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1 THE COURT: Go right ahead, sir.

2 MR. ANDERSON: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. ANDERSON:

5 Q. Sir, it's true, isn't it, that Patricia Holmes is the
6 only black employee that you have ever supervised at American
7 HomePatient?

8 A. Yes.

9 Q. And, sir, you knew back in 2019 and 2020 that it was
10 illegal to discriminate against anyone on the basis of their
11 race; correct?

12 A. Correct.

13 Q. And you knew that it was illegal to have a hostile work
14 environment based on race, true?

15 A. That's true.

16 Q. And you understood that a hostile work environment is one
17 where an employee feels uncomfortable because the employee was
18 singled out based on race; is that right?

19 MS. BENNETT: Objection. He's asking his
20 understanding or for the legal conclusion, Your Honor? It's
21 not clear.

22 THE COURT: Are you asking for his understanding or
23 legal conclusion?

24 MR. ANDERSON: My question, as I read it, was you
25 understood.

1 THE COURT: Objection overruled. Why don't you
2 repeat the question for the witness.

3 MR. ANDERSON: Sure.

4 BY MR. ANDERSON:

5 Q. In fact, sir, you understood that a hostile work
6 environment is one where an employee feels uncomfortable
7 because the employee was singled out based on race.

8 A. Yes.

9 Q. And it's true, isn't it, that Patricia expressed to you
10 that she felt very uncomfortable about the use of the "N" word
11 in the office?

12 A. I don't recall that.

13 Q. Sir, do you remember I took your deposition under oath
14 back in November of 2022?

15 A. Yes.

16 Q. On page 58, line 10.

17 COURTROOM DEPUTY: Are you showing that to him?

18 MR. ANDERSON: I am. It will come up in a second,
19 sir.

20 THE WITNESS: We're speaking of the incident --
21 just for clarification on my part, the incident that
22 transpired between the two employees?

23 BY MR. ANDERSON:

24 Q. No. My question to you was, it's true, isn't it, that
25 Patricia expressed to you that she felt uncomfortable about

1 the use of the "N" word in the office?

2 A. Well, this says that she felt uncomfortable about the
3 incident with the "N" word. The incident.

4 Q. Sir, I'd like to direct your attention to line 10. I
5 asked you, page 58, line 10. Can we agree that Patricia
6 expressed to you she felt uncomfortable about the incident
7 with the "N" word. What was your answer?

8 A. Well, my answer was yes. But I thought you were
9 referring to the incident in the office between the two
10 employees.

11 Q. What do you mean between the two employees?

12 A. I'm sure you'll get to it, but there was an incident in
13 the office where one of the employees said the "N" word.

14 Q. Okay. You initiated the discussion about the "N" word,
15 didn't you, sir?

16 A. Initiated a discussion, but it wasn't about the "N" word.

17 Q. You looked up the "N" word on your phone, didn't you,
18 sir?

19 A. I looked up what I thought was Niger Mountain on my
20 phone.

21 Q. Where is there a Niger mountain?

22 A. There isn't one, to my knowledge. It came up as Negro.

23 Q. Who was talking about mountains?

24 A. Beg pardon?

25 Q. Who was talking about mountains?

1 A. I don't recall. All's I know is there was a debate about
2 renaming a mountain in Western Pennsylvania. I thought it was
3 Niger Mountain. I don't know how the subject came up.

4 Q. Sir -- well, tell me, then, since you brought it up.
5 What is your recollection of the conversation involving the
6 "N" word on March 5th?

7 A. My recollection is that I Googled what I thought was
8 Niger Mountain. Negro Mountain came up. One of my employees
9 stated that it's -- it's -- the word you're looking for, she
10 said the "N" word, and it's got two G's in it.

11 Q. And how did -- you're saying there was a discussion about
12 the mountain? Is that what you're saying?

13 A. Yes. It's a mountain range, yes.

14 Q. Did you tell that to anybody in HR?

15 A. I don't recall.

16 Q. Oh, okay. Have you reviewed all the HR notes before you
17 came in here today, sir?

18 A. When you're saying HR notes, what are you referring to?
19 My deposition?

20 Q. No, sir. I'm referring to any notes of conversations
21 with you concerning the events on March 5th?

22 A. No. I wasn't given notes on those -- I wasn't given
23 notes that I'm aware of.

24 Q. Okay. So are you saying you've never seen the HR
25 investigation?

1 A. To my knowledge, no, I've never seen it in writing.

2 Q. Okay. And is it accurate to say, sir, that you don't
3 recall ever telling Lois Dodson that you were talking -- that
4 you were Googling Niger Mountain, do you, sir?

5 A. I don't recall.

6 Q. Okay. Sir, Patricia made it very clear to you that she
7 was quite upset by the use of racial slurs in the office;
8 isn't that true?

9 A. I don't recall that. No.

10 Q. Do you remember her shaking while it occurred?

11 A. I'm sorry. I don't understand what you're asking me.

12 Q. Sure. When the word nigger was used in the office, do
13 you remember Patricia shaking?

14 A. I don't remember her shaking. I remember her getting up
15 and calling the other employee an F-ing racist.

16 Q. That's what you remember out of this?

17 A. Yes. I don't remember her shaking. It happened all of a
18 sudden, and it was very shocking.

19 Q. Oh. Sir, you were Googling -- and whatever you were
20 Googling, right in front of Patricia's desk, weren't you, sir?

21 A. I don't know where I was when I did it.

22 Q. Okay. And, sir, are you still the center manager at
23 American HomePatient in State College?

24 A. I am.

25 Q. And it's true that in 2020, you were the only manager or

1 supervisor at that office; is that right?

2 A. That's correct.

3 Q. Sir, would you agree with me that no black employee
4 should ever, under any circumstances, have to hear the word
5 nigger spoken in the workplace?

6 A. Yes.

7 Q. There's no justifiable reason for anyone to use that word
8 in an office setting; is there, sir?

9 A. No.

10 Q. And certainly no black employee should have to be
11 subjected to his or her boss laughing as racial slurs are used
12 in an office setting; isn't that true, sir?

13 A. Yes, that's true.

14 Q. Sir, you would agree with me that no black employee
15 should ever have to hear the words coon or coonie?

16 A. Yes.

17 MR. ANDERSON: Donneshia, would you put up
18 Plaintiff's Exhibit 5? 012. I don't know whether it's on
19 your screens yet or not.

20 COURTROOM DEPUTY: It's not on the jury's. It
21 should be on everybody's but.

22 MR. ANDERSON: Okay.

23 BY MR. ANDERSON:

24 Q. Sir, who -- do you recognize the picture in Plaintiff's
25 Exhibit 5?

1 A. Yes.

2 Q. Is that a picture from someone in your family?

3 A. It is.

4 Q. Does it -- have you ever shown anyone that picture in the
5 office?

6 A. Yes.

7 MR. ANDERSON: I'd offer Plaintiff's Exhibit 5 into
8 evidence, Your Honor.

9 THE COURT: Ms. Bennett, objection?

10 MS. BENNETT: No objection, Your Honor.

11 THE COURT: Duly admitted. Do you wish to have it
12 published?

13 MR. ANDERSON: I do.

14 THE COURT: You may publish to the jury.

15 BY MR. ANDERSON:

16 Q. Is that coonie, sir?

17 A. I beg your pardon.

18 Q. Did you ever tell anybody that this picture person --
19 this person pictured here on Plaintiff's Exhibit 5 is your
20 Uncle Coonie?

21 A. Yes.

22 Q. Did anyone at American HomePatient ever tell you that you
23 were being disciplined in any way for talking about coonie?

24 A. My understanding of the discipline was the fact that I
25 allowed the situation to happen.