correct, sir.

6 Q And, in fact, you had to be subpoenaed to your
7 deposition, and you're only appearing today pursuant to a
8 subpoena; --

9 A Correct.

10 Q -- is that correct?

11 MR. MULAIRE: Thank you for your time. Those
12 are all the questions I have.

13 THE COURT: Ms. Quincy.

14 CROSS-EXAMINATION BY MS. QUINCY:

15 Q Good afternoon.

16 A Good afternoon.

17 Q When did you get married?

18 A August 7, 2015.

19 Q Did you go by the name "Amber Shumate" before
20 you were married?

21 A No.

22 Q Have you ever met Russ Kasper?

23 A The name doesn't sound familiar, but there was
24 an inspector that came to my house one night that wasn't
25 part of the EEOC.

1 Q Okay. Russ Kasper used to be a manager at
2 Rent-A-Center.

3 A Oh.

4 Q Does that ring a bell at all?

5 A No. I'm sorry.

6 Q Had you ever been into the Rent-A-Center in
7 Rantoul, Illinois, prior to February 2014?

8 A I had been inside of it but never bought
9 anything.

10 Q When had you been in before?

11 A A few times, just to look.

12 Q Around February of 2014?

13 A It, it might have been January.

14 Q Okay. So sometime in 2014, you went in the
15 store a few times before you made the purchase?

16 A Yes.

17 Q And you're confident that you made the purchase
18 in cash?

19 A No. I said credit card.

20 Q You didn't buy it on a payment plan; --

21 A Correct, yes.

22 Q -- you paid outright for it?

23 I believe that Defendant's -- Plaintiff's
24 Exhibit 2, is that the receipt? Or is it 4?

25 MR. MULAIRE: Yes. She has the original. It's

1 4.

2 MS. QUINCY: Your Honor, it's identical to
3 Defendant's Exhibit 52, which I have on my computer
4 actually popped up so we can see some salient features of
5 it, if the Court would allow us to pop Defendant's 52 up.

6 (Brief pause in proceedings.)

7 BY MS. QUINCY:

8 Q Now, Ms. Shumate, you didn't get a copy of this
9 receipt, did you?

10 A I was given a receipt. I'm not sure if it
11 looked like that.

12 Q This is actually --

13 A That was a long time ago.

14 Q And I'll represent for the record and for you:
15 This is an internal Rent-A-Center document.

16 A Okay.

17 Q But I want to make sure: Can you see on the
18 screen in front of you? It may be easier to see because
19 I've got some boxes popped out.

20 February 20th of 2014, that's consistent with
21 your memory as to when you purchased it, correct?

22 A Yes, ma'am.

23 Q And you bought -- down on the bottom box that's
24 popped out -- a bed frame, right?

25 A Yes, ma'am.

1 Q Now, that bed frame was just the headboard, the
2 footboard, and two side rails?

3 A Yes, ma'am.

4 Q It wasn't the mattress and the box spring?

5 A Correct.

6 Q When Ms. Kerr came to your home and set it up,
7 I'm assuming you had a box spring and a mattress, and you
8 weren't just sleeping on the ground in the bed frame?

9 A Correct.

10 Q Three-piece chocolate Vista sectional, that's a
11 big sectional couch?

12 A Yes, ma'am.

13 Q And Ms. Kerr also brought that to your home and
14 set it up in your living room?

15 A Correct.

16 Q Do you know -- because there is some furniture
17 that's certainly more expensive than what you purchased
18 for sale at the Rent-A-Center store, correct?

19 A Yes, ma'am.

20 Q And this furniture was used, right?

21 A Yes.

22 Q Meaning some other customer had bought it?

23 A Yes.

24 Q And for whatever reason -- couldn't pay for it
25 or didn't want to continue paying for it -- it was back

1 at the store, right?

2 A Yes.

3 Q Do you know what the new price would have been
4 for that chocolate Vista sectional?

5 A No, ma'am.

6 Q Would it surprise you to learn it was \$1500?

7 A Yeah.

8 Q That's a pretty good deal that you got on that
9 sectional; would you agree?

10 A Yes, ma'am.

11 Q Are you still using it?

12 A No.

13 Q Were you -- when did you get rid of it?

14 A Last year. It finally gave out.

15 Q Four kids?

16 A Yes.

17 Q How old are your kids?

18 A Under ten, all of them.

19 Q A lot of toys?

20 A Yes.

21 Q A lot of plastic dishes and those kinds of
22 things?

23 A Yes, ma'am.

24 Q Any little-little ones?

25 A I have a three-year-old. He wasn't born at the

1 time of buying it.

2 Q Were you pregnant with him?

3 A At the time that we moved to Royal.

4 Q And I understand that you were on bed rest in
5 July of 2014?

6 A Yes, ma'am.

7 Q That would be with the little guy?

8 A Yes.

9 Q And was that, like, serious; you were on bed
10 rest beyond bed rest?

11 A Yes.

12 Q So you did not aid in that move?

13 A Correct.

14 Q When was the little guy born?

15 A He was January 19, 2015.

16 Q Were you on bed rest the entire rest of your
17 pregnancy?

18 A I was advised to take it extremely easy.

19 Q You have at different times -- do you know what
20 Facebook is?

21 A Yes.

22 Q Are you on Facebook?

23 A Yes, ma'am.

24 Q Is Ms. Kerr on Facebook?

25 A I'm sure. Most people are.

1 Q Well, you actually know that she's been on
2 Facebook, right?

3 A Yes.

4 Q Because you've been friends with her --

5 A Yes.

6 Q -- on Facebook?

7 A I haven't in the last while; but, yes, ma'am,
8 she did have one.

9 Q And do you know what name she's going by now?

10 A No, ma'am.

11 Q The day of your move, did you meet her
12 boyfriend?

13 A Yes.

14 Q What was his name, or what is his name?

15 A [No response.]

16 Q You're going to lose major friendship points if
17 you cannot remember this one.

18 A We're not friends.

19 Q How about Kane Vanna?

20 A Yes.

21 Q Do you remember meeting Kane Vanna?

22 A Yes.

23 Q Okay. Did -- was he riding with Megan that
24 day?

25 A He was there. I don't know if he arrived with

1 her.

2 Q Was he helping with the move?

3 A With the move itself, yes.

4 Q So Ms. Kerr had brought along her boyfriend to
5 help with the move, correct?

6 A I do not know if he arrived with her.

7 Q Okay. But he was there?

8 A Yes.

9 Q And you hadn't reached out to him and said,
10 "Hey, can you help me with the move?"

11 A I didn't control any of that.

12 Q Right.

13 A Russell did.

14 Q You understand Mr. Wiedemann --

15 A Yes.

16 Q -- also has given testimony in this case?

17 A Yes.

18 Q And also will give testimony in this case?

19 A He passed away; but, yes.

20 Q Well, we got a chance to talk to him before he
21 passed away, and we videotaped his deposition, --

22 A Yes, ma'am.

23 Q -- which will be played for the jury.

24 A Uh-huh.

25 Q You and Mr. Wiedemann had something of a

1 falling-out, didn't you?

2 A We just kind of separated. He got a wife, and
3 it -- family responsibility took over. We didn't spend
4 as much time together, and we just separated from that.
5 We still stayed in contact.

6 Q Is the testimony that you're providing in this
7 case any of the reason that Mr. Wiedemann stopped being
8 friendly with you?

9 A No.

10 Q Let's -- let me ask you a couple more questions
11 about Facebook. You post pretty regularly, don't you?

12 A Not as much anymore, no.

13 Q You did for a time, didn't you?

14 A Yes.

15 Q When did you have your baby that you were on
16 bed rest? Was that in January?

17 A January 19, 2015, is when he was born.

18 Q Do you remember moving some additional
19 furniture yourself, by yourself, including a dresser and
20 a couch --

21 A Yeah.

22 Q -- in October of 2014?

23 Do you recall that?

24 A Yes, ma'am.

25 Q And you posted a note about it on Facebook,

1 saying you had done that yourself, and you really could
2 use some help if anybody wanted to come help you move
3 some additional furniture.

4 Do you recall that?

5 A Yes, ma'am.

6 Q What's the name you use on Facebook?

7 MR. MULAIRE: Your Honor, I'm going to object
8 to the relevance of this line of question.

9 THE COURT: Let's try out that sidebar stuff.

10 (Delay due to courtroom technology issues.)

11 (At the sidebar.)

12 THE COURT: The objection is relevance. And
13 you ask for the name she was using. That's --

14 MS. QUINCY: She goes by "Amber Shumate."
15 We've never heard this "Amy Wilkerson" ever before. She
16 testified on her direct that Amy Wilkerson was the name
17 she's been known by since she was 12 years old.

18 THE COURT: All right. I'm going to overrule
19 your objection.

20 MR. MULAIRE: Okay.

21 (In open court.)

22 THE COURT: All right. You may begin -- or
23 continue, I guess.

24 BY MS. QUINCY:

25 Q Ms. Shumate, you have a Facebook page, correct?

1 A Yes, ma'am.

2 Q And the name on that Facebook page is "Amber
3 Shumate," isn't it?

4 A Yes, ma'am.

5 Q "Amy" is not anywhere your Facebook page?

6 A I've changed it a few times.

7 Q When did you change it?

8 A Many times over the years.

9 Q Because it says "Amber Shumate" in 2015, "Amber
10 Shumate" in 2014; and, actually, it's "Amber Shumate"
11 today, isn't it?

12 A Yes, ma'am.

13 Q And it doesn't have "Amy" in parentheses, does
14 it?

15 A No, ma'am.

16 Q You didn't know -- what does your driver's
17 license say?

18 A "Amber Shumate."

19 Q The credit card that you used to purchase the
20 furniture, it wasn't in your name, was it?

21 A No. My husband's.

22 Q And what's his name?

23 A Michael Shumate.

24 Q You knew Ms. Kerr at the time you purchased the
25 furniture?

1 A I had met her twice before that.

2 Q You weren't friendly with her?

3 A Not friends, no.

4 Q Did you know she was friendly with Mr.
5 Wiedemann?

6 A I knew they were friends. Yes.

7 Q You knew that, at least for a time, he worked
8 in her tattoo shop?

9 A That was after me buying the furniture.

10 Q There was no mini storage unit that any of the
11 furniture was ever delivered to; isn't that correct?

12 A Correct.

13 Q Mr. Morris never represented to you that
14 Rent-A-Center could assist in your personal move, did he?

15 A No.

16 Q And I didn't hear you say the name "Masons" in
17 your direct testimony. Is it your testimony today that
18 this -- you were a civic project of the Masons in July of
19 2014?

20 A I knew there were Masons there.

21 Q Ma'am, my question is very specific. Ms. Kerr
22 has given testimony in this case that your move was a
23 project of the Masons.

24 Is that true?

25 A I didn't know it was counted as a project,

1 ma'am; but there were many Masons there --

2 Q Okay.

3 A -- is my --

4 Q Ma'am, I'd like you to listen to my question
5 and just answer the question that I'm asking.

6 Ms. Kerr testified that the Masons paid for
7 your furniture. Did they?

8 A No.

9 Q Ms. Kerr testified that the Masons helped you
10 find a new home. Is that true?

11 A No.

12 Q Ms. Kerr testified at one point that she was
13 helping move a dislocated family. Ma'am, were you
14 dislocated in some way at that time?

15 A What do you mean?

16 Q Did you have a roof over your head?

17 A Yes, ma'am.

18 Q Were you able to provide for your children?

19 A Yes, ma'am.

20 Q No mini storage unit?

21 A No.

22 Q Ms. Kerr did not pick up the Rent-A-Center
23 vehicle and drive to a mini storage unit to pick up the
24 bed frame and the sectional, correct?

25 A Correct.

1 Q The bed frame and the sectional were already at
2 your mother-in-law's house?

3 A On the property, yes.

4 Q You had been using the sectional?

5 A It had gotten transferred.

6 Q You had moved it at some point to --

7 A There's a garage on the property used as
8 storage.

9 Q Okay. But Ms. Kerr had brought the bed frame
10 and the sectional to your home in February of 2014 and
11 set it up for you?

12 A Yes, ma'am.

13 Q She wouldn't have known that it had been moved,
14 right?

15 A Correct.

16 Q She didn't come out and help you move it into
17 your mother-in-law's garage, did she?

18 A No.

19 Q It was still at your mother-in-law's house?

20 A Yes, ma'am.

21 Q What about the bed frame? Were you still using
22 the bed frame?

23 A Yes, ma'am.

24 Q So it was still in use the day of your move, --

25 A Yes, ma'am.

1 Q -- correct?

2 You said your move was originally scheduled for
3 the weekend before that?

4 A Correct.

5 Q And there were going to be a number of people
6 coming July 13th to move the entire contents of your home
7 to another home, correct?

8 A Yes.

9 Q And these 10 or 20 people -- were there 10 or
10 20 people? I think in your deposition, you said there
11 were 10 --

12 A There were quite a few people.

13 Q Okay. So there were 10 or 20 people who had
14 committed to moving you on July 13th of 2014, right?

15 A Yes, ma'am.

16 Q And they had to have a big moving truck of some
17 sort of their own, didn't they?

18 A No, ma'am. It was a truck and a flatbed.

19 Q But they had a flatbed truck?

20 A The pull-behind that attaches onto a pickup
21 truck. It was a small one; but, yes.

22 Q Okay. So you needed the Rent-A-Center truck to
23 move?

24 A To move the Rent-A-Center furniture. It was
25 big furniture, ma'am.

1 Q But, ma'am, you also had a lot of other
2 furniture you were moving, didn't you?

3 A Yes, ma'am.

4 Q I mean, we've already talked about the bed
5 frame, the box spring, the mattress, all of the boxes of
6 your children's toys, dishes. I'm assuming your children
7 slept in beds?

8 A Yes, ma'am.

9 Q So there was a lot of other furniture being
10 moved that day?

11 A Yes, ma'am.

12 Q And you had the capacity July 13th of 2014 to
13 move all of that stuff, right?

14 A Yes, ma'am.

15 Q But you changed it because Megan was unable to
16 show up to move the bed frame and the three-piece
17 sectional?

18 A Yes, ma'am. We were trying to move out all in
19 one day.

20 Q Okay. And they couldn't have put all that
21 other stuff on the other vehicles that you had?

22 A They were getting full. I'm sorry.

23 Q But you were sitting somewhere on bed rest,
24 right?

25 A I was packing.

1 Q How did you know they were getting full? Had
2 they already been loaded up?

3 A I had walked outside once where the other --

4 Q Ma'am, on July 13th, were they already there
5 and packed up all the stuff and realized they did not
6 have enough truck capacity to take the sectional and the
7 bed frame?

8 A I wasn't a part of the original planning of it.
9 I don't know who did what or where.

10 Q But you do know that somehow all this furniture
11 wouldn't have fit on what these 10 to 20 other people
12 had --

13 A That's what numerous --

14 Q -- their vehicles?

15 A -- trips are for.

16 Q Pardon me?

17 A That's what numerous trips are for.

18 Q Exactly.

19 And so 10 to 20 people were coming on
20 July 13th. Couldn't they have just made an extra trip
21 rather than you taking a chance that those 10 to 20
22 people wouldn't show up a week later?

23 A I don't know, ma'am. I didn't control that.

24 Q That was all Cash Wiedemann?

25 A Yes.

1 Q And he's a truth teller, isn't he?

2 A [No response.]

3 Q He was a father figure to you, right?

4 A Yes, he was.

5 Q Do you have anything in your possession today
6 that says your name is Amy Wilkerson?

7 A No, ma'am.

8 Q Driver's license?

9 A It's not a legal name.

10 Q Your legal name is Amber Wilkerson?

11 A Yes, ma'am.

12 Q Amber Shumate, correct?

13 A Yes.

14 Q Do you have anything as you sit here today that
15 has the name "Amy" on it?

16 A No, ma'am.

17 Q Was the Goodwill involved with your move?

18 A No, ma'am. Not that I know of.

19 Q You would know, wouldn't you?

20 A I didn't set up any of the moving situations or
21 who was coming to move the stuff.

22 Q That was all Cash Wiedemann?

23 A Yes.

24 Q He is the one who organized the whole thing?

25 A Yes.

1 Q Do you know if there were any churches involved
2 in your move?

3 A I didn't handle any of that. Again.

4 Q But wouldn't you want to write them a thank you
5 note?

6 A No, I didn't.

7 Q I mean, all these people who were showing up
8 just to help you, wouldn't you want to thank them in some
9 way?

10 A I picked up drinks for them. I picked up lunch
11 for them. That is how I thanked them.

12 Q Can you give us the name of any person, other
13 than Cash Wiedemann and Kane Vanna and Megan Vanna --
14 Megan Kerr --

15 A No.

16 Q -- and your husband who were there that day?

17 A I don't remember their names.

18 Q So the --

19 A Cash.

20 Q -- answer to my question would be "no"; --

21 A No.

22 Q -- you can't list the name of anybody?

23 But you remember specifically that Ms. Kerr's
24 pants were black?

25 A It's a usual uniform.

1 Q For what?

2 A Most companies require black pants when you
3 work.

4 Q And so you know she was wearing black pants, or
5 it's your assumption that she was wearing black pants?

6 A [No response.]

7 Q Let me ask you another question.

8 THE COURT: Oh, she hasn't answered yet.

9 A I apologize -- they may not have been black.
10 I'm trying really hard to remember everything.

11 Q I believe you also testified in your deposition
12 that Ms. Kerr called you the day she was let go -- which
13 would have been Monday, July 21st -- and told you --

14 A No. She did not --

15 Q -- that she had been --

16 A -- call me.

17 It was an overheard conversation. She was on
18 the phone with Russell, and I was in the car.

19 Q In your deposition, the conversation you said
20 you overheard was a conversation of her talking about
21 someone saying something else about her. Do you recall
22 that?

23 A I'm sorry. Can you repeat that?

24 Q Let me just get your deposition. I think it
25 will make it far easier.

1 A No. I just didn't understand the question.

2 Q Well, let me try it again. Let me see if I can
3 ask it in a way that's less confusing.

4 Megan Kerr was fired by Rent-A-Center on
5 July 21, 2014. There is no debate about that. Everyone
6 agrees that's the date she was let go.

7 A Okay.

8 Q Did she call you that day to tell you she had
9 been let go?

10 A No, ma'am.

11 Q But you said that you overheard her telling
12 that to Mr. Wiedemann?

13 A Yes, ma'am.

14 Q In your deposition, you talked about one
15 conversation you had overheard between -- when Ms. Kerr
16 called Mr. Wiedemann. Do you recall that?

17 A There were a few conversations overheard.

18 Q Were you upset when you found out that she had
19 been let go?

20 A It didn't affect me in any way. I didn't think
21 it was right.

22 Q Were you upset about it?

23 A No, ma'am.

24 Q You were not upset that Ms. Kerr got let go?

25 A It doesn't directly affect me. I didn't

1 believe it was okay, but it didn't directly affect me.

2 Q But you knew she got let go for having moved
3 you?

4 A Yes.

5 Q Did you call anybody at Rent-A-Center --

6 A No, ma'am.

7 Q -- after it happened?

8 Do you have an understanding of why Ms. Kerr
9 was let go?

10 A For using the truck on private time.

11 Q Was there anyone else from Rent-A-Center
12 helping you with your move?

13 A No, ma'am.

14 Q Was there any other of your home furnishings or
15 furniture or clothes or anything like that that was put
16 into the Rent-A-Center truck?

17 A I was not outside. I don't know.

18 Q You were resting somewhere the entire day?

19 A I was packing boxes inside.

20 Q I want to play for you -- with the Court's
21 permission, I would like to play for you a clip from Ms.
22 Kerr's deposition, rather than reading you how she
23 testified, and get your answer as to whether or not the
24 testimony she gave was truthful.

25 MR. MULAIRE: Objection, Your Honor. There was

1 a motion in limine covering that.

2 THE COURT: On which basis? The asking whether
3 it was truthful?

4 MR. MULAIRE: Correct.

5 THE COURT: Okay. There was.

6 MS. QUINCY: Your Honor, this would be the same
7 as reading Ms. Kerr's deposition to this witness and
8 asking her if facts are true.

9 THE COURT: You can ask -- you can ask whether
10 she agrees with those facts.

11 MS. QUINCY: Can I play the deposition and ask
12 if she agrees with the facts as --

13 THE COURT: Do you anticipate the testimony
14 will be consistent with the deposition?

15 MS. QUINCY: Yes, Your Honor.

16 THE COURT: All right.

17 (Brief pause in proceedings.)

18 MS. QUINCY: Okay.

19 (Video clip published; audible words
20 heard as follows.)

21 EXAMINATION OF MS. KERR BY MR. TRUSEVICH:

22 Q Okay. When you say it was a previous
23 commitment between Amber and Rent-A-Center -- commitment?

24 A Originally, it was Russell Kasper.

25 Q So Russ Kasper told Amber that "We will deliver

1 on a Sunday, or deliver it whenever you're ready." Is
2 that right?

3 A Correct.

4 Q So then she called -- well, did she call Russ
5 Kasper saying, "Hey, I'm ready for it to -- for it to be
6 delivered"?

7 A Again, I'm not aware of the entire situation
8 that had transacted between all that.

9 Q Oh, and I gave -- what I'm asking you, just
10 what your memory is. So how do you -- I mean, how -- who
11 came and told you, "Hey, Amber needs this furniture
12 delivered from Point A to Point B" -- well, strike that.

13 Was the delivery from the store to a house or
14 to an apartment or to a mobile home? Where did it go?

15 A On that Sunday?

16 Q Uh-huh.

17 A It was from the storage facility to Amber's
18 house.

19 Q Okay. And what storage facility? Do you
20 recall?

21 A I do not recall.

22 Q But it was a mini storage?

23 A Yes.

24 Q And do you recall that -- you know, I mean, you
25 did -- you did the delivery, right?

1 A Yes.

2 Q So was it a, you know, multi mini storage unit?
3 Was it a single-level mini storage? Do you recall?

4 A It was a very small storage facility, single
5 tier.

6 Q One of those where you pull the door up and
7 down and you have a padlock on it and you pay monthly?
8 Something like that?

9 A Yes.

10 Q All right. Does that accurately describe it?

11 A It does.

12 Q All right. And what city was the mini storage
13 unit in?

14 A Rantoul.

15 Q Okay. And, but you don't recall the name of
16 it?

17 A No. I do not.

18 Q Do you recall the location of it?

19 A Vaguely.

20 Q How far from the store was, is that mini
21 storage unit facility where the furniture was that you
22 delivered on that Sunday in August, according to you in
23 August 2014?

24 A Maybe a mile.

25 Q All right. And what, where did you deliver it?

1 From the mini storage unit to where?

2 A To Amber's house.

3 Q Okay. And where's her house at?

4 A It's a rural address.

5 Q What city?

6 A It's not part of any city.

7 Q How far from Rantoul?

8 A Maybe 20 miles.

9 Q Okay. And it was a living room set and a
10 bedroom set?

11 A Yes.

12 Q So what did the living room set consist of?

13 A It was a sectional, five-piece.

14 Q Any end tables or anything?

15 A No.

16 Q And what did the bedroom set consist of?

17 A It was a bedroom frame, and that was it.

18 Headboard, side rails, footboard.

19 Q And did she -- do you know how she purchased
20 it, whether she was rent-to-own? Do you have any ideas?

21 A A cash purchase.

22 (Publishing of video clip concludes.)

23 BY MS. QUINCY:

24 Q Ms. Shumate, now that you've had the
25 opportunity to listen to that, was that an accurate

1 description of what transpired Sunday, July 20th of 2014?

2 A No, ma'am.

3 MS. QUINCY: I'll pass the witness.

4 THE COURT: Mr. Mulaire, any redirect?

5 MR. MULAIRE: Yes, Your Honor.

6 REDIRECT EXAMINATION BY MR. MULAIRE:

7 Q Ms. Shumate, is there any doubt in your mind
8 that Ms. Kerr was wearing a Rent-A-Center, red
9 Rent-A-Center polo that you told us about earlier?

10 A She was wearing the polo shirt when she came.

11 MR. MULAIRE: Those are all the questions I
12 have. Thank you.

13 THE COURT: All right. Anything on that?

14 MS. QUINCY: No, Your Honor.

15 THE COURT: All right. Ms. Shumate, thank you
16 for coming in. I understand you're under subpoena.

17 Any reason we cannot release her?

18 MR. MULAIRE: None, Your Honor.

19 THE COURT: All right.

20 MS. QUINCY: No, Your Honor. That's fine.

21 THE COURT: All right. Ms. Shumate, thank you
22 again for coming in. You may step down. You're released
23 from your subpoenas.

24 WITNESS SHUMATE: Thank you.

25 THE COURT: Thank you very much.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Witness Shumate excused, 2:11 p.m.)

* * * * *

REPORTER'S CERTIFICATE

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

Dated this 15th day of May, 2018.

s/Lisa Knight Cosimini

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